

**EIGHT DISABILITY HIGH LEVEL GROUP REPORT
ON THE IMPLEMENTATION OF THE UN CONVENTION
ON THE RIGHTS OF PERSONS WITH DISABILITIES**

September 2016

Disclaimer

This report has only been partially edited.

A large part of this document is based on contributions written in English or French, mainly by non-native authors. The Commission did not have sufficient translating and language editing resources to correct all linguistic imperfections.

The Report takes account of developments until approximately end of 2015 with few remarks to 2016.

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INTRODUCTION

Since 2008, the Commission and the Disability High-Level Group (DHLG) have published an annual joint report on the implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD). These DHLG reports include information on progress made in the setting up of the governance structures and processes foreseen by Art. 33 of the UNCRPD and on the elaboration and implementation of national strategies and actions to effectively put in practice the UNCRPD. Each year, a chapter is devoted to specific thematic areas, such as accessibility (in 2009 and 2012), or the interface between the implementation of the Convention and the Europe 2020 headline targets for education, employment and poverty (in 2011 and 2015) and development cooperation (in 2013). The DHLG reports help identifying and exchanging good practice. They contribute to the implementation of the European Disability Strategy and facilitate reporting to the United Nations under the Convention's obligations.

The first chapter of the current report summarises the updated information on the process of signature and ratification of the UNCRPD and its Optional Protocol by the Member States and the EU, on reservations and declarations upon ratification, and includes information on reporting and examination of the Member States and the EU by the UN.

The second chapter focuses on progress in the national implementation and monitoring of the UNCRPD. It takes stock of addressing the UN Committee on the Rights of Persons with Disabilities recommendations by the State parties that already had dialogue with the UN Committee. Included is also information about activities of the Latvian presidency of the EU.

The third chapter informs about activities of civil society to implement the UNCRPD.

This year's thematic chapter focusses on participation of persons with disabilities in employment. Also information from two non-governmental organisations is included.

These chapters are complemented by two annexes with practical information. Annex 1 lists details of identified responsible authorities, focal points, coordination mechanisms and contact points.

Annex 2 provides links to national websites where more information on the UNCRPD can be found, including national translations of the text of the UNCRPD and the Optional Protocol.

The European Commission prepared the report on the basis of replies to questionnaires and updates received from 28 Member States and non-governmental stakeholders.

The European Commission did not make intervention in the countries' and civil society' contributions apart from few language corrections.

1. STATE OF PLAY ON SIGNATURE, RATIFICATION, REPORTING AND EXAMINATION OF THE CONVENTION AND OPTIONAL PROTOCOL IN THE EU AND THE MEMBER STATES

On 30 March 2007, the day of opening for signature, the UN Convention on the Rights of Persons with Disabilities (UNCRPD) was signed by the European Community and twenty two of its Member States. Seventeen of those Member States also signed the Optional Protocol. The Convention entered into force for the EU on 22 January 2011. As of September 2016 the UNCRPD has been ratified by the European Union and twenty-seven Member States and Ireland is in the process of ratifying. The Optional Protocol has been ratified by twenty-two Member States.

A. Signatures and Ratifications

Dates of signatures and ratifications				
Country	Signature		Ratification*/Formal confirmation	
	UN Convention	Optional Protocol	UN Convention	Optional Protocol
BE	30 March 2007	30 March 2007	2 July 2009	2 July 2009
BG	27 September 2007	18 December 2008	22 March 2012	-
CZ	30 March 2007	30 March 2007	28 September 2009	-
DK	30 March 2007	n/a	24 July 2009	23 September 2014
DE	30 March 2007	30 March 2007	24 February 2009	24 February 2009
EE	25 September 2007	n/a	30 May 2012	30 May 2012
IE	30 March 2007	-	-	-
EL	30 March 2007	27 September 2010	31 May 2012	31 May 2012
ES	30 March 2007	30 March 2007	3 December 2007	3 December 2007
FR	30 March 2007	23 September 2008	18 February 2010	18 February 2010
HR	30 March 2007	30 March 2007	15 August 2007	15 August 2007
IT	30 March 2007	30 March 2007	15 May 2009	15 May 2009
CY	30 March 2007	30 March 2007	27 June 2011	27 June 2011
LT	30 March 2007	30 March 2007	18 August 2010	18 August 2010
LV	18 July 2008	22 January 2010	1 March 2010	31 August 2010
LU	30 March 2007	30 March 2007	26 September 2011	26 September 2011
HU	30 March 2007	30 March 2007	20 July 2007	20 July 2007
MT	30 March 2007	30 March 2007	10 October 2012	10 October 2012
NL	30 March 2007	-	14 June 2016	-
AT	30 March 2007	30 March 2007	26 September 2008	26 September 2008
PL	30 March 2007	-	25 September 2012	-
PT	30 March 2007	30 March 2007	23 September 2009	23 September 2009
RO	26 September 2007	25 September 2008	31 January 2011	-
SI	30 March 2007	30 March 2007	24 April 2008	24 April 2008
SK	26 September 2007	26 September 2007	26 May 2010	26 May 2010
FI	30 March 2007	30 March 2007	11 May 2016	11 May 2016
SE	30 March 2007	30 March 2007	15 December 2008	15 December 2008
UK	30 March 2007	26 February 2009	8 June 2009	7 August 2009
EU	30 March 2007	-	23 December 2010	-

* Ratification means the deposit of the instrument of ratification with the Secretary-General of the United Nations

Ireland is on track to meet the deadline of end-2016 for ratification of the UNCRPD. On 22 March 2016, the Government approved the General Scheme of the Equality/Disability (Miscellaneous Provisions) Bill, which will overcome most of the legislative barriers to Ireland's ratification of the UNCRPD. The Government has also approved the priority drafting of the Bill within six months in order to allow for its enactment before the end of this year.

Last October, the Roadmap to Ratification¹ was published, which set out the work underway and the legislative amendments necessary to deal with outstanding barriers to ratification. The Equality/Disability (Miscellaneous Provisions) Bill will provide for many of these amendments, including:

- addressing the issue of reasonable accommodation as required by the Convention;
- providing for national mechanisms to promote, protect and monitor implementation of the CRPD;
- meeting the Convention's requirements with regard to involuntary detention;
- amending electoral legislation to ensure the rights of all people, including persons with disabilities, to stand for election or remain in office;
- amending the Juries Act 1976 to provide for a person who has a disability to perform the function of a juror subject to a test of capacity, rather than being excluded on the grounds of disability;
- amending section 4 of the Criminal Law (Insanity) Act 2006 to provide that in particular circumstances, the District Court will have jurisdiction to determine whether the accused person is fit to be tried;
- replacing offensive references to 'lunatics' or 'persons of unsound mind' across the statute book with more appropriate terminology.

This Bill will also provide for various miscellaneous amendments to equality and other legislation. The General Scheme of the Bill will be published shortly for pre-legislative scrutiny.

B. Declarations and Reservations

The majority of the Member States do not foresee any reservation as regards to the matter of application of the Convention or of the Optional Protocol. Even though the need for reservations after finalising the screening of the national legislation may arise, most countries have expressed a strong political will to ratify the entire Convention and its Optional Protocol.

Article 12 - Equal recognition before the law

Estonia has not submitted any reservations. However, an interpretative declaration was made upon ratification regarding Article 12. The Republic of Estonia interprets Article 12 of the Convention as it does not forbid restriction of a person's active legal capacity when such need

¹

<http://www.justice.ie/en/JELR/Roadmap%20to%20Ratification%20of%20CRPD.pdf/Files/Roadmap%20to%20Ratification%20of%20CRPD.pdf>

arises from the person's ability to understand and direct his or her actions. In restricting the rights of persons with restricted active legal capacity the Republic of Estonia acts according to its domestic laws.

Poland also submitted an interpretative declaration concerning Article 12 of the Convention. The Republic of Poland declares that it will interpret Article 12 of the Convention in a way allowing the application of the incapacitation, in the circumstances and in the manner set forth in the domestic law, as a measure indicated in Article 12.4, when a person suffering from a mental illness, mental disability or other mental disorder is unable to control his or her conduct.

Article 15 - Freedom from torture or cruel, inhuman or degrading treatment or punishment

France has not made any reservations. However, it made a declaration on the term 'consent' in Article 15. France will interpret this term in conformity with international instruments such as the Council of Europe Convention on Human Rights and Biomedicine and its Additional Protocol on Biomedical Research, as well as on its national legislation which is already consistent with the latter instruments.

Article 18 - Liberty of movement and nationality

The United Kingdom made reservation on Article 18 of the Convention. The United Kingdom reserves the right to apply such legislation, insofar as it relates to the entry into, stay in and departure from the United Kingdom of those who do not have the right under the law of the United Kingdom to enter and remain in the United Kingdom, as it may deem necessary from time to time.

Article 23(1)(a) and (b) - Respect for home and the family

Poland submitted a reservation concerning Article 23(1)(a) and (b) together with Article 25 of the Convention. The Republic of Poland understands that Article 23.1 (b) and Article 25 (a) shall not be interpreted in a way conferring an individual right to abortion or mandating state party to provide access thereto, unless that right is guaranteed by the national law.

Article 23.1(a) of the Convention refers to the recognition of the right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses. By virtue of Article 46 of the Convention the Republic of Poland reserves the right not to apply Article 23.1(a) of the Convention until relevant domestic legislation is amended.

Until the withdrawal of the reservation a disabled person whose disability results from a mental illness or mental disability and who is of marriageable age, cannot get married without the court's approval based on the statement that the health or mental condition of that person does not jeopardize the marriage, nor the health of prospective children and on condition that such a person has not been fully incapacitated. These conditions result from Article 12 § 1 of the Polish Code on Family and Guardianship (Journal of Laws of the Republic of Poland of 1964, No. 9, item 59, with subsequent amendments).

Article 24(2)(a) and (2)(b) - Education

The United Kingdom made reservation on Article 24(2)(a) and (2)(b) of the Convention. The United Kingdom reserves the right for disabled children to be educated outside their local community where more appropriate education provision is available elsewhere. Nevertheless, parents of disabled children have the same opportunity as other parents to state a preference for the school at which they wish their child to be educated.

The United Kingdom Government made a declaration stating that it is committed to continuing to develop an inclusive system where parents of disabled children have increasing access to mainstream schools and staff, which have the capacity to meet the needs of disabled children. The General Education System in the United Kingdom includes mainstream, and special schools, which the UK Government understands is allowed under the Convention.

Article 25(a) - Health

During the ratification of the Convention on 27 May 2010, the **Lithuanian Government** has made a statement regarding the Article 25(a). The Parliament of the Republic of Lithuania stated that the concept “sexual and reproductive health” cannot be interpreted as establishing new human rights and constituting relevant international obligations for the Republic of Lithuania. In the content of this concept is not included support, promotion or advertising of disabled peoples abortions and sterilization and medical procedures which could lead to discrimination based on genetic characteristics.

The **Maltese Government** has also already made an interpretative statement regarding the phrase “sexual and reproductive health” in Article 25(a) to the effect that Malta understands that this phrase does not constitute recognition of any new international law obligation, does not create any abortion rights and cannot be interpreted to constitute support, endorsement, or promotion of abortion. Malta further understands that the use of this phrase is intended exclusively to underline the point where health services are provided, they are provided without discrimination on the basis of disability.

Poland also submitted a reservation concerning 25(a). Text is indicated above.

Article 27(1) – Work and employment

Cyprus has submitted a reservation on Article 27(1) of the Convention regarding employment to the extent that the provisions thereof are in conflict with the provisions of section 3A of the Persons with Disabilities Laws 2000-2007. Article 3A prescribes that the Law does not apply as to employment: (a) in the armed forces, to the extent that the nature of the work requires special abilities which cannot be exercised by persons with disabilities, and (b) in professional activity that, by reason of the nature or of the context in which it is carried out, a characteristic or an ability not possessed by a person with disability, constitute a substantial and determining occupational requirement, provided that the aim is legitimate and the requirement is proportionate to that aim, taking also into consideration the possibility to adopt reasonable measures.

The Slovak Republic expressed a reservation in respect of the provision of Article 27(1)(a) of the Convention in accordance with its Article 46, in the following wording: “The Slovak Republic shall apply the provisions of Article 27(1)(a) provided that implementation of

prohibition of discrimination on the basis of disability when determining the conditions of recruitment, hiring and continuance of employment shall not apply to hiring of members of armed forces, armed state security services, armed corps, National Security Authority, Slovak Information Service and Fire Brigade and Rescuers.”

The United Kingdom also made reservation on Article 27 of the Convention. The United Kingdom accepts the provisions of the Convention, subject to the understanding that none of its obligations relating to equal treatment in employment and occupation, shall apply to the admission into or service in any of the naval, military or air forces of the Crown.

The EU in the Decision concerning the conclusion of the UNCRPD states that it concludes the Convention without prejudice to the right, conferred on its Member States by virtue of the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, to exclude non-discrimination on the grounds of disability with respect to employment in the armed forces from the scope of the Directive. Therefore the Member States may, if appropriate, enter their own reservations to Article 27(1) of the Disabilities Convention to the extent that Article 3(4) of the said Council Directive

Article 29(a)(i) and (iii) - Participation in political and public life

Malta made a reservation pursuant to Article 29(a)(i) and (iii) of the Convention. While declaring its full commitment to ensure the effective and full participation of persons with disabilities in political and public life, including the right to vote by secret ballot in elections and referenda, and to stand for elections, with regard to Article 29(a)(i), Malta reserved the right to continue to apply its current electoral legislation in so far as voting procedures, facilities and materials are concerned and with regard to (a)(iii) and Malta reserved the right to continue to apply its current electoral legislation in so far as assistance to voting procedure is concerned. The above-mentioned interpretative statement and reservation were confirmed on ratification.

Article 29 - Participation in political and public life

France made a declaration about Article 29 that specifies that "the exercise of voting right is a component of the legal capacity that can only be restricted following the conditions and modalities foreseen by Article 12 of the Convention".

C. Reporting and Examination

Dates of reporting and examination			
Country	Date of 1st Report submitted to UN	Examination	Date of 2nd Report to be submitted to UN
BE	July 2011	September 2014	August 2019 (combined 2 nd and 3 rd reports)
BG	July 2014	-	
CZ	October 2011	March/April 2015	October 2019 (combined 2 nd and 3 rd reports)
DK	August 2011	September 2014	August 2019 (combined 2 nd and 3 rd reports)
DE	September 2011	March/April 2015	March 2019 (combined 2 nd and 3 rd reports)
EE	November 2015	-	
IE	-	-	
EL	June 2014	-	
ES	July 2010	September 2011	December 2017 (2 nd and 3 rd combined reports)
FR	May 2016	-	
HR	October 2011	March/April 2015	September 2021 (combined 2 nd , 3 rd and 4 th reports)
IT	January 2013	-	
CY	August 2013	-	
LT	September 2012	April 2016	September 2020 (combined 2 nd and 3 rd reports)
LV	April 2014	-	
LU	March 2014	-	
HU	October 2010	September 2012	August 2017 (2 nd report)
MT	November 2014	-	
NL	-	-	
AT	October 2010	September 2013	October 2018 (combined 2 nd and 3 rd reports)
PL	September 2014	-	
PT	August 2012	March 2016	November 2023 (combined 2 nd , 3 rd and 4 th reports)
RO	-	-	
SI	July 2014	-	
SK	June 2012	April 2016	June 2020 (combined 2 nd and 3 rd reports)
FI	-	-	
SE	February 2011	March/April 2014	January 2019 (combined 2 nd and 3 rd reports)
UK	November 2011	-	
EU	June 2014	August 2015	November 2021 (combined 2 nd , 3 rd and 4 th reports)

2. ACTIONS UNDERTAKEN BY THE MEMBER STATES, EUROPEAN UNION AND STAKEHOLDERS TO IMPLEMENT AND MONITOR THE UNCRPD

Belgium

Committee on the Rights of Persons with Disabilities published its Concluding observations on the initial report of Belgium on 28 October 2014.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fBEL%2fCO%2f1&Lang=en

During the reporting period Belgium put in place following measures to address below mentioned recommendations. As requested, this document focuses on the progress on implementation of the UN recommendations in Belgium², rather than on general information on implementation and monitoring of the UNCRPD.

Note introductive

Vu le particularisme institutionnel de l'Etat belge et le principe constitutionnel d'équipollence des normes, sous chaque recommandation, les mesures mises en place sur base des recommandations du Comité de l'ONU Droits des personnes handicapées sont divisées en fonction du niveau de compétence en matière de handicap, le cas échéant le niveau fédéral et puis/ou le niveau des entités fédérées (Communautés et Régions).

Une coopération interfédérale existe entre ces différents niveaux, notamment le mécanisme belge de coordination de l'UNCRPD : la DG de l'Appui stratégique du SPF Sécurité Sociale.

List of measures put in place

Recommendation "6"
Recommendation "8"
Recommendation "10"
Recommendation "12"
Recommendations "14" and "31"
Recommendation "16"
Recommendations "18" and "20"
Recommendation "22"
Recommendation "33"
Recommendation "37"
Recommendation "39"
Recommendation "43" and "45"

Recommendation "6":

The Committee recommends that the State party proceed to bring its domestic legislation into line with all its obligations under the Convention, adopt and implement a plan for persons with disabilities, and ensure the full participation of persons with disabilities and disabled persons' organizations in these processes.

² State of play December 2015.

Measures put in place:

- **Niveau fédéral**

Le gouvernement fédéral élaborera un “**Plan d’action Handicap**” pour lever les barrières sociales et physiques qui empêchent les personnes handicapées de participer à la vie en société sur un pied d’égalité. Ce plan d’action se développe sur deux axes :

- garantir, via des actions et objectifs transversaux de tous les ministres et secrétaires d’état, que la dimension du handicap soit intégrée dans les différents domaines politiques ;
- mettre en œuvre, via des mesures et objectifs spécifiques, les dispositions de l’UNCRPD, les observations de la société civile et du mécanisme indépendant (à la suite du premier rapport belge sur l’implémentation de l’UNCRPD), et les recommandations du Comité de l’ONU à la suite de l’examen de ce premier rapport belge.

Ce plan d’action sera élaboré et mis en œuvre en collaboration **avec la société civile**.

- **Flemish authority - region and community**

Every legislature (5 years) the Flemish authorities develop a new Horizontal Equal Opportunities Policy Plan³. This policy plan focuses on 5 themes: gender, sexual identity, accessibility, disability and discrimination. Via a method of open coordination-process the Flemish government aims to implement an equal opportunity perspective in all policy areas. The goal is to increase the number of equality initiatives and to enhance their social impact. During the process of preparation and implementation of the policy plan, representative organisations of people with disabilities and other stakeholder-organisations are key partners.

The equal opportunities plan consists of a framework of strategic and operational goals that is agreed upon by the government of Flanders. All ministers are responsible for the realisation of these objectives in their area of competence. The objectives are translated into specific action plans and the process is coordinated by the Equal Opportunities Commission (with representative civil servants of all policy domains) and the minister for Equal Opportunities.

The 2014-2019 plan consists of 9 operational objectives, of which 7 are directly related to (among others) disability issues.

OO 1: Encourage a nuanced and non-stereotypical portrayal.

OO 2: Increase the knowledge about the living situation of target groups in the equality policy and about the discriminatory mechanisms they are confronted with.

OO 3: Invest in the fight against violence.

OO 4: Strive for the equal representation of men and women in all spheres of society.

OO 5: Increase the wellbeing of LGBT people.

OO 6: Develop and organise accessible measures and services for people with disabilities.

OO 7: Increase the involvement and participation of people with disabilities, starting with policy development.

³ http://www.gelijkekansen.be/Portals/GelijkeKansen/OCM/VR%202015%201707%20MED_0371-2BIS%20Horizontaal%20gelijkekansenbeleid%20-%20mededeling.pdf

OO 8: Realise full accessibility.

OO 9: Prevent and fight discrimination.

Action plans are being developed by March 2016 by all the Flemish ministries.

- **Communauté germanophone**

La Communauté germanophone a pris les recommandations en compte dans le cadre de l'élaboration du **plan d'action** « DG Inklusiv 2025 »⁴ et du « concept de développement régional »⁵ (CDR) II. Ce dernier prévoit notamment des mesures dans les domaines de la **culture, de l'enseignement, de la formation et de l'emploi**⁶.

Recommandation "8":

The Committee urges the State party to adopt a human rights-based approach to disability in line with the Convention, in consultation with disabled persons' organizations.

Measures put in place:

- **Région wallonne – AWIPH⁷ (Agence Wallonne pour l'Intégration des Personnes Handicapées)**

L'aide individuelle à l'intégration regroupe les interventions financières de l'AWIPH dans le coût d'aménagements, d'aides techniques et de certaines prestations de services qui permettent aux personnes rencontrant de grandes difficultés de réaliser les activités essentielles de la vie quotidienne et de mener une vie la plus autonome possible⁸.

- **Région de Bruxelles-Capitale**

Le Gouvernement de la Région de Bruxelles-Capitale œuvre à l'adoption d'un acte législatif « **Handistreaming** » portant la prise en compte de la dimension du handicap dans toutes les lignes politiques des pouvoirs publics. Dans ce cadre, le **modèle social du handicap** est promu, conformément aux prescrits de la Convention ONU relative aux droits des personnes handicapées.

- **Communauté germanophone**

Dans le cadre du CDR II, la Communauté germanophone assure la **promotion de participation des personnes handicapées dans des associations de jeunes, sportives et culturelles**. Entraîneurs et animateurs dans le domaine sportif doivent disposer des informations nécessaires pour pouvoir, au quotidien et de façon optimale, encadrer également des personnes handicapées. Pour y arriver, il est nécessaire de faire tomber les barrières et de dépasser ses peurs et d'acquérir des compétences en matière d'**inclusion**. Un module

⁴ <http://www.dpb.be/Downloads/AktionsplanDGI25.pdf>

⁵ http://www.dg.be/fr/desktopdefault.aspx/tabid-2805/5347_read-34677/

⁶ Cf. les actions spécifiques menées en vue de suivre les recommandations "8" et "37" p. 4 et 14.

⁷ La nouvelle **Agence wallonne de la Santé, de la Protection sociale, du Handicap et des Familles**, l'AViQ, sera créée au **1^{er} janvier 2016**. En matière de handicap, elle reprendra les missions de l'AWIPH et certaines compétences régionalisées suite à la 6^{ème} réforme de l'Etat belge.

⁸ L'arrêté du Gouvernement wallon du 13 mars 2014 a introduit des modifications dans les conditions et modalités d'intervention dans ce secteur : nouvelles aides intégrées, montants plafonds revus, conditions d'intervention élargies : http://www.ejustice.just.fgov.be/mopdf/2014/04/01_1.pdf

particulier, consacré aux **compétences d'inclusion en faveur des personnes handicapées**, a été ajouté à la formation de base d'entraîneur sportif.

Recommendation "10":

The Committee urges the State party to establish, and allocate adequate resources to, advisory councils in all regions. These advisory councils should be closely involved in the development, implementation and monitoring of legislation and policies.

Measures put in place:

- **Flemish authority - region and community**

Creation of an advisory council on matters relating to policy preparation, execution and evaluation related to disability issues is on its way in Flanders. Operationalization should be finalized in 2017. (The Equal Opportunities Policy Paper 2014-2019, Operational Objective 3.2. and 6.2.). This type of overarching advisory platform will strengthen and support the already strong developed advisory position of Flemish DPO's in domains like a.o. employment (commission on diversity with the council of social partners, stakeholder management within the PES VDAB), and regarding the disability policies of the Flemish government Agency for Persons with a disability (advisory council).

- **Région de Bruxelles-Capitale**

Le Gouvernement de la Région de Bruxelles-Capitale œuvre à l'adoption d'un acte législatif « Handistreaming » portant la prise en compte de la dimension du handicap dans toutes les lignes politiques des pouvoirs publics. Dans ce cadre, un **système de consultation de la société civile sera institutionnalisé**.

Recommendation "12":

The Committee recommends that the State party review the remedies provided for by this law to ensure that complainants are able to seek injunctions and can receive damages once their claims for discrimination have been proven in court. It urges the State party to strengthen protection against discrimination, including discrimination by association, through the introduction of positive discrimination measures and awareness-raising and training of public officials at all levels.

Measures put in place:

- **Région wallonne – AWIPH (Agence Wallonne pour l'Intégration des Personnes Handicapées)**

L'AWIPH a mené des travaux avec le **Médiateur de la Région wallonne** quant à la finalisation d'une procédure « unifiée » de plainte intégrant directement l'AWIPH, notamment en 1^{ère} ligne, et, ensuite, les services du Médiateur.

- **Région de Bruxelles-Capitale**

Le Gouvernement de la Région de Bruxelles-Capitale œuvre pour l'adoption d'un **avant-projet d'ordonnance tendant à lutter contre certaines formes de discriminations** et à promouvoir l'égalité de traitement.

Il a pour but de créer un cadre général et harmonisé afin de lutter contre certaines formes de discrimination et de promouvoir l'égalité de traitement dans les matières relevant de la compétence de la Région.

Sous le terme « discrimination » sont inclus six types de comportements : la discrimination directe, la discrimination indirecte, l'injonction à discriminer, l'intimidation, l'intimidation sexuelle et le refus de procéder à des aménagements raisonnables en faveur d'une personne handicapée.

Recommendations “14” and “31”:

14. The Committee recommends that the State party ensure the integration of gender and disability perspectives in its legislation and policies, surveys, plans, evaluation and monitoring activities and services. It also recommends that the State party adopt effective and specific measures to prevent intersecting forms of discrimination against women and girls with disabilities.

31. The Committee urges the State party to take measures to prevent and eliminate all forms of domestic or institutional violence against women, children and girls with disabilities. It also calls for the drafting and introduction of protocols to register, monitor and track the conditions in institutions that care for persons with disabilities, particularly those that care for older persons with disabilities.

Measures put in place:

- **Flemish authority - region and community**

The transversal equal opportunities Policy Plan of the Flemish Government (objectives and action plans) mentioned above, is in itself an attempt of the government to combine the perspective of gender and disability in an overarching policy approach. It takes into account both perspectives and also stimulates surveys, monitoring and evaluation practice in this sense. The minister for Equal Opportunities will conduct research on the topic of gender-related domestic and institutional violence and sexual harassment in the lives of women and girls with disabilities (research in 2016-2017). This research will also be included in the National Action Plan for the prevention of Gender-based Violence. Furthermore in Flanders (region and community), an agreement has been concluded between the Flemish Agency for people with a disability (PWD) on the one hand, and the counsellor centre on child abuse VAC on the other hand, in order to take measures to prevent and to eliminate unacceptable behaviour and violence against minors with a disability who benefit from care, support and guidance from institutions recognised by the Agency.

The Flemish regulation of 4 February 2011 defines the protocol of stay and support for all those people with a disability, residing in an institution, or benefiting from support and guidance. This protocol defines the rights and duties of the PWD, including the right of participation, and also guarantees the level of quality of the services delivered by the professionals they depend on.

- **Région wallonne – AWIPH (Agence Wallonne pour l'Intégration des Personnes Handicapées)**

Recommendation 14

Les données statistiques établies par l'AWIPH intègrent progressivement la distinction par genre⁹.

Recommandation 31

Le Comité de bio éthique du Conseil de l'Europe a lancé des consultations sur le projet de Protocole additionnel à la Convention sur les Droits de l'Homme et la Biomédecine relatif à la protection des droits de l'homme et de la dignité des personnes atteintes de troubles mentaux à l'égard d'un placement involontaire et d'un traitement involontaire. (<http://www.coe.int/bioethics>).

L'AWIPH qui a créé en son sein le comité ERE¹⁰ a tenu à faire remarquer l'intérêt de se référer à un avis¹¹ afin de procéder à ses auditions pédagogiques dans les services reconnus. Dans le cadre du plan Bientraitance de son contrat de gestion, l'AWIPH a mis sur pied la plateforme « Qualité des services ». Cet espace se veut dynamique et interactif. Il s'agit d'un lieu de partage de savoir-faire et de bonnes pratiques destiné à évoluer grâce aux apports de tous les partenaires. En faisant connaître cette plateforme via les « Vendredis de la Qualité », l'AWIPH a mis à disposition du plus grand nombre un espace d'échanges dédié aux thèmes de la qualité des services.

- **Région de Bruxelles-Capitale**

Recommandation « 14 »

Le Gouvernement de la Région de Bruxelles-Capitale œuvre à l'adoption d'un acte législatif « Handistreaming » portant la prise en compte de la dimension du handicap dans toutes les lignes politiques des pouvoirs publics. Dans ce cadre, un groupe de coordination régional sera mis en place. Cet organe de collaboration et de concertation veillera à développer une approche « Handistreaming » croisée avec une approche « Gendermainstreaming »¹².

Recommandation « 31 »

Des actions spécifiques seront menées conjointement avec le mécanisme de coordination en matière de violence entre partenaires et intrafamiliale pour la Région de Bruxelles-Capitale.

Recommandation “16”:

The Committee recommends that the State party allocate the necessary resources to support families of children with disabilities, in order to prevent the abandonment and placement of those children in institutions and to ensure their inclusion and

⁹ Voir rapport activités 2014 pages 22, 38, 39, 49

https://www.awiph.be/pdf/documentation/publications/revues_rapports/rapport_annuel/rapport_annuel_AWIPH_2014.pdf

¹⁰ <http://wikiwiph.awiph.be/index.php/component/content/article/170-classification/je-m-informe-sur-d-autres-sujets/sujets-divers/380-plan-bientraitance>

¹¹ Avis relatif à l'application de l'article 8 de la loi relative aux droits du patient dans le secteur des soins de santé mentale ou au droit du patient au consentement préalable, libre et éclairé à toute intervention du praticien professionnel » :

http://www.health.belgium.be/filestore/19068992_FR/20110318%20Avis%20application%20art.%208%20dans%20le%20secteur%20de%20soins%20de%20santé%20mentale.pdf

¹² La dimension de genre sera prise en compte dans chaque phase de l'élaboration de cet objectif : dans la formation et la sensibilisation, la collecte des statistiques, la rédaction/ analyse des marchés publics, l'évaluation de l'objectif etc.

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&table_name=loi&cn=2012032914

participation in the community on an equal basis with other children. The Committee recommends the adoption of measures to protect the right of children with disabilities to be consulted on all issues affecting them through the provision of age- and disability-appropriate support.

Measures put in place:

- **Région wallonne – AWIPH (Agence Wallonne pour l’Intégration des Personnes Handicapées)**

En 2014, des nouveaux projets ont été lancés dans le cadre des cellules mobiles d’intervention (CMI) qui soutiennent et forment les milieux qui accueillent les personnes en situation de handicap¹³.

Recommendations “18” and “20”:

18. The Committee recommends that the State party introduce a national strategy to raise awareness of the content of the Convention. In this regard, the Committee recommends that the State party carry out accessible information and awareness-raising campaigns on the rights of persons with disabilities and foster among the general public a positive image of persons with disabilities and their contributions to society, through close consultation with, and the active involvement of, representative organizations of persons with disabilities in the design, implementation, monitoring and evaluation of those information and awareness-raising campaigns.

20. The Committee recommends that the State party encourage print and broadcast media professionals to take account of diversity in their code of ethical conduct and provide them, and all relevant professionals, with appropriate training and awareness-raising to ensure better representation of persons with disabilities in the media.

Measures put in place:

- **Flemish authority - region and community**

In the Flemish equal opportunities plan a nuanced and non-stereotypical portrayal is a specific objective (OO 1). In the new policy plan with regards to education for example, actions are being developed and continued attention is being paid to the positive portrayal of the possibilities of pupils with special learning needs and the possibilities of inclusive education in general. Also disability awareness among teachers is being enhanced via coaching and guidance. Also in other domains like welfare, media, culture, labour, sports, specific actions are set up towards positive representation. The sometimes stereotypical portrayal of specific groups in society is one of those mechanisms in society that interacts with all equality themes

¹³ Cf. v rapport activités 2014, page 64

https://www.awiph.be/pdf/documentation/publications/revues_rapports/rapport_annuel/rapport_annuel_AWIPH_2014.pdf

En 2014, furent présentés les résultats de l’état des lieux quantitatif et qualitatif des enfants en situation de handicap âgés de 0 à 12 ans en Fédération Wallonie-Bruxelles. Ces résultats ont confirmé que les familles souffraient d’un manque d’informations quant à leurs droits, aux services existants et aux personnes pouvant les accompagner. (voir rapport activités 2014 page 13

https://www.awiph.be/pdf/documentation/publications/revues_rapports/rapport_annuel/rapport_annuel_AWIPH_2014.pdf)

En 2014, fut conclue une convention de collaboration entre La Ligue des Familles et l’AWIPH afin de mutualiser leurs efforts pour mieux soutenir les familles, mieux prendre en compte leurs souhaits et leurs difficultés, et surtout, proposer des pistes et des solutions.

in a similar way. When it comes to the non-stereotypical portrayal of people with disabilities the UNCRPD and the targeted paradigm shift through the equal opportunities policy plan, are essential building blocks. The organization GRIP is one of the policy partners when it comes to the media and the fight against stereotypes about people with disabilities¹⁴.

- **Région de Bruxelles-Capitale**

Le Gouvernement de la Région de Bruxelles-Capitale œuvre à l'adoption d'un acte législatif « Handistreaming » portant la prise en compte de la dimension du handicap dans toutes les lignes politiques des pouvoirs publics. Dans ce cadre, des actions d'information et de sensibilisation seront intensifiées.

De plus, la Région de Bruxelles-Capitale travaillera en collaboration avec le Centre Interfédéral pour l'Égalité des Chances pour la campagne de communication prévue en 2016 pour les 10 ans de ladite Convention.

Recommendation “22”:

The Committee recommends that the State party establish a legal framework with specific, binding benchmarks for accessibility, including in respect of buildings, roads and transport, services, and e-accessibility. This legal framework should also provide for the monitoring of accessibility and set out a detailed time frame for monitoring and evaluating the incremental changes made to infrastructure. Dissuasive penalties for non-compliance with these provisions must be incorporated into the legal framework. The Committee urges the State party to ensure that public authorities issuing building permits receive training on accessibility and universal design. In that regard, the Committee recommends that the State party develop a coherent accessibility strategy, including a national plan with clear short-, medium- and long-term objectives. It recommends that all aspects of accessibility should be promoted, in accordance with the Convention, and in the light of the Committee's general comment No. 2 (2014), with specific regard to sign-language accessibility. Sign language should be made available across the country in order to ensure access to public services for persons with disabilities on an equal basis with other citizens, in the various official languages and in different formats, regardless of place of residence, and particularly for procedures relating to law and order.

Measures put in place:

- **Niveau fédéral**

Dans le cadre du **projet visant à dresser un inventaire précis des bâtiments publics fédéraux et de leur accessibilité**, la Régie des Bâtiments¹⁵, administration compétente au niveau fédéral, a initié depuis quelques mois un projet de formulaire d'évaluation de l'accessibilité aux personnes à mobilité réduite des bâtiments fédéraux qu'elle gère. L'objectif

¹⁴ See e.g. <http://www.handiwatch.be/>

Some examples of Flemish campaigns are:

* Campaign “People with disabilities are just like you and I, don't treat them differently.”

<http://www.gelijkekansen.be/Praktisch/Campagnes/Mensenmeteenhandicap.aspx>

* Cartoon contests: <http://www.gripvzw.be/acties/cartoons/mensenrechten.html>

* SIHO, Breedbeeld: <http://breedbeeld.siho.be/register/>

* ‘Without borders’-campaign: <http://sgkb.zondergrenzen.be/>

* education e-magazine Klasse: <https://www.klasse.be/7046/competentiebegeleiders-ondersteunen-scholen-bij-het-m-decreet/>

¹⁵ <http://www.regiedesbatiments.be/>

de ce formulaire est de mesurer systématiquement le niveau d'accessibilité de ces bâtiments, d'une part en fonction des exigences régionales actuelles et, d'autre part, en fonction des éventuelles améliorations complémentaires qui dépassent le cadre des réglementations en vigueur.

- **Flemish authority - region and community**

Accessibility is one of the five themes the Flemish Equality Policy focuses on. The objectives are set out in the Policy Paper 2015-2019 and the Horizontal Equal Opportunities Policy Plan. Since May 1st 2015 the Agency for an Accessible Flanders is fully operational allowing for better coordination of initiatives and the promotion of Universal Design.

In 2016 a "week of Universal Design" and a UD-contest for students in architecture will be organized. A ministerial 'circulaire' will be approved stating not only that the Flemish government should comply with the principles of Universal Design when building new or renovating infrastructure and solicit the advice of the Agency for an Accessible Flanders, but also that the principle of accessibility should become a governing condition in the Flemish subsidization policy.

In 2017 the legislative framework (Ordinance of the Flemish Government of 5 June 2009 establishing town planning regulations on accessibility) will be evaluated and indicators on (in)accessibility will be developed to monitor the legislation and policy.

In the Horizontal Equal Opportunities Policy Plan the Flemish Government sets out to realise full accessibility (OO8). This objective will give rise to action plans in the domains of culture, spatial planning, immovable heritage, sports, etc.

- **Région de Bruxelles-Capitale**

Le Gouvernement de la Région de Bruxelles-Capitale œuvre à l'adoption d'un acte législatif « Handistreaming » portant la prise en compte de la dimension du handicap dans toutes les lignes politiques des pouvoirs publics. Dans ce cadre, le concept d'accessibilité intégrale sera implémenté de manière transversale en vue d'optimiser sa mise en œuvre.

Recommendation "33":

The Committee recommends that the State party work towards deinstitutionalization by reducing investment in collective infrastructure and promoting personal choice. The Committee urges the State party to implement a disability action plan at all levels of the State to guarantee access to services and an independent life for persons with disabilities so that they are able to live in the community. The action plan must eliminate current waiting lists and ensure that persons with disabilities have access to sufficient financial resources and that communities are accessible for persons with disabilities.

Measures put in place:

- **Flemish authority - region and community**

In Flanders (region and community), the paradigm shift as promoted by the UNCRPD has been translated in a comprehensive political document in 2010, called 'Perspective2020'. In this perspective-plan, several strategic goals have been set and measurements to be taken during the next years have been described. For example, in the near past different projects on community building have been launched and regular services were strengthened in their capacity to deal with support and care for PWD.

Moreover, and more specifically, a new decree has been approved by the Flemish government to move away from supply-driven care towards demand-driven care, by installing a two-step model of so called ‘person following budgets’. This new system of allowances for care and support of PWD will be implemented in 2016.

In addition, financial support was given to an organisation called GIPSO that provides support, guidance and coaching for new initiatives of parents and other stakeholders when starting up home facilities for their relatives or friends with a disability.

Recommendation “37”:

The Committee requests that the State party implement a coherent inclusive education strategy for children with disabilities in the mainstream system and ensure the provision of adequate financial, material and human resources. It recommends that the State party ensure that children with disabilities receive the educational support they need, in particular through the provision of accessible school environments, reasonable accommodation, individual learning plans, assistive technology in classrooms, and accessible and adapted materials and curricula, and guarantee that all teachers, including teachers with disabilities, receive comprehensive training on the use of Braille and sign language with a view to improving the education of all children with disabilities, including boys and girls who are blind, deaf-blind, deaf or hard of hearing. The Committee also recommends that inclusive education should form an integral part of teacher training at university and during continuing professional development.

Measures put in place:

- **Flemish authority - region and community**

On March 21, 2014 the Parliamentary Act on measures for students with special educational needs was approved (M-decree). This legislation anchors the right to reasonable accommodation in regular education. The registration right for students with disabilities was sharpened. Students with disabilities who can follow the common curriculum with reasonable accommodation have a full registration right. Students with disabilities in need of an individualized curriculum have a right to enrol in regular schools. The school has the right to examine the reasonableness of the accommodations. The school does this in consultation with the parents, the pupil guidance centre and the teachers who are responsible for the student. When the accommodations are found to be unreasonable, the school must substantiate its decision. The legal protection procedure in front of the Commission for Students' Rights was strengthened, including through the involvement of persons with disabilities and organizations that represent them.

The implementation of the M-decree is supported by flanking measures. During the school year 2014-2015 a decrease of 900 students in special needs elementary education was ascertained. This has led to the early coming into force of the guarantee procedure as set out in the M-decree. This arrangement will allow for a transfer of resources and expertise from special education to regular education. From September 1, 2015 on, the pre-guarantee arrangement has ensured that 30 special education schools have set up a partnership with approximately 300 regular elementary schools. The focus of this collaboration is “co-teaching” in order to support teachers in regular schools in their ability to act towards pupils with special educational needs. About a 180 staff members from special needs education employed for this co-teaching collaboration.

At the same time it became clear that the number of new pupils integrated education in the school year 2014-2015 had decreased. To ensure the accompaniment capacity in regular education the funding for integrated education for the school year 2015-2016 were maintained at the level of the 2014-2015 school year. This allowed continuing the guidance of GON pupils, as well as a more flexible use of GON guidance in regular due to the additional resources.

In the 2015-2016 school year the structural guarantee procedure will be developed further, along with the framework for a future-oriented support model for the education of pupils with special educational needs in regular schools. This should in time replace the current system of integrated education. Furthermore a comprehensive plan to monitor the implementation of the M-decree will be developed, in close consultation with all stakeholders.

- **Communauté germanophone**

Le CDR II (Concept de développement régional) prévoit notamment des mesures dans les domaines de **l'enseignement et de la formation** :

- **Introduction de différentes formes de compensation de désavantages**

Durant la législature actuelle, l'enseignement en Communauté germanophone met l'accent tout particulièrement sur le soutien individuel des élèves.

Au niveau du système tout entier, un cadre concerté collecte des informations fondamentales relatives entre autres au soutien individuel, à la compensation de désavantages, à la protection des notes scolaires et l'analyse et l'évaluation des résultats des élèves qui y sont étroitement liées, aux procédés diagnostiques standardisés, à la promotion de la réussite scolaire et à la réduction du nombre de jeunes quittant prématurément l'école, mais aussi relatives à l'agrégation de projets d'intégration et à l'optimisation de la pratique des devoirs scolaires. Dans ce contexte, la mise en œuvre de la Convention de l'ONU relative aux droits des personnes handicapées en Communauté germanophone est poursuivie et le chemin vers une école inclusive est préparé.

Au niveau des écoles, il faut veiller à élaborer des concepts de soutien scolaires comprenant et conseils individuels pour élèves et parents et soutien dans exécution des devoirs scolaires. Au niveau de l'enseignement, il est projeté d'identifier encore mieux les conditions d'apprentissage des élèves afin que la différenciation et les mesures de soutien pratiques puissent aboutir. Ceci implique aussi d'identifier le niveau de la langue d'études des élèves à des moments-clés du parcours scolaire. Ainsi, le nombre d'élèves en Communauté germanophone dont la langue maternelle est autre que l'allemand, n'a cessé d'augmenter. Presque toutes les écoles doivent faire face à la tâche d'intégrer des élèves issus de l'immigration. Il importe aussi d'impliquer ces élèves et leurs parents dans le processus éducatif scolaire.

Il existe, entre autres, des projets pour renforcer les compétences des élèves dans la langue d'études, pour des portefeuilles de compétences individuels des élèves, pour la création de cadres applicables au système global de la pédagogie de soutien et pour le diagnostic orienté sur les compétences.

Recommandation "39":

<p>The Committee recommends that the State party take all necessary regulatory measures and incentives to guarantee the right of persons with disabilities to employment, in both the private sector and the public sector. It should ensure that they have effective</p>
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protection against discrimination, vocational training, adequate accessibility and the necessary reasonable accommodation.

Measures put in place:

- **Niveau fédéral**

Diverses mesures sont / seront prises en vue de favoriser l'accès au marché de l'emploi des personnes handicapées :

- **Projet pilote :**

Début octobre 2014, la Direction générale personnes handicapées du SPF Sécurité sociale a lancé un projet pilote, destiné à soutenir les personnes bénéficiaires d'une allocation de handicap, qui souhaitent accéder au marché du travail. Il s'agit d'un accord de coopération entre le VDAB (service d'emploi public de la Flandre), les services spécialisés pour l'accompagnement de parcours, les mutualités et la DG Personnes handicapées. Des discussions sont également en cours entre la DG Personnes handicapées et le Forem (service public de l'emploi et de la formation en Wallonie) en vue de mettre sur pied un projet pilote similaire pour la Communauté française.

- **Campagne de recrutement de travailleurs handicapés dans l'administration fédérale :**

A l'approche de la *Journée internationale des personnes handicapées*, le 3 décembre 2014, le SELOR a lancé à nouveau sa campagne '*Handicapable*¹⁶', afin de créer davantage d'opportunités sur le marché du travail pour les personnes handicapées.

- **Flemish authority - region and community**

Flemish Diversity Policy (civil servants employed by the Flemish Authorities – internal EO policy)

The recent target for employment of persons with disabilities in the Flemish administration (public sector) is to achieve 3% by the end of 2020. In 2014, the employment rate was at 1,3% (576 persons). A specialized service in the administration is entrusted with the development and realization of measures in order to enhance the inflow and retention of persons with disabilities in the organization. Recent measures include an update of the definition of employees with disabilities in order to tune in to the definition of the UN-CRPD and to include chronic diseases; the reform of a labour cost subsidy for employees of the Flemish administration in order to improve the support for employees with disabilities; increase of the know-how on reasonable accommodation. Projects in the pipeline include strengthening the anti-discrimination policy, improve the measures concerning reasonable accommodation in recruitment and selection and continue awareness-raising activities.

- **Région de Bruxelles-Capitale**

Le Gouvernement de la Région de Bruxelles-Capitale œuvre à l'adoption d'un acte législatif « Handistreaming » portant la prise en compte de la dimension du handicap dans toutes les lignes politiques des pouvoirs publics. Dans ce cadre, les actions visant à garantir le droit à l'emploi des personnes handicapées seront renforcées.

- **Communauté germanophone**

¹⁶ <https://www.selor.be/fr/nouvelles/2013/12/02/selor-lance-la-campagne-%E2%80%98handicapable!%E2%80%99-pour-cr%C3%A9er-davantage-dopportunit%C3%A9s-sur-le-march%C3%A9-du-travail-pour-les-personnes-handicap%C3%A9es/>

Le CDR II (Concept de développement régional) prévoit notamment des mesures dans les domaines **de l'enseignement, de la formation et de l'emploi** :

➤ **Augmentation du nombre de places de formation et de stage pour personnes handicapées sur le premier marché du travail:**

- par une participation accrue des jeunes handicapés dans des projets de l'Institut pour la formation et la formation continue dans les Classes moyennes et les PME (IAWM) tels que les « journées découverte » et les « Girls' Day »
- par la sensibilisation des employeurs pour favoriser un accès plus large des élèves et jeunes adultes handicapés aux contrats de stage et contrats d'étudiant
- en étudiant les possibilités d'une formation professionnelle différenciée au sein de la Communauté germanophone (DG)
- par la mise en œuvre d'un projet pilote dans la formation professionnelle différenciée

Recommendation “43” and “45”:

43. The Committee recommends that the State party systematize the collection, analysis and dissemination of data disaggregated by gender, age and disability; enhance capacity-building in that regard; and develop gender-sensitive indicators to support legislative developments, policymaking and institutional strengthening for monitoring and reporting on progress made with regard to implementation of the various provisions of the Convention.

45. The Committee recommends that the State party systematically collect, analyse and disseminate data on girls, boys and women with disabilities.

Measures put in place:

• **Flemish authority - region and community**

The Flemish Research Centre for Equal Opportunities is working on a set of socio-economic indicators to monitor the participation of people with disabilities in society. These will be made available during 2016. In future continued updates of this set will be produced by the research service of the Flemish Government¹⁷.

Operational Objective 2 in the Flemish Horizontal Equal Opportunities Policy plan targets the increase of the knowledge about the living conditions of target groups in the equality policy and about the discriminatory mechanisms they are confronted with, and therefore a systematic collection of data on the living situation of women and men with disabilities in all Flemish policy areas (health, sports, media, youth,...).

• **Région de Bruxelles-Capitale**

Le Gouvernement de la Région de Bruxelles-Capitale œuvre à l'adoption d'un acte législatif « Handistreaming » portant la prise en compte de la dimension du handicap dans toutes les lignes politiques des pouvoirs publics. Dans ce cadre, une attention particulière est portée sur le recueil des données statistiques et autres indicateurs permettant de formuler et d'appliquer des politiques visant à donner effet à la Convention.

L'approche croisée du « Handistreaming » et du « Gendermainstreaming » permettra la mise en place d'indicateurs ventilés par genre.

¹⁷ The Equal Opportunities Policy Paper 2014-2019, Operational Objective 1.2

Czech Republic

Committee on the Rights of Persons with Disabilities published its Concluding observations on the initial report of the Czech Republic on 15 May 2015.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fCZE%2fCO%2f1&Lang=en

During the reporting period the Czech Republic put in place following measures to address below mentioned recommendations.

As for Recommendation No. 32:

1. The use of restraints/restrictive means in health facilities in the Czech Republic is being dealt with in the long term. The Ministry of Health pays a close attention to the use of restrictive means on persons with psycho-social disability with regard to the protection of their human rights and patients' dignity.
2. Nevertheless, there are some cases in which the use of restrictive means is necessary from the medical point of view, in order to protect the health and the life of patients and people around. Due to this reason, extraordinary care has been given to process of setting system changes that would ensure the use of restraints only in cases in which no other method is effective.
3. The use of restrictive means in health facilities in the Czech Republic is regulated by § 38 of the Act No. 372/2011 Coll. on medical services and terms of their provision (hereinafter only as “The Act on Medical Services”) that entered into force on 1 April 2012.
4. According to the Act on Medical Services, the restrictive means can only be used in order to avert imminent danger to life, health or safety of the patient or other persons and this only for the period during which these reasons persist. The restraining of the patient is indicated for example in the situation when there are serious symptoms endangering the close surroundings such as psychomotor agitation or brachial aggression or when there are symptoms of self-harm or auto-aggression for example inadequate intake of liquids, swallowing of indigestible objects or suicidal behaviour. The restraining of a patient can also be used in case when the patient does not follow the necessary arrangements in case of serious infection disease.
5. The restrictive means must not be used as punitive measures for patients.
6. The use of restrictive means can be prescribed only by the doctor; only in very exceptional cases requiring the immediate intervention can the present medical staff of non-medicine profession prescribe the use of limiting means; the doctor must be immediately informed on the use of restrictive means and must confirm the justification for restrictions.
7. The patient being restrained is, with regard to his/her health condition, clearly informed about the reasons for the use of restrictive means.
8. Every use of restrictive means must be recorded in the medical records of the patient.
9. Additional restraining of the patient who was hospitalized based on his/her free consent must be notified to the court by the provider of medical services within 24 hours. The

restraining of the patient does not have to be notified to the court if the patient has given his consent additionally within the period of 24 hours and in a conclusive manner.

10. The Ministry of Health has prepared an amendment of the Act on Medical Services that also includes the changes in the area of use of restraints. It is newly established, that the restrictive means can be used only after a less strict procedure failed, except for such case in which the use of less strict procedure would not be able to avert the imminent danger to life, health or safety of patient or other persons whereas such less strict procedure has to be used in situation that corresponds to the purpose of its use.
11. The mentioned amendment to the Act on Medical Services includes a new obligation regarding the use of restrictive means by medical services providers. It consists of keeping of central records on the use of restrictive means that contain the summary information of cases in which they were used in calendar year. Each restrictive mean has to be recorded separately. The identification data of patients on whom the restrictive means were used is not to be part of these central records.
12. In 2009, the Ministry of Health published in its Journal (part 7) a detailed methodological instruction concerning the use of restrictive means in health facilities of the Czech Republic.
13. Currently, the Ministry of Health is preparing a new methodological instruction that is, among others, based on recommendations presented by the Public Defender of Rights in her report on the care in psychiatric institutions and on the use of restrictive means as well as on recommendations by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).
14. In July 2015, the Ministry of Health initiated the preparation of this new methodological instruction on the use of restrictive means in health facilities in the Czech Republic. Its publication should be related to the above mentioned amendment to the Act on Medical Services. The Ministry of Health has mapped practice in directly subordinated institutions whether they follow the guidelines for the use of restrictive means and what means they use. It was found that most of health facilities deal with this issue very carefully and regulate it by their internal codes.
15. Following information thus obtained, a proposal of adaptation of the methodology was prepared – The Use of Restrictive Means on Patients in Health Facilities of the Czech Republic. The proposal was consulted with professionals – doctors and medical personnel. A preliminary version of this methodological instruction was presented at the turn of 2015-2016 to professional medical organizations for their comments – to the Psychiatric Association ČLS JEP, to the Czech Gerontology and Geriatric Association ČLS JEP and to the professional organization of general nurses – to the Czech Association of Nurses. Those professional associations have presented their recommendations and comments. They are being evaluated. By the end of June 2016 the Ministry of Health will organize a round table that will include also a representative of the Office of the Public Defender of Rights.
16. Originally, the issue of the new methodological instruction was to be connected to the entry into effect of the above mentioned amendment to the Act on Medical Services. However, due to delay in the legislative process of the amendment, it was decided that the methodological instruction will come into force after the evaluation and broad discussion at the round table, i.e. in the second half of 2016 at the latest.

17. With regard to the proposal of the new methodological instruction, possible division of restrictive means has also been discussed, in particular to handle separately the use of pharmacotherapy (as per the proposal: psychopharmacologic drugs or possibly other medicinal products given by parenteral administration in order to limit the free movement of patient against his/her will during provision of medical services unless the treatment is provided on the patient's request or within the continuous treatment of a psychiatric disease). The pharmacotherapy is mostly used as a medical means that is aimed to influence the basic disease which – if not treated – can cause the situations in which the use restrictive means is necessary.
18. In addition, the methodological instruction intends to establish the maximum duration of the continuous limitation and the frequency of control of vital functions, state of consciousness, patient's behaviour and the occurrence of complications ensuing from the limitation. During the limitation neither any painful grips nor any other inhumane procedures can be used: the dignity and the privacy of patient must be protected. The patient shall be protected from undesirable contact with other patients. The providers of medical services are obliged to submit annual report on the use of restrictive means, possible complications and on the staff training in particular workplaces as well as in the whole facility.
19. Inspection of use of restrictive means in individual providers of medical services is mainly done by the relevant administrative body, i.e. by regional authorities. The way the inspections are carried out is governed by relevant legal regulations (the Act on Medical Services, Regulation No. 99/2012 Coll., Regulation No. 92/2012 Coll., Act No. 255/2012 Coll. on Inspection (the Inspection Code)), and by methodological instructions of the Ministry of Health. The new methodological instruction will be of use as a tool for such inspections.
20. The Czech government approaches the issue of persons with severe mental disorders, in a comprehensive manner in order to prevent situations in which it is necessary to use the restrictive means so that such means are used rarely and only in the necessary extent. In October 2013, the Strategy for Psychiatric Care Reform (hereinafter only referred to as "Strategy") was adopted to ensure a system change in care provision to promote as a matter of priority the care of patients in their natural environment. One of the aims is to timely diagnose a disease and therefore to treat the persons with serious psychiatric disorders in a timely manner. Such care should decrease the need for institutional care which itself is a limitation of the patients' free movement.
21. Through the implementation of the Strategy the Ministry of Health intends to remove deficits mentioned by international organizations and thus ensure the full enjoyment of human rights by all persons with mental disorders.
22. The Strategy defines specific goals as follows:
 - a. To increase the quality of psychiatric care through the system change of its organization.
 - b. To work towards the destigmatisation of persons with mental disorders and of the psychiatry in general.
 - c. To increase the clients' satisfaction with the provided psychiatric care.

- d. To increase the efficiency of the psychiatric care by timely diagnostics and identification of unrevealed psychiatric diseases.
 - e. To increase the success rate of full inclusion of persons with mental disorders in the society (in particular to improve conditions for employment, education, housing etc.)
 - f. To improve the connection between health, social and other related services.
 - g. To humanise the psychiatric care.
23. The efforts to meet the targets set by the Strategy continue within the so-called implementation stage. More detailed work is being done regarding how to carry out the reform in the Czech Republic. The necessary changes reflect the basic goals of the Strategy, i.e. the emphasis is given to the destigmatisation, humanisation of care, respect to patients' needs, improvement of quality and availability of care. Within the Strategy implementation as well as its transition stage, intensive education on the mental health is envisaged designed for staff in health as well as other sectors. Such activities will also result in reduction of restrictive means use.
24. The restrictive means are also used in other European states. The Czech Republic cannot prohibit their use in psychiatric institutions completely, as there are no alternative options in cases when it is necessary to avoid the immediate danger to life, health or safety of the patient or other persons. We are well aware of the gravity of this issue and make all steps in order to prevent abuse or excessive use of these means in practice, namely through amendments to legislation, provision of methodology and inspection of providers of medical services.

As for Recommendation No. 37:

25. The Ministry of Health states that in the Czech Republic no sterilization can be performed without the patient's informed consent. Furthermore, the requirement of the patient's written informed consent was stipulated in instructions that regulated the sterilisation in the past.
26. Currently, the conditions for performing sterilizations are set in Act No. 373/2011 Coll. on specific medical services (hereinafter only as the "Act on Specific Medical Services") that is effective from 1 April 2012.
27. Unlike the previous legal regulation, the Act on Specific Medical Services sets also an obligatory time period which must elapse between the provision of information about the intervention, its effects and possible risks and the expression of informed consent by the patient. The elapse of this time period is one of the guarantees that the informed consent is given indeed freely, thoughtfully and without the psychic pressure of having to decide immediately.
28. In the Czech Republic, it is possible to perform the sterilization of a patient whose legal capacity is limited so that he/she is not able to consider the provision of medical services or effects of such provision (hereinafter only as "patient with limited legal capacity") only due to the medical reasons, based on fulfilment of all of the following three conditions: written approval of patient's custodian, positive statement of an expert committee and approval of the relevant court.

29. The provider of medical services (hereinafter only as “provider”) appoints the expert committee. It must always consist of three doctors specialised in the relevant field (gynaecology and obstetrics in case of sterilization of a woman, urology or surgery in case of sterilization of a man), of clinic psychologist and a lawyer. To ensure impartiality of the committee, at least 4 members of the professional committee must not be employers of or in other legal relation with the provider or be members of the providers’ control body or any statutory body of the provider nor can they be associates of the provider.
30. The patient’s attending physician who recommended the performance of the medical intervention can be invited to the session of the expert committee but he/she must not be present during the interview between the committee members and the patient in order to avoid the possible influencing of the patient. The patient and his/her custodian are always invited to be present at the meeting of the committee.
31. The expert committee passes the information on the character of the medical intervention, on its permanent effects and possible risks to the patient with limited legal capacity and to his/her custodian and verifies that the patient and the custodian understand well this information. In case of the patient with limited legal capacity it takes into account his/her intellectual maturity. The record on presentation of such information has to be signed by members of the committee, by the patient and the patient’s custodian. The record includes the patient’s opinion. When the patient is not able, due to his/her intellectual maturity, to comprehend the information or to sign the record, such fact must be stated in the record. The record is part of medical records of the patient.
32. After having discussed the request, the expert committee prepares a written statement containing its assessment of whether all conditions for performing the sterilization were met. The committee also states the period of validity of the opinion which should reflect the urgency of the performance of the medical intervention.
33. To reach a conclusion in favour of sterilization, all members of the expert committee have to agree. When the approval of all members cannot be achieved, the committee describes the reasons in its statement. The provider passes a copy of the written concluding statement to the patient’s custodian.
34. The proposal of the approval of performance of the sterilization is presented to the court by the provider. The provider shall add the written consent of the patient’s custodian to the proposal, the patient’s opinion and the conclusion of the expert committee. If the patient is not able, with regard to his/her intellectual maturity, to express his/her opinion, the provider shall state such fact in the reasoning of the proposal.
35. Before the performance of the sterilization the attending physician is obliged to inform the patient on the character of the medical intervention, on its permanent effects and possible risks. The information has to be presented in the presence of a witness who is a medical worker. If the patient asks for the presence of another witness according to his/her choice, the provider has to allow it. The record on presentation of such information has to be signed by the attending physician, the patient, the witness or witnesses; the record is part of the medical records of the patient.
36. Adequate period has to be provided between the passing of information and the granting of approval; if the sterilization is due to medical reasons, the period shall be 7 days at least. The sterilization can be performed if the patient’s custodian provides the written consent immediately before its performance.

37. A similar procedure is used for the sterilization for health reasons of a minor.
38. The above described shows that the Czech Republic largely fulfils the first part of the recommendation.
39. The Czech Republic is repeatedly criticised for non-provision of adequate remedy and compensations to victims of involuntary sterilization. We would like to stress therefore that the victims of involuntary sterilization could always refer to the courts in the Czech Republic to get the compensations and to fully use all procedural means of appeal. Until 2012, it was also possible to apply for compensation at the Ministry of Health and the Ministry was authorised to provide such compensation regardless of possible refusal of compensation claim by a court. Some victims of involuntary sterilization used their right and take their cases to the courts in the Czech Republic.
40. The above mentioned effective legal regulation, i.e. the Act on Medical Services as well as the Act on Specific Medical Services, does not contain any provision under which would only the custodian's approval (without the fulfilment of the other conditions – see the Paragraph 28) suffice to give consent to the medical intervention (note: please do not confuse with legal representative). In order to evaluate this issue at general level, the relevant provision is that of the Civil Code in its Section 101. If the integrity of a person who is not able to make judgments shall be interfered by a way which brings permanent, irreversible and serious consequences or in a way connected with serious risk to his/her life or health, the intervention can be performed only with the approval of a court. Thus it is not true that the Civil Code would make it possible for a custodian of a person with mental disorder to approve the sterilization by himself or herself.
41. Moreover, neither the Civil Code nor any other law makes it possible to perform the sterilization without the free and informed consent of the person with disability. The performance of sterilization made as a medical intervention is regulated by the Act on Specific Medical Services (see Paragraph 26).
42. The education of relevant judges with regard to sterilization in the department of the Ministry of Justice is ensured by the seminar on the topic of Medical law for civil judges (topics covered by the seminar include the provision of medical services to minors and persons with psycho-social disability). Furthermore, the issue is included in some seminars in criminal law and there are also courses focused on restricting means. The Judicial Academy will follow these topics further and reflect in its activities the relevant concluding observations by the UN Committee on the Rights of Persons with Disabilities with which it was acquainted.
43. Following an analysis of the European Roma Rights Centre which turned to the Public Defender of Rights in 2004 concerning the suspected involuntary sterilization of mostly Roma women, dozens of women addressed the Public Defender of Rights directly. Until 2010, the Public Defender of Rights passed 60 cases of suspected involuntary sterilization in total to the Supreme Public Prosecutor's office to carry out investigation of circumstances of given cases.
44. The Supreme Public Prosecutor's Office considered them as criminal charges with perpetrator unknown and passed these cases to the relevant prosecution offices. The course of examination was regularly monitored by the Supreme Public Prosecutor's Office through requisition of information from prosecution offices in Prague and Olomouc.

45. In all notified cases the relevant police bodies commenced the criminal investigation according to Section 158 Paragraph 3 of the Criminal Proceedings Code and performed the verifications.
46. The investigation was ordinarily terminated in all 60 notified cases. Most of them were closed as the law enforcement authorities concluded that there was no suspected crime and that the matter could not be solved otherwise. In four cases the matter was closed due to the limitation of action.
47. The Supreme Public Prosecutor ordered an inspection in six ordinarily terminated cases according to Section 12 Para 3 of the Act on Public Prosecution and ordered the adoption of measures to remedy the identified misconducts. Nevertheless, after additional evidence, the matter was closed again in all the cases.
48. In this connection, we would like point out a statement of the Public Defender of Rights, expressed in his final opinion on page 23: “First of all, it shall be underlined that it is not possible, as the broader public is often used to, to make the direct line from the infringement of terms of free, serious and error-free will – consent with the sterilization - to the penal responsibility and to deduction that doctors may have committed a crime in every case. And vice versa, it is valid, that if the law enforcement authorities concluded that a crime was not committed, it shall not mean that no error occurred in those cases and that they are fully justified. Possible assessment from the criminal law point of view simply does not affect the fact that the sterilizations made in cases corresponding to the previously stated cases were made in contradiction with the law.“
49. In cases of sterilization according to the jurisprudence of the European Court for Human Rights the State is not obliged to prosecute such cases by means of criminal law but it is sufficient to make the civil action available to the relevant persons (see the sentence V. C. against Slovakia, No. 18968/07, from the 8th November 2011).
50. Since 2010, the new cases of suspected involuntary sterilization have been reported only rarely (only a few cases) and these are resolved individually and in fact they virtually ceased to occur.
51. Concerning the remedial measures for women who underwent the involuntary sterilization, the legal system of the Czech Republic does not provide any special regulation for their compensation. Currently, they can protect their rights through a general action according to civil law regulations and use in full scope all remedy means and procedural options.
52. In case of involuntary sterilization the aggrieved parties have, according to the Czech law, the right to damages that can be applied by an action at a civil court. According to Section 2910 of the new Civil Code, the person who breached the obligation given by the law by his/her fault and thus caused a detriment to absolute rights of the aggrieved party must compensate the aggrieved party for what he/she caused.
53. The damages as well as compensation for the immaterial damage to natural human rights are ruled by provisions of Section 2956 and 2957 of the new Civil Code. If a person is obliged to compensate for a damage which had the form of a detriment to a natural right protected by provisions of the first part of the Code he/she shall compensate also for the immaterial damage caused; psychic suffering shall be indemnified in this fashion as immaterial damage.

54. The way and the sum of reasonable compensation shall be set so that they compensate also for circumstances deserving special attention. It namely means situations when the damage was done intentionally, especially if the damage was done using a ruse, threat or abuse of the dependence of the aggrieved on the person who inflicted the damage, or the damage is multiplied by making it public or if the damage is a result of discrimination of the aggrieved person based on gender, health status, ethnic origin, faith or other similarly serious reasons. Additionally, fear of the aggrieved person of the loss of life or of serious health damage is also to be taken into account if such fear was roused by a threat or other cause.
55. Following the recommendation related to involuntary sterilization, the legal regulation was analysed. The analysis concluded that the current text of regulations regarding informed consent and the possible use of remedy for the aggrieved persons is in contradiction neither with the UN Convention on the Rights of Persons with Disabilities nor with the above mentioned recommendation. For the reasons stated above the Czech Republic does not consider an amendment to the Civil Code necessary or suitable.

Denmark

The Committee on the Rights of Persons with Disabilities published its Concluding observations on the initial report of Denmark on 3 October 2014.

During the reporting period Denmark put in place following measures to address below mentioned recommendation. In general the recommendations are rooted in the Ministries' Disability Committee (previously the Inter-ministerial Committee of Civil Servants on Disability Matters). The Committee is helping to create a coherent disability policy effort in line with government goals and visions, including the coherence of government initiatives. The Committee is also acting as a forum for dealing with cross-cutting challenges, network building and knowledge sharing on current disability policy issues, including the continued implementation of the UN Convention on Rights for Persons with Disabilities. Finally, the Committee provides a forum for dialogue with stakeholders and actors in civil society around the current disability policy issues - including the Governments ongoing follow-up on the recommendations.

Recommendation 21:

The Committee recommends that the State party abolish forced hospitalization and treatment of children in psychiatric hospitals, and provide adequate opportunities for information and counselling to ensure that all children with disabilities have the support they need to express their views.

Measures put in place:

As a general rule the activities concerning psychiatric treatment are regulated by the general health legislation. These rules cover the treatment of physical as well as mental illnesses, and state the principle of free and equal access to necessary medical care, not depending on economic, social or racial status. The only legislation that concerns psychiatric treatment is the so-called Psychiatric Act.

In order to use detention or compulsory treatment the patient must be insane or in a condition similar to insanity. The criterion "similar to insanity" is construed restrictively, and so it must be a condition that cannot be distinguished from insanity.

The following two conditions must be met prior to any compulsory admission of a patient to a psychiatric ward:

1. The patient must be insane (mentally ill) or in a similar condition.
2. It must be deemed unjustifiable not to admit the patient for treatment.

This is the case:

- when the prospect of recovery or a significant and decisive improvement of the patient's condition would otherwise be seriously reduced, or
- when the patient exposes him or herself or others to significant harm.

In Denmark as a general rule no admission, examination, treatment or care can be initiated or continued without informed consent of the patient unless otherwise provided for by statute or statutory provisions. Therefore every time a person is subjected to coercive measures a separate protocol has to be filled out as required by the Danish Psychiatric Act. Besides, this

information is also reported to the National Board of Health. The Danish data for the use of coercion are of high quality, publicly available and highly validated.

However the Health Act in Denmark stipulates, that when a patient has lost the capacity to handle his/her own interests, the person or persons authorized under the law shall enter into legal rights of the patient if this proves necessary to safeguard the interest of the patient in the relevant situation.

A patient who cannot give informed consent him/herself shall be informed and involved in the discussions of treatment available in so far as the patient understands the treatment situation, unless such information may adversely affect the patient. The patient's comments, if considered worthwhile and relevant, shall be taken seriously.

The Ministry of Health would like to point out as mentioned above, that whenever a patient is exposed to coercive measures it must be noted in a special protocol at the psychiatric ward, and this information is also reported to the local authorities as well as the central governmental institutions.

In the Regional State Administration a local Patient Board of Complaints is set up. Complaints about the board's decisions concerning the deprivation of liberty (involuntary placement and forcible detention), restraint, involuntary treatment in out-patient care, protective restraint, and locking of doors in the ward, can be lodged to the regular court system. The Court appoints a lawyer for the patient, and the costs are paid by the State. Furthermore the patient must be offered a patient advisor to safeguard these rights.

Other safeguards in connection with coercive measures are the assignment of a patient advisor, the advisor must be assigned as soon as the decision has been taken and has to visit the patient within 24 hours of being assigned. Whenever coercive measures are used, the patient must be advised on complaints procedures.

Furthermore patients have the right to be informed why coercion is required and what effect treatment may be expected to have on their health condition, including what the outcome may be if the treatment is not undertaken.

On any compulsory action the consultant physician must take measures to secure that deprivation of liberty and use of other coercive measures is used only to a necessary extent.

In the spring of 2015 the Danish Parliament adopted changes to the Danish Psychiatric Act – among others – to clarify the legal position of minor psychiatric patients. The 15-17 year-olds who do not consent to admission or treatment are now covered by the Danish Psychiatric Act and the ensured procedural safeguards listed above.

The Danish Psychiatric Act does not apply to minors under the age of 15, if the parent who has custody has given informed consent to the admission or treatment of the mentally ill young child.

The act also contains an obligation to report interventions performed on children under the age of 15 to the National Board of Health, regardless of whether the intervention is done with parental consent or not.

The parent who has custody must be informed that he or she has the opportunity to renounce the position for use of coercion against the minor. If the parent does not wish to rule, the minors will be covered by the Danish Psychiatric Act if the other conditions for use of individual coercive measures are met. This involves appointing patient advisor and appeal, etc.

It is important to stress that the principle of the least invasive measures must always be followed. It is also the aim to minimize the use of immobilisation with a belt on children.

The Ministry of Health has no immediate plans to alter this arrangement. The new appeal for the 15-17 year-olds will however be evaluated in 2018 and adjustment of the system will be considered e.g. in relation to the age group that has appeal.

Finally the Government has declared the goal to improve conditions for people with mental illness, including a reduction in the use of coercion. In summer 2014 a majority of political parties in Parliament agreed to reserve 2.2 billion Danish kroner in order to ensure better rights and better quality of care for mentally ill persons e.g. by an increase of capacity in psychiatry, e.g. in outpatient psychiatry and closed wards. The keyword is “equal effort”. Psychiatric patients must receive the same effort, have the same rights and get the same high quality in treatment and rehabilitation as patients with physical illness. Specific targets are set e.g. for reducing coercion in psychiatry, including mechanical restraint. These initiatives support the new framework and direction for psychiatry that has been recommended by the Commission.

Germany

The overarching goals of Germany's policies for persons with disabilities are the realisation of self-determination and participation. This is also the approach underlying the Equal Opportunities for Persons with Disabilities Act (Behindertengleichstellungsgesetz) and the General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz). Inclusion and hence equal participation in political, social, economic and cultural life as well as equal opportunities in education, labour-market integration and the task of giving all citizens the opportunity to lead a self-determined life in an accessible society is the principle at the heart of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), which Germany ratified in February 2009. Since 26 March 2009, the UNCRPD has been part of German national law as a federal law.

The Federal Ministry of Labour and Social Affairs acts as Germany's public point of contact for the implementation of the Convention, serving as Germany's focal point under article 33 (1) of the CRPD.

The state coordination agency is located at the office of the Federal Government Commissioner for Matters relating to Persons with Disabilities. It actively involves persons with disabilities and civil society at large in the implementation of the UNCRPD, acting as an interface between the government and civil society. An Advisory Council on Inclusion was established tasked with providing strategic, long-term support with the implementation of the UNCRPD. It is currently composed of three specialised committees dealing with different issues. Its activities are coordinated by an office in the inter-ministerial staff of the Federal Commissioner for Matters relating to Persons with Disabilities.

The German Institute for Human Rights plays the role of Germany's monitoring body under Article 33 (2), implementing and supervising the Convention at the national level. Its tasks include making recommendations and proposals for the implementation of the Convention, and it advises the Federal Government, the German Bundestag and other organisations on matters related to the Convention.

German expert on the Committee on the Rights of Persons with Disabilities

Since 1 September 2010, Professor Theresia Degener, a legal expert, has been serving as an expert on the CRPD committee. Prof. Degener was re-elected to the CRPD committee by a large majority during the Conference of States parties held in June 2014. She currently serves as the committee's Vice Chairperson.

The National Action Plan of the Federal Government

The second updated National Action Plan adopted by the Federal Government on 28 June 2016 (NAP 2.0) follows-up on the comprehensive package of measures (more than 200 measures) of the Federal Government's first National Action Plan for the implementation of the UNCRPD by adding another 175 measures. The Federal Government adopted the original NAP in June 2011 and it will run until 2021.

The NAP 2.0 takes into account recent developments, especially the results of the evaluation of the first NAP and of Germany's first country review and the findings of the Federal Government's Report on Participation published in 2013. What was already true of the NAP

adopted in 2011 also applies to the NAP 2.0: It is the result of an intensive dialogue with all relevant actors, especially with persons with disabilities and their representative organisations.

With the NAP 2.0 we have succeeded in further strengthening the cross-cutting approach. This time around all the federal ministries proposed measures for the NAP 2.0., taking the idea of disability mainstreaming another step forward when compared to the first NAP.

Given the fact that inclusion first and foremost means the opportunity to provide for yourself by working in the profession of your choice, the Federal Government has again prioritised measures promoting the integration of persons with disabilities into the regular labour market in its NAP 2.0. This time more emphasis is put on legal changes creating the legal basis for giving even more persons with disabilities the opportunity to work outside sheltered workshops and to join the regular labour market. The key goal is to give persons with disabilities new job opportunities in the regular labour market which are in line with their preferences and their capacities.

The Federal Government's NAP 2.0 especially strengthens the options of persons with disabilities to plan and lead their lives in line with their personal preferences through its reform of integration assistance (Eingliederungshilfe) in the framework of the Federal Participation Act (Bundesteilhabegesetz). A crucial goal of the reform of integration assistance is a shift from providing institution-centred benefits to tailoring benefits to the individual person. Going forward, the point of departure for providing the necessary support will exclusively be the needs of an individual and not (any longer) a certain form of housing.

The Act to Strengthen Care Provision in the Statutory Health Insurance (GKV-Versorgungsstärkungsgesetz) and the first and second Acts on Strengthening Long-Term Care (Erstes und Zweites Pflegestärkungsgesetz) have brought important legal changes in the area of health care and the Social Long-Term Care Insurance, which are also relevant for persons with disabilities. These changes are designed to help ensure that persons with disabilities will receive health and long-term care benefits that are even more aligned with their needs.

As an ageing society means that the share of persons with disabilities who acquired their disability later in life is going up, the NAP 2.0 also contains a number of measures with the potential of fostering the participation of deaf and hearing-impaired older persons or the participation of persons suffering from dementia to mention just two examples.

To the extent possible given its limited responsibilities in the area of education, the Federal Government is also again putting its mark on the promotion of inclusive education by adopting various measures. This concerns measures in the area of vocational education and further education and training and projects fostering the design of the physical environment, which is an important pre-condition for the implementation of inclusion.

Advancing accessibility is also a key issue in the various areas of action and measures contained in the NAP 2.0. This includes measures fostering the reduction of barriers in private housing, e.g. the funding programme "Age-friendly refurbishments" (Altersgerecht Umbauen) of the KfW, The third programme by Deutsche Bahn AG aimed at improving accessibility in rail travel or the introduction of a standardised label in tourism.

The NAP 2.0 also again contains research projects which the Federal Government hopes will lead to new findings for guiding its future actions. Two of the research projects focus on legal guardianship, another one will deal with ways to avoid drug-induced fixation in institutions.

All in all, the NAP 2.0 reflects the diversity of the Federal Government's policies for persons with disabilities thanks to the variety of measures and its various inputs.

Concerning the implementation of the National Action Plan, the Federal Government places great emphasis on labour-market access of persons with disabilities. For example, about 140 million euros from the equalisation fund for interregional projects to facilitate the participation of severely-disabled persons in working life (Ausgleichsfonds für überregionale Vorhaben zur Teilhabe schwerbehinderter Menschen am Arbeitsleben) are being made available in the period between 2011 and 2018 to support the following priority activities in the framework of the inclusion initiative:

- Career orientation to prepare pupils with severe disabilities for working life; moreover, career orientation for young people with disabilities was given the status of a standard employment promotion tool;
- In-company vocational training for young people with severe disabilities in recognised vocational training occupations through the creation of 1,300 new in-company training places in the regular labour market;
- Creation of 4,000 new jobs for older (over the age of 50), unemployed or job-searching persons with severe disabilities;
- Building the inclusion expertise of chambers (chambers of commerce and industry, chambers of craft and trades, chambers of agriculture) by strengthening the advice provided to member enterprises. The goal is the creation of more vocational training places and jobs for persons with severe disabilities in order to improve their access to the regular labour market.

These measures for young people with severe disabilities are complemented by a career orientation programme for pupils seeking to graduate from a regular lower secondary school (Sekundarstufe I). In their cases, the Federal Government promotes a practical assessment of potential as well as practical workshop days for schools in cooperation with providers of vocational education. The beneficiaries are pupils with disabilities at both special needs schools (roughly 20% of the participating schools) and inclusive classes (the share of young people with disabilities is not recorded). Currently the programme has an annual budget of 77 million euros and provides assistance to about 180,000 pupils a year.

In October 2013, a three-year inclusion initiative for the promotion of vocational training and jobs was agreed, bringing together representatives of the Federal level, the Länder and municipalities as well as the umbrella organisations of the private sector, trade unions, the representative organisations of persons with disabilities and the Federal Employment Agency in an effort to actively and sustainably work on improving the participation of persons with disabilities in the labour market. This initiative includes an 80-million-euros funding programme for boosting the integration of people with severe disabilities and for enhancing advisory services.

In order to increase the number of new jobs in integration projects, the Federal Ministry of Labour and Social Affairs drew up the funding programme “inclusion initiative II - company jobs for everybody” (Inklusionsinitiative II - AlleImBetrieb). The plan is to spend a total of 150 million euros from the national rehabilitation fund (Ausgleichsfonds) on the promotion and creation of additional jobs in existing or new integration companies under section 132 of Book IX of the German Social Code. The integration offices provide the Länder with the funds enabling them to implement the scheme. The disbursement of the first of three tranches worth 50 million euros started in May 2016.

In December 2013, the Federal Government published the Report on Participation with regard to the circumstances of persons with impairments. It is based on a new concept guided by the UNCRPD. It was drawn up on the basis of indicators derived from the articles of the UNCRPD. The Federal Government’s second Report on Participation will follow-up on the previous work and it will be published before the end of 2016. In an effort to further improve the data on the participation of persons with disabilities, the Federal Ministry of Labour and Social Affairs commissioned a representative survey on the participation of persons with disabilities in 2016. The survey was prepared by a preliminary study and the question tool developed during the preliminary phase was tested extensively.

One component of an accessible society is the access of persons with disabilities to sex education and family planning. In this area, a pregnancy counselling pilot project for persons with disabilities called “I also want to marry”, run by the umbrella organisation of *donum vitae* and partially funded by the Federal Government between March 2013 and February 2016, makes an important contribution as far as the concrete implementation of the UNCRPD and the Federal Government’s National Action Plan for the implementation of the Convention are concerned.

Other Developments in Germany

The Federal Participation Act (Bundesteilhabegesetz) seeks to further improve the lives of persons with disabilities, continuing to develop German law against the backdrop of the UNCRPD. As part of the Federal Participation Act, the system of integration assistance (Eingliederungshilfe) for persons with only limited possibilities of participating in the life of the community due to a significant disability will be reformed, taking it out of the “welfare system” and transforming it into a modern right to participation. In accordance with the coalition treaty, benefits are to be geared towards personal needs and determined on an individual basis according to a standardised nationwide procedure. Benefit provision will be person-centric, rather than institution-centric as was previously the case. In keeping with the UN Convention on the Rights of Persons with Disabilities, the right of persons with disabilities to choose and express preferences will be respected. After the conclusion of a broad-based participation phase involving the immediate stakeholders, their representative organisations, the providers of benefits and those funding them as well as the Länder and municipalities, which took the form of a “Federal Participation Act” working group, the draft law was adopted by the Federal Cabinet in June 2016 and is now being considered by Parliament. Germany aims to adopt the Act before the end of 2016.

The Equal Opportunities for Persons with Disabilities Act (Behindertengleichstellungsgesetz, BGG) initially adopted in 2002 was adapted in 2016 on the basis of an evaluation performed in 2013/2014 in the framework of the implementation of the National Action Plan. The evaluation predominantly examined whether all groups of persons with disabilities are

sufficiently covered by the BGG and whether its instruments have proved effective. In its final report, the evaluation team proposed recommendations for action which together with the standards enshrined in the UNCRPD were taken into account in the work to adapt the Equal Opportunities for Persons with Disabilities Act. The representative organisations of persons with disabilities were extensively involved both in the evaluation exercise and in the process of amending the Act. The Act on the Further Development of the Equal Opportunities for Persons with Disabilities Act, whose primary aim are amendments to the BGG, came into force on 27 July 2016. The most important features of this Act include:

- aligning the concept of disability with the wording found in the UNCRPD,
- improving accessibility within the federal administration,
- strengthening the easy-to-read language,
- making it clear that the denial of reasonable accommodations is a form of discrimination covered by the ban on discrimination applicable to public authorities,
- establishment of a Federal Office for Accessibility at the German Pension Insurance Miners, Railway and Maritime,
- establishment of an arbitration body at the office of the Federal Government Commissioner for Matters Relating to Persons with Disabilities and introduction of an arbitration procedure, and
- enshrining the promotion of participation in law

Furthermore, Article 3 of German Social Code Book I and Article 4 of German Social Code Book X were amended, bringing them in line with the BGG provisions on the communication of persons with hearing and speech impairments and of persons with intellectual disabilities (easy-to-read language).

In a second step, the ordinances based on the BGG are currently being adapted to the amendment and the issuing of an Ordinance on Equal Opportunities for Persons with Disabilities Arbitration is being prepared.

Another priority area regarding the implementation of the UNCRPD is the inclusion of children and youth with disabilities in the regular education system and the joint learning of pupils with or without disabilities, either with the same or different goals, at regular schools.

With the recommendation on “Inclusive Education of Children and Young People with Disabilities in Schools” (decision of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder, 20 October 2011), the qualitative and quantitative expansion of inclusive education has become a priority for the education policies of the Länder. The goal is to take into account the standards introduced by the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, guaranteeing equal access to education for all, and identifying and overcoming barriers in this field. Full and effective participation of individuals in all matters of social life and esteem for diversity are key goals of the Federation, the Länder and the municipalities in education. For example, this is illustrated by the fact that the number of children and youth with special

needs enrolled in regular schools has tripled since 2001. In the educational year 2012/2013, at the primary level 44% of children with special needs attended regular schools (excluding schools for “intellectual development”) and at the secondary level the rate of inclusive education during this period was 23%.

Along with the necessary expertise, the attitude of all actors and primarily that of the specialised staff are key prerequisites for successful inclusive education. This is why preparations for reforming teacher training and further training were made in all Länder on the basis of nationwide guiding principles. When the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder adopted an updated version of the framework agreement on the training and examination of all types of teachers in 2012, it decided that basic pedagogical and didactic skills in the areas of dealing with heterogeneity and inclusion as well as the basics of assessing special needs are henceforth to play a special role in the training of all types of teachers. In a similar vein, the curriculum of special-needs teachers laid down in the “Inter-Länder standards for subject-matter expertise and didactics in teacher training” were updated in 2014, and the “Standards for teacher training: educational sciences” were brought in line with the requirements of inclusive schools. The recommendation entitled “Teacher training for diverse schools” jointly adopted by the Standing Conference of Ministers of Education and Cultural Affairs and the Conference of Rectors and Presidents of Universities and other Higher Education Institutions in March 2015, also describes conditions, pathways and options making it possible for the Länder and higher education institutions to reform teacher training so that it can rise to the challenging task of inclusion.

The national conference “Shaping Inclusion – together. competently. professionally.” (Inklusion gestalten – gemeinsam. kompetent. professionell), organised by the Federal Ministry of Education and Research, the Federal Ministry of Labour and Social Affairs and the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder with the involvement of representative organisations of persons with disabilities, was held in Berlin on 17/18 June 2013 and focussed on the subject of professionalisation of skilled personnel for inclusive education (www.konferenz-inklusion-gestalten.de). The national programme to improve the quality of teacher training agreed by the Joint Science Conference on 12 April 2013 will also contribute to the implementation of the UN Convention on the Rights of Persons with Disabilities. This programme, whose aims include updating teacher training with regard to the requirements of heterogeneity and inclusion, is receiving up to 500 million euros in funding from the Federal Ministry of Education and Research over a ten-year period which began in 2014.

International Co-operation:

With Germany’s support, it was possible to transfer the mandate of Special Rapporteur on the Rights of Persons with Disabilities from the Commission for Social Development to the Office of the High Commissioner for Human Rights in 2014, putting greater emphasis on the human-rights dimension. The mandate now covers all aspects related to the UNCRPD.

With a view to implementing the UNCRPD, the Federal Government has intensified its international cooperation with various States parties to the UNCRPD on the basis of Article 32 of the Convention.

Over the past few years, Germany has for example maintained intensive bilateral contacts and has frequently held multiple-day talks which took place at the working and sometimes at the

political level. The partners were France, Austria, Turkey, China, Vietnam, Australia and Brazil. The exchange of views with these countries mainly focussed on the national implementation and monitoring of the UNCRPD, the development of action plans, the country reviews by the Committee on the Rights of Persons with Disabilities, the participation of persons with disabilities in these processes and topical national questions related to policies for persons with disabilities.

In addition, the annual Conferences of the States Parties are a good opportunity to meet bilaterally with other government representatives for an in-depth discussion of the implementation and the monitoring of the UNCRPD. Moreover, at the initiative of the Federal Government Commissioner for Matters relating to Persons with Disabilities Germany hosted a side event on the role of the Paralympic Games as a driving force for sustainable and inclusive development during the ninth Conference of the States Parties held in July 2016.

These bilateral contacts and events have proved very fruitful and helpful as they have helped both sides learn more about the state of play and the measures for the implementation of the UNCRPD. This is why, if possible, Germany would like to continue to invest in the existing contacts with States Parties. Finally, the Federal Ministry of Labour and Social Affairs intends to intensify the dialogue with other States Parties in order to continue to help foster the international implementation of the Convention.

Spain

The Committee on the Rights of Persons with Disabilities published its Concluding observations on the initial report of Spain on 19 October 2011.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fESP%2fCO%2f1&Lang=en

During the reporting period Spain has put in place many different measures to address the recommendations of the Committee. These recommendations also inspire the main political documents for the implementation of the UNCRPD in Spain: Spanish Disability Strategy and its Action Plan 2014-2020 that was approved in September 2014. The Action Plan for the Spanish Disability Strategy 2014-2020 is focused in five priorities: Equality and non-discrimination, Employment, Education, Accessibility and Economy boosting. <http://www.msssi.gob.es/ssi/discapacidad/informacion/planAccionEstrategiaEspanolaDiscapacidad.htm>

Spain is currently starting to work in the next preparation of the II and III Report for the UN Committee on the Rights of Persons with Disabilities that will be presented in 2017 and that will include all the measures put in place since 2011. Therefore, we just highlight below as an example two measures put in place recently because of its interest.

Recommendations "12 The Committee urges the State party to ensure that all persons with disabilities enjoy protection against discrimination..." and "20.The Committee urges the State party to expand the protection of discrimination on the grounds of disability to explicitly cover multiple disability, perceived disability and association with a person with a disability:..."

Measures put in place: *Law 1/2013, of 29 November of rights of people with disabilities and their social inclusion* http://www.boe.es/diario_boe/txt.php?id=BOE-A-2013-12632

It includes definitions of direct and indirect discrimination, discrimination by association and harassment, in order to complete the legal framework prohibiting discrimination in all its forms. In this sense, it also strengthens the special consideration of multiple discrimination, to guarantee the rights of people with disabilities who may be in a particularly vulnerable situation and it is singularly intense protecting girls and women with disabilities, women with disabilities who are victims of violence gender, older people with disabilities or other members of minorities, and those with "multiple disabilities".

Recommendation "44 (a) Increase its efforts to provide reasonable accommodation in education, by: allocating sufficient financial and human resources to implement the right to inclusive education;..."

Measures put in place: In July 2015, Law 18/2015, of 9 July, amending the law 37/2007 of 16 November on the re-use of public sector information includes in his third final provision a modification of the regulation of the destination of the cash and balances in bank accounts and abandoned warehouses destining them to finance programs for promoting the improvement of educational conditions of persons with disabilities. As indicated in the 17th final disposition, the General Administration of the State will develop a program of these characteristics through the Royal Board on Disability with direct aid to beneficiaries, representing an increase in funds to improve the education of persons with disabilities in Spain.

France

La France confirme la conformité de son droit interne avec les dispositions de la Convention ONU pour les droits des personnes handicapées :

Avec la promulgation le 11 février 2005 de la loi pour l'égalité des droits et des chances, la participation et la citoyenneté des personnes en situation de handicap, et la publication de près d'une centaine de textes réglementaires d'application, la France a été l'un des premiers pays membre de l'Organisation des Nations Unies à assurer une place à part entière aux personnes en situation de handicap dans la vie de la cité. Au moment de la ratification par la France de la convention des Nations Unies sur les droits des personnes handicapées, la plupart des dispositions souhaitées par l'ONU étaient déjà en application en droit français.

La loi nationale du 11 février 2005 traduit l'évolution du regard de la société sur le handicap : pas d'approche strictement médicale mais une prise en compte des incapacités de la personne handicapée et de son inadaptation totale ou partielle à son environnement. Accessibilité et droit à compensation en sont les piliers essentiels.

Jamais une loi n'aura à ce point structuré l'ensemble d'une politique publique. De l'avis de tous, la loi du 11 février 2005 est « une très belle loi », qui affirme à la fois de grands principes et pose les jalons pour mettre en œuvre une politique forte en faveur des personnes handicapées. Très ambitieuse, la loi couvre tous les aspects de la vie des personnes handicapées. Cette approche transversale constitue sa force, mais aussi sa faiblesse car elle exige un travail important de pilotage et de mise en œuvre qui, plus de dix années après son adoption, est toujours en cours.

Depuis le vote de la loi du 11 février 2005, le Gouvernement a mis en place une Conférence nationale du handicap (CNH) afin de débattre des orientations et des moyens de la politique concernant les personnes handicapées.

La loi de 2005 n'est donc pas figée dans le temps. Elle a été suivie de nombreux textes législatifs et réglementaires sur des thématiques spécifiques afin d'adapter et d'améliorer en permanence les réponses apportées aux attentes exprimées par les personnes handicapées. Par exemple, en matière d'accessibilité, le projet de loi pour une République numérique va prochainement modifier l'article 47 de la loi de 2005, pour permettre de rendre le contrôle des sites internet publics plus efficace par l'obligation d'afficher une mention qui indique la non-conformité du site et pour conduire les sites publics à une meilleure prise en compte des besoins des personnes en situation de handicap.

La France promeut une société inclusive dans tous les aspects de vie des personnes en situation de handicap.

Ouvrir l'école aux enfants et engager la « désinstitutionnalisation » : à la rentrée 2015, 100 unités d'enseignement installés dans des établissements médico-sociaux ont été transférées vers des écoles ordinaires ; chaque projet d'école devra désormais comporter un volet sur l'accueil et l'accompagnement des élèves à besoins éducatifs particuliers.

Adapter les logements : aménagements du domicile ouvrant droit à un crédit d'impôt ; règle « silence vaut accord » pour réalisation des travaux d'adaptation du logement ; engagement des bailleurs sociaux à promouvoir le logement adapté.

Faciliter l'accès à l'information publique ; promouvoir la citoyenneté : nouvelle norme d'accessibilité des sites web des administrations publiques (2016) ; accessibilité à la culture : la commission nationale « Culture et handicap » du 27 janvier 2016 a dressé les actions prioritaires à conduire pour favoriser l'accessibilité culturelle.

Vivre et travailler comme les autres et avec les autres : renforcement des dispositifs de formation professionnelle et des mesures de maintien dans l'emploi, grâce à de nouvelles aides financières; simplification des procédures pour des aménagements de postes rapides et révision du cadre réglementaire pour rendre plus incitatif les accords signés par les entreprises en matière d'accueil des travailleurs handicapés ; mise en œuvre d'un parcours « découverte métier » et d'un service civique renforcé...

La France facilite des parcours et des soins adaptés.

Faciliter l'accès aux soins de santé: depuis janvier 2015, les contrats passés entre les agences régionales de santé (ARS) et les maisons de santé pluridisciplinaires comprennent des objectifs concernant l'accueil des personnes en situation de handicap. Aujourd'hui il existe 436 maisons de santé pluridisciplinaires en France et 493 nouveaux projets ont sélectionnés en 2015 par les ARS.

Adapter le financement des établissements et services médico-sociaux pour que les ressources soient mieux ajustées aux besoins individuels de soins ; réforme en cours de la tarification des établissements et services accueillant des personnes handicapées, lancée en novembre 2014.

Augmenter l'offre d'accompagnement : le programme pluriannuel de création de places pour un accompagnement tout au long de la vie des personnes handicapées (2008-2016) a prévu la création d'environ 40 000 places en établissements ou services sociaux ou médico-sociaux.

Et prend des mesures concrètes de simplification pour améliorer le quotidien des plus fragiles.

Faciliter l'accès aux droits en évitant les procédures répétitives et en accélérant les délais de réponse de l'administration : extension possible jusqu'à cinq ans de l'allocation pour adultes handicapées pour les taux d'invalidité compris entre 50 % et 80 % ; dématérialisation des échanges entre Maisons départementales des personnes handicapées (MDPH) et caisses d'allocations familiales (CAF) ; allongement de la durée de validité du certificat médical ; création d'une carte « mobilité inclusion » qui se substitue aux différentes cartes existantes.

Rapprocher les services publics et les usagers : rédaction en « Français facile à lire et à comprendre » des avis et décisions rendus par les MDPH et les CAF.

La 4ème Conférence nationale du handicap qui s'est tenue le 19 mai 2016 sous la présidence du Chef de l'Etat a permis de préciser la feuille de route des politiques publiques mises en œuvre notamment en matière de scolarisation , d'accompagnement médico-social et de soins.

En matière de scolarisation, la CNH a acté notamment le principe de pérennisation des emplois affectés à l'Education nationale à l'accompagnement des élèves handicapés avec la

transformation progressive des quelque 50.000 contrats aidés d'auxiliaires de vie scolaire en contrats d'accompagnants des élèves en situation de handicap (AESH) sur une durée de 5 ans. Cette opération sera engagée dès la rentrée 2016 avec une première transformation d'environ 6.000 de ces contrats.

Pour ce qui concerne l'accompagnement médico-social et le soins , la CNH a décidé de mettre en œuvre une stratégie quinquennale d'évolution de l'offre médico-sociale, dans un cadre contractualisé avec les associations gestionnaires, en cohérence avec la démarche d'une « réponse accompagnée » pour tous. Une enveloppe de 180 M€ (2017-2021) sera consacrée à la création de places ou de solutions nouvelles et à la transformation de l'offre (moyens renforcés pour répondre aux situations les plus complexes, développement des pôles de prestations externalisées, développement des services d'accompagnement à l'appui d'un parcours scolaire, d'une vie professionnelle en milieu ordinaire, d'un logement autonome, etc.). Un volet spécifique de cette stratégie sera consacré au poly-handicap : il s'attachera notamment à la formation des équipes de soins et d'accompagnement, au renforcement des structures médico-sociales et au soutien des familles. Ces mesures contribuent à apporter une réponse opérationnelle aux exigences de la Convention de l'ONU de proposer des solutions à l'ensemble des personnes handicapées, quel que soit leur handicap et l'intensité des déficiences.

En ce qui concerne l'application de l'article 33 – pour la mise en œuvre et le suivi au niveau national de la convention ONU pour les droits des personnes handicapées :

Les points de contact et le mécanisme de coordination : l'Etat français a désigné des « référents handicap et accessibilité » dans chaque cabinet ministériel et dans chaque service ministériel. Une coordination de ces référents a été mise en place avec le Comité interministériel au handicap (CIH), le secrétaire général de ce comité pouvant les solliciter et les réunir pour la mise en œuvre tant du plan d'actions gouvernemental que de la Convention internationale.

Aussi, la désignation d'une autorité indépendante et constitutionnelle, le Défenseur des droits, comme mécanisme de protection, de promotion et de suivi de la Convention est de nature à en garantir sa mise en œuvre dans le respect de ses différents articles. Enfin, la participation des personnes handicapées et des organisations représentatives à l'élaboration et à la mise en œuvre de la politique du handicap est assurée notamment par le CNCPH.

Croatia

Committee on the Rights of Persons with Disabilities considered the initial report of Croatia (CRPD/C/HRV/1) at its 178th and 179th meetings, held on 30 and 31st March 2015, respectively, and adopted the following concluding observations at its 193rd meeting, held on 13 April 2015.

Committee on the Rights of Persons with Disabilities published its Concluding observations http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fHRV%2fCO%2f1&Lang=en

The most important strategic document for persons with disabilities is National Strategy for Equalization of Opportunities for Persons with Disabilities. The process of drawing up the new National strategy for persons with disabilities is in progress. It will be based on the results of the present strategy, the Analysis of Gaps in the Implementation of the United Nations Convention in Croatia and Concluding observations on the initial report of Croatia from April 2015.

The existing measures will be modified and new measures developed with the aim of an even greater transposition of articles of the Convention on the Rights of Persons with Disabilities into the national legislation and strategic documents. It is planned that the new National strategy has a more specific measurable indicators based on which we will get a realistic implementation output.

Latvia

Information on Latvian Presidency event

The Latvian Presidency to the Council of European Union hosted the High Level Meeting consisting of two parts: Ministerial Meeting and conference, taking place on 11 – 12 May, 2015, in Riga Latvia.

The event organised by the Latvian Presidency was supported under European Union Rights, Equality and Citizenship Programme (REC) 2014 – 2020 (Grant agreement VS/2015/0128).

The objective of the High Level Meeting was to identify progress and challenges after five years of ratification of the UN Convention on Rights of Persons with Disabilities in European Union.

High Level Meeting on Disability addressed disability policy issues from different angles. The event started with a meeting of representatives from the EU Member States' governments during which the participants informed about the latest developments and national measures implemented in the field of disability policy to implement the CRPD and with a particular focus on inclusive education. Achievements and further challenges were discussed together with Human Rights Commissioner, European Commission and European Disability Forum.

After the meeting, Latvian Minister for Welfare Uldis Augulis opened the conference entitled "From Inclusive Education to Inclusive Employment for Persons with Disability". The participants of the conference were also addressed by Mārīte Seile, the Latvian Minister for Education and Science, Maria Luisa Cabral, the representative of the European Commission Directorate-General for Employment, Social Affairs and Inclusion, Nils Muižnieks, the Council of Europe Commissioner for Human Rights, Yannis Vardakastanis, the President of the European Disability Forum and other distinguished guests.

Conference did have two Panel discussions "Towards disability policies based on human rights model" and "How to overcome barriers for successful employment?", and two Work sessions on Rights of children with disabilities with specific discussions in smaller groups on following themes "From inclusive education to employment" and "Inclusive education – doing away with barriers". Each part of the conference included presentations from the governmental and Member states practice, and distinguished guests representing the research and civil society perspective.

Ministerial Meeting comprised 36 participants with high level delegates from 17 Member states (ministers, vice-ministers, advisors to the minister, and parliamentary secretaries), COE, European Commission DG EMPL and EDF.

The Conference comprised 159 delegates from 28 Member states, COE, European Parliament, European Commission, ILO, UN Special Rapporteur, FRA, Eurofound, EDF, EASPD, EADSNE, ANED, Eurocities, EESC, and other well-known civil society organisations with expertise in disability issues, etc.

All materials are made available on the Ministry of Welfare homepage: <http://www.lm.gov.lv/text/3219> ; conference documents: <http://www.lm.gov.lv/text/3115>

Hungary

Committee on the Rights of Persons with Disabilities published its Concluding observations on the initial report of Hungary on 22 October 2012.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fHUN%2fCO%2f1&Lang=en

After the first reporting period, Hungary put in place the following measures to address the below mentioned recommendations.

Recommendation "12": The Committee recommends that the State party use the upcoming review of Act XXVI of 1998 on the Rights and Equal Opportunities of Persons with Disabilities to: ensure that it is in full compliance with the Convention and reflects the human rights-based approach to disability as embodied in the Convention; and to incorporate an inclusive definition of disability and persons with disabilities that is firmly rooted in the human rights-based approach to disability and encompasses all persons with disabilities, including those with psychosocial disabilities.

Measures put in place: Hungary was among the first countries in the world to ratify both the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol in 2007. Our initial report on the Implementation of the CRPD was submitted in 2010, the consequent constructive dialogue took place in September 2012. Since the review of the Disability Act in 2013, the definition of persons with disabilities is more in line with the provisions of CRPD, whereby accessibility became an obligation to ensure by all public services without any further delay, the national organizations of people with psychosocial disabilities and people with linguistic disabilities became members of the National Disability Council and its structure was transformed to gain more independence from the government. Furthermore the Government expanded the beneficiaries of the Budget Act with the below mentioned advocacy organizations (national organizations of people with psychosocial disabilities and people with linguistic disabilities).

Recommendation "14": The Committee recommends that the State party take effective measures to consult with and actively involve persons with disabilities, including children and women with disabilities, through their representative organizations, in the planning, execution and monitoring of public decision-making processes at all levels and in particular in the matters affecting them, giving them reasonable and realistic timelines for providing their views, and providing them with adequate funding in order to enable them to fulfil their role under article 4, paragraph 3, of the Convention.

Measures put in place: The main objective of establishing the National Disability Council is to strengthen the cooperation with the national organizations representing the interests of disabled persons. The National Disability Council is the main advisory and consultative body of the government, its main task is to transmit the views of the civil society in disability related questions. The Council, as an independent mechanism defined in Article 33 of the CRPD Convention facilitates, defends and monitors the implementation of the CRPD in Hungary. The Council meets regularly, it already had 4 meetings since November 2014. The Ministry of Human Capacities is always represented at secretary of state or ministerial commissioner level at its meeting.

Besides non-governmental organizations receive great financial support from the Budget Act for creating their own programs, and they have the opportunity to take part in public consultations. All programs affecting people with disabilities are preceded by extensive public consultation and the Ministry closely works together with representative bodies of people with disabilities. Furthermore the Interministerial Committee on Disabilities ensures the possibility for the non-governmental co-chair of the National Disability Council, to take part on the meetings of the Committee. Thanks for this opportunity the Council and the Committee are able to cooperate with each other.

Recommendation "18": The Committee recommends that the State party abolish the distinction made in the Act on the protection of the life of the foetus in the period allowed under law within which a pregnancy can be terminated, based solely on disability.

Measures put in place: The Equal Treatment Act establishes a framework for the fight against discrimination and specifies about 20 groups of people to be protected, among them, women and mothers (separately). It defines the concept of discrimination, names indirect discrimination as punishable and introduces the possibility of positive discrimination to remedy disadvantages. The provision of the Fundamental Law concerning the right to the human dignity of the foetus was not intended to change the access to abortion as a legal and safe option in case the conditions required by law are fulfilled. It should be emphasized that these conditions were the same under the previous Constitution which did not contain the provision referring to the foetus. The entry into force of the Fundamental Law did not change the circumstances in which it is possible to solicit an abortion.

Recommendation "20": The Committee calls upon the State party to adopt effective and specific measures to ensure equality and prevent multiple forms of discrimination of women and girls with disabilities in its policies, and to mainstream a gender perspective in its disability-related legislation and policies.

Measures put in place: The constitutional provision on the prohibition of disadvantageous discrimination also contains the prohibition of gender-based disadvantageous discrimination. It is proclaimed that Hungary also guarantees equal rights for men and women with regard to civil, political, economic, social and cultural rights. Based on the act on equal opportunities, the gender of persons is qualified as a protected attribute. The Governmental Decree no. 1004/2010 (I. 21.) on the National Strategy Promoting the Social Equality of Men and Women specifies the goals that are to be reached by 2021.

Recommendation "22": The Committee calls upon the State party to undertake greater efforts to make available the necessary professional and financial resources, especially at the local level, to promote and expand community-based rehabilitation and other services in their respective local communities to children with disabilities and their families, in order to enable children with disabilities to live with their families, as recommended by the Committee on the Rights of the Child (CRC/C/HUN/CO/2).

Measures put in place: The Child Protection Act states that children with disability or long-term illness have the right to special provisions to help their development and nurture their personality. It is more difficult to place the rest with foster parents due to their permanent medical condition or severe or multiple disabilities. But the trend is positive also regarding the indicators showing the placement of disabled children in care.

Based on data from 31 December 2011 from the KSH OSAP [Hungarian Central Statistical Office National Programme for Statistical Data Collection], the number of disabled children (including mentally disabled, other and multiple disabled children) among children receiving special child protection services (18,287 persons) were 3,158. 44.1% (1,393 persons) of those were being raised in foster families, 49.7% (1,567 persons) were being raised in children's homes, and 6.2% (198 persons) were being taken care of in Nursing and Care Homes for the Disabled operating within the scope of the Social Act.

Based on data from 31 December 2014 from KSH OSAP, the number of disabled children (including mentally disabled, other and multiple disabled children) among children receiving special child protection services (20,135 persons) was 3,455 and an additional 24 persons were children with autism. 56% of those (1,910 persons and 15 children with autism) are being raised in foster families, 46,2% (1,591 persons and 8 children with autism) in children's homes, while 7,6% (262 persons and 1 child with autism) are being taken care of in Nursing and Care Homes for the Disabled operating within the scope of the Social Act.

Every child raised in child protection services has a legal representative in the form of a child protection guardian. The professional child guardian - in order to ensure adequate care corresponding to the child's needs - represents the child's interests irrespective of the child's place of care, facilitates the exercise of the child's rights, and informs the care provider and the authority in charge about the child's opinion.

Recommendation "24": The Committee calls upon the State party to undertake efforts to meet the deadlines for removal of accessibility barriers set in its own legislation and policies, without any postponement of the set deadlines. The Committee calls upon the State party to additionally strengthen the monitoring mechanisms in order to ensure accessibility and to continue providing sufficient funds for the removal of accessibility barriers and the continued training of relevant monitoring staff.

Measures put in place: The Act XXVI of 1998 on the rights and equal opportunities of persons with disabilities, (hereinafter: Disability Act) included the above mentioned deadlines, but it has been already repealed with the great agreement of the concerning stakeholders (NGOs, Government, Experts). The working group of the main stakeholders have discussed the opportunity of a sanction system, but found it unnecessary. The decision of the repeal has a fundamental importance. The aim is to change the approach of 100% accessibility, because it is unattainable. Practically it is more useful – in the approach of reasonable accommodation – to treat the principles of universal design more rigorously in the case of the new or renovated buildings and the newly available or transformed services.

The TIOP 4.2.1 EU program aimed to measure the accessibility of public service institutions and establish a practicable long-term database which can be updated. Under the program there were more, than 7000 public service institutions measured. The project was realized in 2013. Moreover the TIOP 3.3.1. EU project aims to improve the accessibility of public service institutions. The available source are 5,2 billion HUF. The deadline of the project is 2015 December.

Recommendation "26": The Committee recommends that the State party use effectively the current review process of its Civil Code and related laws to take immediate steps to derogate guardianship in order to move from substitute decision-making to supported decision-making

which respects the person's autonomy, will and preferences and is in full conformity with article 12 of the Convention, including with respect to the individual's right, in his/her own capacity, to give and withdraw informed consent for medical treatment, to access justice, to vote, to marry, to work, and to choose a place of residence. The Committee further recommends that the State party provide training, in consultation and cooperation with persons with disabilities and their representative organizations, at the national, regional and local levels for all actors, including civil servants, judges, and social workers, on the recognition of the legal capacity of persons with disabilities and on mechanisms of supported decision-making.

Measures put in place: The automatic system of limiting the right to vote of people with psychosocial disabilities has been changed, and now it requires a court decision to impose any restriction on any person living with psychosocial disabilities. The newly adopted Fundamental Law introduced changes in several areas compared to the provisions of the former Constitution. Section 2 of Article XV of the New Fundamental Law of Hungary lays down the general prohibition of discrimination. Section 5 of Article XV of the New Fundamental Law guarantees that Hungary protects persons with disabilities by way of separate measures.

Sections 1 and 2 of Article XXIII of the Fundamental Law kept the guarantee that every major Hungarian citizen has general suffrage. Contrary to the previous regulation disenfranchisement can solely be made by virtue of court decision in due consideration of all relevant circumstances related to the concerned person and on the basis of an individual assessment of each case according to Section 6 of Article XXIII of the Fundamental Law, consequently the formerly applied automatism has been terminated. A similarly significant change is the examination of the capacity of judgement during the legal procedure, which is not carried out with a horizontal focus but with a special one that takes into account abilities in concrete fields, especially the exercise of the right to vote.

Act V of 2013 on the Code Civil – which entered into force on the 15th of March 2014 – converted the system of placement under guardianship and, in addition to the limitation of capacity introduces other legal instruments for those major persons whose decision-making is hampered. Thus – in accordance with international legal norms and with due regard to the principle of necessity and proportionality – the Act refers to the opportunity of supported decision-making. Though it doesn't contain the rules of supported decision-making because the secondment of the supporter does not concern the capacity to act of the supported person. In order to introduce a separate legal instrument for supported decision-making and its detailed rules, a new Act (Act CLV of 2013 on supported decision-making) has been adopted, the aim of which is to support the decision-making of persons with limited judgment capacity, without the restriction of their capacity and considering the principle of necessity and proportionality. The implementation rules related to the Guardianship Authority were inserted into the provisions of the Government Regulation 149/1997. (IX.10.).

Since the introduction of the new legal instrument regular consultations have been held with the National Judicial Office (NJO), and according to its data, since 2013 positive changes can be observed, whereas in 2013 the number of non-disenfranchised persons was 1333, while upon the 20th of May 2015 this number amounted to 3044.

In October 2014 the NJO conducted a review with the aim of testing domestic judicial practice as regards the examination of the capacity of discretion related to the exercise of

suffrage for persons placed under guardianship. Aims of the study included inter alia to reveal what is the proportion of cases when persons under capacity excluding or limiting are at the same time excluded by Courts from the exercise of suffrage; what kind of practical aspects are being considered by judges during the procedure; how strict or permissive is the examination with regard to the capacity of discretion related to suffrage.

The NJO - in accordance with its testing methodology - examined questions asked; facts, circumstances underlying the judicial evaluation; as well as whether or not the limitation of the legal capacity automatically involved the exclusion from suffrage. The method of the study was the review of 30-30 cases - sent in by district courts on request - in line with the above mentioned aspects, ask for the opinion of judges sentencing in cases of placing persons under guardianship, and following that answer the above mentioned questions, in line with the judicial practice followed by individual courts.

The period under review – in view of the study carried out in 2013 on the basis of a similar request – covers those legally binding cases related to placing under guardianship, which were completed in 2014, and in which the exclusion from suffrage of persons who are placed under guardianship was also the subject of the proceedings.

The judicial practice was consolidated by the Records issued following the National Conference of Civilistics Colleges held between the 21st and the 23rd of May, in which it was unequivocally specified that in all guardianship suits (placement under guardianship, and its amendment, the review of the placement under guardianship) the court should ex officio stipulate whether or not the person under guardianship can exercise his/her right to vote. Several courts have indicated that a conference was held, with the involvement of the public prosecutor's office, the guardianship authorities and experts in relation to placement under guardianship and exclusion from suffrage in order to have unified judicial practice at tribunals belonging to the court's territory, as well as to promote that expert examinations and opinions better support the work of the court. Based on experiences gained from the review, it can be stated that courts seized in guardianship's cases put stronger emphasis on the examination of the capacity of discretion related to the exercise of suffrage following the entering into force of the new Civil Code, they more extensively order the provision of evidence and they dwell on more detailed description of revealed circumstances in the reasoning of judgments.

In order to minimize the degree of limitation of legal capacity, in addition to guardianship affecting legal capacity, or - if it is possible – instead of that to promote supported decision making, it is necessary to examine how the new legal instrument becomes effective and provide qualification/training for professionals involved. Therefore, the concerning mid-term Action Plan of the National Disability Program (2015-2025) provides for the review of the judicial and guardianship authority practice related to supported decision-making, and on this basis the development and launching of training programmes for judges, forensic medical experts, guardianship authorities, professionals working in social and health institutions, as well as child protection guardians.

Recommendation "28": The Committee recommends that the State party review provisions in legislation that allow for the deprivation of liberty on the basis of disability, including mental, psychosocial or intellectual disabilities, and adopt measures to ensure that health care services, including all mental health care services, are based on the free and informed consent of the person concerned.

Measures put in place: A person under guardianship can be placed under institutional care without the person's own consent only in cases when the patient displays dangerous or immediately dangerous behaviour. In this case patient consent shall not be mandatory, but in all cases an attempt shall be made to inform the patient to the greatest extent that possible.

Recommendation "30": The Committee urges the State party to amend Act CLIV on Healthcare and abolish the provisions thereof that provide for a legal framework for subjecting persons with disabilities with restricted legal capacity to medical experimentation without their free and informed consent. The Committee recommends that the State party implement the recommendation made by the Human Rights Committee in 2010 (CCPR/C/HUN/CO/5) to establish "an independent medical examination body mandated to examine alleged victims of torture and guarantee respect for human dignity during the conduct of medical examinations."

Measures put in place: Based on the Act CLIV of 1997 on Healthcare, the legal process of medical experimentation requires the consent of the patient in all cases, even if the person has disability. If the person is under guardianship, the legal guardian should agree as well, however the patient's consent is essential. There is a Medical Research Council established in Hungary. All medical experiments need the licence of the Scientific and Research Committee of the Council, which examines the ethical aspects of the experiment during the licensing process.

Recommendation "34": The Committee calls upon the State party to ensure that an adequate level of funding is made available to effectively enable persons with disabilities to: enjoy the freedom to choose their residence on an equal basis with others; access a full range of in-home, residential and other community services for daily life, including personal assistance; and enjoy reasonable accommodation with a view to supporting their inclusion in their local communities.

Measures put in place: The Hungarian Parliament – after a one and a half year preparatory period – adopted in April 2015 decision 15/2015 (of 07.04.) OGY on the National Disability Program (2015–2025). The new strategy is based on the evaluation of the past years and provides for a new framework for a long-term Hungarian disability policy (11 years). Based on the experiences of recent years, the NDP focuses on, among other things, the issue of the disabled person's family, enumerates in a separate chapter the steps to be taken for the multiple vulnerable groups including disabled children, disabled women and people with multiple disabilities. Emphasizing the importance of education and healthcare, accessibility, the strategic goals in these fields are defined in separate chapters (such as accessibility). The full **social participation of persons with disabilities** also includes ensuring accessibility to social services and benefits of appropriate quality for disabled persons. The concerning action plan is adopted recently by the 1653/2015. (IX. 14.) decision, with the basic aim of rendering tangible and accountable governmental measures to the goals of the Programme.

In 2011 the Hungarian Government adopted the strategy (2011-2041) for the replacement of social institutional capacities providing nursing and care for people with disabilities and the implementation of governmental tasks. The main goal of deinstitutionalization is to ensure the full enjoyment of human rights, increase the quality of life of persons with disabilities and develop and modernize the structure of social service provision. In the first three-year period of the 30-year-long strategy a tender of the Social Infrastructure Operational Programme was launched with 7 billion HUF overall amount. In the first two phases of the tender, 6 projects

were submitted (4 of them were related to care homes for disabled persons, 2 of them to psycho-social care homes). The applicants received nearly 6 billion HUF as total amount of support. The National Body for Deinstitutionalization was established to overview and approve the feasibility studies on the basis of the principles and objectives of the disability strategy. The Body outlines preliminary professional evaluation criteria by submitting professional proposals on the feasibility studies, determines the order of the implementation and takes part in the monitoring of the development, makes comments on the concept of utilisation of the infrastructure remaining after the deinstitutionalisation process indicated in the proposals and outlines the Action Plan for restructuring the institutions in every three years.

In the following period 36,2 billion HUF will be separated from the European Union funds for the replacement and the concerning projects.

Recommendation "35": The Committee further calls upon the State party to re-examine the allocation of funds, including the regional funds obtained from the European Union, dedicated to the provision of support services for persons with disabilities and the structure and functioning of small community living centres, and to ensure full compliance with the provisions of article 19 of the Convention.

Measures put in place: During the Programming Period 2007-2013, only those institutions providing services for persons with disabilities, persons with psycho-social disabilities, or addictions could apply for Social Infrastructure Operational Programme which has low capacity. Capacity expansion was permitted only in case of supported living. Supported living is a flexible combination of various forms of housing and supportive services. Nevertheless, the housing and support services separate from each other. Service users live in settlements in local communities while utilize the services in other place, unlike residential institutions where all these are located in the same building.

To ensure full compliance with provisions of Article 19 of the Convention, in the framework of Human Resource Development Operational Programme 2014-2020, the Hungarian Government intends to increase the deinstitutionalisation of social-care and to promote the shift to community based care, as well as to secure self-sufficient living for persons with disabilities. HRDOP promotes only those services which provide temporary care or rehabilitation.

The Hungarian Government plans to make basic social services available for people living in settlements lacking services within the framework of Territorial and Settlement Development Operational Programme by creating the infrastructures of new services, new capacities, as well as by the modernization of existing facilities.

Recommendation "37": The Committee calls upon the State party to take appropriate measures to enable men and women with disabilities who are of marriageable age to marry and found a family, as well as to provide adequate support services to men and women, boys and girls with disabilities to enable them to live with their families, in order to prevent or reduce the risk of placement in an institution.

Measures put in place: The so called „FECSKE” (Temporary Escorting and Caring for Families Looking after Disabled People) is a kind of stop-gap service that primarily supports the lives of the families concerned and their social integration. It gives appropriate (flexible

and personalized) answers to real needs that significantly influence the lives of families bringing up disabled children and adults and facilitate their employment. At the same time, it helps family members who occasionally long for some relaxation and charging.

The FSZK Non-profit Ltd (Equal Opportunities of Persons with Disabilities Non-profit Ltd.) annually supports the parents of children with disabilities through tenders from state resources. The number of the supported organizations is around 30 per year and 20 million HUF is launched for the tenders. The types of the supported projects are diversified: parents' clubs; lectures; mental health trainings; pair therapies; institutions' visits; training programme of mentor-parents, workshops, launching baby-sitting system, programs for supporting parents' job-seeking; developing webpages; publications; sensitization programs. The target group consists not just the parents but the grandparents, the foster parents, the brothers/sisters and the other members of the society as well, who are able to get in touch with the children with disabilities and their families, e.g. teachers, doctors, nurses, midwives, classmates. The further mission is that the affected families could live in a truly inclusive society.

Recommendation "38": The Committee calls upon the State party to take appropriate and urgent measures to protect persons with disabilities from forced sterilization.

Measures put in place: Based on the Act CLIV of 1997 on Healthcare, sterilization is not possible without the patient's consent, which should be given in the form of a written request based on health justification, even if the person concerned has disability. If the person concerned is under guardianship, court decision is required, but the court can only permit the request when application of other contraceptive method is not possible or not recommended due to health reason, and if this meets the person's will, or the pregnancy would endanger the person's health or physical integrity.

Recommendation "41": The Committee calls upon the State party to allocate sufficient resources for the development of an inclusive education system for children with disabilities. It reiterates that denial of reasonable accommodation constitutes discrimination, and recommends that the State party significantly increase its efforts to: provide reasonable accommodation to children with disabilities based on the student's individual requirements; provide students with disabilities with the required support within the general education system; and to continue training teachers and all other educational staff to enable them to work in inclusive educational settings.

Measures put in place: The service system providing counselling on special education, inclusive education, early development and care, expert and rehabilitation activity, etc. has totally been restructured since 2013, including the activity of the special committee. The objective of the structural changes is to improve access to quality care of children and students with special attention and education needs. The service system has been complemented with two elements, care of talented children, students and the kindergarten and school psychology service.

Provision for pupils with special educational needs within mainstream education may contribute to their successful education and integration in their communities. The Public Education Act provides for extra services and preferential treatment for SEN pupils, e.g.:

- local curricula of schools may allow SEN pupils to have longer time for meeting the requirements of a school year

- when calculating the headcount of kindergarten groups and school classes, SEN children/pupils are taken into account as two or three children, depending on the type of disability
- at exams, SEN pupils are provided longer preparation time and all the tools they needed during learning (e.g. computers, type writers) and may take an oral exam in writing or a written exam orally if needed

To develop the network of travelling special education teachers and therefore support inclusive mainstream education of students with special needs, a working group – with participation of professional organisations - has been established. The working group is preparing the detailed regulation of network of travelling teachers.

In order to develop the access to quality education of children with special educational needs and the prevention of unreasonable classification as disabled, modern diagnostic tests and diagnostic protocols (1 basic protocol, 10 specified protocols, 5 ECEC-specified protocols) have been developed in 2013-2015. For the sake of replacing outdated IQ tests the WISC-IV test has been standardized, inter alia, the Hungarian adaptation of one of the tests of this internationally known and widely used group of tests. 13 new assessment and development procedures were standardised and adapted. Experts (1036 people) who conducted diagnostics have been prepared in trainings. The content of this scheme was determined with regards to remarks of civil partners and the recommendations of the UN Disability Committee. The developments to combat unjustified classification are continuing.

Due to continuous developments, ratio of students who classified with mild intellectual disability decreased from 2% (2005/2006 school year) to 1,5% (2013/2014 school year).

Recommendation "44": The Committee recommends that the State party effectively implement the disability-specific provisions of the Labour Code and develop programmes to integrate persons with disabilities into the open labour market and the education and professional training systems, and to make all work places and educational and professional training institutions accessible for persons with disabilities, as recommended by the Committee on Economic, Social and Cultural Rights in 2008 (E/C.12/HUN/CO/3), through fulfilling the requirements of article 27 of the Convention, with a special view to further intensifying its efforts to increase the employment opportunities for women and men with disabilities in the public and private sectors.

Measures put in place: Please find information in chapter 4.

Recommendation "46": The Committee recommends that all relevant legislation be reviewed to ensure that all persons with disabilities regardless of their impairment, legal status or place of residence have a right to vote, and that they can participate in political and public life on an equal basis with others.

Measures put in place: The commitment of Hungary to ensure the right to vote as widely as possible was well illustrated by our putting particular emphasis on the barrier-free exercise of the right to vote by the 2014 elections. “The promotion of exercising the suffrage of voters living with disabilities” is stipulated among the main principles in Paragraph 2 (1) d) of Act XXXVI of 2013 on the electoral procedures (hereinafter: Electoral Procedures Act). In addition, Chapter 42 of the same legal act entitled “Support for voters living with disabilities” lays out the specific rules in relation to the persons concerned separately. These rules provide

several possibilities for the voters living with disabilities so as not to be hindered by their circumstances while exercising their right to vote.

There is a possibility to ask for a mobile ballot-box. Paragraph 88 of the Electoral Procedures Act ensures that persons living with visual impairments can request a notification form in Braille. They can use voting templates in Braille both in the case of voting in a polling-station and using a ballot-box. Beyond accessibility, these measures represent a substantial step forward in the safeguarding of secrecy and the freedom from interference of the vote. Another new possibility under the Electoral Procedures Act is to request information materials in easy language format, which may offer an important means to exercise the right to vote, with primary regard to persons living with mental disabilities or hearing disabilities with low linguistic competency.

Paragraph 166 of the Electoral Procedures Act regulates the obligation for each constituency to establish at least one polling-station in a barrier-free manner. According to the Paragraph 102 a) of the Electoral Procedures Act, those constituents who have requested to vote in a polling-station established in a barrier-free manner, but the polling-station originally designated on the basis their addresses is not accessible, shall be transferred to another voting register within the same constituency in the same town with a barrier-free polling-station by the local election office. The annex of the Electoral Procedures Act stipulates that information concerning the accessibility of the polling-station must be indicated in the records of the constituencies. These measures were also laid out in the information letters sent to all constituents in January 2014, as well as in Guidelines No. 180 and 182 issued by the National Election Office for notaries and foreign representation election offices with regard to the elections of the year 2014.

Recommendation "49": The Committee recommends that the State party systematize the collection, analysis and dissemination of data, disaggregated by sex, age and disability; enhance capacity-building in this regard; and develop gender- and age-sensitive indicators to support legislative developments, policymaking and institutional strengthening for monitoring and reporting on progress made with regard to the implementation of the various provisions of the Convention, taking into consideration the changes from the medical to the human rights-based approach to disability.

Measures put in place: Published data of Census 2011 as well as the publication of textual analysis contain data by sex, age and type of disability helping legal and political decision making.

Concerning social, child welfare and professional child protection statistics institutional data collections provide a wide range of data on the social provision of disabled people, however the scope is rather on services than people.

Statistics on social services and institutions cover people living with disabilities and provided by support service, day care for the disabled, or placed into short- and long-term social institutions for the disabled. Data on the number of recipients are available by gender and age-groups.

Facing the extended need for more detailed information on the institutionalized population with disabilities in 2013 we piloted to collect the number of disabled persons living in all types of long- and short-term residential social institutions (so far information was available

only on those living in specialized institutions). Unfortunately most of the data providers were not able to provide adequate information, they could not diagnose the disabilities of residents, the degree of physical or mental impairment without any medical examination. Only the clients, asking for placement in social institutions for the disabled, need to be pronounced as disabled by the committees of experts. From 2014 detailed data on the type of disability are collected only on residents of temporary homes, homes or residential homes for the disabled. The classification of disabilities is as follows: sight impairment, hearing impairment, physical disability, mental disability, speech disability, autism, multi-disabilities.

In the area of child welfare and child protection data collections (on children's homes, networks of foster parents and exterior places; on regional professional child protection services; on reformatories; on day-care of children) contain detailed information about children with disabilities. Data on children in care are available by gender, age or age-groups, place of care and type of care, by the placement status.

According to law children with disabilities are those with special educational needs: children with mental disability, children with cumulative disability, children with locomotor disability, children with sensory disability, children with speech disability, children with autism spectrum disorder, other disorders of psychological development.

Some detailed information about children with disabilities in day-care or in professional care was provided before 2012, however from 2013 we use the above mentioned standardized categories in all data collections on children ensuring comparability across years and data collections. Due to the harmonization data are also comparable with educational statistics using the same categories.

In many countries there is a lack of data on institutionalized population, in contrast we have – and had before 2012 – yearly data on children and adults with disabilities living in institutions, as a result of this we can support the process of legislative developments, policymaking and institutional strengthening.

From administrative data sources information is available on the recipients of different types of social benefits (e.g. disability support, increased amount of family allowance, personal annuity for the blind, child-care allowance for permanently ill or severely disabled children, benefits for persons with reduced working capacity, disability annuity). Data are usually available by gender, age-group and type of disability. However in some cases data on disability are together with those on severe illness. For the time being there is no possibility to extend the availability of administrative data.

In publications and analysis we use the human rights based approach to disability and try to depict a complex picture using data from different data sources (census, data collection, administrative source).

Yearbook of Welfare Statistics

http://www.ksh.hu/apps/shop.kiadvany?p_kiadvany_id=96119&p_temakor_kod=KSH&p_session_id=448115125986501&p_lang=HU

Short-term care of children:

<http://www.ksh.hu/docs/hun/xftp/stattukor/gyermekekgondozasa.pdf>

Care in reformatories:

<http://www.ksh.hu/docs/hun/xftp/stattukor/javitointezet.pdf>

Trusteeship:

<http://www.ksh.hu/docs/hun/xftp/stattukor/gondnoksag11.pdf>

Professional child protection:

<http://www.ksh.hu/docs/hun/xftp/idoszaki/pdf/allamigondoskodas.pdf>

Day-care of children:

<http://www.ksh.hu/docs/hun/xftp/stattukor/kisgyermnapkozbeni/kisgyermnapkozbeni.pdf>

Recommendation "50": The Committee recommends that the State party develop an appropriate data-collection system to understand the nature and characteristics of Roma persons with disabilities in general and children in particular.

Measures put in place: The topic of disability is also part of the program of the 10 % sample microcensus being carried out in 2016. There will be five supplementary surveys connected to the microcensus one of them being a survey about activity restrictions of persons with disabilities. The sample size of Disability survey connected to it covers about 2.5 per cent of the above mentioned population. The Disability survey contains the „short set” of Washington Group questions to ensure the detailed data on social participation of people with disabilities by levels of disability and by age and sex as usual. Using WG questions the publication and analysis of the results following the international recommendations would be available. This is a significant step on the way of transition from medical to social approach in the monitoring of living conditions of disabled people.

The ongoing reform of ESS - European System of Social statistics (intention to insert GALI question into all social surveys) will provide also a great possibility to analyse all survey data by disability status.

Recommendation "52": The Committee calls upon the State party to set up an independent monitoring mechanism in accordance with the Paris Principles and article 33, paragraph 2, of the Convention, and to ensure the full participation of civil society, especially organizations of persons with disabilities, in the monitoring process and framework.

Measures put in place: The National Disability Council is the main advisory and consultative body of the government, its main task is to transmit the views of the civil society in disability related questions. The Council, as an independent mechanism defined in Article 33 of the CRPD facilitates, defends and monitors the implementation of the CRPD in Hungary. Following the initiative of the Ministry of Human Capacities the setting up of the Interministerial Committee on Disabilities has been confirmed by Government Decree 1432/2015. (VI.30) (hereinafter: Decree). This high level governmental committee coordinates the legal proposals and initiatives relating to disability. On the basis of the third point of the Decree, this Committee serves as the coordination mechanism within the government as defined by Article 33 of the CRPD. The National Disability Council discussed and unanimously supported the setting up of the Committee. Furthermore the Interministerial Committee on Disabilities ensures the possibility for the non-governmental co-chair of the National Disability Council, to take part on the meetings of the Committee. Thanks for this opportunity the Council and the Committee are able to cooperate with each other.

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Hungary presents all the representative organizations' opinion in decision making and in the disability-related legislation. The Hungarian Decree-Law 1330/2013 rules the rights of National Disability Council (hereinafter: Council) to be involved in disability-related legislation. The Council can take amendments, suggestions for the Minister, responsible for equal rights. The Council participate in the preparation process of National Disability Programme.¹⁸

¹⁸ Hungary, Decree-Law 1330/2013 of 13 June, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=161163.243028

Austria

Recommendations of the UN Committee and activities in Austria – comparison

Committee on the Rights of Persons with Disabilities Concluding observations, September 2013	Activities in Austria (till the end of 2015)
1. The Committee recommends that the State party revise the German translation of the Convention in line with the Convention. The Committee further recommends that the State party ensures that persons with disabilities and disabled persons organisations be involved in the process of revision.	A task force in the Austrian Ministry for Foreign Affairs has reviewed the German translation and drafted a new document; members of disabled persons organisations were also part of this process.
2. The Committee recommends that the relevant laws be amended to include the concept of disability in accordance with the Convention.	See National Action Plan, Measure 12: Carrying out the assessment of disabilities in a way which complies with the UN Disability Rights Convention, and examination of the possibility of the establishment of a joint examination centre (till 2020).
3. The Committee recommends that the State party ensure that federal and regional governments consider an overarching legislative framework and policy on disability in Austria in conformity with the Convention. It is recommended that this policy should include frameworks for real and genuine participation by persons with disabilities through their representative organisations with respect to the development and implementation of legislation and policies concerning persons with disabilities in accordance with article 4 paragraph 3 of the Convention.	Meetings with representatives of regional governments (“Länder”) and NGOs have been started in September 2014. Main objective is an agreement of a common implementation of CRPD between the federal and the regional level.
4. The Committee recommends that the discrimination laws be strengthened by broadening the available remedies to include other remedies that require a change of behaviour in people who discriminate against persons with disabilities, such as injunctive powers. The Committee recommends that the State party examine the appropriateness of the current structures used to deal with situations of multiple discrimination.	Consultations with representatives of Chamber of Commerce and NGOs take place.
5. The Committee recommends that the State party abolish any distinction in the period	

<p>allowed under law within which a pregnancy can be terminated based solely on disability.</p>	
<p>6. The Committee recommends that the State party adopt effective and specific measures to ensure equality and to prevent multiple forms of discrimination against women and girls with disabilities. The Committee encourages the State party to mainstream a gender perspective in its disability legislation and policy, and to facilitate advocacy by and on behalf of women and girls with disabilities. The Committee also encourages the State party, including the Länder, to offer services which are accessible to and targeted at women with disabilities.</p>	<p>See Nr. 19; Programs in the areas of education and employment especially in order to support girls and women with disabilities.</p>
<p>7. The Committee endorses the recommendations of the Committee on the Rights of the Child and requests the State Party to implement those recommendations as speedily as is appropriate.</p>	<p>See Nr. 3 (deinstitutionalization) and Nr. 18 (inclusive education)</p>
<p>8. The Committee encourages the State party to take initiatives in relation to awareness-raising to effectively transform the perception of persons with disabilities based on the charity model and the "old-fashioned" understanding that all persons with disabilities need to be protected. Instead, the State party should make efforts to reinforce a positive image of persons with disabilities as holders of all the human rights recognized in the Convention. Furthermore, the State party should, in consultation with disabled persons' organisations, take specific measures, including awareness-raising campaigns, aimed at eliminating prejudices. The Committee recommends that further specific programs be established, in consultation with disabled persons' organisations, to address negative stereotypes and all practical impediments faced by persons with disabilities in relation to adoption.</p>	<p>A task force at the Federal Chancellor's Office (including persons with disabilities) has already finished his work. The results should be:</p> <ol style="list-style-type: none"> 1. a recommendation which should be observed when people with disabilities are described in all kinds of the media. 2. A digital platform for accessible digital media. 3. A digital platform on principles ("Do's and Don'ts) for journalists.
<p>9. The Committee recommends that the State party develop an overarching inclusive approach to accessibility in accordance with Article 9 of the Convention. The building standards should not be limited to buildings of a minimum size or capacity, but should apply to all public facilities in accordance</p>	<p>2015 was the last year of the period of transitional provisions of the Federal Disability Equality Act and for this reason a campaign of awareness-raising about accessibility took place in the last months.</p> <p>See also Nr.3 – accessibility is a main issue.</p>

<p>with article 9. The Committee also recommends decreasing the timelines of staged plans that currently operate in some cities and Länder and also the plan for subtitling ORF programs.</p>	
<p>10. The Committee urges the State party to provide information in its next periodic report on the specific measures taken to ensure its preparedness to provide persons with disabilities with the necessary support in the event of a disaster. The State party should also increase its efforts to implement the twin-track approach in order to fully achieve disability inclusion in all spheres of the Austrian Development Cooperation.</p>	<p>The Federal Ministry for Internal Affairs has taken up this point to develop an inclusive approach.</p>
<p>11. The Committee recommends that substituted decision making be replaced with supported decision making. The Committee recommends that Austria do more to ensure that persons with disabilities have access to supported decision-making and are not placed under guardianship. The Committee recommends that supported decision making structures should respect the person's autonomy, will and preferences, and be in full conformity with article 12 of the Convention, including with respect to the individual's right, in his/her own capacity, to give and withdraw informed consent for medical treatment, to access justice, to vote, to marry, to work, and to choose a place of residence. The Committee also recommends that disabled persons organizations be involved in all aspects of the pilot program on supported decision-making. The Committee further recommends that the State party provide training, in consultation and cooperation with persons with disabilities and their representative organizations of persons with disabilities, at the national, regional and local levels for all actors, including civil servants, judges, and social workers, on the recognition of the legal capacity of persons with disabilities and on mechanisms of supported decision-making.</p>	<p>The replacement of guardianship by supported decision making is prepared by a pilot program under the National Action Plan. A pilot project named „Support for Self-determination“ was started by the Austrian Federal Ministry of Justice in 2014. It is being tested at 17 local points in Austria. The new element is the establishment of a clearing point, where workers with special knowledge like psychologists or social workers try to find out an alternative solution by including the whole social environment of the person affected. Their special task is firstly to find out why a process like this was initiated and by whom and secondly what could be done to improve the situation of the affected person without guardianship.</p> <p>Also all laws concerning the personal rights of people with disabilities will be revised (for example: marriage, divorce, custody, secrecy of correspondence etc.).</p>
<p>12. The Committee urges the State party to take all necessary legislative, administrative and judicial measures to ensure that no one is detained against their will in any kind of</p>	<p>Deinstitutionalization is a main issue in the consultations with the Länder mentioned above (see Nr. 3).</p>

<p>mental health facility. It urges the State party to develop deinstitutionalization strategies based on the human rights model of disability.</p>	
<p>13. The Committee also urges the State party to ensure and that all mental health services are provided based on the free and informed consent of the person concerned. It recommends that the State allocate more financial resources to persons with intellectual and psychosocial disabilities who require a high level of support, in order to ensure that there are sufficient community based outpatient services to support persons with disabilities.</p>	<p>These services are in the responsibility of the “Länder” – see Nr. 3.</p>
<p>14. The State party should abolish the use of net beds, restraints and other non-consensual practices used against persons with intellectual, mental and psychosocial disabilities in psychiatric hospitals and institutions. It is further recommended that the State party should continue to provide training to medical professionals and personnel in the care and other similar institutions on the prevention of torture, cruel, inhuman or degrading treatment or punishment as provided by the Convention.</p>	<p>The Austrian Federal Ministry of Health issued a regulation, in which it is forbidden to use net beds since the 1st of July 2015.</p>
<p>15. The Committee recommends that the State party take further measures to ensure protection of women, men, girls and boys with disabilities from exploitation, violence and abuse.</p>	<p>In accordance to an initiative of the Austrian Parliament, the Federal Ministry for Labour, Social Affairs and Consumer Protection in cooperation with the Austrian Ombudsman Board is ordering a research study about violence and abuse against people with disabilities in institutional settings in Austria.</p>
<p>16. The Committee recommends that the State party ensure that the Federal Government and the Governments of the Länder place greater efforts on deinstitutionalisation and in allowing persons with disabilities to choose where they live.</p>	<p>See consultations with the Länder mentioned above (Nr. 3) – deinstitutionalization is a main issue.</p>
<p>17. The Committee recommends that the State party ensure that the assistance programs provide sufficient financial assistance to ensure that persons can live independently in the community. The Committee further recommends that the State Party harmonise and broaden its personal assistance programs by making personal</p>	<p>Consultations with the Länder about harmonising existing personal assistance programs take place (Nr. 3).</p>

assistants available to all persons with intellectual and psychosocial disabilities.	
<p>18. The Committee recommends that greater efforts be made to support students with disabilities in all areas of inclusive education from kindergarten to secondary school. It particularly recommends the State party to ensure that persons with disabilities, including children with disabilities and their representative organisations be involved in the day-to-day implementation of the models of inclusive education introduced in various Länder. The Committee further recommends that greater efforts be made to enable persons with disabilities to study at universities and other tertiary institutions. The Committee also recommends that increased efforts be made to train teachers with disabilities and train teachers who can sign with the necessary level of quality so as to enhance the education of deaf and hard of hearing girls and boys in accordance with the formal recognition of Austrian sign language in the Constitution of Austria.</p>	<p>A concept of pilot regions for inclusive education has been prepared. The program has been started in 3 regions in September 2015.</p> <p>In the school year 2013/2014 about 60% of pupils with special educational needs were schooled in integrative/inclusive settings.</p> <p>Sign language: A research study was ordered by the Ministry for Education and Women and the Ministry for Labour, Social Affairs and Consumer Protection. The result: There is a high need of additional interpreters in sign language. (see also National Action Plan on Disability 2012-2020, Measures 64-68).</p>
<p>19. The Committee recommends that the State Party enhance programs to employ persons with disabilities in the open labour market. The Committee further recommends that measures be put in place to narrow the employment and payment gender gap.</p>	<p>There are programs within the new Austrian Disability Employment Program 2014 - 2017.</p>
<p>20. The Committee recommends that more work be done to ensure that voting is fully accessible to all persons, irrespective of disability, and that voting information is provided in all accessible formats.</p>	<p>In 2013 and 2014 measures took place to facilitate voting for blind people.</p>
<p>21. The Committee recommends that the State party systematize the collection, analysis and dissemination of data on women and girls with disabilities and enhance capacity-building in this regard; that it develop gender-sensitive indicators to support legislative developments, policymaking and institutional strengthening for monitoring and that it report on progress made with regard to the implementation of the various provisions of the Convention.</p>	<p>A special survey concerning people with disabilities also including gender sensitive indicator has been realized by Statistic Austria in the last months of 2015. The results of this survey will be published in the next Austrian Report about People with Disabilities in 2016.</p>
<p>22. The Committee recommends that the full independence of the independent monitoring</p>	<p>Almost all regional governments have established monitoring committees (Salzburg</p>

<p>committee be guaranteed in accordance with the Paris principles. The Committee further recommends that the Länder create their own independent monitoring mechanisms to further coordinate disability policies and practices throughout Austria.</p>	<p>is on the way).</p>
<p>23. The Committee recommends that the Independent Monitoring Body be allocated a transparent budget and be given the power to administer that budget autonomously.</p>	
	<p>Sign language: To facilitate communication for all people who cannot speak German very well, video remote interpreting was developed especially in settings of health care. This is also very useful for deaf people. A special app for smart phones was created, financed by state aid of the Austrian Ministry for Labour, Social Affairs and Consumer Protection. Now deaf people have efficient support in their every-day-life-communications. This service is free of charge.</p>

Nation Action Plan of the Government of Austria:

http://www.sozialministerium.at/site/Soziales/Menschen_mit_Behinderungen/Nationaler_Aktionsplan_Behinderung_2012_2020/

Poland

Poland submitted its initial report drawn up in accordance with the provisions of Article 35 of the Convention on the Rights of Persons with Disabilities presenting the actions taken in order to implement the provisions of the Convention on 24 September 2014, i.e. at the appointed time.

The Committee on the Rights of Persons with Disabilities has not published its Concluding observations on the initial report of the Government of the Republic of Poland yet.

Sweden

Committee on the Rights of Persons with Disabilities published its Concluding observations on the initial report of Sweden on 12 may 2014.

During the reporting period Sweden put in place following measures to address below mentioned recommendations.

Recommendation (para 22) concerning Article 8, Awareness-raising:

Measures put in place: The Swedish Government has decided to assign the Swedish Agency for Participation to launch an information campaign on the Rights of Persons with Disabilities with the purpose to prevent discrimination. The Government points out areas of special concern, such as education, employment and labour market. Civil society has an important role in the implementation. Since the assignment will be based on the individuals own experiences, the disabled persons organizations are essential to involve.

Recommendations (para 6-62):

Measures put in place: The Swedish Government is presently preparing for a new disability policy that will follow the present strategy beyond 2016. The policy will be founded on the Convention on the Rights of Persons with Disabilities and take into account i.e. gender and child rights perspectives.

The recommendations from the Committee on the Rights of Persons with Disabilities shall be considered within the development of the future disability policy and be used in the work to develop a new disability policy.

The United Kingdom

The United Kingdom submitted its initial report drawn up in accordance with the provisions of Article 35 of the Convention on the Rights of Persons with Disabilities presenting the actions taken in order to implement the provisions of the Convention in May 2011, i.e. at the appointed time. The Committee on the Rights of Persons with Disabilities has not published its Concluding observations on the initial report of the Government of the United Kingdom.

Since this time the United Kingdom continues to implement a range of initiatives, programmes and policies aligned with the obligations set out in the Convention. Three example areas are provided below, but the list is not exhaustive.

Article 8: Awareness-raising

Over this reporting period, the UK has undertaken a number of activities to increase awareness of disability, making society more inclusive and ‘disability confident’. This work has included actions taken to raise general awareness in society, and strategic initiatives targeted at specific industries or professions. Examples include:

- The Accessible Britain Challenge - encouraged communities to become more accessible and inclusive, by providing a resource bank with guidance and case studies for anyone wishing to make their communities more accessible. The Accessible Britain Awards further promoted good practice by rewarding those excelling in increasing accessibility.
- The Disability Confident campaign – works with employers to increase their confidence in employing disabled people by promoting what disabled people can bring and correcting incorrect assumptions. 100s of employers have signed up to the campaign.
- The Built Environment, Professional and Education project – promotes inclusive design as an important part of education and training for all built environment professionals. As a result, an increasing number of universities are including mandatory modules on inclusive design in their courses, influencing the next generation of built environment professionals, such as architects and planners.
- In Education, improvements have been made to teacher training on how best to teach children with special educational needs; more than 80% of both primary and secondary newly-qualified teachers who responded to a recent survey stated that this training supported them in their classes.

Article 9: Accessibility

The UK is undertaking a broad spectrum of work to ensure continued improvements to the accessibility of a range of facilities and services across the UK. Progress is being made; for example, much is underway to ensure that public transport in the UK is more accessible than ever. Complimenting regulatory changes implemented regarding the design of public transport vehicles, the ‘Access for All’ programme provides an example of an initiative to increase accessibility to rail transport in the UK by strategically updating the UK’s station

infrastructure. ‘Access to All’, launched in 2006, was further extended in 2014 with an additional budgetary commitment of £160m to ensure continued progress is made.

In addition, the Department for Transport is currently working with the UK’s Disabled Persons Transport Advisory Committee (DPTAC) to draft an Accessibility Action Plan (AAP). The AAP considers user friendliness/ease of access for all modes of transport, and will be developed with input from a range of organisations and charities working with people of different disabilities. Inclusion of disabled people and their representative organisations in the early and on-going development of the plan once more demonstrates the UK’s commitment to the UNCRPD principle of including disabled people in decision-making processes.

In the area of accessible physical environments, work has included regulatory changes such as amending UK Building Regulations; it is now a requirement that where building work is undertaken, reasonable provision is made to enable disabled people to access and use the buildings once the work is completed. Regulatory changes of this sort compliment initiatives like the Built Environment Professional Education (BEPE) project and work with industries, such as the Football Premier league to increase access to stadia.

Providing information that is accessible to disabled people is important to the UK government. As such the accessibility requirements laid out in part 6 of the UK government’s design principles, published by the Government Digital Services, are being applied to the design of the government’s digital platform: www.gov.uk . This demonstrates a real commitment to increasing the accessibility of information and communication technologies. Other measures to increase accessibility of information include launches of video relay services (VRS) for deaf people, such as the contact SCOTLAND service, and the publication of a number of guidelines across the UK, such as NHS England’s Accessible Information Standard published in 2015 and Northern Ireland’s ‘Making Communication Accessible for All’ guide for Health and Social Care (HSC) staff.

Article 30: Participation in cultural life, recreation, leisure and sport

The UK has worked across government to engage with disabled people and industries to increase the accessibility of cultural life, recreation, leisure and sports. Taking such an approach is already having an impact with important steps forward being made. For example, accessibility to sporting events has been increased following work undertaken by the Office for Disability Issues and the Department for Culture, Media and Sport (DCMS) to engage the sports stadia industry in matters concerning accessibility. Following the publication of [a report on the subject](#) in 2015, the Government obtained a commitment from the Football Premier League to ensure that all of their stadiums were fully accessible. Work is now underway to extend this to other sporting stadia.

The UK acknowledges that not everyone is drawn to sports, though they may enjoy other forms of physical activity such as gardening and that physical activities of this sort can also be extremely beneficial for disabled people. As such the UK government has promoted and supported action to bring together sporting organisations and disabled people, with the aim of increasing participation in both sports and physical activity. This work has involved increasing the confidence of sporting organisations to include disabled people in their activities, and increasing awareness and confidence amongst some disabled people to participate.

Another example of work to increase participation is that underway with the hospitality industry. In recognition of the need to increase accessibility in the hospitality industry, the Minister for Disabled People engaged with leading hospitality organisations and trade bodies to raise this issue. At the end of a roundtable in early 2016, agreement on steps to increase the accessibility of their services was secured with leaders in the industry committing to implement a number of measures to lead the way in terms of improving accessibility in hospitality. The Office for Disability Issues continues to work with members in the group on specific actions and maintain a watching brief on improvements made.

3. ACTIONS AND STRATEGIES BY CIVIL SOCIETY TO IMPLEMENT THE UNCRPD

Civil society represents persons with disabilities and provides feedback to policy makers and input to policies. The European level non-governmental organisations contribute to the implementation of the UNCRPD and are active in its monitoring.

In 2015, the European Commission supported 10 EU-level non-governmental organisations that signed Framework Partnership Agreements with the Commission. They carried out activities to promote equal rights for people with disabilities, the implementation of the European Disability Strategy and of the UNCRPD. At the same time, they worked on capacity building of their national members and promoted self-advocacy. Very important actions were carried out regarding exchange of information, good practices and innovative initiatives for inclusion of people with disabilities, mutual learning, awareness-raising and promoting dialogue with national and EU bodies.

8 organisations were supported via Rights, Equality and Citizenship Programme 2014-2020.

European Disability Forum (EDF)

Key activities in 2015 focussed on review of the EU by the CRPD committee in Geneva, close monitoring and advocacy towards the EU on its employment and social policies, follow-up of European passengers rights legislation and relevant standardisation processes, promoting the adoption of EU policies and legislation in the fields of accessibility (the European accessibility act, the web directive), equal treatment and human rights in general (promoting the adoption of the horizontal equal treatment directive, the gender equality strategy of the EU). Activities in 2015 mainstreamed the rights of women and youth with disabilities and gave attention to persons with disabilities in need of high level support. Deliverables include a range of policy recommendations, surveys, trainings, communication materials and communication tools. 2015 was also a time of change and internal developments for EDF. With a new Director in place EDF systematically reviewed in working methods, both within the secretariat and membership, and put in place new systems of internal and external communication to strengthen and support our network.

Results/outcomes in mainstreaming the CRPD at the EU level were a highpoint of 2015. 2015 saw the historical EU review process at the CRPD Committee in Geneva. The major outcome of this was a comprehensive set of recommendations to the EU for the implementation of the CRPD which EDF will use as a basis for our future actions with our members. Another major outcome was the publication of the European Accessibility Act. This represents the results of years of advocacy to establish accessibility in Europe, and EDF welcomed it publicly as a sign of commitment from the Commissioner. EDF continued advocating along with its members and other organisations for the prompt adoption of the proposal for a Directive on the accessibility of public sector bodies' websites. Our work has resulted in a high level of visibility of this issue, and clear positions from the disability movement being communicated to the Council. EDF advocated coherently and effectively for the rights of persons with disabilities within the Digital Single Market Strategy.

At the international level, EDF worked at the EU level and with the International Disability Alliance at the International with positive results: the 2030 Agenda for Sustainable

development (previously referred to as the post 2015 agenda) and the Sendai framework for action for disaster risk reduction now both include persons with disabilities. EDF contributed to the Social Platform advocacy work towards the European Parliament on the Employment Guidelines. As a result the EP report included the proposed amendments with specific reference to persons with disabilities. EDF contributed to policy debates and responded to consultations in the field of long-term unemployment, statistics, European citizenship.

In 2015, EDF continued monitoring the impact of the economic and financial crisis on the rights of persons with disabilities and working within the Alliance against Disability Cuts. In the field of standardisation, EDF continued its work regarding the ongoing development of the European Commission Mandate 473 on Design for All. EDF succeeded in promoting a revision of the European Standard on e-Accessibility, the EN 301549 on accessibility requirements for ICT products and services, which can be crucial for the implementation of the Public Procurement Directive and other key EU legislation for persons with disabilities, such as the Web Accessibility Directive or the proposed European Accessibility Act. 2015 was an intensive year for events, which EDF organised, co-organised or participated in. EDF engaged with the European Commission throughout 2015, including meetings with Commissioner Thyssen, and DG EMPL DG Michel Servoz and Commissioner Mimica. EDF was part of the Ministerial meeting on Disability in Latvia, and organised, as Chair, a political meeting of the EUs independent monitoring framework.

Autism-Europe

In 2015, Autism-Europe took an active role in voicing the concerns of people with autism in the framework of the review of the implementation of the UNCRPD by the CRPD committee. Autism-Europe drafted an [alternative report and an answer to the list of issues](#). Its main concerns were reflected in the final observations published by the CRPD committee. We expect that these final observations will be followed-up by EU decision-makers and will thus have a positive impact on the lives of people with autism across Europe and their families.

On World Autism Awareness Day, Autism-Europe launched the transnational campaign “[Autism. Stop Discrimination](#)”, which was run in parallel with the campaign for the adoption of the Written Declaration on Autism of the European Parliament. Materials, including social media visual and banners were produced in 11 languages. On 2 April and throughout April, hundreds of people with autism, their families, political leaders, and CEOs showed their backing by writing messages of support on a piece of paper and taking selfies with them, which they then shared on different social networking sites such as Facebook and Twitter using the hashtag #AutismDay2015throughout April, hundreds of people with autism, their families, political leaders, and CEOs showed their backing by writing messages of support on a piece of paper and taking selfies with them, which they then shared on social media to raise awareness of the multiple forms of discrimination faced by people with autism across Europe.

This year, Autism-Europe also successfully supported the adoption of a [written declaration on autism](#). This was later adopted following the signature of the written declaration by 418 MEPs from all EU member states. The written declaration is calling for a European strategy for autism, to address the lifelong needs of autistic people. Autism-Europe hopes it will influence the agenda setting at the EU level in order to promote the adoption of policy actions at EU level that will support the full respect of the rights of people with autism and call on the

European commission and Member States to follow suit with the proposals made in the written declaration.

In December, Autism-Europe elected its first vice-President on the Autism spectrum. It reflects the fact that the organisation strives to promote the participation of self-advocates at all levels. The upcoming congress of Autism-Europe “Happy, Healthy and Empowered” also illustrates this trend, and self-advocates have been fully involved in the scientific committee in the congress, to make sure that their concerns are adequately covered in the event. Thus the congress (that will take place in 2016) is meant to be a major opportunity to foster dialogue between all concerned stakeholders and to be a platform to inform future research, to make sure it benefits fully autistic people.

Regarding the issue of employment, Autism-Europe has published various publications that may be of interest.

Report: [Protecting the rights of people with autism in the fields of education and employment - International and European perspectives \(2015\)](#)

This report provides an in-depth analysis of legislation and practices related to education and employment for people with autism in the EU Member States. It highlights good practices in these fields that are in line with the principles and obligations outlined in the United Nations Convention on the Rights of Persons with Disabilities (Articles 24 and 27). This report was published in cooperation with the ISGI.

Report: [Autism and work. Together we can. \(2014\)](#)

Studies have shown that between 76 and 90 per cent of adults with autism are unemployed. This report aims to articulate the issues and difficulties faced by people with autism in relation to employment across Europe. In the context of the United Nations Convention on the Rights of Persons with Disabilities, it outlines various forms of support that can be utilised to enable individuals with autism spectrum disorders to participate in employment. It also provides examples of good practices in providing this support which can inspire relevant organisations to create further employment opportunities for people with autism.

Inclusion Europe aisbl

Inclusion Europe promotes the rights and equal participation of people with intellectual disability and their families in society. Their activities are focusing on six main policy areas: legal capacity, participation, independent living, accessibility, inclusive education and health. Main activities included collaborating with other European disability organisations to make active contribution to the EU’s review in front of the CRPD Committee, contributing to the development of the CRPD Committee’s General Comments on inclusive education (Article 24¹⁹) and women with disabilities (Article 6²⁰), promoting the accessibility needs of persons with intellectual disabilities, with special regard to easy-to-read across Europe, studying structural support for self-advocates and working on developing the capacity of self-advocates and family members.

¹⁹ <http://www.ohchr.org/Documents/HRBodies/CRPD/DGD/2015/InclusionEurope.pdf>

²⁰ http://inclusion-europe.eu/wp-content/uploads/2015/03/IE_submission_GC_Art.6-CRPD.pdf

Inclusion Europe is supporting the European Platform of Self-Advocates and fighting for the active participation of persons with intellectual disabilities in all spheres of life, including policy and decision-making processes. We take part in organising conferences where persons with intellectual disabilities and family members can meet, exchange experiences and speak about their problems and successes (Europe in Action, Hear our Voices).

International Federation for Spina Bifida and Hydrocephalus

- **Improving knowledge** about SBH and human rights of people with SBH through analytical and campaign materials, members' training and provision information;
- **Improving processes** through ensuring effective and transparent governance and management; established a Youth advisory group; organised 1 exploratory mission; members' webinars;
- **Facilitating learning and exchange** through organising members' workshops, IS working group meeting;
- **Leading political advocacy** at the EU level and national level (support to members); assistance with advocacy in Lithuania on provision of catheters;
- **Campaigning and communicating.**

Key outputs:

- 1 3-day conference for 200-250 participants
- 2 General Assembly
- 2 Board meetings
- 2+ management committee meetings
- 1 contribution to CRC Committee call on the rights of adolescents
<http://www.ohchr.org/EN/HRBodies/CRC/Pages/CallRightsofAdolescents.aspx>
translated into Spanish: <http://www.ifglobal.org/en/2-uncategorised/4692-if-s-submission-on-the-rights-of-adolescents>
- 1 set of calendars featuring 12 UN CRPD articles
- 1 public statement on EU implementation of CRPD
http://www.ifglobal.org/images/IF_response_LoI_Art_25.pdf
- 2 members' workshops (Vilnius and Milan)
- 2 International Solidarity working group meetings
- 1 members' webinar (2nd one planned before the end of the year)
- 1 exploratory mission to country with no functioning SBH association (Latvia became an IF member Oct 2015)
- 1 case study on cross-border provision of health care, finishing up with a WS
- 1 meeting Youth advisory group + 1 meeting report
- 3 website news/month, 12 newsletters/year, 3 press releases/year, daily social media updates

- 1 advocacy mission – Lithuania
- 1 letter to the UN and the EU on the situation in Lithuania (to be implemented by the end of 2015)
- 1 meeting of the Global Expert Panel

European Network on Independent Living (ENIL)

One of ENIL's key activities in 2015 was participation in the **review of the European Union's implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD)** by the CRPD Committee. ENIL submitted a [Shadow Report](#) on the implementation of Article 19 and together with other disability organisations took part in the April and August sessions in Geneva.

On 5 May, disabled people in 22 countries celebrated the second [European Independent Living Day](#), coordinated by ENIL. The aim of this day, initiated by ENIL in 2014, is to raise awareness about Independent Living through protests, exhibitions, get together, the social media and other community events. On 3 December (the international day for disabled people) ENIL launched the Independent Living Research Network. The aim of the network is to collect research on Independent Living in order to facilitate the information flow on the subject and create literature lists on different topics of Independent Living. For more information on the Research Network please visit <http://www.enil.eu/news/enil-launches-the-independent-living-research-network/>

In cooperation with the Croatian Disability Ombudsman and the OSCE/ODIHR, ENIL co-organised a **Regional Workshop on Hate Crime against People with Disabilities**. The [workshop](#), which took place in Zagreb on 8 – 9 June, targeted young people who want to work with the issue of hate crime nationally. The second day offered a forum for government officials and law enforcement practitioners involved in preventing and responding to hate crime in Croatia to explore challenges and identify good practices and ways forward in partnership with disabled people.

From 29 September - 1 October 2015, ENIL held its [7th Freedom Drive](#). After six successful editions in Strasbourg, this one took place in Brussels. The main event of the Freedom Drive was the march through Brussels, after which a meeting was organised in the European Parliament hosted by MEP Marek Plura. Other activities organised included a conference on Independent Living, with a focus on the next generation, the general assembly, a celebration dinner and a film festival on Independent Living. During the [ENIL Youth Network](#) meeting, members agreed unanimously that the ENIL Youth Network should become formalized. The Youth Network was awarded funding by the Council of Europe to hold a week-long study session on Sexuality and Independent Living in June 2016.

During the year, ENIL continued its focus on the effect of austerity measures on access to Independent Living, by coordinating the **Alliance Against Disability Cuts**. The alliance, which met three times in 2015, brings together ENIL, Inclusion Europe, Mental Health Europe, Autism Europe, the European Network of Users and Survivors of Psychiatry, Disabled People Against Cuts, the European Disability Forum and the European Association of Service Providers for People with Disabilities. The main goal of the AADC is to adopt a parliamentary resolution against disproportioned austerity measures aimed at disabled people.

For more information about the AADC and the parliamentary resolution see <http://www.enil.eu/campaigns/resolution-against-the-cuts/>

ENIL continued its active participation in the **European Expert Group on the Transition from Institutional to Community-based Care (EEG)** and has provided one of the co-chairs starting with the second half of the year. It also contributed with expertise during the training of the EC officials, national seminars on the use of ESIF and other events.

Another important initiative in 2015 was the update of the ENIL Personal Assistance tables. In 2013 ENIL collected information about the different systems of Personal assistance (PA) in Europe in order to allow an easy comparison between countries and identify good practices. In 2015 ENIL members were asked to send information about new development in PA legislation to keep the PA tables updated. Both the new and the old PA tables can be found on <http://www.enil.eu/policy/personal-assistance-tables/>

ENIL produced several **new resources** on Independent Living:

- The Personal Assistance tables were updated, with comprehensive information on access to PA available for 20 countries. The information can be accessed [country-by-country](#), or in a [summary report](#).
- A booklet promoting the Freedom Drive [“First we take Strasbourg, then we take Brussels!”](#) was produced prior to the event, with a view of mobilising the next generation of Freedom Drivers.
- A [briefing on the use of European Structural and Investment Funds](#), published in April 2015 in the framework of the European Coalition for Community Living (ECCL), highlights the significant on-going issues which may impede the transition from institutional care to community living for disabled people. It provides examples from five Member States: Hungary, Romania, Slovakia, Bulgaria and the Czech Republic.
- A Myth Buster on Independent Living has been translated into [additional six languages](#): Bulgarian, Dutch, German, Hungarian, Lithuanian and Bosnian.

ENIL was one of the partners of the **Zero Project** in 2014 – 2015 and a number of our members won recognition for [innovative practice in Independent Living services and policies](#). In addition, ENIL coordinated a project promoting [Independent Living in Turkey](#) (ILNET), in cooperation with CIL Bulgaria and RUSIHAK Turkey, which ran from October 2014 until January 2016. It aimed to inform people with disabilities in Turkey about Independent by exchanging good practices and making them aware existing international and European human rights legislation. The goal is to increase the possibilities for disabled people in Turkey to advocate for the right to independent living. More information about the project can be found on the following website: <http://ilnet.enil.eu> **ELOSH** project, where ENIL was a partner, finished in September 2015 and resulted in a number of [resources](#) on housing with support and co-production.

Finally, in 2015 ENIL moved its Secretariat from Dublin to Brussels, allowing us to be closer to the European institutions and to advocate even more strongly for the right to Independent Living in the European Union. **ENIL Brussels office** employs an office manager and an advocacy officer and is located in Mundo J at Rue de l’Industrie 10.

European Blind Union (EBU)

In 2015, EBU continued to contribute to the development and implementation of EU law/policies through different activities. Relying on reactive, collective, modern, harmonised and effective campaigning, EBU pursued the work initiated years ago so that EU legislation in particular the long-awaited and finally published European Accessibility Act, fully addresses the needs of blind and partially sighted European citizens, more specifically regarding the detection of silent vehicles by B&PS pedestrians, access to books, website accessibility, and accessibility of payment terminals. To this end, EBU participated in a number of high-level meetings with key EU decision Makers in these areas. We also analysed and compared the implementation of the UNCRPD article 20 “Personal mobility” and carried out a pilot study to identify obstacles to the full participation of B&PS students in exchange programmes. Finally, we contributed to the development of the future rehabilitation guidelines of the World Health Organisation.

EBU also reinforced its members’ skills by delivering specific training and producing capacity-building materials with a view to improving campaigning on Twitter, empowering B&PS seniors, increasing blind and partially sighted youngsters’ employability, improving the delivery of services to an ever increasing number of partially sighted persons, and promoting and implementing gender equality. As a consequence, the number of blind and partially sighted persons directly benefitting from EBU-initiated training schemes increased.

EBU continued to raise awareness on blindness and low vision as well as on future challenges related to the ageing population through accessible dissemination channels/tools: newsletters, flash news, website, 2014 activity report. An action sheet on B&PS children and inclusion was also produced, and an internal Twitter Strategy was developed.

Activities implemented in 2015 will pave the road to new/complementary ones in 2016 and 2017, in line with EBU’s new strategic plan adopted on the occasion of EBU’s 10th general assembly (London, 26-28 October 2015).

Key results of the action:

- External evaluation report.
- Audit report.
- Twitter Strategy.
- 3 EBU position papers.
 - o EBU Response to the Regulatory environment for platforms, online intermediaries, data and cloud computing and the collaborative economy questionnaire in .doc and .pdf format (December 2015).
 - o EBU final response on the evaluation of the regulatory framework for electronic communications and on its review in .doc and .pdf format (December 2015).
 - o EBU Response to the European Commission Consultation on Directive 2010/13/EU on audiovisual media services (AVMSD) 'A media framework for the 21st century'. (September 2015).

- High-level meetings with key EU decision makers.
- Meeting of the EBU commission for Liaising with the EU, Tirrenia (Italy), 11-13 December. 21 countries represented.
- Recommendations on rehabilitation for blind and partially sighted people in Europe.
- Report on the implementation of UNCRPD article 20 "*Personal mobility*".
- E-workshop "*Accessibility of lifts – current status and next steps in relation to usability for persons with visual impairment*", 25 June, 21 participants.
- State-of-the-art report on the accessibility of exchange programs for students with visual impairment.
- Twitter masterclass, Paris, 8-9 October. 16 participants from 9 countries.
- VISAL facilitators training, Premantura (Croatia), 20-21 August. 5 participants from 3 countries.
- 3 full VISAL courses (7 sessions each) on empowering B&PS seniors – 26 participants:
 - o Hungary: 4 to 30 November – 8 participants.
 - o Italy: from 10 November to 1 December – 8 participants.
 - o Portugal: from 7 to 28 January 2016 – 10 participants.
- Toolkit "*Implementing standards for Low Vision services in Europe*".
- Toolkit on gender equality "*The future we want*" – English and Spanish.
- Training course on B&PS youth employability, Tirrenia (Italy), 29-31 July. 14 participants from 9 countries.
- 16 national short training sessions on B&PS youth employability – 219 participants:
 - o Estonia: On 17/12/2015 in Tallinn – 10 participants.
 - o Ireland: On 04/12/2015 in Dublin – 8 participants.
 - o Italy: On 03/12/2015 and 26/01/2016 in Bologna, on 18/12/2015 in Genova, and on 21 and 22/01/2016 in Milan – 30 participants.
 - o Netherlands: On 24/09, 06/11/2015 and 12/12/2015 in Utrecht, on 01/12 and 17/12/2015 in Amsterdam – 153 participants.
 - o Portugal: On 28/11/2015 in Lisbon, on 18/12/2015 in Oporto, on 19/12/2015 in Braga and on 05/12/2015 in Coimbra – 18 participants.
- Manual for inexperienced job-seekers with a visual impairment.
- 5 newsletters released in February, April, June, September and December.
- 12 internal flash news.
- Website continuously updated.
- 2014 activity report.

European Union of the Deaf (EUD)

EUD completed all activities related to the general management and coordination of the project, project monitoring, financial management. It included also activities to enhance co-operation with EUD Affiliated Members, candidate & new Member State countries; quality control procedures; and activities to improve EUDs financial stability by expanding its individual and sponsoring membership categories.

One of the main responsibilities of EUD was supporting all members in mainstreaming the UNCRPD in the EU agenda and to promote and follow up recommendations of the United Nations to the EU on the implementation of the UNCRPD, especially in all EU policy areas and legislations. We followed the priority areas of the UNCRPD and conducted meetings with National Associations of the Deaf to ensure the implementation of the convention, especially at the EU level. We supported the implementation of the UNCRPD by attending and contributing to a series of high-level meetings hosted by various organisations such as the European Economic and Social Committee (EESC). We published a book focusing on Article 33 of the UNCRPD. In partnership with European Disability Forum (EDF) EUD campaigned and advocated for human rights and social inclusion especially with the inclusion of both fundamental rights and equalities in EU treaties. We organised a major conference focusing the term 'reasonable accommodation' in the European Parliament under the auspices of the 30th anniversary of EUD.

EUD raised awareness of the deaf communities across Europe, at the EU level, focusing on decision makers and stakeholders and arranged seminars in Zagreb and Luxembourg in conjunction with board meetings in various EU Member states, raised awareness of all relevant EU issues as well as following up the UNCRPD and to provided them with guidance tools on the implementation of the legislation and policies adopted at EU level. We organised workshops under the umbrella of the EUD General Assembly, to inform members of specific and relevant EU issues, as well as following on the UNCRPD Article 33 and to strengthen cooperation and information sharing. We maximised EUD's well-practiced media output using all aspects of its website and social media network.

High visibility of EUD's support of the European Commission's Disability Strategy and its implementation EUD is the only ENGO with such a focused media output with the direct reach to over 2.5 million people through the expert use of its social media network. We redesigned EUD website making it the most cost-effective, informative and user friendly channel, communicating to such a diverse audience.

The key results of the project:

In 2015, EUD accomplished all of its objectives and more. At EU level, very few stakeholders will be able to claim unawareness of the rights and needs of deaf sign language users. EUD's member associations both benefited from and contributed to EUD's successful activities in 2015.

EUD's activities address policy area RDIB - Rights of persons with disabilities. EUD has been fighting for the rights of deaf people for over 30 years and is in a unique position to make sign language visible at all levels by attending and speaking at high-level events. It is the only organisation at European level representing deaf sign language users in all 28 EU Member States, including Iceland, Norway, and Switzerland, as well as associate

members in five further States (Turkey, Serbia, Bosnia & Herzegovina, Israel, Macedonia). Through our members we represent over 1 million deaf sign language users in and around Europe. No other European-level organisation can provide the same expertise and knowledge, especially in sign language.

The European Disability Strategy 2010-2020 identifies actions at EU level to complement and support national efforts in eight priority areas: (1) Accessibility, (2) Participation, (3) Equality, (4) Employment, (5) Education and Training, (6) Social protection, (7) Health, and (8) External Action. EUD's objectives and activities address all of these priority areas. EUD actively supported, promoted and monitored the full and effective implementation of the UNCRPD by the EU and its Member States, focussing on the rights of deaf sign language users of all ages and persuasions. Activities to this end included awareness-raising, data collection and statistical analysis. Results were disseminated to member organisations and all relevant stakeholders by electronic means (website, social media), print (books, papers), conferences, seminars and networking.

Stereotypes and negative attitudes towards deaf people are still common and an awareness deficit must be addressed within the EU institutions, policymakers and at national and regional level. EUD wants the EU institutions to become a positive example for all other Member States and the UN, both when it comes to providing access but also when it comes to awareness and employment as well as educational policies and the European Accessibility Act in relation to accessible goods and services, and other related pieces of legislation that fall within the scope of the implementation of the UNCRPD. EUD actively promotes and supports the involvement of the national member associations in these activities.

Case in point, why is it that deaf people are expected to find the 'solution' to communication barriers? Why do EU funding mechanisms assume that interpreting costs will be paid for from the core grant of a project, which effectively disadvantages EUD vis-a-vis organisations where these essential access costs are not incurred? Meaning project funds go toward making project team meetings accessible when that money should rightly be going towards project outcomes. EUD strongly suggests that a separate form of funding be made available to cover interpreting costs, this is essential to ensuring parity of participation by sign language users.

EUD takes a crosscutting non-discriminatory approach to monitor, analyse and influence legislation that specifically relates to disability (UNCRPD, European Disability Strategy 2010-2020) as well as disability matters in mainstream EU and national policies. EUD added a sign language user dimension to European and national policies. In all its activities, EUD fought discrimination on other grounds (gender, religion, race) as well.

EUD's core values are deeply embedded in its democratic and participatory structure and aim to empower of deaf sign language users. This is reflected in the composition of staff and Board of the organisation: all Board members and all leadership personnel, as well as a general majority of staff are deaf sign language users. Only an organisation with such expertise can effectively advocate the human rights of deaf sign language users, in the spirit of the disability movement's 'Nothing about us without us' slogan.

Mental Health Europe

[Mental Health Europe](#) is an umbrella organisation which represents associations, organisations and individuals active in the field of mental health and well-being in Europe, including (ex)users of mental health services, volunteers and professionals. MHE's work is underlined by a human rights based-approach to health and the UN CRPD. In 2015, all activities undertaken by MHE pursued the same objectives -to ensure the mainstreaming of mental health in all policies and to support the implementation of the UN CRPD in the EU and its Member States.

Policy work

During 2015 MHE engaged with the review of the EU by the CRPD in September by contributing to the European Disability Forum's Alternative Report to Committee on the Rights of Persons with Disabilities as well as their response to the List of Issues and attended the review in Geneva in order to carryout targeted lobbying and take part in preparatory meeting with the Committee. Following the review, MHE formulated an internal action plan to help strategically plan how to raise awareness about the recommendations and monitor implementation. MHE provided input to the European Parliament on their own-initiative report on the implementation of the UNCRPD including by providing comments on the draft at hearings and in bilateral communications with the Special Rapporteurs and contributed to some opinions to the draft from other Committees.

MHE provided a [submission](#) to the Council of Europe in relation to a worrying draft Additional Protocol to the Oviedo Convention on 'involuntary placement and treatment' for persons with mental health problems. In this submission MHE raised concerns about the compatibility of the proposal with the UN CRPD and called on the Council to focus on harmonising rather than polarising the EU and UN human rights systems.

MHE also carried out activities focusing on a number of article of the UNCRPD, including:

- Article 4.3: A [position paper](#) was published on the International Classification of Diseases calling for users/persons with psychosocial disabilities to be involved in its construction based on the principles of participation in the UN CRPD.
- Article 12: MHE continued to promote [Personal Ombudsman system](#) and has been working towards abolishing guardianship regimes (raising awareness of the issue, through presentations as part of conferences, statements at conferences, through the promotion of the advocacy video). [Promotion](#) of the MHE [Mapping Exclusion Report](#) on institutional and community-based mental health services in Europe continued.
- Article 19: Continued work as a member of the [EEG on the transition from institutional to community-based care](#) including the organisation of an event in Poland which took place this year. MHE Senior Policy Adviser Jan Pfeiffer was Co-chair of the EEG during 2015. MHE participated in a number of meetings related to DI throughout Europe and trainings for European Commission's officials in Brussels during 2015 as well as provided input to ongoing EEG activities. MHE joined the EEG's communications taskforce to support the development of a specific communications strategy (website, new logo, external relations) as well as the taskforce on DI in the West which focuses on the specific challenges encountered in West Europe when implementing the transition to community-based care.

- In relation to Articles 5, 14, 15, 17 and 25: MHE has worked to promote alternatives to forced treatment and placement and focused on equal access to physical and mental health. A policy on the right to access mental healthcare on an equal basis with physical healthcare and the right to access recovery-based mental healthcare in particular was developed and presented at conferences.
- Article 27: MHE worked on having persons with disabilities included in the long-term unemployment recommendation proposed by the Commission last year. MHE continued to promote the [Individual and Placement Support](#) method of employment support for persons with psychosocial disabilities.

MHE carried out additional activities promoting and raising awareness of the UNCRPD including:

- Training members on human rights with a National Platform event in Slovakia which focused on mental health of children, human rights and DI. A specific workshop was also organised on the EU review during a capacity building event held in November.
- Mainstreaming of the UN CRPD in the work of the [Joint Action on Mental Health and Wellbeing](#) through comments on the various work packages including one on community-based services.
- Work on empowering people with psychosocial disabilities through ongoing collaboration with ENUSP who is supported financially by MHE to hold an annual seminar which last year took place in Brussels. MHE ensured that the voice of persons with lived experience is strong within MHE governance structure by being represented in the Board, Committees and Taskforce.

Communications work

MHE published four press releases in relations with the UN CRPD review process but also for the International Day for Persons with Disabilities:

- [What we want you to know about the International Day for Persons with Disabilities](#)
- [World Mental Health Day - Dignity in Mental Health](#)
- [We are moving in the right direction! Mental Health Europe welcomes the UN's recommendations to the EU](#)
- [Mental Health Europe in Geneva for the EU-CRPD review](#)

MHE participates and is active in various alliances and coalition. MHE's [MEP coalition for mental health and wellbeing](#) aims to push for the mainstreaming of mental health as well as more EU parliament involvement in the UN CRPD implementation process with a specific focus on persons with psychosocial disabilities. MHE continued to be involved in the EU Alliance against Disability Cuts and also attended numerous events and conferences which concern the rights of persons with disabilities throughout 2015.

2 organisations were supported via the EU Programme for Employment and Social Innovation.

European Platform for Rehabilitation (EPR)

In December 2014 EPR organised an event addressing the Employment of people furthest from the labour market and the transition from school to work. It explored good practices to support the labour market integration of young people with disabilities, and related EU strategies. It launched the report on transition services for youth with disabilities, which analysed good practice in service provision from amongst EPR members and presented recommendations for service providers and policy makers to ensure effective service provision. The report is available [here](#) and the information from the event can be found [here](#)

In November 2015 EPR organised a public seminar which explored how specialized service providers can best promote the inclusion of persons with disabilities in the workplace and community and design effective support in the mainstream environment. Interventions from stakeholders considered future steps and responses; how such services are or can be supported and promoted by public authorities, the EU and other actors. The event showcased good practices from EPR membership and launched the EPR Study on the Delivery of Services in the Mainstream Environment, analysing good practice and presenting practical and political recommendations to support the development of community-based services. Information from the meeting can be found [here](#). The report is available [here](#).

In 2014 and 2015 EPR organised five national awareness raising events each year, on the quality of social services for persons with disabilities (in [Estonia](#), [Sweden](#) and [Poland](#)), the employment of people furthest from the labour market (in the [UK](#), [Lithuania](#) and [Croatia](#)), services to people with mental health difficulties (in [Spain](#) and [Ireland](#)) and on Community-based services and mainstreaming (in [Denmark](#) and [Greece](#)). The meetings reached hundreds of practitioners and policy makers and raised awareness of barriers to inclusion, spread knowledge of good practice and tools for service improvement from across Europe. Meeting reports and presentations are available on EPR website.

EPR's 2015 Annual Conference focused on the collaboration with employers as a key factor to boost the inclusion of people with disabilities in the labour market. The programme of the conference both reflected the needs of the labour market by including employers' representatives and explored innovative projects that have been successfully implemented by EPR Members to tackle the current low rates of employment of people with disabilities through close cooperation with employers. EPR's 2014 Annual Conference addressed impact assessment in rehabilitation – a driver for sustainability and continuous improvement. The programme reflected the perspectives of clients, service providers and funders and enabled participants to leave with concrete tools for service development.

In 2015 the impact of the European Semester and the UNCRPD on the right to work of people with disabilities was the subject of an online webinar, training staff from EPR members. An analytical paper was also developed on the topic. This can be found [here](#). A paper was also developed analysing key EU employment initiatives and their relevance for people with disabilities and service providers in the field. This can be found [here](#).

EPR developed a new public e-learning platform and launched two training modules, which include educational videos and compilations of key resources. The [2014 module](#) examined the importance of quality in social services and how the UNCRPD can be used as a guideline for the enhancement of community-based disability services. In 2015 the resource presents an

introduction to mental health and addresses mental and physical well-being. This can be found [here](#).

European Association of Service providers for Persons with Disabilities (EASPD)

The European Association of Service providers for Persons with Disabilities (EASPD) advocates effective and high-quality disability-related services in the field of education, employment and individualised support, in line with the principles of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD). EASPD's work and activities are based on three key pillars: **Information**, **Innovation** and **Impact**. The promotion of the rights of persons with disabilities as enshrined in both the UN CRPD and the European Disability Strategy (EDS) is channelled through these pillars. This section presents the main accomplishments of EASPD during 2014 and 2015 to promote the rights of persons with disabilities.

Impact

EASPD represents over 11.000 social and health services for persons with disabilities across Europe and disability. This broad network allows EASPD to have direct input from the disability sector on what are the needs in the sector and to promote the implementation of the UN CRPD and the European Disability Strategy. The input provided by the EASPD member organisations is channelled by EASPD's secretariat through its policy work and communicate to EU institutions (European Parliament, European Commission, European Council and the European Economic and Social Committee) and to the United Nations.

As part of its **cooperation with the United Nations (UN)**, EASPD was accredited to the UN Conference of States Parties in 2014. This major event for the international community working on disability issues occurs once a year and aims to look at the CRPD's implementation and the exchange of views and expertise on the CRPD's articles. EASPD carried out several policy and communication actions in 2014 and 2015 to contribute as much as possible to the UN's work. [In June 2014 EASPD took part in the 7th session of the Conference of States Parties](#) and promoted it on its Website and among its membership by [creating a specific section on the EASPD Website](#). In 2015 EASPD also participated to the **8th session of the Conference of States Parties** in New York and organised a Side Event entitled "[Development of co-produced community-based services to enjoy rights and be included in the community](#)" that focused on article 19 of the CRPD. EASPD developed communication actions before, during and after the event (announcement, press release, social media promotion).

2015 was also the first year for **the assessment by the United Nations of the European Union's progress on the implementation of the CRPD**. During the whole year, EASPD has been following up the EU-UN dialogue and has contributed to the different steps of the process. At the beginning of 2015, an **alternative report** (1.2 annexes) was sent by the EASPD to the UN compiling the views of service providers for person with disabilities on the progress made on the compliance with the UN CRPD by the EU. EASPD took also part to the two steps (hearings) of the evaluation in Geneva. In the **first phase** (April 2015), EASPD sent to the UN an [alternative list of issues](#) of the EU report and brought it to the hearing in Geneva. During the **second phase** (August 2015), EASPD participated to the hearing in Geneva and organised a side event entitled "[How can the European Union better facilitate the changing](#)

[role of support services in the implementation of the UN CRPD?](#)” After the announcement of the UN final conclusions, EASPD also contributed by sharing a [press release](#) with its network on the conclusions and the importance of those recommendations for the support services. EASPD’s presence at the hearings in Geneva and the conference in New York allowed the organization to strengthen the mutual learning relationship with the EU and the UN.

In parallel to this important process, EASPD also organised several events focused on the CRPD principles and the European tools available to implement them such as the European Disability Strategy or the European Semester.

Coinciding with the International Day of Persons with Disabilities [3.12], EASPD organised in 2014 a [Speed Dating event to exchange with the newly elected MEPs on their priorities for the disability sector during the new term](#). Service providers from across Europe gathered in the European Parliament and analysed with key European politicians the main issues regarding the disability sector: Mr. Juncker’s Jobs, Growth and Investment package; the need for a stronger social dimension in the European Semester, the mid-term review of the Europe 2020 strategy, the work plan 2015-2020 of the European Disability Strategy and progress made in Europe regarding the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), in particular the transition from institutional to community-based services.

In June 2015, EASPD organised a **Hearing in the European Parliament** to address the need to strengthen the structural cooperation between persons with disabilities, their families, decision makers, support services and the organisations representing persons with disabilities to facilitate the implementation of the UN CRPD. [The Hearing](#), based on the EASPD multiannual strategy “[Reaching Out](#)”, served to launch a debate on co-production, as an inclusive working practice between experts by experience (users) and organisations being of support that is essential to comply with the CRPD principles. The event gathered the key stakeholders to exchange the best way to develop co-production processes in Europe and warned that the existing EU and national legal frameworks do not always follow the realities and needs on the ground.

Both in 2014 and 2015, EASPD organised its annual **Policy Impact Group Seminar** focused on the European Semester (ES) and how this European process could be considered as a tool to facilitate the implementation of the CRPD. In both seminars, EASPD presented two publications that explain the ES process and its implications for the social sector and include the messages addressed to the European Commission from the support services sector in several European countries: “[Europe 2020 and the European Semester. Bringing Wellbeing to All?](#)” (2014) and “[How can the European Semester help to implement the UN CRPD?](#)” (2015). These publications propose recommendations to policy-makers at National and European level.

The implementation of the CRPD also needs the involvement of society, especially for the realization of some rights such as the right to live independently, the right to work and the right to education. Since the adoption of its multiannual strategy in 2014, EASPD is reinforcing its cross-sectorial cooperation. For that, EASPD organised **two cross-sectorial annual conferences each year**.

In 2014, EASPD first organised an [annual conference in Siegen](#) (Germany) on the implementation of the UN CRPD in municipalities, communities and local entities,

highlighting the importance of community living (see 2.6 annexes). Then, in October 2014, [EASPD's Oslo annual conference](#) focused on Social Housing and article 19 of the CRPD (see annexes 2.5).

In 2015, EASPD's **Zadar annual conference** of May addressed article 27 of the CRPD. The conference "[Persons with Disabilities in Employment: Inclusion through Jobs - Making it Real](#)" showcased best practices from across Europe on supported employment and inclusive jobs. Participants had the chance to understand what support persons with disabilities need to successfully integrate in the open labour market and to be able to access a job after finishing school. The nominees of the Employment for All awards were announced and the "[Employment for All](#)" booklet presented. The booklet includes the 10 best practices on supported employment. On the second half of 2015, EASPD organised the **Salzburg annual conference** "[Inclusive teaching programmes: Let's develop it together!](#)" and it focused on article 24 of the CRPD. The conclusions of the conference were included in a final report and also promoted on the European Commission's platform EPALE through the publication of an [EASPD's editorial](#) on inclusive education.

EASPD is also involved in the **European Expert Group (EEG) on the Transition from Institutional care to community-based care since its creation**. On the 24th September 2015 the EEG sent a letter to President Juncker calling for the Commission to promote deinstitutionalisation in the European Union through the Annual Growth Survey (AGS). As a member of the EEG, EASPD was one of the signatories and we also contributed to the writing of the letter with other member of the EEG.

Innovation

EASPD's strategy is also focused on fostering innovation at all levels of service provision throughout Europe. The promotion of innovation in our field is also channelled through the development of **European projects** together with our network of member organisations. These projects serve to carry on research as well as to exchange best practices on developing key new responses to continuously evolving social needs and challenges.

EASPD is a partner of the project [DESC](#) since 2014. This project promotes the implementation of **article 27 of the UN CRPD**, namely promotes equal opportunities and securing professional career paths for young people with disabilities in Europe. In 2015, EASPD organised in cooperation with the project partners a conference in the European Parliament on article 27 that was also the kick-off of the [2015 European Disability Employment Week \(EDEW\)](#). EASPD has also been partner of the project [BITSE](#) (2012-2014), a research project that identified the barriers that prevent persons with disabilities to find employment after school. The project [ERGO Work](#) (2013-2015) seeks to improve the ergonomic design of jobs and workplaces for people with disabilities.

EASPD is also promoting the implementation of **articles 12 and 13 of the UN CRPD** through its contribution to the project [AJuPID](#) (2014-2016) which promotes access to justice for persons with intellectual disabilities and legal capacity. From 2011 to 2014 EASPD was also part of the project [My Rights My Voice](#). Within the framework of this project, persons with disabilities were trained to become coaches on the UN CRPD. EASPD is also focusing on the implementation of **article 24 of the UN CRPD** on education. To that end, EASPD coordinated the project [INVESTT](#) (Inclusive Vocational Education and Specialised Tailor-made Training) from 2012 to 2015. Other projects related to inclusive education were [ALDO](#)

(2014-2015), [DELAROSE](#) (2013-2015), [EQF meets ECVET](#) (2013-2015), [iVET4D](#) (2014-2016) and [TIDE](#) (2013-2015).

EASPD also promotes the implementation of the CRPD by organising events in cooperation with its member organisations every year. In 2014 EASPD organised **Provider Fora** in France, Italy, Bulgaria, Slovakia, Greece, Latvia, Finland and Romania and in 2015 in Poland, Greece, Serbia, Slovakia and Bulgaria. Besides, EASPD participated in **Visits** in the following countries: Bulgaria, Finland, Norway, Moldova, Italy and Spain.

EASPD organises throughout the year a variety of [Courses & Trainings](#) for its members throughout Europe. In the trainings, EASPD seeks to promote the implementation of the UN CRPD and EDS. In 2014, EASPD organised one training course on inclusive learning in Graz (Austria), another training course on inclusive education in Budapest (Hungary) and a training seminar on Person Centred Technology in Bologna (Italy). In 2015, EASPD organised a training course on early intervention in Soesterberg (The Netherlands).

Information

In 2014 and 2015, the EASPD Website received new sections on best practices, European semester, EASPD work with the United Nations and the easy to read version of all permanent content of the Website. EASPD disseminates, promotes and strives for the UN CRPD and the EDS through different channels: Website, social media, YouTube and also press releases and articles in the European press.

In 2014 EASPD issued 9 newsflashes and published 142 news items, publicized our 26 reports/briefing papers and received a total number of 45,764 visits. **In 2015**, EASPD issued 25 newsflashes (16 in English and 9 in French), including 2 special newsflashes on Employment and on Education, publicized more than 300 news items and received a total number of 53,261 sessions, 36,544 website users and 140,700 page views, 67% of which were new visitors.

In addition, EASPD also promoted the CRPD and the rights of persons with disabilities on the European Media. EASPD published two articles on the PM+ section of The Parliament Magazine (see 3.1 annexes). Both articles were directly linked to the evaluation of the CRPD's implementation by the EU and also related to the EASPD cross-sectorial annual conferences.

Overall in 2014 and 2015 we continued to further strive to enhance the representation of persons with disabilities in our own structure, projects and themes. One of the main priorities for 2015 has been the correct implementation of deinstitutionalization and the transition to community-based services. The year also saw the increased cooperation with the United Nations, the European Union and other involved partners and stakeholders.

Links to information and documents

1. UN assessment on the implementation of the CRPD in the EU / Dissemination

- 1.1 EASPD Website page devoted to our work on the CRPD implementation and our contribution to the UN's work : <http://www.easpd.eu/en/content/un-convention>
- 1.2 EASPD's alternative report on the implementation of the CRPD in the EU: <http://www.easpd.eu/en/content/what-eu-doing-implement-un-crpd-service-providers-perspective>

- 1.3 Hearing in the European Parliament 2nd June on Co-production: <http://www.easpd.eu/en/content/easpd-urges-european-union-self-evaluate-how-co-production-reflected-existing-legal>
- 1.4 Side event on Co-production in New York coinciding with the 8th Session of the Conference of States Parties to the Convention: <http://www.easpd.eu/en/content/easpd-new-york-co-production-powerful-tool-implement-crpd>
- 1.5 Side event in Geneva before the final UN assessment: <http://www.easpd.eu/en/content/easpd-geneva-eu-could-have-key-successful-implementation-un-crpd>
- 1.6 Final recommendations by the UN. EASPD's reaction: [6 reasons why support services for persons with disabilities can help the EU](#)

2. EASPD events and thematic activities / Dissemination

- 2.1 December 2015 - [EASPD New report](#): **How can the European Semester help to implement the UN CRPD?**
 - 2.1.1 This **report** will be addressed on the [9th December at the EASPD Policy Impact Group Seminar](#).
- 2.2 November 2015 - Conference on article 27 in Brussels (November 2015) within the framework of the **European Disability Employment Week** and the European project **DESC**:
 - 2.2.1 Announcement: <http://www.easpd.eu/en/content/european-disability-employment-week-desc-project>
 - 2.2.2 Invitation: http://www.easpd.eu/sites/default/files/sites/default/files/Projects/DESC/media_invitation_desc_0.pdf
 - 2.2.3 Press Pack : http://www.easpd.eu/sites/default/files/sites/default/files/Projects/DESC/edew_press_pack.pdf
- 2.3 October 2015 - **Annual conference** on article 24 in Salzburg:
 - 2.3.1 Web Page: <http://www.easpd.eu/en/inclusive-teaching>
 - 2.3.2 Press release: <http://www.easpd.eu/en/content/lack-political-will-and-fear-change-main-barriers-inclusive-education>
 - 2.3.3 Special Newsflash on Education: http://www.easpd.eu/sites/default/files/sites/default/files/Conferences/Salzburg/salzburgconference_newsflash_0.pdf
- 2.4 May 2015 - **Annual conference** on article 27 in Zadar:
 - 2.4.1 Web Page: <http://www.easpd.eu/en/content/annual-conference-2015-zadar> (dedicated Website: <http://www.easpd-zadar.eu/>)
 - 2.4.2 Press Release: [Zadar Conference: Commissioner Thyssen urges to combat unemployment of people with disabilities](#)
 - 2.4.3 Press Release: [Employment for All awards. And the winner is...](#)
 - 2.4.4 Special Newsflash on Employment: http://www.easpd.eu/sites/default/files/sites/default/files/News/employment_newsflash.pdf
 - 2.4.5 Conference Report: http://www.easpd.eu/sites/default/files/sites/default/files/EVENTS/2015/Zadar/final_report_en.pdf
- 2.5 October 2014 - **Annual conference** on Housing and article 19 in Oslo:
 - 2.5.1 Web Page: <http://www.easpd.eu/en/content/annual-conference-2014-norway>
 - 2.5.2 Press release : <http://www.easpd.eu/en/content/press-release-how-achieve-housing-all-community-based-person-centered-and-hopeful-services>
 - 2.5.3 Special Newsflash: http://www.easpd.eu/sites/default/files/sites/default/files/Conferences/Oslo/osloconference_newsflash.pdf

- 2.5.4 Conference Report:
http://www.easpd.eu/sites/default/files/sites/default/files/Conferences/Oslo/conference_report_final.pdf
- 2.6 March 2014 – **Annual conference** on the implementation of the UN CRPD in municipalities, communities and local entities (community living) in Siegen (Germany):
- 2.6.1 Web Page: <http://www.easpd.eu/en/content/annual-conference-2014-siegen-germany>
- 2.6.2 Conference Website : <http://inkluplan.uni-siegen.de/home/index.html.en?lang=en>
- 2.6.3 Planning Inclusive Communities Declaration: <http://easpd.eu/en/content/declaration-planning-inclusive-communities-ready>
- 2.7 **EASPD’s involvement in the EEG** (European Expert Group on the Transition from Institutional to community-based care):
- 2.7.1 News: <http://www.easpd.eu/en/content/eeg-juncker-use-ags-promote-deinstitutionalisation>
- 2.7.2 Press Release on Deinstitutionalisation: [2015 CSRs are a missed opportunity for the European Commission to promote De-Institutionalisation](http://www.easpd.eu/en/content/2015-csr-are-a-missed-opportunity-for-the-european-commission-to-promote-de-institutionalisation)
- 2.7.3 News: [From institutions to living in the Community: The EEG work](http://www.easpd.eu/en/content/from-institutions-to-living-in-the-community-the-eeeg-work)
- 2.8 EASPD organised in 2014 and 2015 **national, regional and local events in several EU countries** in cooperation with its member organisations to address specific topics and especially the implementation of the CRPD
- 2.8.1 **EUROPEAN SEMESTER CAPACITY BUILDING EVENTS**: 2014 in Austria, France, Finland, Ireland, Hungary, Bulgaria and Romania. / 2015 in Latvia, France, Romania, Slovenia, Austria.
- 2.8.2 **PROVIDER FORA**: 2014 in France, Italy, Bulgaria, Slovakia, Greece, Latvia, Finland and Romania / 2015 in Poland, Greece, Serbia, Slovakia, Bulgaria.
- 2.8.3 VISITS: 2015 in Bulgaria, Finland, Norway, Moldova, Italy and Spain.
- 2.9 EASPD trainings on PCT and Inclusive education in 2014 and 2015
- 2.9.1 September 2015 training course on early intervention – “[‘Play, Learn, Grow’ : Training on Early Intervention](#)”
- 2.9.2 November 2014 – “[‘Building a School for All : 3rd training course on inclusive education](#)”
- 2.9.3 November 2014 training on person centred technology – “[‘Building Better Services: Getting the best from technology](#)”
- 2.9.4 January 2014 – Training course on inclusive education – “[‘Inclusive Learning with New Media and iPads](#)”
- 2.10 **March 2015 – [EASPD participates in a symposium on the challenges ahead for persons with disabilities in Wallonia](#) – co-organisation of the Symposium on Independent Living in Wallonia**
- 2.11 **July 2015 - Intervention** in Summer School of Fundación Emplea (Spain) on the UN CRPD

3. Additional dissemination actions and activities

3.1 Editorials / Opinion articles in the Parliament Magazine:

- 3.1.1 [PM+: EU failing to recognise the role of support services for persons with disabilities.](#)
- 3.1.2 [PM+: UN disability review should be a wake-up call for EU policymakers.](#)
- 3.1.3 Editorial: [‘The 3 unmissable dates before spring comes to an end’.](#)
- 3.1.4 Interview EASPD President: “[‘In 2015 EASPD will call for a change to the ‘growth at all costs’ approach](#)”.
- 3.1.5 [EASPD’s editorial](#) on inclusive education published for the 3rd December (International Day of Persons with Disabilities) on the European Commission’s platform EPALE.

3.2 Some NEWS on EASPD Website link to UN CRPD:

- 3.2.1 [Commissioner for Human Rights visit in Belgium focused on the rights of persons with disabilities](#)
- 3.2.2 [Irish government plans to move up 4,000 people with disabilities out of institutions will take more than six years](#)
- 3.2.3 [EESC releases the concluding observations of the Thessaloniki conference](#)
- 3.2.4 [EASPD SIDE EVENT IN GENEVA](#)
- 3.2.5 [Deinstitutionalisation: a lever for inclusion of disabled people](#)
- 3.2.6 [FRA launches Human Rights indicators on article 19 CRPD](#)
- 3.2.7 [European Parliament adopts Resolution on the rights of persons with disabilities](#)
- 3.2.8 [EASPD participates in the UN's first evaluation phase of the report submitted by the EU](#)
- 3.2.9 [EASPD participates in the UN discussion day on the right to education for persons with disabilities](#)
- 3.2.10 [EASPD Workshops on inclusive employment in 7 difference Job areas](#)

3.3 Newsflashes

- 3.3.1 Newsflashes in English: <http://www.easpd.eu/en/content/newsflashes-newsletters>
- 3.3.2 Newsflashes in French: <http://www.easpd.eu/fr/content/newsflashes-newsletters>

3.4 Annual report (AR)

- 3.4.1 AR 2014: [http://www.easpd.eu/sites/default/files/sites/default/files/Publications/update - final annual report.compressed.pdf](http://www.easpd.eu/sites/default/files/sites/default/files/Publications/update_-_final_annual_report.compressed.pdf)
- 3.4.2 AR 2015: (available by March 2016)

4. European Projects promoting the UN CRPD where EASPD is coordinator or partner

- 4.1 Article 12 & 13 UN CRPD – legal capacity and access to justice – [AJuPID](#) (2014-2016)
- 4.2 Article 27 UN CRPD – right to work and employment – related European projects: [BITSE](#) (2012 – 2014), [DESC](#) (2014-2017), [ERGO Work](#) (2013-2015)
- 4.3 [My Rights My Voice](#) (2011-2014) – Training by persons with disabilities on UN CRPD
- 4.4 Article 24 UN CRPD – Education – [INVESTT](#) (2012 – 2015), [ALDO](#) (2014-2015), [DELAROSE](#) (2013-2015), [EQF meets ECVET](#) (2013-2015), [iVET4D](#) (2014-2016), [TIDE](#) (2013-2015)
- 4.5 EASPD work on European projects: <http://easpd.eu/en/content/running-projects>

4. THEMATIC CHAPTER ON PARTICIPATION OF PERSONS WITH DISABILITIES IN EMPLOYMENT

4.1 INFORMATION FROM THE MEMBER STATES

Belgium

Contexte institutionnel

Le gouvernement fédéral a adopté, le 10 mai 2007, une loi de non-discrimination fondée sur divers critères ²¹, notamment sur le handicap, législation que les entités fédérées ont complétée par des décrets régionaux et communautaires ²², notamment dans le domaine de l'emploi.

Suite à la 6^{ème} réforme de l'Etat le 1^{er} juillet 2014, certaines compétences et mesures en matière d'emploi sont progressivement transférées, depuis le 1^{er} janvier 2015, du Fédéral vers les Régions.

La formation professionnelle et l'emploi des personnes handicapées relèvent des compétences régionales et communautaires : bien que la formation soit une compétence communautaire, elle s'avère souvent liée à la politique de l'emploi menée par les Régions. A noter que la Communauté germanophone ²³ aura de nouvelles compétences dès le 1er janvier 2016 ²⁴, en ce qui concerne le contrôle de la disponibilité des chômeurs, les politiques d'aides à l'emploi pour les groupes-cibles ou encore les agences locales pour l'emploi, à l'exception des titres-services.

Par contre, les règles relevant du droit individuel et collectif du travail, en ce compris le bien-être au travail, la prévention et les règles relevant de la sécurité sociale restent fédérales, de même que la politique salariale et les dispositifs de concertation sociale.

1. Open labour market and sheltered employment (workshops)

1.1. How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.) ?

Combien de personnes travaillent dans le marché de l'emploi ordinaire et de l'emploi protégé ? Veuillez fournir des informations sur leurs conditions de travail (salaire, horaires de travail, les droits à pension, etc.) ?

a) open labour market

➤ Cadre légal fédéral

²¹ http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2007051035&table_name=loi

²² Source : CIEC (<http://www.diversite.be/photographie-des-legislations-antidiscrimination>)

²³ Avec une population totale d'environ 75000 habitants, la Communauté germanophone est la plus petite des entités de l'Etat belge.

²⁴ Suite à la modification récente du décret du 6 mai 1999 relatif à l'exercice, par la Communauté germanophone, de certaines compétences de la Région wallonne en matière d'emploi.

La Loi du 3 juillet 1978 (mise à jour le 4 novembre 2015) relative aux contrats de travail ²⁵ est d'application. Diverses conventions collectives de travail ont également été conclues au sein du Conseil national du Travail (CNT) qui garantissent la non-discrimination et l'égalité de traitement des travailleurs handicapés, parmi lesquelles la convention collective de travail n° 99 du 20 février 2009 concernant le niveau de rémunération des travailleurs handicapés ²⁶ : elle garantit que ces travailleurs perçoivent des rémunérations équivalentes à celles fixées par une ou des conventions collectives de travail conclues au niveau interprofessionnel, sectoriel ou de l'entreprise et/ou par l'usage et qui est ou sont d'application à la catégorie de personnel à laquelle le travailleur handicapé appartient, sans préjudice du principe de libre négociation salariale.

➤ *Statistiques nationales*

Il est difficile de préciser le nombre de travailleurs handicapés dans le marché de l'emploi ordinaire en se basant sur les données administratives disponibles ; par ailleurs, il n'est pas obligatoire pour un travailleur de se déclarer handicapé, ni pour un employeur de signaler le handicap d'un travailleur qui ne le souhaite pas.

L'étude du Conseil supérieur de l'emploi (CSE), intitulée '*Participation au marché du travail des personnes en situation de handicap ou atteintes d'une maladie chronique*' (2014) ²⁷ analyse les chiffres et la complexité des bases de données des diverses institutions nationales :

- L'Institut national d'assurance maladie-invalidité (INAMI), qui considère une personne comme étant en "incapacité de travail" notamment lorsque cette incapacité est de 66 % ou plus.
- L'Office national de l'emploi (ONEM), qui définit une personne en "incapacité de travail" lorsque cette incapacité est de 33 % ou plus.
- Le Datawarehouse marché du travail et protection sociale de la Banque carrefour de la Sécurité Sociale (BCSS), qui permet de croiser, outre les données de l'INAMI et de l'ONEM, celles d'autres institutions publiques telles que l'Office national de sécurité sociale (ONSS), l'Office national de sécurité sociale des administrations provinciales et locales (ONSSAPL) et l'Institut national d'assurances sociales pour travailleurs indépendants (INASTI).
- La DG Personnes handicapées du SPF Sécurité sociale qui comptabilise entre autres, dans le cadre de l'assistance sociale, les personnes handicapées de moins de 65 ans qui perçoivent une allocation d'intégration ou de remplacement de revenus, ou les deux.

Les données agrégées disponibles ne permettent généralement pas d'estimer dans quelle mesure ces personnes sont effectivement affectées par leur handicap, certains problèmes rendant leur participation au marché du travail quasi impossible, alors que d'autres la permettent.

Les enquêtes sur les forces de travail (EFT) donnent une meilleure estimation du nombre de personnes qui sont entravées dans leurs activités quotidiennes, dans le domaine de l'emploi (données de 2014) :

²⁵ http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1978070301&table_name=loi

²⁶ http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2009022057&table_name=loi

²⁷ CSE, 2014 (pp. 57-128) : <http://www.emploi.belgique.be/WorkArea/DownloadAsset.aspx?id=41750>

Labour market participation (%) in Belgium (20-64 years), 2014*

	Seriously hampered(1)	Hampered to some extent(2)	(1)+(2)	Not hampered	Total
Unemployed	4,1	9,0	6,3	6,1	6,1
Inactive	71,8	35,5	55,6	21,2	26,5
Working	24,1	55,4	38,1	72,8	67,4
<i>Total (N)**</i>	560.000	455.000	1.015.000	5.580.000	6.595.000
<i>% in population</i>	8,5	6,9	15,4	84,6	100

Source: Department of Economics, LFS (processed by the Flemish Department of Work and Social Economy)

* People who answered “Yes, severely”, “Yes, to some extent” or “No” to the following question: “ Are you hampered in your daily activities (whether or not work-related) by a disability, a long-standing health condition or disease (related to work or not) ? ”

** Figures are rounded up from the extrapolation of sample figures to the whole Belgian population (45.000 persons provided no answer to the question)

➤ *Statistiques régionales*

Flanders

Table 1 provides an analysis of the labour market participation of persons with a disability on the basis of the most recently available European Labour Force’s figures. Note that, in the Flemish policy discourse, the “open labour market” is also referred to as the “normal economic circuit”, as opposed to the “social economic circuit” (which includes sheltered employment and other measures directed at those persons with a disability or with medical, mental, psychological and psycho-social problems).

Table 1. Labour market participation (%) in Flanders (20-64 years), 2014*

	Seriously hampered(1)	Hampered to some extent(2)	(1)+(2)	Not hampered	Total
Unemployed	2,6	6,7	4,6	3,5	3,7
Inactive	70,4	34,4	52,7	19,7	24,3
Working	27,0	58,9	42,7	76,8	72,0
<i>Total (N)**</i>	270.000	260.000	530.000	3.250.000	3.780.000
<i>% in population</i>	7,2	6,9	14,1	85,9	100

Source: Department of Economics, LFS (processed by the Flemish Department of Work and Social Economy)

* People who answered “Yes, severely”, “Yes, to some extent” or “No” to the following question: “ Are you hampered in your daily activities (whether or not work-related) by a disability, a long-standing health condition or disease (related to work or not) ? ”

** Figures are rounded up from the extrapolation of sample figures to the whole Flemish population (18.000 persons provided no answer to the question).

Wallonie

Pas plus que les autres entités, la Wallonie ne dispose pas de données administratives sur l’emploi des travailleurs handicapés dans le circuit ordinaire. Elle se réfère à des enquêtes, la plus intéressante étant celle sur les forces de travail dont question ci-dessus.

Concernant le statut des travailleurs et leurs conditions de travail, il n'existe aucune particularité pour les travailleurs handicapés. Ils sont donc employés dans les mêmes conditions que tout travailleur.

Autres Régions

Le tableau suivant permet de comparer les pourcentages résultant de l'enquête sur les forces de travail au niveau régional (données de 2013) :

Tableau : Activité (%) des personnes entravées dans leurs activités quotidiennes (20-64 ans) 2013*

	Région flamande	Bruxelles	Région wallonne	Belgique
Demandeur d'emploi	4.4	13.1	6.7	6.2
Travailleur	40.4	32.7	35.0	37.6
Inactif	55.2	54.3	58.3	56.2
Total %	100	100	100	100
Total (N)	515 000	107 000	369 000	991 000

Source : SPF Économie – DG Statistique et Information économique – Enquête sur les forces de travail 2013.

* Personnes ayant répondu « oui » à la question « Vous sentez-vous entravé(e) dans vos activités quotidiennes (au travail ou en dehors) en raison d'un handicap, d'une affection ou d'une maladie de longue durée (lié ou non au travail) ? »

b) sheltered employment

➤ *Cadre légal fédéral et communautaire*

Il existe une Commission paritaire pour les entreprises de travail adapté et les ateliers sociaux (CP 327), au sein de laquelle a été conclue la Convention collective de travail du 11 décembre 2001 instaurant un système de crédit-temps, de diminution de carrière et de réduction des prestations de travail à mi-temps²⁸.

Cette commission a été communautarisée, par l'arrêté royal du 11 juillet 2003²⁹, en trois sous-commissions paritaires, qui sont à même de conclure leurs propres conventions collectives de travail.

Flanders

Specific programs have been designed to employ persons with disabilities who cannot be integrated into the open labour market without support.

The following table provides some figures on the number of persons with a disability employed in the programs belonging to the Flemish Social Economy and their transitions to work :

Table 2. Overview of the Flemish Social Economy, 31/12/2014

Program	Number of persons employed (n)	Number of persons with a disability (n) and (%)	Number of transitions to work in 2014 (6m after leaving the program) *

²⁸ <http://www.sst.be/samen/downloads/caos/tijdskrloopbhalf.pdf>

²⁹ http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2003071171&table_name=loi

Sheltered workshops	16495	16945 (100%)	(<1%) **
Social workshops	4731	654 (14%)	231 (4,3%)
Work care centres	2347	901 (38%)	9 (0,4%)
Integration enterprises	546	29 (5%)	339 (33,2%)
Local services economy	2088	159 (8%)	188 (7,5%)

Source: Department of Work and Social Economy

* The percentages are calculated as follows : in the numerator are the number of transitions and the denominator contains all the people employed at the beginning of the year + all the new hires during that year (figures not in the table).

**A measurement provided by the workshops themselves comes up with the figure of 45 transitions in 2013 (0,2%). In the past ten years transition never reached 1%.

The main program for people with disabilities is the sheltered workshops. Until April 2015 sheltered workshops were exclusively meant for people with disabilities whereas social workshops were primarily meant for people who were long-term unemployed and suffered additional psycho-social problems.

From April 2015 onwards sheltered and social workshops are merged into a new type of program for tailor-made enterprises ('maatwerkbedrijven'). The former sheltered and social workshops are now tailor-made enterprises and may employ people with disabilities as well as people with psycho-social problems.

A large share of the people in Work care centres are people with disabilities, but the people in those centres have no labour contract and receive no wages and therefore we will not further discuss them. Integration enterprises (a program that is fading out) and programs of the local services economy employ only a limited number of people with disabilities and will not be further discussed.

Wallonie

Les ETA sont réservées aux personnes handicapées « incapables, temporairement ou définitivement, d'exercer une activité professionnelle dans des conditions ordinaires de travail », dont les conditions d'accès ont récemment été précisées (Arrêté du Gouvernement wallon du 15 mai 2014³⁰). La subvention salariale des travailleurs de production est liée à leur « perte de rendement », telle que définie dans la réglementation, ce qui souligne le caractère résiduaire de l'emploi adapté.

Les ETA ont pour missions :

- d'assurer aux personnes handicapées une valorisation de leurs compétences, une formation continue chaque fois que possible, une adaptation des postes de travail et un processus d'évolution susceptible de permettre un transfert vers l'emploi ordinaire ou la promotion du travailleur au sein de l'entreprise de travail adapté;
- d'engager dans les liens d'un contrat de travail des personnes handicapées ou de former celles-ci dans le cadre d'un contrat d'adaptation professionnelle;
- d'accueillir et de former des personnes qui nécessitent une période d'adaptation à l'emploi en entreprise de travail adapté pour atteindre un rendement suffisant.

Mesures légales principales :

³⁰ http://www.ejustice.just.fgov.be/mopdf/2014/06/05_2.pdf#Page53

[Arrêté du Gouvernement wallon du 21 décembre 2012 modifiant l'arrêté du Gouvernement wallon du 7 novembre 2002 relatif aux conditions auxquelles les entreprises de travail adapté sont agréées et subventionnées](#)

Cet arrêté porte sur la subvention affectée annuellement au « Fonds de sécurité d'existence des entreprises de travail adapté ».

[Arrêté du Gouvernement wallon du 15 mai 2014 modifiant certaines dispositions du Code réglementaire wallon de l'Action sociale et de la Santé, deuxième partie, Livre V, Titre IX, Chapitre IV, relatives aux entreprises de travail adapté](#)

Les grandes orientations qui se dégagent de cet arrêté peuvent être regroupées sous 2 axes :

1. Mesures qualitatives :

Les conditions d'admissibilité des personnes en ETA sont précisées.

Les stages scolaires et le stage « découverte en entreprise » sont autorisés de manière à favoriser la « transition-insertion » des jeunes. L'ETA doit favoriser la création d'un réseau de collaboration avec des établissements d'enseignement spécialisé (art 992, 20°).

Les travailleurs sociaux doivent veiller désormais, à la demande des travailleurs « parents », à faciliter l'offre de garde d'enfants (art 1005, §3).

Le plan de formation continuée du personnel de cadre est maintenu et est consacré notamment à la connaissance de la personne handicapée et à son accompagnement social (art 1008, §2).

Les « sections d'accueil et de formation » sont désormais ouvertes aux stagiaires issus de l'enseignement spécialisé de forme 3 (enseignement d'adaptation sociale et professionnelle) à condition de justifier d'une période d'inactivité ininterrompue de plus d'un an au moment de la signature du contrat d'adaptation professionnelle (art 1038) ; auparavant seuls les élèves issus de la forme 2 (enseignement professionnel) pouvaient y prétendre; une phase de préformation réalisée hors des chaînes de production est par ailleurs prévue si nécessaire (art 1040) ;

Un an après cette entrée en vigueur, l'Agence a pu chiffrer l'impact de ce changement.

Ainsi, il a été constaté que les profils d'origine des stagiaires en contrat d'adaptation professionnelle en ETA étaient pour :

- 68,33% issus de l'enseignement secondaire de forme 2 (enseignement professionnel) ;
- 28,33% issus de l'enseignement secondaire de forme 3 (enseignement d'adaptation sociale et professionnelle) ;
- 3,33% ayant fréquenté un service d'accueil ou d'accueil et d'hébergement.

Cette mesure a permis d'augmenter l'occupation de 120 places subventionnées dans le cadre des sections d'accueil et de formation.

Une exigence de qualifications de base du personnel chargé de l'encadrement des personnes handicapées dans les dispositifs de maintien est prévue. De même, une définition précise des missions de ce personnel est ajoutée à l'arrêté (art 1049);

Les contrats d'entreprise doivent faire l'objet désormais d'un encadrement effectif de manière à assurer aux travailleurs l'assistance nécessaire à l'exécution de leurs missions (art 1055).

2. Mesure de simplification administrative :

Réforme de la gestion des « contrats d'entreprise » c'est-à-dire des enclaves de travailleurs handicapés dans les entreprises ordinaires, sous la responsabilité des ETA. La demande d'autorisation est simplifiée et un encadrement effectif de l'ETA est assuré (art 1052 à 1061).

Le nombre de travailleurs occupés dans les entreprises de travail adapté (ETA) wallonnes se présente comme suit :

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Production	6577	6530	6647	6801	7048	6939	6990	7166	7233	7288	7383	7605
Cadre	1055	1054	1071	1075	1116	1145	1165	1192	1191	1206	1250	1311

Le régime horaire est de 38 heures par semaine et il existe 7 catégories salariales pour lesquelles les minima horaires sont actuellement les suivants :

Catégorie	7	6	5	4	3	2	1
Montant (€)	11,546 2	10,587 8	10,231 5	9,9491	9,7709	9,5927	9,4703

Par ailleurs, de nombreuses conventions collectives ont été conclues au sein de la sous-commission paritaire n° 327.03, afin de garantir les droits des personnes travaillant dans les ETA wallonnes et germanophones ³¹.

Enfin, l'analyse sociale des ETA, réalisée pour les exercices 2011-2012, permet d'établir le profil social des travailleurs et des ETA elles-mêmes à partir de divers éléments tels que la nature des activités, la politique salariale, l'encadrement social, la représentation des travailleurs au sein de l'ETA, etc. ³².

Les emplois subventionnés en ETA (travailleurs en situation de handicap) :

	2011	2012	2013	2014	2015
Personnel de production en ETA	5810	5988	6100	6117	6250

Par rapport aux emplois de travailleurs en situation de handicap soutenus en entreprise ordinaire via des aides à l'emploi ordinaire :

	2011	2012	2013	2014	2015
Nombre total de bénéficiaires d'aides à l'emploi ordinaire	5702	5865	6119	6342	6501

Il est intéressant de relever que le nombre de ces derniers emplois a tendance à dépasser le nombre des emplois subventionnés en ETA.

³¹ <http://db.eweta.be/pc/biblio/CCT/CCT.htm>

³² https://www.awiph.be/pdf/documentation/publications/informations_particulieres/analyse_sociale_des_entreprises_travail_adapte_exercice_2011--12.pdf

Région de Bruxelles-Capitale

Il y a 12 entreprises de travail adapté qui occupent 1450 travailleurs handicapés sous contrat de travail de 38 heures semaine (très peu de temps partiel), dont la rémunération minimum mensuelle (RMMM) est de 1501,82 euros bruts. Ces travailleurs sont encadrés par du personnel d'encadrement (environ 350 travailleurs). Les travailleurs handicapés et l'encadrement sont en partie subventionnés par le Service *Personne Handicapée Autonomie Recherchée* (PHARE)³³.

Communauté germanophone

Les mesures d'emploi sur le marché du travail ordinaire sont aussi ouvertes aux personnes handicapées. Le nombre de personnes handicapées qui travaillent avec un contrat de travail ordinaire est inconnu.

Outre les mesures d'emploi précitées, il existe des mesures d'emploi accompagné en milieu ordinaire (supported employment), où l'accompagnement est assuré par le *Dienststelle für Personen mit Behinderung* (DPB).

- L'emploi en entreprise est une mesure d'intégration professionnelle subsidiée par le DPB permettant l'inclusion des travailleurs handicapés sur le marché de l'emploi ordinaire. L'emploi en entreprise s'adresse aux entreprises privées et aux administrations communales. Ces dernières, pour pouvoir profiter de cette mesure, ont l'obligation de créer un nouvel emploi et de satisfaire aux conditions définies dans l'Arrêté Royal du 31 décembre 1977 concernant l'emploi des personnes handicapées avant de pouvoir bénéficier d'une intervention de la part du DPB.

Lorsque les exigences de l'emploi et les compétences de la personne ne peuvent s'accorder de manière optimale, le DPB offre à l'employeur:

- conseil et accompagnement;
- une intervention dans la rémunération et les charges sociales supportées par l'employeur pour ce travailleur handicapé. Cette intervention ne peut dépasser 40% du revenu minimum.

Nombre de personnes par année

2011	2012	2013	2014
54	53	53	54

Le DPB propose deux nouveaux services :

- Depuis 2014 : l'orientation professionnelle pour personnes handicapées : Elle est à présent assurée directement par le Start-Service (le service du DPB pour la promotion, l'accompagnement et le subventionnement des mesures de formation/qualification et d'insertion professionnelles pour personnes handicapées). L'orientation professionnelle est un processus visant à accompagner les jeunes et adultes dans leur choix ou réorientation professionnels. Dans ce contexte, le conseiller professionnel peut les aider à surmonter les obstacles entravant le processus de choix professionnel, tout en tenant compte de leurs intérêts et compétences. Dans la cadre de la phase-pilote de ce service, le DPB teste les atouts d'une orientation professionnelle axée sur les processus. Une orientation professionnelle axée sur les processus implique que le conseiller professionnel n'assure pas uniquement conseils individuels et analyse des

³³ Service faisant partie de la Commission communautaire française de la Région de Bruxelles-Capitale

besoins, des compétences et des attentes mais participe aussi à l'évaluation de stages en entreprise et conseille et soutient donc le jobcoach dans son travail d'accompagnement.

- Depuis septembre 2013 : l'orientation vers des stages, dans le cadre de la transition école vers le marché de travail : dans le cadre de ce service, les élèves des écoles de l'enseignement secondaire spécialisé ont la possibilité d'effectuer des stages dans des entreprises et organisations, stages auxquels ils sont préalablement préparés de manière intensive et durant lesquels ils sont accompagnés de très près. Le service est assuré grâce à une collaboration étroite entre le centre pour pédagogie de soutien et pédagogie spécialisée et le DPB.

- En ce qui concerne l'emploi en milieu protégé proprement dit, il existe diverses alternatives en Communauté germanophone :

- Emploi dans les ateliers protégés:

Les ateliers protégés s'adressent aux travailleurs pouvant effectuer un travail rémunéré mais éprouvant des difficultés - en raison de leurs capacités physiques, mentales ou psychiques - à faire face aux exigences et contraintes du marché de l'emploi ordinaire. Les personnes handicapées ont le statut de travailleurs et ils ont droit à un revenu mensuel minimum moyen garanti. Les ateliers protégés occupent également des personnes pour lesquelles l'insertion professionnelle s'avère difficile.

Nombre de personnes par année

2011	2012	2013	2014
167	169	164	176

- La formation en section de formation dans les ateliers protégés:

Les sections de formation constituent une mesure de transition et s'adressent à des personnes handicapées âgées de 18 ans au moins pour qui l'atelier protégé constitue la forme de travail la plus adaptée à leurs besoins mais dont les compétences socio-professionnelles doivent encore être développées pour satisfaire aux exigences de performance et de rentabilité de l'atelier protégé. Les personnes concernées obtiennent une formation caractérisée par le travail concret sur le lieu même du travail. La formation n'est pas uniquement ciblée sur les connaissances professionnelles mais aussi sur la transmission de connaissances sociales telles que motivation, intérêts, socialisation, communication, autonomie, etc.

Nombre de personnes par année

2011	2012	2013	2014
16	18	17	20

- Le stage de longue durée en section de formation dans les ateliers protégés :

La formation en section de formation est également une mesure de transition et peut durer au maximum trois ans. Après ces trois ans, suivant ses capacités, la personne handicapée reçoit un contrat de travail ou est orientée en stage de longue durée. Le stage de longue durée permet d'employer également des personnes ayant de faibles compétences à plus long terme dans les ateliers protégés.

Nombre de personnes par année

2011	2012	2013	2014
28	22	25	24

- Tierhof "Alte Kirche":

Ce projet propose aux personnes présentant une maladie / un handicap psychique une occupation/formation non rémunérée dans le secteur agricole, restauration et cuisine. Son objectif est la (ré-) insertion professionnelle de ces personnes sur le marché de l'emploi ordinaire.

Nombre de personnes par année

2011	2012	2013	2014
6	6	6	7

- Hof Peters:

Dans ce projet du secteur cuisine, boulangerie et agro-sylvicole, des personnes handicapées qui - en raison de leurs capacités physiques, mentales ou psychiques – ne peuvent pas ou pas encore faire face aux exigences et contraintes du marché de l'emploi ordinaire suivent une occupation de longue durée par un stage de réadaptation professionnelle ou une formation en entreprise ou bien un contrat de travail ETA.

Nombre de personnes par année

2011	2012	2013	2014
11	13	13	12

- Centres d'activités de jour:

Les centres d'activités de jour occupent des adultes handicapés qui en raison de leur handicap ne peuvent faire face aux exigences et contraintes d'un emploi (heures de travail, délais à tenir, stress, etc.). Ces personnes ont néanmoins la capacité et la volonté de contribuer de manière utile au bien commun. Dans les centres d'activités de jour, elles peuvent effectuer des services utiles auxquels la société a recours. Les personnes occupées dans les centres d'activité de jour sont dès lors respectées comme partenaires socioéconomiques, et l'on part des besoins individuels des personnes et non du rendement.

Nombre de personnes par année

2011	2012	2013	2014
118	118	119	117

1.2. Are they considered to be workers under national law or not ?

Sont-ils considérés comme des travailleurs en vertu du droit national ou pas ?

Flanders

In what concerns tailor-made enterprises (the former sheltered and social workshops), all the employees are workers under national law with the same rights concerning wages, working hours, pension rights, etc.

Wallonie :

Le statut des travailleurs handicapés, en ce inclus les travailleurs des ETA, est celui de l'ensemble des travailleurs en ce qui concerne contrats de travail, respect du revenu minimum mensuel moyen garanti, etc.

Région de Bruxelles-Capitale

Idem que pour la Wallonie.

Communauté germanophone

Voir supra.

1.3. What are the main types of work in sheltered workshops ?

Quels sont les principaux types de travaux en ateliers protégés ?

Flanders

The enterprises that were social workshops before are usually somewhat smaller than the former sheltered workshops. They are primarily situated in sectors like green maintenance, packaging, textile production, mailing services, printing, assemblage, electronics...

Wallonie

Comme l'indique le tableau ci-dessous, le conditionnement reste le premier secteur occupant les travailleurs des entreprises de travail adapté (ETA). Les activités les plus souvent mentionnées dans la rubrique « divers » sont celles de chauffeurs, commercial, etc.

Deux exercices consécutifs (2013 et 2014) offrent en pourcentages les répartitions par sous-secteurs :

Emballage	26,21%	31,05
Activités en régie (contrat d'entreprise)	17,01%	12,59
Divers	13,01%	8,62
Bois	9,96%	10,47
Horticulture	5,01%	5,63
Alimentation	4,40%	4,82
Nettoyage	3,79%	4,36
Textile	3,43%	3,43
Bâtiment	3,38%	4,14
Electronique	2,48%	3,00
Métaux	2,29%	2,02
Mécanique	1,56%	1,20
Electricité	1,36%	0,73
Plastique	1,16%	1,44
Titre-services	1,07%	0,68
Papier	1,05%	1,52
Imprimerie	0,92%	0,86
Restauration	0,86%	1,05
Verre	0,68%	0,86
Artisanat	0,38%	0,41

La diversité des activités est une caractéristique qu'il convient de mettre en exergue. Cette diversité s'explique notamment par la nécessité de procurer à chaque travailleur une tâche adaptée à ses capacités mais également par la volonté de limiter les risques économiques liés à la dépendance exclusive vis-à-vis d'un seul client. Si quelques entreprises de travail adapté continuent encore aujourd'hui à se cantonner dans des activités élémentaires et peu

valorisantes, d'autres atteignent un stade d'industrialisation parfois très avancé et se spécialisent dans des créneaux bien spécifiques et porteurs.

Ce contexte rend impératif la réalisation d'études de marché, la planification des activités, la reconversion des secteurs déficients, la définition d'une politique d'investissements adéquate et l'établissement d'une gestion comptable qui permet l'analyse permanente de la situation économique et financière de l'ETA.

Région de Bruxelles-Capitale

Les activités sont diversifiées dans des secteurs tels que artisanat, conditionnement/manutention, impression/mailling, parcs et jardins (services et fournitures), restauration/ évènementiel, scanning/gestion données et autres prestations de services ³⁴.

Communauté germanophone

Voir supra.

1.4. Please, provide information on the division between the traditional and transitional sheltered workshops.

Veillez fournir des informations sur la répartition entre les ateliers protégés traditionnels et de transition.

Flanders

In the past, transition to the open labour market was never the primary objective and the figures show that the numbers of people leaving the workshops for a job in the open market are very small.

The current Flemish government wants to stimulate transition by means of an extensive program co-financed by the European Social Fund and by creating better conditions on the open labour market for employees who transit (a wage subsidy for all and personal support at the workplace for those who need it) Another goal of the new policy is to allow every organization that under scribes the principles of the new decree to employ so called 'target group workers' (vulnerable groups on the labour market), and to link the financial support not only to organizations, but also to the target group workers, aimed at offering 'tailored support'. The fact that any organisation can offer this form of 'tailored support' illustrates the shift towards a more transitional model.

Wallonie

Par rapport à l'ensemble de la population du secteur, moins d'un pourcent de la population handicapée travaillant en ETA part vers le secteur « ordinaire ».

Communauté germanophone

Les cas de travailleurs handicapés qui quittent une ETA pour travailler sur le marché de l'emploi ordinaire sont plutôt rares.

1.5. Is there an increase of the trend towards transitional model ?

Y a-t-il une augmentation de la tendance vers le modèle de transition ?

³⁴ Voir détails : <http://www.onsadapte.be/>

Flanders

See supra.

Wallonie :

Des travailleurs des ETA exercent leurs fonctions dans des entreprises ordinaires, dans le cadre de « contrats d'entreprise » et la proportion de ces travailleurs est en progression constante, comme le montre le tableau ci-après :

Evolution du pourcentage d'heures prestées par les travailleurs d'ETA en entreprise ordinaire par rapport au nombre total d'heures subventionnées:

	2011	2012	2013	2014	2015
Heures prestées en entreprise ordinaire (contrats d'entreprise) en pourcentages	19	19	20	22	23,42

Le chiffre s'élève, pour 2015, à 2.136.343,80 heures (soit une augmentation de 10,01% par rapport à 2014). Ce chiffre représente 23,42% du nombre total d'heures subventionnées en ETA qui s'élève pour l'année 2015 à 9.120.182,22 heures.

Communauté germanophone

Voir supra.

1.6. Are any changes / reform in sheltered employment ongoing or planned ?

Y a-t-il des changements /réformes, en cours ou prévus, dans l'emploi protégé ?

Flanders

See above (1.4.)

Wallonie

Actuellement non, même s'il est régulièrement évoqué que les ateliers protégés pourraient quitter le secteur public des politiques sociales pour migrer vers le secteur des politiques économiques, plus précisément celui de l'économie sociale globale.

En tant qu'alternative, encore modeste, aux ETA et proche du concept européen DISCIT³⁵, le projet pilote 'Activités citoyennes' a été créé³⁶, s'inspirant des conditions et modalités de prestations volontaires prévues par la loi du 3 juillet 2005 relative aux droits des volontaires³⁷. Il s'adresse à des personnes handicapées n'ayant pas accès à l'emploi et encourage principalement le bénévolat : en 2014, 253 personnes handicapées ont été accompagnées par un service d'activités citoyennes.

En 2015, 12 nouveaux services d'activités citoyennes ont ouvert leurs portes le 1er janvier 2015. Ils s'ajoutent aux 13 services existants, ce qui porte à 25 le nombre total de services d'activités citoyennes subventionnés par l'AWIPH. En conséquence de cela, en 2015, ce sont

³⁵ <http://discit.eu/about>

³⁶ Voir détails : https://www.awiph.be/AWIPH/projets_nationaux/activites_citoyennes/activites+citoyennes.html

³⁷ http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2005070359&table_name=loi

440 personnes qui ont bénéficié d'un service d'activités citoyennes à un moment donné sur l'année.

La mise en place de ces projets a eu beaucoup d'impacts positifs, entre autres : l'ouverture de structures peu familiarisées avec le handicap, des liens qui se tissent entre les clients habituels des Associations sans but lucratif et les volontaires, le développement du travail en réseau avec les écoles et les services pour personnes en situation de handicap adultes. De nouveaux partenariats ont vu le jour dans le secteur de l'aide aux personnes, de l'aide alimentaire, du sport, des soins aux animaux, de la sauvegarde de l'environnement...

Région de Bruxelles-Capitale

Avec le nouveau décret Inclusion, un nouvel arrêté d'application verra le jour prochainement. Globalement, la législation reste similaire sur le fond mais de nouvelles dispositions en matière de cellule d'accueil, normes d'encadrement,... sont susceptibles d'être introduites et pérennisées.

1.7. How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

Combien de personnes handicapées entrent dans le marché de l'emploi ordinaire ? Veuillez fournir des informations sur les tendances de ces emplois (par exemple : niveau de qualification, type d'activité, régime à temps plein ou partiel, niveau des salaires, etc.).

Flanders

For transitions to work, see table 2 above. There are no precise figures available on the characteristics of the transitions. However, the research being currently conducted by the Policy Research Centre on Work and the Social Economy will map some features of the transitions (results will be delivered in 2016).

Wallonie

Par rapport à l'ensemble de la population du secteur, moins d'un pourcent de la population handicapée travaillant en ETA part vers le secteur « ordinaire ».

Région de Bruxelles-Capitale

Les cas de travailleurs handicapés qui quittent une ETA pour entrer dans le marché de l'emploi ordinaire sont très rares. Mais il n'y a pas de statistiques enregistrées vu la rareté de cette tendance.

Communauté germanophone

Voir supra.

1.8. What is the situation of persons who acquire disabilities when already in employment? Please, add figures on job retention and impact of disability in advancement in careers.

Quelle est la situation des travailleurs qui acquièrent un handicap ? Veuillez joindre des données sur le maintien dans l'emploi et l'impact du handicap dans l'avancement de carrière.

➤ *Cadre légal fédéral*

En Belgique, la législation relative à la sécurité sociale établit une distinction selon que la cause du problème de santé est liée ou non aux activités professionnelles. Si la cause est liée à l'activité professionnelle, les salariés se voient appliquer la législation relative aux accidents du travail³⁸ et aux maladies professionnelles³⁹. Pour les autres causes, c'est le droit relatif aux incapacités de travail qui s'applique aux salariés⁴⁰ et aux indépendants⁴¹. Les fonctionnaires relèvent quant à eux d'un régime spécifique.

D'une part, l'article 34 de la loi du 3 juillet 1978 relative aux contrats de travail (mise à jour le 4 novembre 2015)⁴² prévoit que l'incapacité de travail résultant d'une maladie ou d'un accident, et qui empêche définitivement le travailleur d'accomplir le travail convenu, ne met pas par elle-même fin au contrat pour cause de force majeure.

Lorsqu'un travailleur est déclaré définitivement incapable d'accomplir le travail convenu, l'employeur est tenu de maintenir ce travailleur au travail conformément aux recommandations du conseiller en prévention-médecin du travail, en adaptant son travail, ou, si cela n'est pas possible, en lui donnant un autre travail, à moins que ce ne soit ni techniquement ni objectivement possible ou que cela ne puisse être raisonnablement exigé pour des raisons sérieuses.

Lorsqu'une adaptation des conditions de travail est techniquement ou objectivement impossible ou lorsque cela ne peut être raisonnablement exigé pour des raisons sérieuses ou lorsque l'employeur ne peut offrir au travailleur un autre travail correspondant à ses possibilités ou que le travailleur refuse une offre d'un autre travail correspondant à ses possibilités, la fin du contrat de travail pour cause de force majeure ne peut être constatée qu'après attestation de l'incapacité de travail définitive par le médecin-inspecteur social compétent de la direction générale contrôle du bien-être au travail du Service public fédéral Emploi, Travail et Concertation sociale. Ces dispositions ne portent pas atteinte au droit de l'employeur de mettre fin au contrat de travail moyennant le respect d'un délai de préavis ou le paiement d'une indemnité conformément aux dispositions de loi relative aux contrats de travail.

D'autre part, l'arrêté royal du 28 mai 2003 relatif à la surveillance de la santé des travailleurs (mise à jour le 23 mai 2014)⁴³ prévoit que le conseiller en prévention-médecin du travail peut promouvoir les possibilités d'emploi pour tout un chacun, notamment en proposant à l'employeur les méthodes de travail adaptées, les aménagements du poste de travail et la recherche d'un travail adapté et ce, également pour les travailleurs dont l'aptitude au travail est limitée. Les examens médicaux de prévention prévus par cet arrêté royal ont entre autres pour finalité l'évaluation de la santé d'un travailleur en incapacité de travail définitive en vue de son reclassement.

➤ *Statistiques* (Source: CSE, 2014⁴⁴) :

³⁸ http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1971041001&table_name=loi

³⁹ <http://www.fmp-fbz.fgov.be/pdfdocs/Publicaties/FR/Brochure%20-%20Reparation%20en%20cas%20de%20maladie%20professionnelle.pdf>

⁴⁰ <http://www.inami.fgov.be/fr/themes/incapacite-travail/Pages/default.aspx#.VmFgwcuFPRY>

⁴¹

https://www.socialsecurity.be/CMS/fr/citizen/displayThema/professional_life/PROTH_6/PROTH_6_2/PROTH_6_2_2.xml

⁴² http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1978070301&table_name=loi

⁴³ http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2003052835&table_name=loi

⁴⁴ CSE, 2014 (pp. 57-128) : <http://www.emploi.belgique.be/WorkArea/DownloadAsset.aspx?id=41750>

- *Nombre de personnes classées comme étant en "incapacité de travail – invalidité", par sexe et par région (moyenne de 2011, en milliers de personnes) :*

	Homme	Femme	Total
Bruxelles	8	8	16
Flandre	39	48	87
Wallonie	32	34	66
Belgique	78	90	169

- *Nombre de personnes invalides qui travaillent, par sexe et par région (moyenne de 2011, en milliers de personnes)*

	Homme	Femme	Total
Bruxelles	3	4	7
Flandre	31	31	62
Wallonie	18	17	35
Belgique	52	52	105

Flanders

There are currently no figures available. However, the research being currently conducted by the Policy Research Centre on Work and the Social Economy will map some features of the transitions (results will be delivered in 2016).

Wallonie

La région wallonne ne dispose pas de données globales sur ce sujet; elle renvoie aux nombres de Primes de compensation et d'Aménagements de postes de travail mentionnés au Point 2.1. consentis par l'AWIPH.

Région de Bruxelles-Capitale

PHARE a plusieurs dispositions pour favoriser ou maintenir l'emploi des personnes handicapées :

- *la prime d'insertion* : intervention dans le salaire pour compenser la perte de rendement (183 en 2014)
- *la prime d'installation* : intervention financière pour compenser la perte de rendement des indépendants (11 en 2014)
- *adaptation du poste de travail* (7 en 2014)
- *prime de tutorat*: intervention versée à l'employeur pour qu'il libère du temps d'un de ses travailleurs afin d'accompagner le travailleur handicapé pour une période donnée (1 en 2014)
- *prime de sensibilisation* : intervention financière versée à l'employeur destinée à couvrir les frais rencontrés dans le cadre d'un programme de sensibilisation et de formation de son personnel au handicap d'un de ses travailleurs (0 en 2014)
- *stage de découverte* : pouvoir découvrir le monde l'entreprise pendant 10 jours maximum (17 en 2014)
- *contrat d'adaptation professionnelle* : formation en entreprise agréée par PHARE qui intervient financièrement (89 en 2014).

PHARE est en relation permanente avec les employeurs qui occupent une personne handicapée et rencontre également les employeurs qui sont susceptibles d'engager une personne handicapée pour favoriser l'emploi des personnes handicapées. PHARE collabore également avec Actiris⁴⁵ pour favoriser l'emploi des personnes handicapées et finance des examens d'orientation professionnelle pour ces personnes.

2. Reasonable accommodation

➤ *Cadre légal fédéral*

L'une des dispositions de la loi de non-discrimination du 10 mai 2007, transposée dans les législations régionales et communautaires, précise que l'absence d'aménagement raisonnable pour les personnes handicapées constitue une discrimination.

Un protocole d'accord entre l'Etat fédéral et les entités fédérées a été signé le 19 juillet 2007⁴⁶ afin d'établir un concept commun en matière d'aménagements raisonnables, déterminant certains critères d'interprétation du concept et proposant des indicateurs permettant d'évaluer le caractère raisonnable de l'aménagement :

- Un aménagement raisonnable est une "mesure concrète pour neutraliser l'impact limitatif d'un environnement non adapté sur la participation d'une personne handicapée".
- L'aménagement doit être efficace afin de permettre à la personne handicapée de participer effectivement à une activité, permettre une participation égale et autonome de cette personne et assurer sa sécurité. Le caractère raisonnable de l'aménagement est évalué à la lumière d'une liste non limitative d'indicateurs cités par le protocole.

➤ *Flemish legal framework*

Adaptations to the working space and transport to and from the workplace are two measures being implemented to ensure the right to reasonable accommodation. As a consequence of the Anti-discrimination Act, Flemish administrations have a duty to facilitate the adjustment of workstations so that all staff members can carry out their work in optimal conditions. Flemish Administrations have access to a similar support structure as the Federal Administration Selection Bureau (Selor) to organize an adapted recruitment process. Within the Flemish Administration there is an office which provides information and practical advice concerning the most suitable adaptations, whether material or functional (e.g. adapted jobs and working schedules).

At the regional level, the *Vlaamse Dienst voor Arbeidsbemiddeling en Beroepsopleiding*⁴⁷ (VDAB), provide advice and give grants to private employers to adapt the workplace and finance transport. These agencies also disseminate information.

➤ *Wallonie*

La Région wallonne s'est dotée de sa propre législation anti-discrimination, d'application également pour les personnes en situation de handicap, en ce qui concerne tous les domaines de la vie comme le logement, les transports, les télécommunications, la culture et les loisirs ...

⁴⁵ Agence publique bruxelloise de l'emploi

⁴⁶ http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2007071914&table_name=loi

⁴⁷ The 'Flemish employment and vocational training agency' is the public employment service for Flanders

Décret du 6 novembre 2008 de la Région wallonne relatif à la lutte contre certaines formes de discriminations.

La Région wallonne s'est, en outre, dotée du **décret wallon du 10 octobre 2013** qui vise à « **promouvoir la prise en compte des personnes en situation de handicap dans les contrats de gestion ou des obligations d'information des organismes d'intérêt publics dépendant de la Région wallonne** ».

Un premier rapport de mise en œuvre a été présenté au Gouvernement wallon fin 2015.

Le suivi des plaintes en matière de discrimination est lui assuré par un accord de coopération avec le Centre Interfédéral pour l'Égalité des Chances (renommé UNIA).

➤ *Cadre légal de la Communauté germanophone*

Le Décret germanophone du 19 mars 2012 visant à lutter contre certaines formes de discrimination prévoit aussi les aménagements raisonnables. Son article 5 pose l'interdiction de discrimination. La notion de discrimination englobe notamment : « 5. le refus de mettre en place des aménagements raisonnables en faveur d'une personne handicapée. ».

A l'heure actuelle, il n'y a pas de jurisprudence en matière d'aménagements raisonnables en application du Décret visant à lutter contre certaines formes de discrimination. Mais le décret prévoit en ses articles 12 à 32 les organismes de promotion de l'égalité de traitement, le contrôle et les sanctions ainsi que les dispositions pénales.

➤ *Cadre légal de la Fédération Wallonie-Bruxelles*

L'article 3 du décret du 12 décembre 2008⁴⁸ relatif à la lutte contre certaines formes de discriminations définit aussi les notions de discrimination et d'aménagements raisonnables. Le texte de ce décret a été rédigé dans un souci de cohérence avec les trois lois fédérales de lutte contre les discriminations.

Le réseau égalité-diversité des fonctionnaires du Service Public de Wallonie veille, en son cadre, à l'application de cette mesure ainsi que celles concernant le quota d'emplois des travailleurs en situation de handicap dans la fonction publique wallonne.

2.1. Could you elaborate on support measures available to employers to provide reasonable accommodation?

Pourriez-vous donner des précisions sur les mesures de soutien offertes aux employeurs afin de mettre en place des aménagements raisonnables ?

L'ensemble des mesures d'intégration professionnelle des travailleurs handicapés est repris dans un vade-mecum rédigé par le Conseil National du Travail⁴⁹.

Flanders

Employers can benefit from support to provide reasonable adjustments to the workplace for tools, work clothes and adjustments to the workplace. The costs should be in relation to the frequency of use, the employer has to prove the necessity of the adjustments.

⁴⁸ <http://www.egalite.cfwb.be/index.php?id=1760>

⁴⁹ <http://www.cnt-nar.be/DOSSIERS/Gehandicaptent/2015-07-30-Handicap-FR-VADEMECUM.pdf>

Wallonie

La Région wallonne a prévu, des dispositifs d'aides à l'emploi qui facilitent la mise au travail et le maintien dans l'emploi de personnes handicapées.

L'AWIPH, instrument du Gouvernement wallon pour l'intégration des personnes handicapées, développe des actions spécifiques en matière d'orientation, de formation et d'emploi qui viennent compléter les dispositifs ordinaires, voire pour certaines personnes handicapées, constituent des alternatives à ces dispositifs ordinaires.

La législation qui régit les aides à l'emploi dont la gestion est confiée à l'AWIPH vise l'égalité des chances des personnes handicapées sur le marché de l'emploi. Pour l'essentiel (nombre d'interventions et budgets consacrés), elles consistent en interventions dans le coût d'ajustements des situations de travail engagés par les entreprises, interventions qui rendent donc ces aménagements raisonnables pour les entreprises⁵⁰.

Deux interventions sont tout particulièrement concernées :

- la prime de compensation : une intervention dans le coût salarial accordée à l'entreprise pour compenser le coût supplémentaire éventuel des mesures qu'elle prend pour permettre au travailleur handicapé d'assumer ses fonctions (dont les aménagements de postes de travail, la flexibilité horaire ...), si ce coût supplémentaire est lié au handicap. La durée de la première période d'intervention est limitée à un an. Par la suite, la période d'intervention peut aller jusqu'à 5 ans. Elle est renouvelable. L'AWIPH a proposé de renommer la prime de compensation : "soutien à l'ajustement des situations de travail", proposition que le Gouvernement wallon n'a pas encore reprise à son compte, Le nombre d'interventions est en très forte augmentation. Cette augmentation pose d'ailleurs un problème de moyens financiers. Dans le contexte budgétaire difficile que connaissent les pouvoirs publics, des mesures ont dû être prises pour freiner l'augmentation des coûts liés à l'augmentation du nombre d'intervention. C'est ainsi qu'en 2014, la masse salariale sur laquelle porte l'intervention a été légèrement rabotée, et qu'en 2015, le pourcentage maximum d'intervention est aussi passé de 50 à 45 %.

Evolution du nombre total de primes de compensation sur l'année

	2011	2012	2013	2014	2015
Compensation	4072	4291	4164	4680	4774

- l'aménagement du poste de travail : une intervention qui couvre les frais supplémentaires liés au handicap. Elle touche entre 150 et 175 personnes par an. Leur nombre a toujours été relativement modeste. Il faut savoir que pas mal de ces aménagements sont en fait intégrés dans la prime de compensation.

Evolution du nombre total d'interventions dans les frais d'aménagement de postes de travail

	2011	2012	2013	2014	2015
APT	135	172	179	158	167

Cet aménagement de poste de travail intervient bien entendu à côté des aides individuelles à l'intégration (aides techniques à la communication, adaptations de véhicules automobiles privés, traduction en langue des signes ...) qui ne sont pas des aides à l'employeur mais qui concourent à l'inclusion des personnes handicapées dans tous les domaines de la vie, dont l'emploi. Ainsi, l'arrêté du Gouvernement wallon du 13 mars 2014 a introduit des

⁵⁰ https://www.awiph.be/integration/se_former_travailler/employeurs/maintien_emploi.html

modifications dans les conditions et modalités d'intervention dans ce secteur : nouvelles aides intégrées, montants plafonds revus, conditions d'intervention élargies.

Dans le cadre d'un projet cofinancé par le Fonds social européen (Ergojob), l'AWIPH a embauché deux ergonomes qui viennent en soutien aux agents en intégration professionnelle chargés d'assurer la gestion des aides à l'emploi pour les travailleurs handicapés. Ils se centrent tout naturellement sur l'analyse et l'amélioration qualitative des situations de travail, la PC ou l'APT pouvant être sollicités au besoin pour financer les aménagements envisagés.

Enfin, un programme de « soutien dans l'emploi », inspiré du courant du Supported Employment, est développé en Wallonie depuis 2005. Il vise l'apport d'un professionnel aux côtés du travailleur handicapé et de l'entreprise, pour assurer l'insertion et le maintien à l'emploi de certains travailleurs handicapés, particulièrement en difficultés du fait de leur handicap. Ici aussi, l'ajustement des situations de travail constitue une des cibles prioritaires.

Evolution du nombre de bénéficiaires du projet « soutien dans l'emploi » suivis sur l'année

	2011	2012	2013	2014	2015
Nombre total de bénéficiaires des actions de soutien dans l'emploi	604	623	599	545	494

D'un point de vue qualitatif (méthodologique), on peut dire que l'action a atteint sa vitesse de croisière. Un colloque a d'ailleurs rendu compte de cette action en ce début 2015⁵¹.

La diminution du nombre de bénéficiaires du soutien dans l'emploi, en 2015, tient non pas à une baisse dans les besoins mais à un „recentrage“ de l'action vers les travailleurs handicapés les plus en difficulté, ce qui a nécessité un accroissement du soutien apporté individuellement dans la limite, toutefois, des moyens budgétaires.

L'on peut faire écho ici de deux initiatives qui ne sont à proprement parler des aides récurrentes aux employeurs mais plutôt des actions ciblées qui les mettent concrètement en piste :

- Le 12 novembre, au Parlement européen, 13 entreprises rencontraient 13 candidats en situation de handicap à l'occasion d'un « jobdating ». Cette initiative, organisée conjointement par l'ADAPT (Association française pour l'insertion sociale et professionnelle des personnes handicapées) et l'AWIPH, marquait le lancement de la semaine européenne de l'emploi.
- En 2015, le DUOday est devenu une action nationale. Des stagiaires bruxellois, germanophones, flamands et wallons ont participé à la même action au même moment grâce à la collaboration entre les différents services régionaux (AWIPH, DPB, GTB et Phare).

Le DUOday repose sur un concept simple : durant cette journée, des duos se créent en entreprise entre personne en situation de handicap et travailleur habituel. Cette journée implique pour la personne en situation de handicap une participation active aux tâches habituelles (et/ou la réalisation d'une observation du travail).

Les objectifs de cette journée sont multiples. Les entreprises peuvent (re)découvrir que les personnes en situation de handicap ont des compétences et des atouts. Les personnes en

⁵¹ voir <http://bit.ly/awiph-soutien>

situation de handicap, quant à elles, s'initient aux exigences d'un poste, d'un métier, d'un secteur d'activité ou d'une entreprise particulière. Cette journée permet à certains d'amorcer un parcours vers une formation; pour d'autres, de mieux cerner leur orientation professionnelle ou d'améliorer leur recherche d'emploi.

Le 26 mars 2015, le Duoday a rassemblé 101 duos (70 en 2014, 45 en 2013) au sein de 65 entreprises (50 en 2014, 30 en 2013).

Région de Bruxelles-Capitale

Voir supra. PHARE intervient également dans le coût d'instruments de travail adaptés à la personne handicapée.

Communauté germanophone

La DPB propose la possibilité de l'intervention dans les frais d'adaptation du poste de travail. L'adaptation doit se justifier par la nature du handicap. Après l'adaptation, l'employeur s'oblige à employer la personne pour qui l'adaptation a été faite au moins 6 mois et à employer ultérieurement uniquement des personnes handicapées à ce poste de travail. L'intervention couvre les frais réels de l'adaptation du poste de travail à concurrence des plafonds valables pour les adaptations immobilières. Pour l'achat de matériel de travail ou d'outils adaptés, l'intervention couvre la différence de prix entre le modèle adapté et le modèle standard. Le DPB offre également conseil et soutien dans la définition du besoin de la personne handicapée en terme d'adaptation du poste de travail.

2.2. Is there any competence centre in your Country, region, locality?

Existe-t-il un centre de compétences dans votre pays, région, localité ?

Wallonie

L'AWIPH, sur ses propres forces ou en collaboration avec des opérateurs privés, assure pour la Région wallonne le conseil et le financement des aménagements raisonnables. Dans le cadre du projet *Ergojob* évoqué plus haut, des services conseils sont mobilisés. La collaboration avec les Services (internes et externes) de Prévention et de Protection au Travail est elle aussi promue.

Région de Bruxelles-Capitale

PHARE qui dépend de la Commission communautaire française assure le financement des aménagements raisonnables et ses conseils pour les personnes admises chez lui.

Communauté germanophone

Les mesures et services auxquels les personnes handicapées peuvent avoir recours sont diffusées dans les rapports annuels d'activités du DPB, disponibles sur son le site web. Ces rapports annuels sont également le site du DPB ⁵².

2.3. Do Public Employment Services provide support for reasonable accommodation?

Les services publics de l'emploi offrent-ils une aide pour les aménagements raisonnables ?

Flanders

Funding for reasonable accommodation to the workplace is provided through the PES VDAB

⁵² <http://www.dpb.be/>

Wallonie

Le service public fédéral Emploi, Travail et Concertation sociale développe des actions, notamment via sa Direction de l'Humanisation des Conditions de Travail. Un fonds spécifique vise aussi l'ajustement des situations de travail pour les travailleurs "âgés" (à partir de 45 ans). Ce Fonds (dénommé Fonds de l'Expérience Professionnelle) a été récemment régionalisé. Il est désormais inclus dans le Forem.

Région de Bruxelles-Capitale

PHARE peut intervenir pour les adaptations du poste de travail et son environnement dans le secteur public mais pas pour l'accès au bâtiment.

2.4. Could you elaborate on subsidies available to employers to provide reasonable accommodation?

Pourriez-vous préciser quelles sont les subventions disponibles pour les employeurs afin de mettre en place des aménagements raisonnables ?

Wallonie

Voir supra

Région de Bruxelles-Capitale

Voir supra.

2.5. Do you disseminate information on these assistance measures and subsidies to employers?

Diffusez-vous des informations relatives aux mesures d'aide et subventions offertes aux employeurs ?

Interfédéral

Un site Internet a été développé en collaboration entre l'Etat fédéral, la Région flamande, la Région wallonne, la Région de Bruxelles-capitale et la Communauté germanophone. Ce site répertorie les mesures de promotion de l'emploi et donne un aperçu des avantages et primes accordés aux employeurs qui embauchent des travailleurs handicapés ⁵³.

Par ailleurs, le 'Belgian Safe Work Information Center' (BeSWIC), a pour objet de faciliter l'accès à l'information concernant le bien-être au travail, notamment sur l'intégration des travailleurs handicapés ainsi que sur leur (ré)insertion professionnelle ⁵⁴.

Flanders

The site of the VDAB (PES) contains all necessary information ⁵⁵.

Wallonie

Oui, sur le site de l'AWIPH, lors de salons de l'emploi, via diverses publications et fiches techniques. Concrètement :

⁵³

<http://www.autravail.be/web4/fot2web/measureList.do?method=searchByCategory&category=Handicap&language=fr&viewPoint=employer>

⁵⁴ http://www.beswic.be/fr/priority_groups/disability/

⁵⁵ <https://www.vdab.be/arbeidshandicap/default1.shtml>

- l'AWIPH mène des actions de sensibilisation des « intermédiaires de l'emploi », cofinancées par le Fonds social européen. C'est ainsi que de nombreux agents du FOREM, d'entreprises d'intérim, d'organisations syndicales, de gestionnaires RH des pouvoirs publics, etc., ont pu être touchés par ces actions.
- une importante action d'information est menée. On pourra consulter les pages « employeurs » du site internet de l'AWIPH ⁵⁶. Une brochure destinée aux employeurs a aussi été récemment publiée ⁵⁷.

Région de Bruxelles-Capitale

Oui, par notre site internet, des brochures, des fiches d'information, des participations à des manifestations (colloques, bourses à l'emploi...). Toute personne handicapée reçoit aussi une notice d'information lors de son inscription à PHARE qui décrit la panoplie de nos aides.

2.6. Do you have information about the different types of adaptations provided by the employers?

Avez-vous des informations concernant les types d'aménagement fournis par les employeurs ?

Fédéral

Le SPF Emploi, travail et concertation sociale a publié une brochure destinée aux employeurs, *Clés pour les aménagements raisonnables au profit des personnes handicapées au travail* ⁵⁸

Wallonie

Il n'existe pas d'inventaire des aménagements réalisés par les employeurs.

L'AWIPH peut néanmoins fournir des informations sur les aménagements qu'elle contribue à financer. Il s'agit ainsi d'aménagements matériels (logiciels d'agrandissement, grands écrans, TV loupe, sièges adaptés, avertisseurs visuels pour mal entendant, matériel de levage / port de charges ...), mais aussi d'aménagements organisationnels (révision de la fonction, redistribution des tâches au sein d'une équipe de travail, communication des consignes de façon adaptée, rythme de travail adapté, montrer le travail à accomplir, expliquer et évaluer (plus) régulièrement, ...).

Région de Bruxelles-Capitale

Il n'y a pas d'inventaire à ce propos. Mais PHARE intervient pour une série d'adaptations comme logiciel pour malvoyant ou barrette braille, fauteuil adapté, avertisseurs sonores pour malentendants...mais aussi l'aménagement des locaux comme la toilette. La prime d'insertion peut aussi permettre d'accorder des plages de repos supplémentaires nécessaires en fonction du handicap.

2.7. How is reasonable accommodation provided in public administration?

En quoi consistent les aménagements raisonnables dans l'administration publique ?

Administration fédérale

⁵⁶ https://www.awiph.be/integration/se_former_travailler/employeurs/index.html

⁵⁷ <https://www.awiph.be/pdf/documentation/publications/emploi/Brochure-Travailleurs-handicapes.pdf>

⁵⁸ <http://www.emploi.belgique.be/publicationDefault.aspx?id=3616>

- Les procédures de sélection : au sein de l'Agence fédérale de recrutement (SELOR), les personnes handicapées peuvent demander de bénéficier d'aménagements raisonnables lors de leur participation à la sélection comparative de recrutement ou au test de sélection ⁵⁹.

Le gouvernement fédéral a également introduit le droit pour les personnes présentant un handicap de réaliser leur stage avec des prestations réduites à concurrence de la moitié ou à concurrence d'un cinquième des prestations.

- L'adaptation des postes de travail dans la fonction publique : chaque organisation fédérale doit prendre en charge les frais liés aux adaptations de postes de travail pour son personnel handicapé. Une brochure éditée par le SELOR, intitulée 'Adaptations de poste de travail Optima HA' ⁶⁰, propose un plan par étapes et toute une série de conseils visant à accompagner les travailleurs avec un handicap et à prévoir les aménagements qui leur sont nécessaires.
- L'accueil et l'intégration de collaborateurs ayant un handicap ou une maladie chronique : le Service public fédéral (SPF) Personnel et organisation a publié une brochure ⁶¹ afin de sensibiliser leurs collègues aux réalités des divers handicaps.

Wallonie

Il n'y a pas de différence entre les aménagements réalisés par le secteur privé et ceux réalisés par le secteur public.

Région de Bruxelles-Capitale

Même chose que pour le secteur privé à part l'accès au bâtiment.

2.8. Is there a complaint mechanism in place as concerns non-application of reasonable accommodation?

Existe-t-il un mécanisme de plainte en ce qui concerne la non-application d'aménagements raisonnables ?

Interfédéral

Le Centre interfédéral pour l'égalité des chances (CIEC) ⁶², qui est également le mécanisme indépendant belge (en conformité avec l'art.33.2 UNCRPD), est compétent pour traiter les plaintes relatives aux discriminations basées sur le handicap : des protocoles d'accord ont par ailleurs été signés avec toutes les entités fédérées en ce sens.

Administration fédérale

Tout fonctionnaire fédéral peut introduire une plainte auprès du SPF Personnel et Organisation ⁶³.

Flanders

Public administrations and the VDAB provide internal complaints procedures and there is always the possibility to complain with the agency responsible for the implementation of the anti-discrimination legislation.

⁵⁹ <http://www.references.be/article/le-blog-du-selor-laces-aux-tests-de-selection-pour-candidats-presentant-un-handicap-trouble>

⁶⁰ <http://client.selor.be/media/221335/selor%20-%20adaptations%20de%20poste%20de%20travail%20optima%20ha.pdf>

⁶¹ http://www.fedweb.belgium.be/sites/default/files/downloads/broch_po_diversite_accueil_handicap_FR.pdf

⁶² <http://www.diversite.be/poser-une-question-introduire-un-signalement>

⁶³ http://www.fedweb.belgium.be/fr/contact/adr_spf_po_plaintes

When a benefit for a reasonable accommodation is not granted by the PES, the employer or worker can ask for reconsideration at a special commission and plead his case.

Wallonie

Le CIEC. Cependant, il faut ajouter que le rôle des Tribunaux et cours du travail et des Médiateurs officiels est toujours également d'application.

Région de Bruxelles-Capitale

Le CIEC.

2.9. Would you like to signal changes as concerns information provided in the study "Providing reasonable accommodation for persons with disabilities in the workplace in the EU..." published by the Commission in 2008?

Souhaitez-vous signaler des changements en ce qui concerne les informations fournies dans l'étude publiée par la Commission en 2008 ("*Providing reasonable accommodation for persons with disabilities in the workplace in the EU...*") ?

Les évolutions qui se sont produites par rapport à 2008 se trouvent dans les réponses à ce questionnaire.

3. Employment Quotas

3.1. Do you have quotas in place?

Avez-vous mis en place des quotas ?

a) public sector

Administration fédérale

L'arrêté royal du 5 mars 2007 organisant le recrutement de personnes handicapées ⁶⁴ prévoit que chaque administration fédérale compte 3% de personnes handicapées au sein de son personnel (équivalents temps plein). Les fonctions opérationnelles des services de police, pénitentiaires ou de secours ne sont pas prises en compte pour fixer l'effectif.

Il faut signaler qu'il n'existe aucune obligation de la part d'un membre du personnel de se déclarer comme ayant un handicap. Dès lors, il n'est pas exclu que certains membres du personnel refusent volontairement de se déclarer comme handicapés : il est donc possible que les taux d'emploi publiés soient sous-estimés.

Flanders

Yes, in the sense of government agreed target figures.

Wallonie

Oui, dans le secteur public : les services du Gouvernement wallon - Service Public de Wallonie et organismes d'intérêt public, mais aussi pouvoirs locaux - provinces, communes, centres publics d'action sociale, associations de services publics. Une obligation d'emploi existe également au niveau de la Communauté française ⁶⁵.

⁶⁴ http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2007030532&table_name=loi

⁶⁵ Egalement appelée Fédération Wallonie-Bruxelles

Région de Bruxelles-Capitale

Dans le secteur public, la Commission communautaire française dont dépend PHARE a sorti récemment un arrêté prévoyant un quota de personnes handicapées parmi son personnel. En ce qui concerne l'emploi adapté, la réglementation prévoit une limite de travailleurs handicapés subventionnés de 1450 unités.

Communauté germanophone

La Communauté germanophone ne dispose pas, à ce jour, de base légale qui prévoit des quotas obligatoires pour l'engagement de personnes handicapées. Toutefois, dans le cadre du Concept régional de développement (REK) de la Communauté germanophone, le gouvernement a prévu un projet visant la promotion de l'emploi des personnes handicapées dans les pouvoirs publics et locaux.

b) private sector

Il n'y a pas de quotas dans le secteur privé. Toutefois, depuis peu, suite à l'arrêté royal du 17 février 2013⁶⁶, un certain nombre d'employeurs liés par une convention collective de travail spécifique doivent réserver un effort d'au moins 0,05 % de la masse salariale en faveur d'un ou plusieurs groupes cibles, parmi lesquels les personnes âgées, les jeunes et les personnes handicapées.

3.2. Do you have data on quota application in your country in a) public sector, b) private sector? If yes, please, elaborate on the main findings.

Avez-vous des données sur l'application des quotas dans votre pays dans a) le secteur public, b) le secteur privé ? Dans l'affirmative, veuillez donner des précisions sur les principales conclusions.

a) public sector

Administration fédérale

D'après le dernier rapport de la *Commission d'accompagnement pour le recrutement de personnes avec un handicap dans la fonction publique fédérale* (CARPH), le taux d'emploi des personnes reconnues comme ayant un handicap s'élevait en moyenne, en 2014, à 1,45% (1,39% en incluant la Police fédérale). Par ailleurs, sept organisations fédérales atteignaient ou dépassaient le quota de 3%⁶⁷.

Flanders

Only in the public sector : Flemish administration 3% (local government 2%).

Wallonie

En ce qui concerne le secteur public, la politique d'emploi en faveur des personnes handicapées est différente selon chaque niveau de pouvoir. Le Code de la Fonction publique wallonne fixe actuellement le quota d'emploi des personnes handicapées à 2,5 % de l'effectif occupé au 31 décembre de l'année précédente⁶⁸.

⁶⁶ http://www.etaamb.be/fr/arrete-royal-du-19-fevrier-2013_n2013200746.html

⁶⁷ <http://www.fedweb.belgium.be/sites/default/files/Rapport%20CARPH%202014.pdf>

⁶⁸ Code de la fonction publique wallonne, articles 82-83 :

https://wallex.wallonie.be/index.php?mod=voirdoc&script=wallex2&PAGEDYN=SIGNTEXT&CODE=167502&IDREV=16&MODE=STATIC%20-%20FR_4422891

L'arrêté du Gouvernement wallon du 26 février 2015 prévoit l'établissement d'un état des lieux bisannuel.

En 2015, le taux d'emploi de travailleurs handicapés constituait 2,15 % de l'ensemble des agents des services publics régionaux soumis à l'obligation⁶⁹.

Un arrêté du Gouvernement wallon du 27 février 2013⁷⁰ fixe le pourcentage de travailleurs handicapés que les provinces, communes, centres publics d'action sociale (CPAS) et associations de services publics doivent occuper, exception faite des emplois réservés au personnel des services d'incendie, médical et soignant et des travailleurs engagés sur la base de l'article 60, § 7, de la loi du 8 juillet 1976 organique des centres publics d'action sociale (CPAS). Ces administrations doivent employer un nombre de travailleurs handicapés fixé à 2,5% de leur effectif au 31 décembre de l'année précédente.

Le personnel doit être invité à informer, si nécessaire, l'administration d'une reconnaissance de handicap, en garantissant la confidentialité des informations communiquées. De son côté, l'employeur public est tenu d'informer les travailleurs sur sa politique en matière d'emploi des personnes handicapées, et donc notamment sur les aménagements que les travailleurs peuvent espérer obtenir en raison de leur handicap.

En 2015, le taux d'emploi de travailleurs handicapés au sein des services concernés par l'obligation s'élevait à 5,6 % (provinces), 3,4 % (communes), 5,6 % (associations services publics), 3,2 % (CPAS).

Région de Bruxelles-Capitale

Oui, il y a des quotas tant dans les administrations fédérales que communautaires ou régionales. Ces quotas ne sont actuellement pas respectés. Il n'y a en effet pas de sanction prévue en cas de non-respect. Mais la situation évolue favorablement petit à petit. Le problème des quotas, c'est que quand ils sont atteints, la situation ne bouge pratiquement plus. Ce qui serait intéressant, c'est d'instaurer un % de personnes handicapées à l'engagement ou au recrutement.

3.3. Are they compulsory quotas or informal targets?

S'agit-il de quotas obligatoires ou d'objectifs informels ?

Administration fédérale

L'obligation prévue à l'article 3 de l'arrêté royal du 17 février 2013 est analysée annuellement par la CARPH qui évalue la mesure dans laquelle cette obligation a été respectée, ainsi que les efforts fournis par chaque service public. Elle formule un avis en fonction de cette évaluation, si l'obligation prévue n'a pas été respectée. A cet effet, elle tient compte, notamment, de la situation initiale du service public et des possibilités du service public de combler les vacances d'emploi, en fonction de la situation sur le marché du travail et des réserves de recrutement et en tenant compte des profils recherchés. En fonction de l'évaluation, la commission peut proposer dans son avis un processus de croissance et formuler des recommandations, pour que le service public concerné respecte, à terme, l'obligation prévue à l'article 3 de l'arrêté royal susmentionné.

Flanders

They are formulated as compulsory but as there are no sanctions they function as informal targets.

⁶⁹ Données relatives à 17 services sur 18 interrogés

⁷⁰ <http://www.ejustice.just.fgov.be/cgi/api2.pl?lg=fr&pd=2013-02-26&numac=2013201080>

Wallonie

Obligatoires, mais uniquement dans le secteur public.

Région de Bruxelles-Capitale

Obligatoires dans le secteur public.

3.4. Are those quota reached?

Ces quotas sont-ils atteints ?

Administration fédérale

Les quotas ne sont pas encore atteints dans toutes les administrations fédérales et une légère diminution du taux d'emploi moyen a même été observée en 2014, pour la première fois depuis 2009. Les hypothèses suivantes ont été avancées par la CARPH afin d'expliquer cette diminution :

- Le départ à la pension de collaborateurs en situation de handicap explique en partie la diminution du taux d'emploi des personnes avec un handicap au sein de certaines organisations.
- Sur une période de 5 ans, le nombre total de fonctionnaires fédéraux a diminué de plus de 7%.
- La diminution du nombre de fonctions de niveau D, niveau dans lequel les collaborateurs reconnus comme ayant un handicap sont surreprésentés, peut également expliquer la diminution du taux d'emploi des personnes avec un handicap.

Flanders

No

Wallonie

Les administrations locales, provinciales ainsi que les services publics régionaux dont le personnel est soumis au code wallon de la fonction publique doivent employer un nombre de travailleurs handicapés fixé à 2,5% de leur effectif au 31 décembre de l'année précédente⁷¹. Un rapport par chaque service en collaboration avec l'AViQ est effectué tous les deux ans, pour le 31 mars au plus tard (situation au 31 décembre de l'année précédente) : l'analyse des dernières statistiques (2015) a été soumise aux Ministres de l'action sociale, des pouvoirs locaux et de la fonction publique régionale en vue d'informer le Gouvernement wallon.

Région de Bruxelles-Capitale

Non, pas dans le secteur public.

En ce qui concerne l'emploi adapté, le quota maximum de 1450 unités de travailleurs handicapés subventionnés est atteint (sauf dans les périodes de crises économiques où le quota effectif peut descendre à 1430).

3.5. Are there penalties or remedies if not reached?

S'ils ne le sont pas, existe-t-il des sanctions ou des mesures correctives ?

Administration fédérale

⁷¹ <http://www.ejustice.just.fgov.be/cgi/api2.pl?lg=fr&pd=2013-02-26&numac=2013201080>

Depuis le 1er janvier 2014, toute administration fédérale qui ne compte pas 3% de personnes ayant un handicap a l'obligation de consulter la liste reprenant toutes les personnes présentant un handicap qui sont lauréates d'une sélection (et qui ont souhaité être inscrites sur cette liste) et de donner la priorité à ces candidats.

Flanders

No

Wallonie

Pas de sanctions, mais :

- des mesures incitatives, par exemple des alternatives à l'obligation d'emploi sont prévues via :
 - la passation de contrats de travaux, de fournitures et de services avec des ETA,
 - les investissements financiers consentis en faveur des ETA par les pouvoirs publics en tant que pouvoirs organisateurs,
- une information interne et externe, dans un format accessible, est à organiser au sujet :
 - des possibilités d'adaptation des procédures de recrutement et d'accession à un grade supérieur, aux contraintes liées au handicap,
 - de l'obligation ainsi que des dispositions dont les travailleurs peuvent bénéficier pour faire face à leur handicap dans le cadre de leur emploi (aménagement raisonnable des conditions de travail)

Une « Commission d'accompagnement pour le recrutement des personnes handicapées au sein de la fonction publique wallonne ». La société civile (Commission wallonne des Personnes Handicapées) y a ses représentants.

Les services publics qui ne respectent pas l'obligation ne peuvent prétendre à certaines interventions financières de l'AWIPH compétente à elle seule jusqu'au 31 décembre 2015 en vue de l'intégration ou du maintien à l'emploi.

Au plan régional, cinq pour cent des recrutements sont réservés à des personnes handicapées aussi longtemps que le pourcentage d'occupation (2,5 %) n'est pas atteint.

Région de Bruxelles-Capitale

Dans le secteur public, des rappels à l'ordre mais pas de sanction.

En ce qui concerne l'emploi adapté, il existe un autre type de quota, mais minimum celui-là, de 20% de travailleurs faibles, dont la capacité professionnelle est fixée à E et F. Les catégories de capacités varient de A à F selon la « perte de rendement » liée au handicap de la personne par rapport à son poste de travail.

Si une entreprise de travail adapté (ETA) ne respecte pas ce minimum de 20% de travailleurs faibles, une sanction administrative est prévue : une amende de 2.000 € par travailleur faible non occupé. Les ETA respectent ce minimum.

3.6. Do employers employ required % of disabled or prefer to pay the sanctions?

Les employeurs embauchent-ils le pourcentage requis de personnes handicapées ou préfèrent-ils payer les sanctions ?

Flanders

Not applicable

Wallonie

Sans objet

Région de Bruxelles-Capitale

En ce qui concerne l'emploi adapté, si une entreprise de travail adapté (ETA) ne respecte pas ce minimum de 20% de travailleurs faibles, une sanction administrative est prévue : une amende de 2.000 € par travailleur faible non occupé. Les ETA respectent ce minimum.

3.7. How do you use money coming from sanctions (special fund to support measures for persons with disabilities, for employers to provide reasonable accommodation, etc.)?

Comment utilisez-vous l'argent provenant des sanctions (fonds spécial pour soutenir des mesures pour les personnes handicapées, ou pour que les employeurs procèdent à des aménagements raisonnables, etc.) ?

Flanders

Not applicable

Wallonie

Sans objet

Région de Bruxelles-Capitale

Sans objet

3.8. Have the introduction of quotas impacted the overall level of employment of disabled people?

L'introduction de quotas a-t-elle eu un impact sur le taux d'emploi global des personnes handicapées ?

Administration fédérale

Les statistiques de la CARP montrent que le taux d'emploi des personnes reconnues comme ayant un handicap a progressé depuis 2009 (0,9% en 2009 ; 1,28% en 2010 ; 1,37% en 2011 ; 1,54% en 2012 ; 1,57% en 2013). En outre, le nombre d'organisations fédérales atteignant ou dépassant le quota de 3% est passé de 5 (en 2012) à 10 (en 2013) ⁷².

Flanders

No

Wallonie

Oui, le taux d'emploi au sein des services publics est en augmentation lente, mais constante.

Région de Bruxelles-Capitale

Services publics : Oui, impact positif.

Emploi adapté : oui, mais il s'agit d'un impact négatif, car les ETA ne peuvent avoir plus de 40% de travailleurs handicapés hors quota. Le quota maximum de 1450 unités de travailleurs

⁷²http://www.fedweb.belgium.be/fr/a_propos_de_l_organisation/administration_federale/mission_vision_valeurs/Egalite_des_chances_et_diversite/Les_projets/personnes_handicapees/carph

handicapés subventionnés est ventilé entre les 12 ETA. Cela peut empêcher ces entreprises d'embaucher durant les périodes de hausses de production (saisonniers ou liées à de nouveaux clients).

3.9. Is the impact of quota system evaluated?

L'impact du système de quotas est-il évalué ?

Administration fédérale

La CARPH évalue annuellement, depuis 2009, les efforts fournis par chaque service public et la mesure dans laquelle l'obligation prévue à l'article 3 de l'arrêté royal du 5 mars 2007 a été respectée ⁷³.

Flanders

The impact is monitored yearly and at the moment the process of registration is being evaluated

Wallonie

Oui, voir supra.

Région de Bruxelles-Capitale

A la Commission communautaire française, ce système vient d'être mis en place.

Dans l'emploi adapté, le quota maximum de 1450 unités de travailleurs handicapés subventionnés a été fixé pour des raisons budgétaires. En pratique, il y a une sous-utilisation du quota du fait du chômage économique (lié à la conjoncture économique), mais aussi lorsque des travailleurs handicapés subventionnés sont occupés à temps partiel (ce qui est assez rare) alors que le quota est comptabilisée en unité (et pas en équivalent temps plein).

3.10. Are there any plans to reform the quotas system?

Existe-t-il des projets de réforme du système de quotas ?

Flanders

No

Wallonie

En 2013 pour les pouvoirs locaux et en 2015 pour la RW l'obligation d'emploi vise le recrutement de travailleurs handicapés mais également leur maintien en fonction.

A l'étude : création d'un incitant aux services respectant l'obligation et à l'inverse, limiter l'octroi d'aides régionales (par exemple APE) aux entreprises publiques n'y satisfaisant pas. Les commissions d'accompagnement de l'obligation d'emploi, mises en place dans le cadre des législations ad hoc, ont également pour mission de proposer des mesures permettant d'améliorer la satisfaction de l'obligation et l'emploi des travailleurs handicapés en général (au sein des services concernés).

Région de Bruxelles-Capitale

⁷³ Ibid.

En ce qui concerne l'emploi adapté, les entreprises de travail adapté (ETA) et le Service PHARE souhaitent introduire un système de quota comptabilisé en équivalents temps-plein (plutôt qu'en unités). Mais l'impact budgétaire est important.

Communauté germanophone

Voir supra

4. Active Labour Market Policies

4.1. Are Public Employment Services or private employment services having active labour market policies for persons with disabilities? If yes, which type of measures do they provide?

Les Services publics de l'emploi ou les services privés de l'emploi ont-ils des politiques actives du marché du travail ciblant les personnes handicapées ? Dans l'affirmative, quel type de mesures offrent-ils ?

Flanders

The VDAB (the Flemish Public Employment Agency) in collaboration with private not-for-profit agencies provides assessment, guidance, vocational rehabilitation (including on the job training), targeted placement, personal support at the workplace, and wage subsidies to private and to some public employers and to self-employed disabled people.

All regular active labour market policies are accessible for persons with disabilities. If necessary, reasonable adjustments can be made (f.ex. sign language,...)

Employers can benefit a financial incentive when they hire or employ a person with a disability. The first year the benefit is 40% of the wage, the second 30% and the following 3 years 20%. After the period of 5 years the employer or worker can ask for a re-evaluation to start a new period of support. The employer or worker can also ask for a re-evaluation for a higher benefit up to 60% of the wage. This incentive provided to the employers concerns some 14.000 workers with disabilities in 2014.

Wallonie

Le FOREM propose un accompagnement des demandeurs d'emploi adapté à leur situation. Comme les autres SPE, il met en place des trajets adaptés, dans le cadre des accords de coopération entre l'ONEM et les SPE.

Région de Bruxelles-Capitale

Actiris a une cellule dénommée « consultation sociale » qui s'occupe spécifiquement des demandeurs d'emploi handicapés à Bruxelles. Elle les accompagne, les met en relation avec des employeurs souhaitant engager une personne handicapée, collabore avec PHARE notamment.

Bruxelles-Formation organise la formation des personnes handicapées via notamment ses centres de formation.

Les services d'accompagnement agréés et subventionnés par PHARE s'occupent également d'accompagner les personnes handicapées dans leurs démarches.

Communauté germanophone

Le DPB est compétent en matière d'emploi et de formation professionnelle des personnes handicapées. La compétence du DPB est subsidiaire et complémentaire et concerne les mesures de formation et d'emploi spécifiques pour les personnes handicapées qui ont besoin

d'une orientation, d'un accompagnement plus accentués et/ou d'adaptations spécifiques dans le cadre de leur parcours d'insertion et pour lesquelles ces orientation/accompagnement et adaptations n'existent pas ailleurs.

4.2. *Is specific support provided to participation of persons with disabilities in life-long learning (the systemic measures in place, financial support, vouchers, counselling, ESF projects)?*

Un soutien spécifique est-il fourni à la participation des personnes handicapées à l'apprentissage tout au long de la vie (des mesures systémiques en place, un soutien financier, des bons, des conseils, des projets du FSE) ?

Flanders

See supra

Wallonie

Le 15 mai 2014, furent prises de nouvelles dispositions réglementaires en ce qui concerne le secteur de la formation professionnelle, les 13 centres de formation professionnelle agréés par l'AWIPH ont désormais tous l'obligation de développer une phase de « détermination de projet professionnel », dont la durée maximale a été fixée à un an. Celle-ci contient l'identification des aménagements raisonnables qui seront nécessaires à l'emploi. Bien entendu, si des aménagements sont nécessaires lors de la phase de formation qualifiante, ceux-ci sont prodigués au stagiaire.

L'organisation d'un processus d'insertion socioprofessionnelle individualisé et adapté aux potentialités du stagiaire, en 4 phases possibles :

1° une phase de détermination de projet permettant de :

- réaliser un bilan personnel et professionnel du stagiaire,
- confronter le stagiaire aux réalités du monde du travail,
- permettre au stagiaire de découvrir un ou plusieurs métiers,
- poser un diagnostic d'insertion professionnelle,
- soutenir le stagiaire dans son orientation vers le(s) prestataire(s) adéquat(s) pour assurer la formation (le CFISPA qui a procédé au bilan, un autre CFISPA, le Forem, ...) ou pour prendre en charge la problématique du stagiaire (un service de santé mentale, un service d'accompagnement...),
- permettre au stagiaire d'acquérir les compétences de base en matière de savoir, savoir-faire et savoir-être,
- assurer le cas échéant la préparation du stagiaire aux dispositifs généraux de formation (tests Forem).

2° une phase de validation de projet permettant de :

- confronter le stagiaire aux réalités du métier,
- réaliser un test d'aptitudes du stagiaire,
- (in)valider ou invalider le projet de formation pressentie,

- soutenir le stagiaire dans son orientation vers le(s) prestataire(s) adéquats (passage en formation qualifiante, passage en phase de détermination, s'il faut redéfinir un projet ou orientation vers une autre structure pour prendre en charge la problématique du stagiaire);

3° une phase de formation qualifiante permettant de :

- acquérir ou développer des compétences techniques,
- actualiser les compétences du stagiaire (formation continuée),
- assurer le suivi du stagiaire en contrat d'adaptation professionnelle (= formation dispensée entièrement en entreprise);
- assurer le cas échéant la préparation à la validation des compétences.

4° une phase de suivi post-formatif (2 ans), sauf si le stagiaire y renonce expressément

Finalités des formations :

Alimentation (métiers de l'); Automobile (métiers de l'); Blanchisserie; Bureau (emplois de); Bureau d'études; Conducteurs; Chauffage; Comptabilité; Cuir (métiers du); DAO/CAO; Distribution (métiers de la); Ferronnerie; Horeca; Horticulture; Logistique; Maçonnerie; Maintenance informatique; Maraîchage; Menuiserie; Multimédia; Nettoyage professionnel; Nettoyage de voitures; Ouvrier(ère) polyvalent(e) dans les métiers du bâtiment; Plomberie; Scientifique (contrôle qualité).

Evolution du nombre total de stagiaires en centres de formation professionnelle :

	2011	2012	2013	2014	2015
CFP	1369	1483	1520	1571	1581

Taux d'insertion des stagiaires sortant de CFP

	2011	2012	2013	2014	2015
Taux d'insertion après CFP	43.96	36.3	39.63	47.93	78,35

Commentaire important : concernant le taux d'insertion des stagiaires sortant des CFP (CFISPA), il s'élève à 78,35 % en 2015. L'augmentation du nombre par rapport à 2014 s'explique par le fait que, depuis l'entrée en vigueur de la nouvelle réglementation, le calcul du taux d'insertion a été simplifié et est plus conforme à la réalité (nombre d'insertions durant l'année, par rapport au nombre de sorties durant cette même année, dont on déduit les sorties pour maladie).

Le stage de découverte permet à un certain nombre de personnes handicapées de valider progressivement leur projet et notamment le recours aux aménagements qui seront éventuellement nécessaires.

Le nombre de ces stages de découverte a crû de manière importante (158 stages réalisés sur l'année 2011 à 309 stages sur l'année 2014 (et déjà 241 sur les six premiers mois de 2015).

	2011	2012	2013	2014	2015
stage	155	135	238	309	399

Le contrat d'adaptation professionnelle est une formation individualisée en entreprise qui permet d'ajuster les aménagements raisonnables nécessaires.

Evolution du nombre de CAP :

	2011	2012	2013	2014	2015
CAP	1031	1076	1183	1353	1394

Taux d'insertion à l'issue des contrats d'adaptation professionnelle après parcours de formation :

	2011	2012	2013	2014	2015
Taux d'insertion à l'issue des CAP (en %)	66.3	63.3	65.7	76.0	61,5

Région de Bruxelles-Capitale

Projets du FSE :

- Emploi adapté : 20 personnes handicapées sont occupées dans quatre ETA sous contrat d'adaptation professionnelle durant maximum cinq ans afin d'acquérir une formation professionnelle pour accéder à un emploi sous contrat de travail en ETA et s'y maintenir.
- Appui à la formation professionnelle : l'objectif est de permettre à des personnes handicapées d'accéder aux remises à niveau et aux formations professionnelles pour favoriser leurs accès à l'emploi.
- Engagement de 2 personnes subventionnées par le FSE pour améliorer la mise au travail des personnes handicapées.
- Soutien financier du FSE dans le budget de PHARE pour l'emploi ordinaire.

Les mesures d'aide de PHARE ont déjà été décrites.

Communauté germanophone

Le travail du DPB est basé sur l'approche globale de la personne handicapée et en respectant ses besoins spécifiques. Pour chaque personne handicapée et en collaboration avec celle-ci ainsi qu'avec ses proches, un programme individuel d'aides et de services est élaboré dans lequel il est tenu compte de la situation de vie de la personne, de ses facultés individuelles, de ses intérêts et souhaits particuliers. Lors de la mise en œuvre de ce programme, l'accent est d'abord mis sur les services inclusifs. Ce sont donc les mesures ordinaires, ouvertes à tous les citoyens, qui seront proposées en premier lieu. De plus, il est aussi tenu compte des ressources existantes dans l'environnement de la personne elle-même. Ce n'est que dans un second temps et lorsque cela s'avère encore nécessaire que des services spécifiques pour personnes handicapées lui seront proposés. Tous les services du DPB ont pour vocation première de garantir un niveau de vie adéquat.

4.3. How many persons with disabilities are receiving support?

Combien de personnes handicapées bénéficient-elles d'un soutien ?

Flanders

There are no specific measures targeting persons with a disability within mainstream life-long learning programs, but their representation within those programs is systematically monitored:

a) In 2012, 1.438 persons out of 116.214 beneficiaries of training vouchers (by which training, career advice and competence measurement outside the working context are subsidized) had a disability, what amounts to 1,4% of the total number of beneficiaries.

b) In 2011, 389 clients for career guidance programs, by which the state subsidizes the provision of individual advice by private actors to working persons, had a disability, out of a total of 5900. This amounts to 6,6%.

Wallonie

Voir supra

Région de Bruxelles-Capitale

Projets du FSE :

- Emploi adapté : 20 personnes handicapées réparti en 4 cellules de 5 bénéficiaires.
- Appui à la formation professionnelle : 27 personnes handicapées (en 2014 ; année du lancement du projet ; en 2015, ce nombre devrait doubler).

Communauté germanophone

En ce qui concerne les mesures ordinaires sur le marché du travail, l'aspect du handicap n'est pas retenu comme critère et ne peut dès lors pas être utilisé pour répondre aux questions.

Par contre, des données sont disponibles en ce qui concerne les mesures spécifiques offertes par le DPB aux personnes handicapées :

- Le stage d'orientation en entreprise:

Le stage d'orientation en entreprise a pour objectif de rendre le stagiaire davantage conscient de ses compétences et intérêts professionnels et de donner la possibilité à l'entreprise d'évaluer les compétences et connaissances acquises par le stagiaire et celles susceptibles d'être développées. En outre, le stage d'orientation en entreprise permet de définir les adaptations techniques, organisatrices et/ou didactiques du poste de travail nécessaires à la formation et/ou l'emploi qui suivra après le stage d'orientation.

Nombre de personnes par année

2011	2012	2013	2014
62	56	60	79

- La formation en entreprise:

La formation en entreprise est une qualification pratique sur le lieu même du travail qui prépare la personne handicapée à un emploi sur le marché de l'emploi ordinaire, de préférence dans l'entreprise où la formation a été effectuée.

Elle peut être suivie dès l'âge de 16 ans (jusqu'à la fin de la scolarité en combinaison avec un enseignement à temps partiel) et s'adresse aux entreprises privées et aux administrations communales. En général pourtant, elle commence à 18 ans ou bien comme réorientation professionnelle, lorsque suite à un handicap, une personne ne peut plus exercer sa profession

antérieure. L'employeur est tenu de payer une rémunération correspondant au revenu minimum fixé par les Classes Moyennes pour l'année de référence. L'intervention financière du DPB dépend de l'âge et les charges familiales et varie donc entre 40 et 100% du revenu mensuel moyen minimum garanti.

Dans le cadre de cette formation, le Start-Service assure un accompagnement :

- dans l'élaboration de contenus réalistes de la formation;
- pour toutes les questions pouvant surgir au cours de la formation;
- dans les tâches administratives relatives à la mesure de formation;
- ainsi que conseil et intervention financière dans le cas de l'adaptation du poste de travail.

Dans le cadre de la formation en entreprise, le DPB intervient en outre dans les frais de transport entre le domicile et le lieu de travail, ceci sur base des tarifs des transports en commun. Si le transport en commun de la personne handicapée n'est pas possible sans l'aide d'une tierce personne, le DPB peut accorder une intervention dans les frais d'un moyen de transport privé.

Nombre de personnes par année

2011	2012	2013	2014
36	40	44	42

- Stage de réadaptation professionnelle:

Les entreprises peuvent avoir recours au stage de réadaptation professionnelle pour les personnes handicapées qu'ils accompagnent.

Le stage de réadaptation professionnelle s'adresse aux personnes âgées de 18 ans ou plus qui bénéficient d'allocations familiales majorées, dont les capacités ne correspondent pas aux exigences d'un emploi sous contrat de travail rémunéré, mais qui néanmoins désirent poursuivre une activité utile dans un environnement intégré ainsi qu'avoir un horaire adaptés à leurs compétences. Dans le cadre du stage de réadaptation professionnelle, l'employeur s'engage à remplir les conditions de base permettant au stagiaire de poursuivre une telle activité. Le DPB prend en charge l'assurance accident et l'assurance accident sur le chemin du travail pour le stagiaire concerné.

Nombre de personnes par année

2011	2012	2013	2014
51	45	43	48

- Stages en entreprise de longue durée :

Les stages en entreprise de longue durée donnent la possibilité aux personnes qui de par leur handicap ne sont pas en mesure de générer un revenu d'être incluses dans le travail quotidien de l'entreprise et d'assurer un travail utile et valorisant sans devoir répondre aux exigences de rentabilité.

Nombre de personnes par année

2011	2012	2013	2014
38	34	41	37

4.4. Are employers receiving support?

Les employeurs bénéficient-ils d'un soutien ?

Flanders

Yes, mainly wage subsidies, but also advice on how to adapt a job for a disabled person, both provided by the VDAB.

Wallonie

Voir supra.

Région de Bruxelles-Capitale

Projets du FSE :

- Emploi adapté : oui via un subventionnement des personnes handicapées et du personnel d'encadrement (5 bénéficiaires + 1 moniteur).
- Appui à la formation professionnelle : oui, via un subventionnement des services participants (frais de personnel et de fonctionnement).

4.5. Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and training adviser)?

Un soutien spécifique est-il disponible pour les personnes handicapées qui aimeraient travailler comme indépendantes (sensibilisation à l'entrepreneuriat, aide financière, soutien non financier et conseiller de formation) ?

Flanders

The VDAB provides wage subsidies and training for self-employment and some private agencies provide specific advice for disabled people on how to start and run a business.

There is a specific support available for persons with disabilities that would like to be self-employed. Z²O is a specific guidance and counselling program offered by specialised services to job seekers that want to start up their own business. Furthermore the self-organisation HAZO offers guidance and information for starters with a disability.

Beside this, Flanders has a program called activity-co-operatives which provides coaching and a safe harbour for starting self-employed disadvantaged people among which people with disabilities.

Wallonie

Oui, la prime pour les travailleurs indépendants : 33% du revenu minimum moyen garanti, pendant un an, non renouvelable. L'intervention peut être partielle pour les travailleurs salariés qui exercent une activité indépendante au titre d'activité complémentaire.

Evolution du nombre total

	2011	2012	2013	2014	2015
Prime aux indépendants	42	52	62	55	55

Par ailleurs, les travailleurs indépendants handicapés peuvent aussi - comme les travailleurs salariés - bénéficier d'une intervention dans les frais d'aménagement de leur poste de travail, ainsi que dans leurs frais de déplacement de leur domicile à leur lieu d'activité.

Enfin, des collaborations sont développées avec les services de soutien à la création d'activité, de façon à ce qu'ils prennent en compte la dimension "handicap" dans leur action.

Région de Bruxelles-Capitale

Voir SUPRA. PHARE peut aussi intervenir dans l'adaptation du poste de travail.

4.6. Do you have information about the number of self-employed persons with disabilities?

Avez-vous des informations sur le nombre de travailleurs handicapés indépendants ?

➤ *Cadre légal fédéral*

Pour rappel, un régime spécifique s'applique aux indépendants en incapacité de travail. Après un premier mois de carence ("période d'incapacité primaire non indemnisable"), l'intéressé perçoit pendant onze mois ("période d'incapacité primaire indemnisable") une indemnité dont le montant est établi en fonction de sa situation familiale. Ensuite (en période d'invalidité), l'indemnité précise variera également selon que l'intéressé a mis fin ou non à son activité⁷⁴ ; les montants minimal et maximal sont toutefois identiques à ceux de la période précédente. Pour pouvoir bénéficier d'une indemnité d'"incapacité" de ce type, la personne doit être reconnue en incapacité d'exercer toute activité professionnelle en fonction, notamment, de son état de santé et de sa formation.

Les indépendants peuvent également exercer une activité professionnelle durant la période d'incapacité de travail, pour autant qu'ils aient l'accord du médecin-conseil; il peut s'agir tant d'une reprise progressive de l'activité indépendante exercée précédemment que d'une autre activité. Au cours des six premiers mois, les revenus professionnels peuvent être cumulés avec les indemnités d'incapacité, après quoi ces dernières sont diminuées de 10%⁷⁵.

➤ *Chiffres relatifs aux travailleurs indépendants sous statut d'invalidité*

L'INAMI publie des statistiques relatives aux indépendants qui perçoivent des indemnités d'invalidité⁷⁶ :

Tableau 9 - Effectif des invalides au 31 décembre - Evolution 2009 - 2013

		2009	2010	2011	2012	2013
Indépendants	Hommes	12.438	12.845	12.782	13.064	13.303
	Femmes	5.781	6.119	6.233	6.471	6.524
	Total	18.219	18.964	19.015	19.535	19.827
Conjoints aidants	Hommes	97	95	114	130	164
	Femmes	1.143	1.077	1.186	1.246	1.424
	Total	1.240	1.172	1.300	1.376	1.588
Total	Hommes	12.535	12.940	12.896	13.194	13.467
	Femmes	6.924	7.196	7.419	7.717	7.948
	Total	19.459	20.136	20.315	20.911	21.415
Evolution par rapport à l'année précédente		4,89%	3,48%	0,89%	2,93%	2,41%

Source : INAMI - Service des indemnités - Direction finances et statistiques

Les titulaires dont la période d'incapacité de travail est supérieure à un an et qui font l'objet d'une reconnaissance par le Conseil médical de l'invalidité de l'INAMI, entrent en période d'invalidité. L'effectif des invalides enregistrés au 31 décembre est ventilé selon l'état social et le sexe. Il est également à noter que l'âge légal de la pension des femmes est passé de 64 à 65 ans en 2009 et ainsi devenu égal à celui en vigueur pour les hommes. L'effectif des conjoints aidants augmente chez les femmes de 14,29% en 2013.

⁷⁴ Les indemnités sont légèrement supérieures si l'intéressé a mis fin à son activité, sauf s'il a des personnes à charge, auquel cas une indemnité unique est prévue, qu'il ait mis fin ou non à son activité.

⁷⁵ Source: CSE, 2014 (pp. 57-128 : <http://www.emploi.belgique.be/WorkArea/DownloadAsset.aspx?id=41750>)

⁷⁶ Source : INAMI (p.7 :

http://www.riziv.fgov.be/SiteCollectionDocuments/statistiques_indemnites_2012_2013.pdf)

Son *Centre d'expertise en matière d'incapacité de travail* a récemment publié une étude analysant les facteurs explicatifs relatifs à l'augmentation du nombre de travailleurs invalides, en ce inclus les indépendants ⁷⁷ :

- Les chiffres 2014 indiquent que le taux d'invalidité des indépendants est plus élevé en Wallonie (4,51%) qu'en Flandre ou à Bruxelles (respectivement 3,40% et 2,72%).
- Quand on examine l'évolution du taux d'invalidité des indépendants sur une période de 10 ans (2005-2014), on constate que les taux de croissance en Wallonie et en Flandre évoluent de manière équivalente (respectivement +25,44% et +17,81%) ; la croissance en région bruxelloise est également positive, mais moindre (+5,63%).

Flanders

Self-employed persons with disabilities can receive a financial support (VOP), if they can prove a certain income from their self-employment. The support is evaluated every five years. In 2014 some 80 self-employed persons with disabilities received this benefit.

Wallonie

Uniquement le nombre de primes octroyées.

Région de Bruxelles-Capitale

Non à part ceux inscrits à PHARE (voir Supra).

4.7. Is there a system and specific support for vocational rehabilitation targeting persons with disabilities?

Existe-t-il un système et un soutien spécifique pour la réadaptation professionnelle ciblant les personnes handicapées ?

Fédéral

Il existe des procédures permettant, dès que possible, une réintégration dans le milieu professionnel en fonction des capacités restantes de la victime :

- l'arrêté royal du 28 mai 2003 relatif à la surveillance de la santé des travailleurs ⁷⁸ prévoit notamment une procédure de reclassement en cas d'incapacité définitive de poursuivre le travail (article 39) et une concertation entre les personnes concernées au sujet des possibilités de nouvelle affectation et des mesures d'aménagement du postes de travail (article 57).
- l'arrêté royal du 1er juillet 2006 relatif à la proposition de cessation à faire aux personnes atteintes ou menacées par une maladie professionnelle ⁷⁹ permet au Fonds des maladies professionnelles d'initier une réinsertion en cas d'écartement temporaire du milieu du travail qui s'avère nocif pour le travailleur (travail adapté temporaire). Dans le cas d'une cessation définitive du travail, le Fonds examine également l'opportunité d'une réadaptation (formation professionnelle).

Flanders

⁷⁷ http://www.inami.fgov.be/SiteCollectionDocuments/etude_facteurs_explicatif_augmentation_invalides.pdf

⁷⁸ http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2003052835&table_name=loi

⁷⁹ http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2006070141&table_name=loi

First of all, Flanders invests in the accessibility and inclusive character of “regular” vocational training for persons with disabilities, offering if necessary reasonable adjustments during vocational training or apprenticeships.

The specialised services for vocational training (GOB) offer specific support for persons with disabilities. This can be offered during a vocational training in a competence centre but also on the work-floor. A specific measure is GIBO, an individual training on the work floor for job seekers with disabilities, offering vocational training on the work floor. The counsellor, employer and job seeker agree on a vocational training plan. A job coach is provided to offer specific support and the employer receives financial support during the training. The person is recruited afterwards by the employer for at least the duration of the training.

Wallonie

Parmi les aides de l’AWIPH présentées plus haut, le CAP - Contrat d’adaptation professionnelle - (Point 4.2.) favorise la réadaptation professionnelle dans l’entreprise.

Région de Bruxelles-Capitale

Voir supra.

5. Passive Labour Market Policies

5.1. Have you identified the problem of benefit trap and low motivation of persons with disabilities to enter the labour market in your country?

Avez-vous identifié le problème des pièges à l’emploi liés aux indemnités/allocations et de la faible motivation des personnes handicapées à entrer sur le marché du travail dans votre pays ?

Fédéral

D’une part, d’après les données du *Centrum voor Sociaal Beleid*⁸⁰ (CSB), les bénéficiaires de l’indemnité d’invalidité minimale (il s’agit, ici, d’indemnités financées par les cotisations sociales) qui acceptent un emploi rémunéré au salaire minimum rencontrent peu de pièges financiers. En revanche, pour les bénéficiaires de l’indemnité maximale, un passage à l’emploi n’est pas, ou pas suffisamment, rémunérateur pour la majorité des types de ménages considérés. L’exercice d’un emploi à temps plein (sans maintien des indemnités) entraîne même toujours une perte financière.

D’autre part, on observe souvent une nette augmentation des revenus pour les bénéficiaires de l’aide sociale (allocations de handicap non financées par les cotisations sociales) qui acceptent un emploi, que ce soit à temps plein ou à temps partiel. Cela étant, pour les personnes présentant une autonomie très réduite, qui perçoivent, outre l’allocation de remplacement de revenus, une allocation d’intégration élevée, accepter un petit emploi à temps partiel ne rapporte guère⁸¹.

⁸⁰ Centre de politique sociale

⁸¹ Source: CSE, 2014 (pp. 57-128 : <http://www.emploi.belgique.be/WorkArea/DownloadAsset.aspx?id=41750>)

5.2. What is its main reason – low financial advantage of employment as compared to benefits, inability to work and keep some benefits, low flexibility in transition to and out of the labour market?

Quelle en est la principale raison – le faible avantage financier de l'emploi par rapport aux allocations, l'incapacité de travailler tout en gardant certains avantages, le peu de flexibilité dans la transition vers et hors du marché du travail ?

Fédéral

Des ratios de chômage, il ressort que les personnes souffrant d'un handicap sont bien plus souvent à la recherche d'un emploi que les personnes n'ayant pas de tels problèmes. Ce sont surtout les jeunes souffrant d'un handicap ou d'un problème de santé chronique qui, en Belgique, sont plus fréquemment à la recherche d'un emploi que ceux n'ayant pas de handicap. La différence s'atténue à mesure que les groupes de population vieillissent. Il appert en outre de l'analyse que les demandeurs d'emploi souffrant d'un handicap recherchent moins souvent un emploi à temps plein, et que plus de 60 % d'entre eux sont à la recherche d'un emploi depuis plus d'un an déjà. Cela dit, 87 % de ces demandeurs d'emploi ont déjà travaillé précédemment.

Les personnes inoccupées souffrant d'un handicap ou d'un problème de santé chronique sont nettement plus fréquemment inactives que les personnes n'en ayant pas et ce, quel que soit leur sexe, leur âge ou leur niveau de qualification. Il n'y a que parmi les personnes âgées de 15 à 24 ans que le taux d'inactivité du groupe considéré est légèrement plus faible du fait d'une part plus élevée de demandeurs d'emploi (relativement peu qualifiés). Quelque 40 % de ces personnes pointent « leur maladie ou handicap » comme raison pour laquelle elles ne recherchent pas de travail. L'on observe parmi les inactifs également que trois quarts des personnes concernées ont précédemment travaillé.

Pour pouvoir évaluer l'incidence d'un handicap ou d'un problème de santé de longue durée sur la position sur le marché du travail, il convient de neutraliser, au moyen d'une régression logistique, l'effet de caractéristiques individuelles, telles que le sexe, la tranche d'âge, le niveau de qualification, etc. Les résultats de cette régression montrent que l'existence d'un handicap constitue un déterminant relativement important de l'intégration d'une personne sur le marché du travail, même si d'autres aspects, l'âge et le niveau de qualification notamment, jouent un plus grand rôle⁸².

Flanders

It is a mixture of these factors which is specific for each personal situation and benefit system

Wallonie

Toutes les raisons évoquées sont réelles. Il est bien difficile de déterminer laquelle de ces raisons serait prépondérante. Il est aussi probable que les motifs sont différents d'une personne à l'autre.

5.3. Do the systems provide sufficient flexibility in moving to and out of employment and the social protection system? Do they allow for a combination of pension and income from work?

⁸² Source: CSE, 2014 (pp. 57-128 : <http://www.emploi.belgique.be/WorkArea/DownloadAsset.aspx?id=41750>)

Est-ce que les systèmes fournissent une flexibilité suffisante pour entrer et sortir du marché de l'emploi et du système de protection sociale ? Permettent-ils la combinaison des allocations et des revenus du travail ?

Fédéral

Oui.

Wallonie

Une combinaison des allocations et de revenus du travail est possible, à certaines conditions et dans certaines limites. Le système pourrait certes être plus flexible, mais il a déjà une certaine flexibilité. Par contre, il n'est pas sûr que toutes les personnes concernées, ni les professionnels qui les entourent, sont bien informées.

5.4. Are any reforms foreseen to tackle the benefit trap?

Des réformes quelconques sont-elles prévues pour lutter contre les pièges à l'emploi liés aux indemnités/allocations ?

Fédéral

Des réformes sont en discussion au niveau fédéral.

5.5. Are reforms of assessment of working capacity ongoing?

Des réformes de l'évaluation de la capacité de travail sont-elles en cours?

Fédéral

Une étude pluri-universitaire, commandée par le SPF Emploi, travail et concertation sociale, dont les résultats ont été publiés récemment, analyse la situation et propose diverses solutions à ce sujet ⁸³.

5.6. Are reforms of assessment of working capacity complemented by sufficient provision of active labour market policies and social services to enable persons with disabilities to integrate into the labour market and avoid their falling into poverty in case of losing a part or whole disability pension?

Les réformes de l'évaluation de la capacité de travail sont-elles complétées par une offre suffisante en ce qui concerne les politiques actives du marché du travail et les services sociaux afin de permettre aux personnes handicapées d'intégrer le marché du travail et de les empêcher de tomber dans la pauvreté, en cas de perte partielle ou totale des allocations de handicap ?

Fédéral

Une personne qui perdrait partiellement ou totalement ses allocations de handicap pourrait demander le droit à l'intégration sociale (DIS) ⁸⁴, en vertu de la loi du 26 mai 2002 ⁸⁵. Le DIS

⁸³ [https://orbi.ulg.ac.be/bitstream/2268/127512/1/RESUME%20rapport_projet_RTW%20\(120502\).pdf](https://orbi.ulg.ac.be/bitstream/2268/127512/1/RESUME%20rapport_projet_RTW%20(120502).pdf)

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https://www.socialsecurity.be/CMS/fr/citizen/displayThema/private_life/PRITH_5/PRITH_5_3/PRITH_5_3_3.xml

⁸⁵ http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2002052647&table_name=loi

consiste dans le droit à un emploi dans les trois mois de la date de la demande. Ce droit peut prendre la forme d'un contrat de travail ou d'un projet individualisé d'intégration sociale. Dans l'attente d'un emploi ou si la personne ne peut travailler pour des raisons de santé ou d'équité, elle a droit à un revenu d'intégration sociale si elle remplit les conditions.

Une distinction doit être faite entre les personnes âgées de moins de 25 ans et les personnes âgées de 25 ans ou plus : il y a un droit à l'emploi pour les personnes âgées de moins de 25 ans, et une possibilité pour les personnes âgées de 25 ans ou plus.

Wallonie

Elles sont complétées par une telle offre. Cela ne signifie pas pour autant que le dispositif soit suffisant.

Région de Bruxelles-Capitale

Il faudrait comme en Suède que la personne handicapée récupère immédiatement et automatiquement ses allocations en cas de perte d'emploi. Ce n'est pas le cas actuellement et elle doit accomplir des démarches qui prennent un certain temps.

Bulgaria

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.)?

According published information of National statistical body about employment of PwDs in Bulgaria as an additional module of observation of labour force total number of people with long term health problems in the year of 2011 is 878300 (male – 398800; female – 483500); people with disabilities are 483300 (male – 210000; female – 273300). More information could be finding in following internet site: <http://www.nsi.bg/bg/node/4024>

According to data of the **Employment Agency** since the beginning of 2014 until 30.09.2014 17 508 persons with permanent disabilities as a monthly average have used the services provided by the territorial divisions of the Agency - the Employment Office Directorates (EODs) after having registered themselves with the agency as job seekers. During that period 4 183 unemployed persons with permanent disabilities have started work, 3 407 of them with the intermediation of the EODS.

According national legislation PwDs have the same rights as everyone worker and in addition there are some protections. PwDs have legal contract, receive wage according to position, full time working hours and the same pension rights as other. Recent years there is an opportunity to work from distance, work from home etc.

Are they considered to be workers under national law or not?

According national law People with Disabilities (PwDs) who works are consider as workers. In general they are protected and receive some benefits in addition.

What are the main types of work in sheltered workshops?

In Bulgaria there are not sheltered workshops as it is but there are special enterprises for people with disabilities.

Good employment opportunity for the PwDs is provided by the so-called “**specialized enterprises and cooperatives of people with disabilities**” that manufacture goods or deliver services according to a list approved by the Council of Ministers. The specialized enterprises and cooperatives of people with disabilities may be financed by the state budget under targeted projects and programmes. The relative share of the persons with permanent disabilities employed at such enterprises and cooperatives is regulated, as follows:

- a) for specialized enterprises and cooperatives for blind and partially sighted persons – not less than 20 per cent of the personnel headcount list;
- b) for specialized enterprises and cooperatives for persons with impaired hearing – not less than 30 per cent of the personnel headcount list;
- c) for specialized enterprises and cooperatives of persons with other disabilities – not less than 30 per cent of the personnel headcount list.

The specialized enterprises and cooperatives may produce some goods or deliver services. Production of goods includes production of foods, electronic systems, papers, furniture, clothes, shoes etc. Delivering services is in the field of tourism, logistic, trainings, photography, computers, social etc.

Agency for People with Disabilities implement project about sheltered employment and they observe other European model and after that will present their conclusions which may influence on the national practice and normative framework.

Please, provide information on the division between the traditional and transitional sheltered workshops.

No information available because there are not sheltered workshops as it is well known in Europe in Bulgaria. There are specialized enterprises and cooperatives of people with disabilities.

Is there an increase of the trend towards transitional model?

Not applicable

Are any changes / reform in sheltered employment ongoing or planned?

People with disabilities Agency implement project about sheltered employment and they observe other European models and after that will present their conclusions which may influence on the national practice and normative framework.

How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

No information

What is the situation of persons who acquire disabilities when already in employment? Please, add figures on job retention and impact of disability in advancement in careers.

There are regulations and procedure of keeping the worker in case of disability and/ or accommodate him/ her at other work place.

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

In the employment field the **Agency for People with Disabilities** finances project proposals, as follows:

1. projects encouraging the employment and setting up of own business for people with disabilities,
2. projects of employers of normal work environment,
3. targeted projects with business and social orientation of specialized enterprises and cooperatives of people with disabilities.

The interest towards the programme of the Agency for People with Disabilities (APD) encouraging the setting up of own business is great and the number of received projects is increasing every year. The unit value of project financing for encouraging employment and setting up of own business by people with disabilities has been increased from BGN 15 000 to BGN 20 000 in 2013.

The requirements for provision of adapted workplaces for people with disabilities have been increased and due to the higher value thereof the number of workplaces has remained almost unchanged.

The total amount of targeted projects of the specialized enterprises and cooperatives of people with disabilities financed by the Agency for People with Disabilities has remained unchanged since 2009; however the values of the different component have increased. The number of applicants- specialized enterprises and cooperatives of people with disabilities has increased.

Do you disseminate information on these assistance measures and subsidies to employers?

About the above mentioned measure information is regularly published on official web site of Agency for people with disabilities.

Do you have information about the different types of adaptations provided by the employers?

There is information only for adaptation which is made and finance by the Agency for people with disabilities.

3. Employment Quotas

Do you have quotas in place?

According to the requirements of the Labour Code, employers with over 50 factory and office workers are obliged to determine annually job positions appropriate for placement of persons with reduced ability to work from 4 to 10 per cent of the total number of factory and office workers, depending on the sector of national economy. Of those jobs the employer has to set out not less than one half for people with permanent disabilities. Employers are obliged to notify the territorial directorates of the Employment Agency for the job positions set out for people with permanent disabilities and to announce the vacant ones not later than 14 days of setting them out. The labour brokers direct the people with disabilities registered at the employment offices to those vacancies.

There is 2 % quota for civil servants in public administration and also there are special rules for examination of candidates having in mind their disability.

Do you have data on quota application in your country in a) public sector, b) private sector? If yes, please, elaborate on the main findings.

No

Are they compulsory quotas or informal targets?

The quotas are regulated in Labour Code and Act of civil servant.

Are there penalties or remedies if not reached?

There are no penalties but Labour inspection control and monitor it regularly.

Do employers employ required % of disabled or prefer to pay the sanctions?

Labour inspection gives to employers recommendations for future.

Is the impact of quota system evaluated?

No

4. Active Labour Market Policies

In BG, the Agency for People with Disabilities finances projects on setting up of own business. Employment agency still implement national programme about “Interest-free credit

for persons with disabilities” reimbursement of 10% of the interest on credits granted under older project Microcredit Guarantee Fund is provided.

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

The Ministry of Labour and Social Policy and the Employment Agency develop and implement national programmes and measures for promotion of employment ensuring equal opportunities for the people with disabilities for participation in the labour market. The programmes and measures envisage funds for encouraging the employers that provide employment to people with disabilities.

People with disabilities may participate without limitations in all training and employment programmes and measures implemented by the Employment Agency on the grounds of the Employment Promotion Act (EPA) and the National Employment Action Plan, as well as in the schemes under the Operational Programme "Human Resources Development": financed by the European Social Fund, provided that they meet the requirements for inclusion in the respective programme, incentive measure or scheme.

In view of the development of conditions for employment of the unemployed with permanent disabilities on the labour market, the Employment Promotion Act has provided for incentive measures to encourage the employers to create jobs and hire unemployed persons with permanent disabilities, and these have a markedly good effect. The measures are better directed and provide employment in the private sector with a condition for continuation of employment after the subsidized period.

Encouraging employers to hire unemployed persons with permanent disabilities under 29 years of age – Article 36(2) of the Employment Promotion Act – employers who hire at a full or part-time job unemployed persons with permanent disabilities under 29 years of age registered at Employment Office Directorates, including a war-disabled person, as well as young persons from social institutions who have completed their education, shall be provided with funds from the State Budget for salaries and any social and health insurance contributions, but for not more than 6 months.

Encouraging employers to hire unemployed persons with permanent disabilities – Article 52(1) and (2) of the Employment Promotion Act.

In accordance with Article 52(1) of the Employment Promotion Act, employers who have hired persons with permanent disabilities, including war-disabled persons shall be provided with funds from the State Budget for salaries and any social and health insurance contributions, but for not more than 6 months.

In accordance with Article 52(2) of the Employment Promotion Act, employers who have provided a temporary, seasonal or part-time job to persons with permanent disabilities shall be granted a subsidy for salaries and all social and health insurance contributions from the State Budget for the period of employment of the persons hired; however not exceeding 6 months.

Is specific support provided to participation of persons with disabilities in life-long learning (the systemic measures in place, financial support, vouchers, counselling, ESF projects)?

Detailed information on the measures, training and education programmes, as well as the services provided by the Employment Agency as an intermediary on the labour market, is available on our official webpage: www.az.government.bg, in sections „Looking for job”/”Job offers”.

Are employers receiving support?

Employers receive subsidies if they hire unemployed PwDs which are registered in employment offices.

5. Passive Labour Market Policies

Have you identified the problem of benefit trap and low motivation of persons with disabilities to enter the labour market in your country?

Yes, in some cases there is low motivation PwDs to find a job.

What is its main reason – low financial advantage of employment as compared to benefits, inability to work and keep some benefits, low flexibility in transition to and out of the labour market?

Some of the reasons are mentioned and in low ability to work, to keep some benefits, lack or low qualifications and so on.

Do the systems provide sufficient flexibility in moving to and out of employment and the social protection system, do they allow for a combination of pension and income from work?

In accordance with the Bulgarian legislation the orders for granting disability pensions and care allowance are issued based on a decision of a medical commission with the territorial division of the National Social Security Institute. The medical commission consists of a chairman and two members who are designated by the head of the territorial division of the National Social Security Institute.

Are reforms of assessment of working capacity ongoing?

Yes, there is ongoing reform in initial stage and also a process of consultation with national representative nongovernmental organizations of and for people with disabilities. Initial goal is to improve assessment of working capacity and find a way to implement ICF as it is stated in UN CRPD.

Are reforms of assessment of working capacity complemented by sufficient provision of active labour market policies and social services to enable persons with disabilities to integrate into the labour market and avoid their falling into poverty in case of losing a part or whole disability pension?

There are strategic documents about long term care and reduction of poverty and social exclusion which are focus of support of vulnerable groups by social services and other measures.

Czech Republic

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.)?

In Czech Republic sheltered employment is considered to be subsidized employment where employers employ more than 50% of persons with disabilities out of all employees. These employers receive from state wage subsidies and subsidies for enhanced operational costs. In 2015, 38 523 employees with disabilities were supported in this way. Therefore, it is possible to say that 38 523 persons with disabilities worked within the sheltered labour market.

Ministry of Labour and Social Affairs does not have those data available which would indicate the number of persons with disabilities but observes statistics relating to registered job seekers or job applicants, i.e. to those who are eligible for job mediation. As concerns the number of employed persons with disabilities, the Czech Statistical Office finds out this figure within survey. Based on the last survey carried out in 2013 (published in 2014) it is possible to state that 91 620 persons with disabilities were employed. Reflecting these figures it would be possible to state that 53 097 persons with disabilities were employed in the open labour market (not subsidized jobs).

As for working conditions adjusted for employed persons with disabilities, the Labour Code lays down the duty to employers to secure on its own costs via technical and organizational especially necessary adjustment of working conditions, workplace, initial training of employees and increase of their qualification during their regular employment. Employer is further obliged to respect government decree as for minimal wage. No other special conditions comparing persons without disabilities for employment of persons with disabilities are required by Labour Code.

Are they considered to be workers under national law or not?

Yes, according to the national law, people working in sheltered labour market are employees.

What are the main types of work in sheltered workshops?

Based on experience it is possible to state that the main share of activities carried out by employers in sheltered labour market are outsourcing services, especially guarding, receptionist and cleaning services.

Please, provide information on the division between the traditional and transitional sheltered workshops.

In addition to the division of sheltered and open labour market in the Czech Republic, there is an institute of socially-therapist workshops which serve as a social service and not an employment as such. They are outpatient services provided to persons with reduced self-sufficiency because of their disabilities, persons who are employable neither in open nor in sheltered labour market. Their purpose is long-term and regular support of improvement of their working habits and skills via social therapy and social rehabilitation.

Is there an increase of the trend towards transitional model?

Sheltered labour market (if we do not consider mentioned socially-therapist workshops) is not so strictly divided into traditional and transitional so it is not possible to comment the trend based on the data.

Are any changes / reform in sheltered employment ongoing or planned?

Yes. Currently the legislation process is under way solving elimination of misuse of support in sheltered labour market and elimination of misuse of the institute “the mandatory share of persons with disabilities employed”.

How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

With respect to the information mentioned to the first question, it is not possible to assess this.

What is the situation of persons who acquire disabilities when already in employment? Please, add figures on job retention and impact of disability in advancement in careers.

It obviously depends on the fact if remaining work ability enables an employee to keep carrying out his or her work. If so, there is no obstacle for an employee to keep carrying out his or her work. If remaining work ability does not enable to carry out particular type of work, an employer in accordance with the Labour Code can reassign that employee to carry out different work. This must be based on an assessment of a specialized medical practitioner.

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

Labour Office of the Czech Republic can provide ALMP financial support designated for creation of new work positions for persons with disabilities. Financial support is intended for purchase of equipment of necessary for creation and adaptation of the job. It is not possible to lay claims on this financial support, Labour Office always assess particular situation.

Is there any competence centre in your Country, region, locality?

It is not obvious what type of competence centre is meant or which field should this centre operate in. If assistance to persons with disabilities as for mediation of suitable employment is meant, public employment services, i.e. Labour Office fulfils this task. Labour Office can use services of ergodiagnostic centres which are able to determine general functional mental-sense-motoric capacity of person with disabilities. There is 13 ergodiagnostic centres in the Czech Republic. If interests of persons with disabilities are meant, they are represented by Czech National Disability Council. Moreover, there are interest associations of employers employing persons with disabilities and foundations specialized in this area.

Do Public Employment Services provide support for reasonable accommodation?

Yes. This is described in the question concerning support measures available to employers above.

Could you elaborate on subsidies available to employers to provide reasonable accommodation?

Financial support is intended for purchase of equipment of necessary for creation and adaptation of the job. It is not possible to lay claims on this financial support, Labour Office always assess particular situation. Financial support may amount to 14 times the amount of average wage in national economy in first to third trimester of previous calendar year (average wage in 2015 was 25 903 CZK).

Do you disseminate information on these assistance measures and subsidies to employers?

Yes. Employers are informed about possibilities of support within the ALMP. Information is also available on respective web pages of Ministry of Labour and Social Affairs as well as of Labour Office of the Czech Republic.

Do you have information about the different types of adaptations provided by the employers?

There is no statistics administrated concerning particular items financial support intended for creation of work positions was used for.

How is reasonable accommodation provided in public administration?

As concerns reasonable accommodation and ALMP financial support, this is not provided to state institutions. This is regulated by budget rules which do not enable to provide “state financial support to state”.

Is there a complaint mechanism in place as concerns non-application of reasonable accommodation?

As far as labour-law relations are concerned, the Czech Republic guarantees equal treatment to all employees without distinction of any kind. The employers are obliged to ensure equal treatment of all employees in respect of their working conditions, remuneration for work and the provision of other pecuniary performance and performance of pecuniary value, specialized vocational preparation and the opportunity of being promoted to a higher-level position or of making a career at work.

The application of the institute of reasonable accommodation in the Czech Republic is, however, not guaranteed only by the above labour-law. It is included also in Act No. 198/2009 Coll., on Equal Treatment and Legal Means of Protection Against Discrimination and Amending Certain Acts (Antidiscrimination Act), as amended

Section 1 paragraph 1 of the Antidiscrimination Act further defines the subject matter of the regulation, i.e. the right to equal treatment and non-discrimination in respect of:

- a) the right to employment and access to employment;
- b) access to a profession, doing business and self-employment;
- c) employment, service conditions and other related activities, incl. remuneration;
- d) membership and activities of trade unions, works councils or employer organizations, incl. benefits that these organizations provide to their members;
- e) membership and activities in professional associations, incl. benefits that these public corporations provide to their members;
- f) social security;
- g) right to social benefits;
- h) access to health care and its provision;
- i) access to education and its provision;
- j) access to goods and services, incl. housing, if they are offered to the public or in the delivery thereof.

Indirect discrimination on grounds of disability in accordance with the provision of Section 3 Paragraph 2 of the Antidiscrimination Act also means the refusal of or failure to take

measures of reasonable accommodation to ensure that persons with disabilities have access to a specific job, have the right to perform work or to promotion, to take advantage of career counselling or to participate in another vocational training or to use services intended for the public, unless such measures would impose a disproportionate burden. In deciding whether a particular measure constitutes an unreasonable burden, the following should be taken into account:

- a) the level of benefit which the PWD gains from the measures;
- b) financial aspects to the natural or legal person who has to implement these;
- c) the availability of financial and other assistance to implement the measures and
- d) the possibility of the alternative measures meeting the needs of persons with disabilities.

A disproportionate burden is not brought about by a measure which the natural or legal person is obliged to carry out under a special legal regulation.

According to this regulation a failure to meet the reasonable accommodation obligation is deemed to be indirect discrimination. If a person with disability is refused a measure of reasonable accommodation, he/she can bring a general civil action on the basis of the discrimination encountered according to Section 10 of the Anti-discrimination law. That section of the law enables a claim for monetary compensation (but only where other remedies have been deemed unsatisfactory).

3. Employment Quotas

Do you have quotas in place?

Yes. Every employer employing more than 25 employees must fulfil the mandatory share of persons with disabilities employed which is 4%.

Do you have data on quota application in your country in a) public sector, b) private sector? If yes, please, elaborate on the main findings.

It is possible to fulfil the mandatory share in the Czech Republic as follows:

- a) Direct contractual employment of persons with disabilities
- b) Purchasing of products or services from employers employing more than 50% of employees with disabilities
- c) Levies to the state budget

Public sector fulfilled by direct employment in 57%, by purchasing in 40% and by levies to state budget by 3%. Private sector fulfilled by direct employment also in 57%, by purchasing by 36%, and by levies to state budget by 7%.

Are they compulsory quotas or informal targets?

Quotas are compulsory, as described above.

Are those quota reached?

Yes, as described above. Employer has a possibility except of direct employment to fulfil by purchasing of products or services from employers employing more than 50% of employees with disabilities or by levies to the state budget. All the three forms are equal.

Are there penalties or remedies if not reached?

Yes. If employer does not fulfil the mandatory share by one of stated ways, levy to the state budget is assessed to this employer.

Do employers employ required % of disabled or prefer to pay the sanctions?

Use of particular forms of fulfilment is described in the question concerning data on quota.

How do you use money coming from sanctions (special fund to support measures for persons with disabilities, for employers to provide reasonable accommodation, etc.)?

Money coming from sanctions is income of state budget. However, it is necessary to mention that the amount of money used for support of employment of persons with disabilities is several times higher than the amount of money coming from the fulfilment of mandatory share.

Have the introduction of quotas impacted the overall level of employment of disabled people?

Yes. Employers are thanks to quotas motivated to employ persons with disabilities. Except of quotas, employment of persons with disabilities is secondarily supported by the mechanism that employers are motivated also to purchase products or services from employers employing more than 50% of employees with disabilities (within the one possible form of fulfilment).

Is the impact of quota system evaluated?

Yes. The structure of particular forms of fulfilment and its development are monitored.

Are there any plans to reform the quotas system?

Yes. There are discussions concerning lowering of the limit for extent of delivery within the fulfilment in form of purchasing of products or services from employers employing more than 50% of employees with disabilities. The aim of this is to enhance fulfilment by other forms, especially by direct employment of persons with disabilities.

4. Active Labour Market Policies

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

As mentioned above, employer employing person with disabilities is entitled to receive a financial support, provided by Labour Office, for creation of sheltered job. It concerns financial support intended for purchase of equipment of necessary for creation and adaptation of the job for person with disabilities. Financial support may amount to 14 times the amount of average wage in national economy in first to third trimester of previous calendar year (average wage in 2015 was 25 903 CZK). Within this tool it is also possible to provide financial support to a person with disabilities who decide to become self-employed which covers acquisition of equipment necessary to start business.

Employer or self-employed person can also receive financial support from Labour Office as for partial reimbursement of operational costs of sheltered job. It concerns enhanced administrative costs, costs of operational employees and work assistant, costs relating transport or adaptation of workplace. Maximum amount of subsidy can be 48 000 CZK per year.

If employer takes on into contractual employment a person with disabilities who is at the same time job-seeker registered by Labour Office, this employer can receive a subsidy for socially useful job in line with Employment Law. It concerns a subsidy for wage costs of taking on job-seeker. As for this ALMP tool, persons with disabilities are preferred.

If employer employs more than 50% of persons with disabilities out of total number of his employees, he is entitled to subsidy for support of employment of persons with disabilities. The subsidy amounts 75% of really spent wage costs of person with disabilities and maximum of 8 800 CZK per month (5 000 CZK in case of person disadvantaged in terms of health). There is a possibility to enhance the subsidy by 2 700 CZK if employer proves and gives evidence of appropriate operational costs.

Apart from that tax deductions from incomes are provided to employers in case of employment of persons with disabilities, the amount is 18 000 CZK for every employee with disabilities and 60 000 CZK for every employee with more serious disabilities.

Is specific support provided to participation of persons with disabilities in life-long learning (the systemic measures in place, financial support, vouchers, counselling, ESF projects)?

As for life-long learning, there is a variety of courses available also for persons with disabilities. Persons with disabilities are one of the priority target groups as for ALMP including retraining and counselling. Variety of educational possibilities within non-formal learning is also offered e.g. by NGOs.

How many persons with disabilities are receiving support?

In 2015 there were 38 523 persons with disabilities supported by the subsidy for employers in sheltered labour market (with more than 50% persons with disabilities). Within the creation of sheltered jobs (adaptation or creation of jobs) 1 232 persons with disabilities were supported. Subsidy to start self-employment for persons with disabilities was provided in 23 cases. In framework of subsidy for partial reimbursement of operational costs 115 persons with disabilities were supported.

Are employers receiving support?

Yes, as described above.

Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and adviser training)?

Yes, as described above (financial support which covers acquisition of equipment necessary to start business).

Do you have information about the number of self-employed persons with disabilities?

As described above, financial support to a person with disabilities who decide to become self-employed was provided to 23 persons. Total number of persons with disabilities who are self-employed is not registered.

Is there a system and specific support for vocational rehabilitation targeting persons with disabilities?

Yes. Persons with disabilities are eligible for vocational rehabilitation which is secured by Labour Office in cooperation with centres of vocational rehabilitation or, based on written agreement other juridical or natural person can be authorized with vocational rehabilitation. Vocational rehabilitation is continuous activity focused on gaining and maintaining of suitable employment of person with disabilities.

5. Passive Labour Market Policies

Have you identified the problem of benefit trap and low motivation of persons with disabilities to enter the labour market in your country?

As for motivation of person with disabilities to enter labour market, especially concern about the loss of disability pension can play an important part in it. In some cases there is still prejudice that a person who receives a disability pension is not allowed to work. This is of course not truth. Persons with disabilities can work within their residual capacity. Ministry of Labour and Labour Office make an effort to eliminate these incorrect speculations as for employment of target group. A person who is classified in one of grades of disability is in majority of cases eligible to receive disability pension. This entitlement does not end with the start of employment. On the other hand, it is necessary to add that the level of disability pension is in majority of cases not as high to that the person would not be motivated to take up employment.

What is its main reason – low financial advantage of employment as compared to benefits, inability to work and keep some benefits, low flexibility in transition to and out of the labour market?

As described in previous question. It is also necessary to see the causes of more difficult employment of persons with disabilities at the side of employers. Employers especially in open labour market are often not informed enough as for employment of persons with disabilities, e.g. they do not have an idea as for working limitations of particular types of disabilities, about a residual capacity of persons and about related legislation. Further they have concerns and prejudice e.g. about enhanced sickness rate of these persons, the necessities of adjustment of workplace etc. Ministry of Labour makes efforts to eliminate this prejudice of employers and so support employment of persons with disabilities.

Do the systems provide sufficient flexibility in moving to and out of employment and the social protection system, do they allow for a combination of pension and income from work?

Yes, as described above. Entitlement to disability pension does not end with employment neither is limited its payment by income from employment.

Are any reforms foreseen to tackle the benefit trap?

The Czech Republic makes efforts job-seekers to prefer employment to incomes from social benefits. In accordance with this approach, the minimum wage for persons with disabilities was increased since 1.1.2016 and further increase in following years is foreseen.

Are reforms of assessment of working capacity ongoing?

In order to cover all of the accessible standardized services for employment of persons with disabilities, the system project “Regional Network for Cooperation in Vocational Rehabilitation” was implemented until August 2014. The PREGNET project intended among others to introduce fundamental changes to the system of evaluating the state of health and working capacity of persons with disabilities based on assessment of abilities (capacity) of those persons to work. When determining the deterioration of capacity to work, the assessment is based on the health condition of the person with disability supported by result of functional examinations. At the same time, the fact whether it is the disability having a permanent impact on the capacity to work, or if it is a stabilized medical condition is taken into consideration, whether the person is adapted to his/her disability, the ability to undergo requalification to other type of gainful activity the previously conducted by the person and the ability to make use of the preserved capacity to work. Reviewing the system of criteria for

evaluating capacity of persons with disabilities to work based on knowledge and experience is continuous process.

Are reforms of assessment of working capacity complemented by sufficient provision of active labour market policies and social services to enable persons with disabilities to integrate into the labour market and avoid their falling into poverty in case of losing a part or whole disability pension?

We are persuaded that yes. As stated above, there were almost 40 thousands subsidized jobs for persons with disabilities in the Czech Republic in 2015.

Denmark

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.)?

In Denmark there are no records/data covering these questions regarding people with disabilities working in open labour market. However, The Danish National Centre for Social Research (SFI) published a report in 2015 on employment trends since 2002 for people with and without a disability or long term health problems. The data in the report is based on surveys among people between the age of 16 and 64, and covers the first quarter of 2014. The report shows that:

43 percent of people with disabilities were employed in 2014; among persons without disabilities the percentage was 77.

Employed people with disabilities work shorter hours per week (30.2 hours) than the employed persons without disabilities (34.3 hours).

25.9 percent of employed persons with disabilities were employed on special terms (e.g. flexi-jobs).

Employed persons with disabilities are less likely to work atypical working hours than employed people without disabilities.

People with disabilities are more often employed in jobs that can be categorised as “Public administration, defence, education, health and social work, culture, entertainment and sport”.

People with disabilities are more often employed in positions in the areas of “Office and customer services”, “Services and sales” and “Manual work”, while they are less likely to work in positions that requires “Knowledge at the highest level within a specific area” compared with people without disabilities.

The latest numbers shows that 8.898 persons with disabilities are working in sheltered employment. In Denmark the municipal council shall provide sheltered employment for persons under old-age pension age who, on account of substantial impairment of physical or mental function or special social problems, are unable to find or maintain employment on the labour market on normal terms, and who are not provided for under any other legislation.

The municipality should set wages for people in sheltered employment, so that the person as far as possible are being paid for their effort. The wages must e.g. be based on performance, an hourly wage or on a minimum standard wage. Most persons working in sheltered employment also have a social pension as support basis.

Are they considered to be workers under national law or not?

They are considered workers under the Act of Social Services.

What are the main types of work in sheltered workshops?

Sheltered employment can take place in sheltered workshops. It can also be organized in companies who have tasks/functions which can be carried out by people with disabilities.

The types of sheltered work are very varied. There can be no real production-related tasks or more service-oriented features. Sheltered employment can also be combined with education and leisure activities.

Are any changes / reform in sheltered employment ongoing or planned?

No.

How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

We do not have any records on how many people with disabilities move to the open labour market.

What is the situation of persons who acquire disabilities when already in employment? Please, add figures on job retention and impact of disability in advancement in careers.

There are a number of measures that can support people with disabilities retaining their work.

E.g.:

- Personal assistance for persons with disabilities in employment. The personal assistance scheme is supposed to aid the person with functions following from the job and for which the person concerned has a need for special personal assistance due to his or her functional impairment.
- Subsidies for aid, etc., for workstation design and layout.
- Employment in flexi-jobs. If a person is to be granted a flexi-job at the person's previous employer, the person must have been employed for at least 12 months under the so-called 'social chapter' of the collective agreement, without a public subsidy. The wage from the employer will be based on actual working hours. For hours not worked, the person in the flexi-job will receive a subsidy from the municipality. The subsidy will amount to 98 % of the maximum unemployment benefit and will be reduced with increases in the wage from the employer.

From the earlier mentioned report (SFI 2015) we know that:

People with more severe disabilities or long-term health problems are less likely to keep their jobs (61 %) than people with less severe disabilities (69.6 %) and people without disabilities (70.4 %).

People who have had their disability for at least 10 years, has in average been employed in fewer jobs over the past 10 years (1.6) than people without disabilities (2.7).

Employed persons with disabilities expect on average to retire from the labour market when they are 65.5 years old, persons without disabilities when they are 66.2 years old.

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

The following measures are relevant for both employers and employees:

Personal assistance for persons with disabilities in employment: Subsidies may be granted to a business for the remuneration, etc., of a personal assistant, which can be offered to unemployed people, wage earners and self-employed, who have a need for special personal assistance because of physical or mental impairment. The objective is to offer persons with disabilities the same possibilities of pursuing a trade or a profession as persons without disabilities. The personal assistant is supposed to aid the person with functions following from

the job and for which the person concerned has a need for special personal assistance due to his or her functional impairment.

Support may also be offered to employees who, because of permanent and severe physical or mental impairment, have a need for personal assistance outside normal working hours, in order to take part in general supplementary and further training in the relevant job.

Subsidies for aids, etc., for workstation design and layout: Under employment legislation, subsidies are granted for aids, tools, small-scale workstation design and layout or teaching equipment.

Wage subsidies on employment of newly educated people: For a person with disability who has completed an education programme of at least 18 months' duration, which can entitle the person to membership of an unemployment insurance fund, support may be granted to employment with a public or private employer for a period of up to two years after the programme was completed. Employment with this subsidy will only be granted if the person has not obtained employment that has produced experience in the field for which the education programme qualifies him or her. Wage subsidies may be granted for a period of up to one year.

Preferential access: When filling a vacant position, public employers are under an obligation to give a disabled person, who has difficulty finding employment, preferential access to the vacant position if, in the opinion of the employer, the person with disability has the same qualifications as the other applicants.

Mentor: A mentor can be granted to people who need special support to gain or maintain employment or education. A mentor is an employee of a company, an employee of an educational institution or an outside consultant. The support provided by the mentor may be an introduction to the training, the workplace or enterprise as well as guidance and training for work. A mentor can also help the person with relations outside work that prevent employment. The employer or educational institution receives a refund from the jobcentre, which covers the mentors wage cost and may also be granted support for training of the mentor.

Flexi-job: Individuals who have a lasting and significantly reduced working capacity, and who is currently only able to work a limited number of hours per week, can get a flexi-job, if the working ability is expected to be developed within a reasonable period of time. The wage from the employer will be based on actual working hours. For hours not worked, the person in the flexi-job will receive a subsidy from the municipality. The subsidy will amount to 98 % of the maximum unemployment benefit and is reduced if the wage from the employer increases.

Rehabilitation: People, who have a reduced working capacity and who are in danger of losing their job or who cannot get a job, may apply for rehabilitation. Rehabilitation can consist of counselling and training. It may be in the form of a traineeship in either the public or the private sector, wage subsidies in employment (vocational rehabilitation) or aid in order to become self-employed, for example in the form of interest-free loans, tools etc.

Is there any competence centre in your Country, region, locality?

The municipalities and the local job centres are responsible for the employment initiatives.

Do Public Employment Services provide support for reasonable accommodation?

Please see question 2.1.

Could you elaborate on subsidies available to employers to provide reasonable accommodation?

Please see question 2.1.

Do you disseminate information on these assistance measures and subsidies to employers?

It is the local jobcentre's responsibility to give guidance on assistance measures.

Do you have information about the different types of adaptations provided by the employers?

No.

How is reasonable accommodation provided in public administration?

Please see question 2.1.

Is there a complaint mechanism in place as concerns non-application of reasonable accommodation?

It is possible to file a complaint to the local authority within four weeks after receiving the decision (employment and social policy is administered by local authorities). In cases where the municipality maintains its decision, the matter will be forwarded to The Council of Appeal on Health and Safety at Work.

Would you like to signal changes as concerns information provided in the study "Providing reasonable accommodation for persons with disabilities in the workplace in the EU..." published by the Commission in 2008?

No.

3. Employment Quotas

Do you have quotas in place?

No.

4. Active Labour Market Policies

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

The starting point of the employment enhancement measures for people with disabilities is that they receive the same measures as other unemployed on the basis of needs and individual challenges. If a person's disability is a barrier to obtain employment, there are certain special possibilities in the legislation which can be initiated as a supplement to the ordinary employment enhancement measures. Such measures may include a personal assistant in order to ensure a focused aid to the particular person with disabilities.

The compensation is called "Disability compensation schemes" and is a right for people with disabilities. The scheme includes the already described (q. 2.1.):

Personal assistance

Aids

Wage subsidies

Preferential access

How many persons with disabilities are receiving support?

We do not have any records on how many people who have a disability in Denmark and therefore we cannot answer the question precisely. However from the earlier mentioned report (SFI 2015) we know that in 2014:

25.9 percent of employed persons with disabilities were employed on special terms (most often flexi-jobs).

11,6 percent of employed persons with disabilities were receiving subsidies for aids in their daily work.

Are employers receiving support?

We do not have such records.

Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and adviser training)?

Rehabilitation: People on rehabilitation (q. 2.1.) can get an interest-free loan to establish self-employment.

Flexi-job for self-employed: People who are self-employed, but because of reduced working capacity have difficulties maintaining the employment, can get financial support in form of a flexi-job.

Do you have information about the number of self-employed persons with disabilities?

No.

Is there a system and specific support for vocational rehabilitation targeting persons with disabilities?

Please see question 2.1. (Rehabilitation).

5. Passive Labour Market Policies

Have you identified the problem of benefit trap and low motivation of persons with disabilities to enter the labour market in your country?

We haven't identified a specific problem, but since 2011 there have been several comprehensive reforms that in different ways support the intention that more people with disabilities must be included in the labour market.

The Reform of Flexi-jobs and Disability Pension

The Reform of Social Benefits

The Reform of Active Labour Market Policy

The Reform of Sickness Benefits

One of the results of the Reform of the Flexi-Jobs and Disability Pension is that the most vulnerable persons on the labour market receive new measures and help to get further on in life. At the same time the flexi-job-system is especially focused on persons with a very limited ability to work. The reform introduced a new benefit - "resource-benefit" - which is given to people with severe and complex disadvantages – such as a disability – but who has a prospect of being integrated into the labour market. The intention is to provide a combination of labour market, social and/or health services which will support the integration/re-integration into the labour market.

An essential part of the Reform of Social Benefits is to support unemployed that due to social or health problems have difficulties finding a job or completing an education. The main goal of the Reform is that no one should be left to themselves and that everyone should have access to the help and support they need in order to get employed or get an education and become self-supporting.

The focus of the Reform of Active Labour Market Policy

The reforms haven't changed the starting point of the employment enhancement measures for people with disabilities, because they receive the same measures as other unemployed on the basis of the unemployed person's needs and individual challenges. If a person's disability is a barrier to obtain employment, there are certain special possibilities in the legislation which can be initiated as a supplement to the ordinary employment enhancement measures. Such measures may include a personal assistant in order to ensure a focused aid to the particular person with disabilities.

The reform on sickness cash benefit

The local authorities must review the recipient's situation before the benefits have been paid for 22 weeks within 9 months. Benefits can be paid for a longer period if the recipient fulfils the prolongation conditions. If the recipient is still unfit for work due to sickness, but does not fulfil the conditions for prolongation, he/she has the right to a job assessment period with benefits throughout a process focusing on resources of the individual.

The local authorities are responsible for monitoring and carrying out an individual and flexible assistance plan taking into account the nature of the illness and the recipient's needs and conditions.

Do the systems provide sufficient flexibility in moving to and out of employment and the social protection system, do they allow for a combination of pension and income from work?

It is easy to move between social benefits and employment. It is also possible to work while getting disability pension, e.g. wage subsidies on employment of early retirees which is a job on special terms, where special agreements on wage and working conditions, working hours and so on are made.

Are any reforms foreseen to tackle the benefit trap?

Please see question 5.1.

Are reforms of assessment of working capacity ongoing?

Not at the moment as the 2013 reform of disability pension and flexi-jobs is still being implemented and it is too early to assess the effects of the reform.

Are reforms of assessment of working capacity complemented by sufficient provision of active labour market policies and social services to enable persons with disabilities to integrate into the labour market and avoid their falling into poverty in case of losing a part or whole disability pension?

Once you have been granted disability pension you can only lose it if you become self-supporting, i.e. by working in a full time job or a flexi-job, which is rarely the case.

Germany

Bundesarbeitsgemeinschaft Werkstätten für behinderte Menschen e.V. (BAG WfbM) German Federal Association of Sheltered Workshops

BAG WfbM is the German association of sheltered workshops, located in Frankfurt.

In 2015, 680 sheltered workshops with more than 2,700 subsidiaries are enabling participation in working life for people with severe disabilities.

In Germany, sheltered workshops are highly specialised facilities of vocational rehabilitation. They provide vocational training, work opportunities and support in personal development for 300,000 people with intellectual, mental and severe and multiple disabilities in Germany.

93% of the German sheltered workshops are organized in BAG WfbM.

BAG WfbM is providing its members with services like expert advice on questions related to employment, vocational training, financing and legal issues. BAG WfbM advocates for the participation of people with disabilities in working life. Additionally, BAG WfbM is actively involved in the legislation process on federal level in Germany and is also representing the interests of German sheltered workshops in Europe.

At the moment the German government, in particular the Ministry of Work and Social Affairs is reviewing the current legislation for people with disabilities. The review is made to adapt the existing legislation to the purpose of person centred services and to further implement the UNCRPD in Germany.

Sheltered workshops in Germany

Sheltered workshops first emerged in the 1960s. When the first generation of people with intellectual disabilities after the Second World War reached the age where usually the transfer from school and education into work would take place, there were no working opportunities on the general labour market for this group of people.

Leading figures in the Federal association Lebenshilfe (a not-for-profit self-representation organization for people with intellectual disabilities and their families) and especially its Dutch born founder Tom Mutters, created a unique model for German sheltered workshops based on Dutch and French institutions. In Germany, only people with disabilities are entitled to use the rehabilitative services of sheltered workshops.

The German model is unique regarding the group of people using its services. People with severe disabilities are participating in working life in sheltered workshops. In other European countries, this group of people is usually taken care of in day care centres, occupational services or living facilities.

The legal basis for the concept of German sheltered workshops was provided by the German Bundestag on December 5th in 1974. The legislation includes many suggestions received from parents, welfare associations and specialists. It describes a model of vocational rehabilitation for severely disabled people, who are not, not yet or not yet again able to work on the general labour market. Today, sheltered workshops are highly specialised facilities of vocational rehabilitation.

At the moment 300,000 people with disabilities are participating in working life at more than 2,700 community-based locations. The estimated number of staff is 70,000 people.

Authority in charge

The responsible minister for sheltered workshops is the Federal Minister of Labour and Social Affairs, Mrs Andrea Nahles from the Social Democratic Party of Germany. She has been in office since December 2013. In the Federal Ministry of Labour and Social Affairs, it is Directorate-General V – Participation / Matters concerning Persons with Disabilities / Social Compensation / Social Assistance, which is in charge of sheltered workshops. Head of the DG is Dr. Rolf Schmachtenberg. Division V a 2 of the DG is in charge of the participation of severely disabled persons, Workshops for Persons with Disabilities and the rehabilitation fund. Head of the division is Dr. Peter Mozet.

The governing grand coalition agrees on the necessity of sheltered workshops, to enable participation in working life for severely disabled people. Additionally, sheltered workshops are regarded as a place for vocational and educational training for this group of people with the perspective to realize the transition of people with disabilities onto the general labour market.

Currently, the German government is reviewing the existing federal legislation of participation of people with disabilities. This is happening with the aim to update the existing legislation, to improve the situation of people with disabilities and to implement the UN-CRPD.

Financial structures of German sheltered workshops

Sheltered workshops in Germany cannot fund themselves. In Germany, the people with disabilities have a direct claim to funding from the state. They are entitled to receive compensation payments for their disability and social security payments. Depending on the type and severeness of the disability, they receive financial compensation from the insurance in charge. In charge can be the health, pension or accident insurance and also the federal employment agency (unemployment insurance). People with severe disabilities have a legal claim to vocational rehabilitation in Germany. The financial means for that purpose are distributed by the regional agency of public assistance.

The regional agency of public assistance is allowed to transfer the financial means for the vocational rehabilitation directly to the respective part of the support network for people with severe disabilities.

The support network consists of work opportunities in integration firms, the concept of supported employment, the budget for work (exists only in some federal states of Germany) and the participation in working life in a sheltered workshop.

Sheltered workshops receive a cost rate per person with disability. In addition to these ongoing payments in form of cost rates, which are calculated either per calendar day (365 days) or per working day (250 days), workshops can also finance their buildings and technical equipment from state resources. To receive money for buildings and technical equipment the workshop has to prove the need and significance of the investment. If the regional agency of public assistance agrees, additional financial means are provided. Generally, the workshop is in negotiation with the regional agency of public assistance once a year to define the cost rates for the next 12 months.

Sheltered Workshops are not for profit organizations. Their main goal is it to enable participation in working life and not to generate a profit.

The income sheltered workshops are generating by their economic activity has to be used as follows: a minimum of 70% of the income is used for the remuneration of the workshop users. The remaining 30% can be used for reserves. The reserves are not allowed to exceed the cost for staff for a period of six months.

German quota system for the employment of people with disabilities

A quota system for the employment of people with disabilities was introduced in 1953 in Germany. All public and private companies with a minimum of 20 employees in the yearly average have to employ at least 5% of people with severe disabilities. If the company does not fulfil the quota, it has to pay a penalty: the equalization levy. The maximum is € 290 per month and work place not occupied by a person with disabilities. If a company is awarding a contract to a sheltered workshop, half of the value of the work done by the people with disabilities in the workshop (not of the costs of material) can be subtracted from the equalization levy. The amount of money collected from the penalty payments is put into the so called equalization fund. The equalization fund is used for the financial support when an employer is hiring a person with disabilities.

There is financial support for a testing-period of three months for employers, if they hire a person with disabilities who is a former user of a sheltered workshop and is trying to make the transition onto the general labour market. The complete costs of labour of the person can be paid by the rehabilitation agency. In some cases, financial support can be given for more than a three month period, depending on the individual case.

Either the rehabilitation, integration or federal employment agency is bearing the costs for the accessibility and the adaptation of the work place for a person with disability. The employer can receive the complete costs depending on the individual case.

Additionally, there is a compensation for the lower working performance of people with disabilities. The amount of money paid depends on the level of the lower performance and also on the need for qualification, adjustment for the new job, etc. Support of up to 70% of the wage for a period of 24 months is possible. For people with particular severe disabilities a support period of 60 months is possible. If the work performance improves after 12 months, the financial support is reduced by 10% per year.

Income by turnover and by subsidies of sheltered workshops

The estimated average income by turnover is 26,7% and the income by subsidies 73,3%. It is important to know that the workshops do not get subsidies for only providing work opportunities for people with disabilities. Sheltered workshops are highly specialised facilities of vocational rehabilitation. They are providing person-centred services such as:

- Permanent structured work
- Vocational training adapted to the competences of the individual
- Recognition of learning experience
- Placement/internship in enterprises of the general labour market
- Detachment to ordinary companies

- Support for the transition onto the general labour market for the few people for whom this is possible and who wish to do it
- Medical rehabilitation
- Educational training
- Support for personal development
- A variety of leisure activities

Activities of sheltered workshops

Some of the activities of sheltered workshops are:

- ICT (e.g. copy centres, digital archiving, etc.)
- customer services (e.g. catering, laundry, retail sales, etc.)
- handiwork (e.g. packaging, dismantling, assembling, etc.)
- community services (e.g. gardening, cleaning of common and private spaces, etc.)
- producing and selling a huge variety of own products.

Additionally, there are:

- On-site work (sometimes open to the general public, e.g. restaurants, laundries, etc.)
- Secondment: temporary or permanent transfer of a person to another assignment or location
- Outplacement: placement in the open labour market
- Mobile units: small teams of workers hired by external organizations or by public institutions to take care of various community services (e.g. gardening in public areas, cleaning in public or private entities, etc.).

There is no data about the share of the most important activities in the revenues. Regarding the question of which activity brings the highest revenue, there is no difference to commercial businesses.

Legal status of people with disabilities in sheltered workshops

In Germany, people with disabilities in the sheltered workshops are not employees but have an employee like status, which grants them all the rights of an employee but not the duties. Therefore workshop users don't receive a wage but a remuneration. The average remuneration on federal level is about € 180,- per month.

Additionally, the person with disability receives financial support from the state for living and basic security benefits, the so called "Grundsicherung". The remuneration is credited against the basic security benefits, if it exceeds a certain amount.

If a user of a sheltered workshop is in the workshop for an uninterrupted period of twenty years, he has got the claim to receive an incapacity pension. The amount of the incapacity pension is calculated from 80% of the average income in Germany. The incapacity pension is credited against the basic security benefits. This means it has only a small positive effect on the total amount of the income of the person with disability.

It is estimated that, including the remuneration from the workshop, a person with disability has between € 800 and € 1000 per month, depending on the individual case. This does not include financial support for additional medical rehabilitation, if needed, from the health insurance.

The usual retirement pension a user of a sheltered workshop receives is calculated from 80% of the average income in Germany. Therefore the amount of the retirement pension received by the people with disability is higher than the retirement pension the average German gets. The retirement pension is issued by the federal government.

People with disabilities in German sheltered workshops

People with intellectual disabilities: 75,86% (2015)

People with physical disabilities: 3,56% (2015)

People with mental (psychic) disabilities: 20,58% (2015)

Access to sheltered workshops in Germany

The person with disability decides what he or she wants to do. If the person decides to work in a regular company, the federal employment agency has to put their efforts in to the realization of this wish. They can do this via supported employment or by the usual possibilities to enable a person with disability to work on the general labour market. Subsidies for the employer for adapting the work place or to compensate for a lower work performance exist.

If the person decides to use the services of a sheltered workshop, there is a committee which decides if this is possible. The committee consists of representatives of the regional agency of public assistance, of the federal employment agency and of the sheltered workshop. The person with disability wanting to participate in working life in a sheltered workshop should be able to provide a minimum of economic performance. At the same time, the person should not be able to perform more than three hours of work under the conditions of the general labour market due to the nature of the disability. Additionally, the person should not be a risk for endangerment for himself or others.

There are no waiting lists for sheltered workshops in Germany. Federal law states, that if a person decides to realize its legal claim and use the services of a sheltered workshop, the person has the right to be provided with a place in a workshop immediately. The workshop considers the cost for the provision of a place in their negotiations with the regional agency of public assistance.

There are transitions of people with disabilities to the general labour market. The number is very low. This is because users of German sheltered workshops are people with particular severe disabilities. Thus it is very difficult, to find a company that is able to provide according work.

The future

The vision of the future of employment for people with disabilities is the realisation of an inclusive labour market.

At the moment, the German government considers sheltered workshops to be an integral part of the vocational rehabilitation system for people with disabilities. Regarding the ongoing review of the existing federal legislation of participation of people with disabilities, German

authorities want to improve the services provided by the workshops for the people with disabilities. Therefore, the review of legislation focuses on the expansion of person centred services. Additionally, the needed support of a person should be determined individually and the right of the person with disabilities to freely choose the services they need will be strengthened.

German sheltered workshops have, over the years, continuously developed their services and will be enhancing them in the future. The focus of all their actions is the well-being of the people with disabilities with the implementation of the UN-Convention in mind and with the goal to provide and maintain a high quality of the services.

In the future, the expert knowledge of sheltered workshops regarding vocational and educational training and the adaptation of work processes and work place could be used to advice employers of the general labour market who wish to employ people with disabilities.

Regarding the implementation of the UN-CRPD, focussing only on article 27 and the general labour market could lead to the end of the sheltered workshop system.

It is a well-known fact that Article 27 of the UN-CRPD does not mention the system of sheltered work and employment. But regarding only Article 27 of the UN-Convention and the access to the general labour market would leave behind a lot of people with disabilities, who are not able, even with high support structures, to work on the general labour market.

The thematic study on the work and employment of people with disabilities from the United Nations High Commissioner for Human Rights, published in December 2012, comes to the conclusion that sheltered work and employment is regarded as a transitional form of participation in working life, until the creation of an inclusive labour market is completed.

At the same time, the study clearly states that there are and will be people with disabilities who will never be able to work on the general labour market and that sheltered work and employment provides ongoing support for those.

Estonia

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.)?

In 2014 there were 24,6% of 14 200 (aged 15-64) people with disabilities working in open labour market.

Working hours: full-time employees work on the average 40,3 hours per week, part-time employees on the average 21 hours per week.

Average monthly gross income: full-time employed 593€, part-time employed 308€. ⁸⁶

Pension rights: If the income of a person with partial or no work ability during the calendar month preceding the payment of work ability allowance exceeds 90 times the daily rate in force, the amount of his or her allowance shall be recalculated by reducing his or her allowance for the month of payment of work ability allowance by an amount which is half of the difference between his or her income and 90 times the daily rate. ⁸⁷

We have not collected data on people working in sheltered employment, because before 2016 sheltered employment was not a separate service.

Are they considered to be workers under national law or not?

People working in open labour market are considered to be workers under the national law ([Employment Contracts Act](#)⁸⁸, [Law of Obligations Act](#)⁸⁹).

People working in sheltered employment usually are not considered to be workers under the Employment Contracts Act. Terms depend on the service provider or subcontract.

What are the main types of work in sheltered workshops?

The main types of work in sheltered workshops are e.g. carpentry, handicrafts, packing, folding, assembling and various other tasks.

Please, provide information on the division between the traditional and transitional sheltered workshops.

Until the year of 2016 there have been only traditional sheltered workshops provided by the service providers. From 2016 the Estonian Unemployment Insurance Fund will offer additionally the service of transitional sheltered workshops provided by two organisations. This service is for unemployed people in working-age with reduced work ability. Service is temporary up to 2 years, consisting of 3 phases:

1st phase- evaluation of the ability to work, finding the suitable job, learning and practicing working skills

2nd phase- working in sheltered terms, at the same time receiving individual counselling to find a job in open labour market.

⁸⁶ Estimates Estonian Labour Force Survey. All the values are estimates and calculated the Estonian Labour Force Survey, 2014 data. Calculations made by the Ministry of Social Affairs.

⁸⁷ Work Ability Allowance Act, p 13 s 3.

⁸⁸ Employment Contracts Act, p 1 s 1.

⁸⁹ Law of Obligations Act, p 1 s 1.

3rd phase- moving from sheltered workshop to open labour market. The support of service provider is diminishing gradually.⁹⁰

For people incapable to work, or not in working age by Social Insurance Board. Service could be termless if necessary:

1st phase- evaluation of the ability to work and improving working skills within 6 months.

2nd phase- supported and mentored working in sheltered workshop.

3rd phase- from sheltered workshop to open labour market, working with support services.⁹¹

Is there an increase of the trend towards transitional model?

Whilst the work ability reform⁹² will be implemented from 1st January 2016, there is no data to evaluate yet.

Are any changes / reform in sheltered employment ongoing or planned?

Yes, the changes described previously will be implemented with work ability reform from 1st January 2016.

How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

We do not collect data on people with disabilities who move to the open labour market.

There were 63,4% of 14 200 (aged 15-64) people with disabilities working in a tertiary sector (service providing) in 2014, whereas 29,9% were working in primary sector. Most frequent occupations were service and sales persons, handicrafts, skill labourers, senior specialists, machine operators, compiler, technicians, and mid-level managers. Amongst them, there were 83,7% full-time employed and 16,3% part-time employed, which is approximately twice as high as Estonian corresponding average (8,3%).⁹³

What is the situation of persons who acquire disabilities when already in employment? Please, add figures on job retention and impact of disability in advancement in careers.

As employee is not obligated to notify the employer of acquiring disability, we do not have this data.

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

Special aids and equipment- equipment that is needed specifically for an individual with special needs to do his or her job properly.⁹⁴

⁹⁰ Tööturuteenuste osutamine töövõimereformi sihtrühmale, lisa 1 (The rendition of labour market services to the target group of work ability reform, appendix 1, s 1.6.5), document is in Estonian.

⁹¹ Töövõimereformi sihtrühma töövõimelisuse tõstmine ja nende töötamise soodustamine (Arising work ability and improvement of work of the target group of work ability reform, s 2.1.1), document in Estonian.

⁹² More information about the work ability reform on the website of the Estonian Ministry of Social Affairs: <http://www.sm.ee/en/work-ability-reform> .

⁹³ Estimates Estonian Labour Force Survey. All the values are estimates and calculated the Estonian Labour Force Survey, 2014 data. Calculations made by the Ministry of Social Affairs.

⁹⁴ [Labour Market Services and Benefits Act](#)¹ p 21

Assistance in job interviews- jobseekers may receive assistance to communicate with employer during the job interviews if necessary.⁹⁵

Working with a support person- help and direction in order to integrate in the workplace. Extra support by having the cost of support person is being paid by Estonian Unemployment Insurance Fund.⁹⁶

Is there any competence centre in your Country, region, locality?

Astangu Vocational Rehabilitation Centre is advising (and providing if possible) potential employers on adjustments of workplace

Social Insurance Board is advising employers and providing disabled people special equipment for workplace.

Labour Inspectorate is advising employers on adjusting work environment.

Estonian Unemployment Insurance Fund:

Special aids and equipment - equipment is given for free that is needed specifically for an individual with special needs to do his or her job properly.

Assistance in job interviews - jobseekers may receive assistance to communicate with employer during the job interviews if necessary.

Working with a support person - help and direction in order to integrate in the workplace.

Do Public Employment Services provide support for reasonable accommodation?

Yes, Estonian Unemployment Insurance Fund is providing the support described above.

Could you elaborate on subsidies available to employers to provide reasonable accommodation?

Adaption of the workplace - advice, and financial support as compensation for 50-100% of the cost incurred for the adjustment. Service is provided by Estonian Unemployment Insurance Fund.⁹⁷

Wage subsidy - when hiring a person with reduced work ability caused by long-term health damage that has been registered as unemployed for at least 6 months, or has worked in a sheltered workshop, or has been registered successively as unemployed for at least 12 months within last 15 months, or preceding registration as unemployed, an unemployed person has been released from prison within last 12 months.⁹⁸

There are special cases of paying social tax, which could be paid by state⁹⁹ or local government¹⁰⁰ when employing a person with reduced work ability caused by long term health damage. In case of temporary reduced ability to work the social tax could be paid by state or local government up to 5 months.¹⁰¹

Do you disseminate information on these assistance measures and subsidies to employers?

⁹⁵ [Labour Market Services and Benefits Act](#)¹ p 22

⁹⁶ [Labour Market Services and Benefits Act](#)¹ p 20

⁹⁷ [Labour Market Services and Benefits Act](#)¹ p 20 s 3

⁹⁸ [Tööturuteenuste osutamine töövõimereformi sihtrühmale](#), 2.2.1 (The provision of labour market services to the target group of work ability reform, s 2.2.1), document is in Estonian.

⁹⁹ [Social Tax Act](#) p 6 s5

¹⁰⁰ [Social Tax Act](#) p6 s1¹ ss2³

¹⁰¹ [Social Tax Act](#) p6 s2 ss2³

The information is being disseminated by Estonian Unemployment Insurance Fund, Social Insurance Board, Astangu Vocational Rehabilitation Centre and Labour Inspectorate with different introduction campaigns and trainings.

Do you have information about the different types of adaptations provided by the employers?

We have information only in cases where employers have applied for financial support as compensation for adaption of the workplace. There have been no applications in 2015.

How is reasonable accommodation provided in public administration?

The adaption of the working place is provided in case of need.

Is there a complaint mechanism in place as concerns non-application of reasonable accommodation?

Employers are obligated to employ or assign a working environment specialist who amongst other things is cooperating with occupational health care providers¹⁰² who can make suggestions to employers to make adjustments in working place or use special aids and equipment. The complaints could be filled in at the Labour Inspectorate¹⁰³.

Would you like to signal changes as concerns information provided in the study "Providing reasonable accommodation for persons with disabilities in the workplace in the EU..." published by the Commission in 2008?

No

3. Employment Quotas

Do you have quotas in place?

Not yet, but the quotas for public administration will be implemented on 1.07.2016. In the framework of work ability reform the Government has set an objective to employ 1000 disabled people in the public sector by 2020.¹⁰⁴

Do you have data on quota application in your country in a) public sector, b) private sector? If yes, please, elaborate on the main findings.

No, we do not have yet.

Are they compulsory quotas or informal targets?

Compulsory quotas for public sector.

Are those quota reached?

No

Are there penalties or remedies if not reached?

No

Do employers employ required % of disabled or prefer to pay the sanctions?

No

¹⁰² [Occupational Health and Safety Act p16 s6](#)

¹⁰³ [Labour Inspectorate website](#)

¹⁰⁴ [Work Ability Allowance Act, p 73](#)

Have the introduction of quotas impacted the overall level of employment of disabled people?

Not yet.

Is the impact of quota system evaluated?

Yes, it will be evaluated.

4. Active Labour Market Policies

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

Yes, there are:

Special aids and equipment - equipment that is needed specifically for an individual with special needs to do his or her job properly.¹⁰⁵

Assistance in job interviews - jobseekers may receive assistance to communicate with employer during the job interviews if necessary.¹⁰⁶

Working with a support person - help and direction in order to integrate in the workplace. Extra support by having the cost of support person is being paid by Estonian Unemployment Insurance Fund.¹⁰⁷

In addition, all labour market services are also provided for people with disabilities.

Is specific support provided to participation of persons with disabilities in life-long learning (the systemic measures in place, financial support, vouchers, counselling, ESF projects)?

In-service training allowance shall be paid to a working disabled person for in-service training received for the purpose of professional development and for formal education. In-service training allowance shall be paid to compensate partially for actual training expenditure in an amount of up to 24 times the social benefit rate during three calendar years (25,57€ in 2015) as of the first grant of the allowance.¹⁰⁸

How many persons with disabilities are receiving support?

We do not have this data at the moment.

Are employers receiving support?

Employers may receive reimbursement of the cost of training in case their employee with reduced work ability, because he/she:

- has not coped with work tasks for long time due to disability or health, and the employer is offering different work tasks after retraining.

- has been unemployed at least for 12 months before employment and needs further training to perform work tasks.¹⁰⁹

Also, there will be wage subsidy¹¹⁰, counselling and training for employers to cope with people with disabilities¹¹¹. The employer will be compensated for workplace adjustment costs.

¹⁰⁵ [Labour Market Services and Benefits Act](#)¹ p 21

¹⁰⁶ [Labour Market Services and Benefits Act](#)¹ p 22

¹⁰⁷ [Labour Market Services and Benefits Act](#)¹ p 20

¹⁰⁸ [Social Benefits for Disabled Persons Act](#), p 12.

¹⁰⁹ Tööturuteenuste osutamise töövõimereformi sihtrühmale, 2.2.3 (The rendition of labour market services to the target group of work ability reform, s 2.2.3), document is in Estonian.

The support provided by the state will create favourable conditions for hiring a disabled person. The Unemployment Insurance Fund will advise employers, provide support in the period of acclimatisation, and help them find solutions to emerging issues.

Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and adviser training)?

Yes, Estonian Unemployment Insurance Fund provides trainings, business start-up subsidy, training for start-ups, counselling for start-ups, and mentoring for start-ups¹¹².

Do you have information about the number of self-employed persons with disabilities?

No, we do not have this data.

Is there a system and specific support for vocational rehabilitation targeting persons with disabilities?

The Astangu Vocational Rehabilitation Centre provides rehabilitation services and scholarly courses to working-age people with special needs.

5. Passive Labour Market Policies

Have you identified the problem of benefit trap and low motivation of persons with disabilities to enter the labour market in your country?

Yes, we have identified the problem.

What is its main reason – low financial advantage of employment as compared to benefits, inability to work and keep some benefits, low flexibility in transition to and out of the labour market?

The wage of working people with disabilities is lower than the average wage in Estonia, therefore they are not motivated to work. In addition to that, there has been low financial advantage of employment as compared to benefits received, which supports the benefit trap.

Do the systems provide sufficient flexibility in moving to and out of employment and the social protection system, do they allow for a combination of pension and income from work?

Yes, systems provide sufficient flexibility and allow for a combination of pension and income from work.

Are any reforms foreseen to tackle the benefit trap?

Yes, the work ability reform will be implemented starting from 1st January 2016. If the income of a person with partial or no work ability during the calendar month preceding the payment of work ability allowance exceeds 90 times the daily rate in force, the amount of his or her allowance shall be recalculated by reducing his or her allowance for the month of

¹¹⁰ Tööturuteenuste osutamine töövõimereformi sihtrühmale, 2.2.1 (The rendition of labour market services to the target group of work ability reform, s 2.2.1), document is in Estonian.

¹¹¹ Tööturuteenuste osutamine töövõimereformi sihtrühmale, 2.2.4 (The rendition of labour market services to the target group of work ability reform, s 2.2.4), document is in Estonian.

¹¹² Tööturuteenuste osutamine töövõimereformi sihtrühmale, 2.1.3 (The rendition of labour market services to the target group of work ability reform, s 2.1.3), document is in Estonian.

payment of work ability allowance by an amount which is half of the difference between his or her income and 90 times the daily rate.¹¹³

Are reforms of assessment of working capacity ongoing?

Yes, the work ability reform.

Are reforms of assessment of working capacity complemented by sufficient provision of active labour market policies and social services to enable persons with disabilities to integrate into the labour market and avoid their falling into poverty in case of losing a part or whole disability pension?

Important cornerstone of the reform are active labour market services. Existing labour market measures will be made available to work capacity benefit receivers who are looking for work, e.g. labour market training, career counselling, work practice, coaching for working life, wage subsidy, business start-up subsidy, adaption of premises and equipment of working place, providing special aids and equipment, communication support at interviews and working with support person. New measures are designed to respond to the need of people with reduced work ability: temporary sheltered employment, transportation support, work-related rehabilitation, mobile counselling and experience based counselling.

Second important cornerstone of the reform is the provision of social welfare services.

In order to guarantee the quality of rehabilitation service, it will be divided into two: vocational rehabilitation and social rehabilitation. Such division enables to offer better targeted services that result in higher effectiveness. Starting from 2016, the rehabilitation service will be provided to all people who have been certified as incapable of work (meaning that the existence of a determined disability is not required anymore). Persons with partial capability of work will receive vocational rehabilitation services that are linked with their (possible) employment. The maximum amount of their services will triple (up to 1500€) compared to current budget. The increase enables clients to receive services with shorter waiting list and in greater amount. Children, elderly and people incapable to work will receive services that increase their social coping.

The provision of technical appliances will be linked with the assessment of person's working capacity. Furthermore, with the purpose to improve the quality, minimum requirements to the local government welfare services will be established in legislation¹¹⁴.

¹¹³ Work Ability Allowance Act, p 13 s 3.

¹¹⁴ [Social Welfare Act](#). Link to the Estonian version, that soon to be made available in English.

Ireland

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.)?

The 2011 census of population showed 33% of people with disabilities of working age (20 - 64) in work compared with 66% of non-disabled people. In total, 112,000 people with disabilities were in employment. Of these about 2,800 people are engaged in sheltered work, which do not earn wages, but may get a nominal top-up payment. People with disabilities who are employees enjoy the same labour and pension rights as any other worker.

Are they considered to be workers under national law or not?

Yes. People in open and sheltered employment have the status of workers under national law. In sheltered work the focus is on therapeutic activities and participants are paid a nominal payment to top up their state disability allowance.

What are the main types of work in sheltered workshops?

There are a variety of activities including craft and pottery making and packing.

Please, provide information on the division between the traditional and transitional sheltered workshops.

The concept of traditional and transitional models is not a recognised feature of the Irish system. The policy is to phase out existing workshops and move to a model that allows people to live ordinary lives in their communities by including them in mainstream employment as far as possible.

Is there an increase of the trend towards transitional model?

See above.

Are any changes / reform in sheltered employment ongoing or planned?

Sheltered employment is scheduled to close by 2018.

How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

We do not have statistics available on those issues which distinguish people with disabilities from other workers.

What is the situation of persons who acquire disabilities when already in employment? Please, add figures on job retention and impact of disability in advancement in careers.

A 2006 NDA survey estimated that about 70% of people of working age with a disability acquired their condition in their working years. Irish data shows that those of working age who experience onset of disability during working age are somewhat less likely to have been working in the first instance, and that their employment rate drops by about 20 percentage points after onset of a disability (from about 60% at work to about 40% at work). In keeping with international evidence the Irish experience shows that once people with disabilities have been out of work long-term, the return to work rate is extremely low, and is consistently of the order of 1% across a number of developed countries that operate different suites of policies. Like in other countries, unless there is early return to work, the probability of remaining non-

employed is very high. Younger people and those in good health are more interested in return to work after onset of a disability. For people in general, transitions from economic inactivity (neither in work nor seeking work) to employment are very low. Research (Conefrey et al (2014)) showed that in the boom years on average only 4% of people transitioned from inactivity into employment in the following quarter. This fell to under 3% in the recession years. Return to work rates for people with disabilities tend to be considerably lower, as would be expected given additional likelihood of incapacity, ill-health and age. One of the strategic focuses of the Comprehensive Employment Strategy for People with Disabilities 2015 – 2024 is to raise the return to work rate of those who acquire a disability. In addition, the National Disability Authority has published a practical guide for employers offering them simple steps to support an employee with an acquired disability to stay in work.

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

Irish Employment Equality legislation obliges employers and training bodies to take appropriate measures to accommodate people with a disability. The Department of Social Protection operates a series of private sector employment supports to assist disabled people to access and progress in employment grouped under the umbrella name of the Reasonable Accommodation Fund.

These supports include:

1. **Workplace Equipment Adaptation Grant** – available to employers in the private sector who need to adapt equipment or the workplace to accommodate a disabled employee. The maximum grant provided is €6,350 and covers minor building modifications such as ramps or accessible toilets; assistive technology; amplifiers for telephones, etc.
2. **Job Interview/Induction Interpreter Grant** – available to cover the costs of an interpreter up to a defined maximum for a three hour period for interview and induction purposes where an interviewee or new staff member is deaf, hard of hearing or has a speech impediment.
3. **Personal Reader Grant** – available to blind or visually impaired persons who are in employment and who need a Personal Reader to assist them with job related reading. Such reading is part of the employee’s duties but due to the nature of their visual impairment they cannot perform reading duties themselves. The grant paid is based on a fee per hour, in line with minimum wage. Where there is a requirement for technically qualified readers, the fee paid is considered an individual basis and may be higher.

A Disability Awareness Support Scheme is also available to assist the integration of disabled people into the workplace and helps to eliminate mistaken perceptions about them. It is available to all companies in the private sector who are interested in employing, retaining or relating to people with disabilities. Funding of up to 90% of development costs is available in the first year and up to 80% of costs in subsequent years with an annual limit of €20,000 payable to an organisation.

Is there any competence centre in your Country, region, locality?

The Irish Human Rights and Equality Commission has a function to provide advice and assistance to individuals on the employment equality legislation (which provides for reasonable accommodation as defined in UN CRPD). (See www.ihrec.ie).

The Government is funding a peer-led employer support service and helpline on disability on a three-year pilot basis as a resource to those employing people with a disability. This commenced work in Jan 2016 (<http://www.calledi.ie/>).

Additionally, the National Disability Authority (NDA) is an independent state body providing expert advice on disability policy and practice to Government and the public sector, and promoting Universal Design in Ireland.

Do Public Employment Services provide support for reasonable accommodation?

Yes. Examples include provision of designated employee assistance officers in the workplace, flexible or reduced working hours, and changes to work duties, physical adaptations to the workplace, provision of assistive technology or adaptation of work equipment.

Could you elaborate on subsidies available to employers to provide reasonable accommodation?

The Department of Social Protection provides through the Wage Subsidy Scheme (WSS) provides financial incentives to employers, outside the public sector, to employ disabled people who work more than 20 hours per week. The Scheme is structured in three strands with the employer able to avail of one or all of the benefits simultaneously.

- **Strand I** subsidy - is a general subsidy for any perceived productivity shortfall in excess of 20% for a disabled person, in comparison to a non disabled person. An employee must work a minimum of 21 hours per week up to a maximum of 39 hours per week. The rate of subsidy is €5.30 per hour and is based on the number of hours worked, giving a total annual subsidy available of €10,748 per annum based on 39 hour week.
- **Strand II** - is based on the total number of disabled employees in a company, an employer can apply for a grant to cover additional costs ranging from an additional 10% for 3-6 employees to a maximum of 50% of the wage subsidy for 23+ disabled employees.
- **Strand III** - is where 30 or more disabled people are employed, employers can avail of a grant of €30,000 per annum to assist with the cost of employing an Employment Assistance Officer.

Do you disseminate information on these assistance measures and subsidies to employers?

Yes, see

<http://www.welfare.ie/en/Pages/Supports-for-People-with-Disabilities-and-for-Employers---SW.aspx>

Do you have information about the different types of adaptations provided by the employers?

No details are available in respect of private sector employers, but see details of incentivised grant schemes available to private employers to provide reasonable accommodation at 2 above.

How is reasonable accommodation provided in public administration?

Reasonable accommodation is provided and funded by the public bodies concerned. In addition to the provisions of employment equality legislation (which apply to all employers), Part 5 of the Disability Act 2005 obliges public bodies in so far as is practicable to take all reasonable measures to support and promote the employment of people with disabilities. There is a statutory employment target of 3% in the public sector and the Government has

agreed (October 2015) that this should be increased progressively to 6% in the context of the Comprehensive Employment Strategy (see below).

Is there a complaint mechanism in place as concerns non-application of reasonable accommodation?

Yes, in the first instance the Irish Human Rights and Equality Commission can provide practical assistance and advice including assistance in taking a formal complaint under the anti-discrimination legislation to the Workplace Relations Commission for conciliation or adjudication.

Would you like to signal changes as concerns information provided in the study "Providing reasonable accommodation for persons with disabilities in the workplace in the EU..." published by the Commission in 2008?

Ireland recently published a Comprehensive Employment Strategy for People with Disabilities 2015 - 2024¹¹⁵. The Strategy sets out a ten-year approach to ensuring that people with disabilities, who are able to, and want to work are supported and enabled to do so. The Strategy's measures seek to address the barriers to employment and improve pathways to work. A group to oversee the implementation of the Strategy has been established and will monitor the progress of the six strategic priorities, ensuring that each Government Department is fulfilling its obligations and meeting its targets.

In addition, the Government will shortly bring forward proposals for legislation to remove remaining barriers to ratification of the UN Convention on the Rights of Persons with Disabilities in accordance with the Roadmap to Ratification published in October 2015¹¹⁶.

3. Employment Quotas

Do you have quotas in place?

A target of 3% applies in the public service which is due to increase progressively to 6% by 2024. No statutory target or quota applies to the private sector, although employers are encouraged to employ more people with a disability and this is a key theme in the Comprehensive Employment Strategy. Part 5 of the Disability Act 2005 obliges public bodies in so far as is practicable to take all reasonable measures to support and promote the employment of people with disabilities, and, unless there are good reasons to the contrary, to achieve a target percentage of staff with disabilities, currently 3%. The Government will progressively increase the statutory target of 3% of employees with disabilities in the public sector towards 6% by 2024.

Do you have data on quota application in your country in a) public sector, b) private sector? If yes, please, elaborate on the main findings.

See above. Also see <http://nda.ie/Publications/Employment/Employment-of-people-with-disabilities-in-the-public-service/> where the annual reports (since 2006) on achievement of the target are to be found.

Are they compulsory quotas or informal targets?

¹¹⁵ [http://www.justice.ie/en/JELR/Comprehensive Employment Strategy for People with Disabilities - FINAL.pdf/Files/Comprehensive Employment Strategy for People with Disabilities - FINAL.pdf](http://www.justice.ie/en/JELR/Comprehensive%20Employment%20Strategy%20for%20People%20with%20Disabilities%20-%20FINAL.pdf/Files/Comprehensive%20Employment%20Strategy%20for%20People%20with%20Disabilities%20-%20FINAL.pdf)

¹¹⁶ [http://www.justice.ie/en/JELR/Roadmap to Ratification of CRPD.pdf/Files/Roadmap to Ratification of CRPD.pdf](http://www.justice.ie/en/JELR/Roadmap%20to%20Ratification%20of%20CRPD.pdf/Files/Roadmap%20to%20Ratification%20of%20CRPD.pdf)

The 3% target is set out in Part 5 of the Disability Act 2005 and is binding. The Government have announced their intention to raise this target incrementally to reach 6% by 2024.

Are those quota reached?

Across the public sector as a whole, the 3% target has been reached. However individual public bodies may be above and below this median.

Are there penalties or remedies if not reached?

There are no financial penalties but annual monitoring and reporting incentivise organisations to comply. Where a public body, without good reason to the contrary, is below the 3% target for two successive years, the National Disability Authority may issue mandatory advice to be followed by that body towards achieving its target.

Do employers employ required % of disabled or prefer to pay the sanctions?

There are no financial sanctions.

How do you use money coming from sanctions (special fund to support measures for persons with disabilities, for employers to provide reasonable accommodation, etc.)?

Not applicable.

Have the introduction of quotas impacted the overall level of employment of disabled people?

It has kept a focus in the public sector on recruitment, retention and reasonable accommodation of people with disabilities.

Is the impact of quota system evaluated?

Public sector organisations must report annually to the National Disability Authority who monitor the target and report to Government on any failings.

Are there any plans to reform the quotas system?

The Comprehensive Employment Strategy for people with Disabilities 2015 – 2024 aims to increase the public sector target on a phased basis from 3% to 6% by 2024.

4. Active Labour Market Policies

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

The Department of Social Protection (DSP) operates a number of schemes to support people with disabilities to secure employment and to stay in work. These include the **EmployAbility Programme** of supported employment, a wage subsidy scheme and supports to private sector employers with the cost of adaptations or assistive technology. As part of the new Comprehensive Employment Strategy for People with Disabilities 2015 - 2024, the Government has funded the establishment of an employer's helpline to provide expert guidance and peer support to employers in relation to employment of staff with disabilities.

Since 2011, the DSP has enhanced its range of income supports for people with disabilities with the introduction of Partial Capacity Benefit (PCB) a scheme (participation is voluntary) designed for people who have some capacity for work. PCB allows people with illness or disabilities, who satisfy the scheme's conditions, to return to work while continuing to receive an in-work social protection payment.

Persons with a disability may call into a DPS Intreo Office or Local Employment Service Office to meet with an Employment Services Officer/Mediator who will provide them with full information, advice and guidance in relation to training and employment. People with a disability, who meet the entry criteria, are able to participate in the full range of programmes and services, including mainline training provision and Community Employment. There is also a specialist EmployAbility Service dedicated to improving employment outcomes for job seekers with a disability.

Participation in programmes, training or employment is voluntary. The DSP also provides a range of employment support programmes that are demand-led schemes in that the person with a disability applies directly for these grants. The purpose of the grants is to; support unemployed people with disabilities to gain access to the open labour market by providing grants for “reasonable accommodations” in the private sector and support private sector employers and encourage them to employ people with disabilities.

Is specific support provided to participation of persons with disabilities in life-long learning (the systemic measures in place, financial support, vouchers, counselling, ESF projects)?

People with disabilities may participate in mainstream training and education (with reasonable accommodation provided). In addition the state funds specialist training and education delivered by bodies such as the National Learning Network to people with disabilities, and about 1.400 places on a Rehabilitation Training programme in basic life skills and personal development. The Higher Education Authority has an access strategy and a funding stream for students with disabilities see <http://www.hea.ie/en/policy/national-access-office/access-funding>. The Education and Training Boards run a number of courses for life-long learners including those with disabilities. See www.solas.ie

How many persons with disabilities are receiving support?

The following are the numbers of recipients in receipt of support in 2015 according to benefit type.

Payment Type	No. Recipients
Illness Benefit	55,983
Interim Illness Benefit	318
Injury Benefit	1,069
Invalidly Pension	55,184
Partial capacity Benefit	1,621
Disability Allowance	119,042

Are employers receiving support?

Yes. An **Employee Retention Grant Scheme** is available to private sector employers when an employee develops a disability whether occupational or not. It provides funding to identify accommodation or training to enable the employee to remain in their current position or to re-train them to take up another position within the organisation. There are two stages to the scheme;

- Assessment, 90% of the costs of developing a retention strategy can be funded to a maximum of €2,500.
- Implementation, 90% of eligible programme costs can be funded to a max. of €12,500.

Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and adviser training)?

While entrepreneurs with disabilities can avail of mainstream enterprise support Enterprise Ireland, under the comprehensive employment strategy, is currently examining the question of a specially-branded support scheme for entrepreneurs with disabilities.

Do you have information about the number of self-employed persons with disabilities?

Statistics on the number of self-employed persons disaggregated by disability are not available.

Is there a system and specific support for vocational rehabilitation targeting persons with disabilities?

Yes, through state-funded disability organisations like the National Learning Network that delivers a range of flexible training programmes and support services for people who need specialist support (job seekers, unemployed, people with an illness or disability) in 50 centres around the State. The training programmes, all of which include work experience, offer nationally recognised qualifications ensuring that students are ready to get a job or go on to further education.

5. Passive Labour Market Policies

Have you identified the problem of benefit trap and low motivation of persons with disabilities to enter the labour market in your country?

Making work pay is a strategic priority in the Comprehensive Employment Strategy 2015 – 2024 for People with Disabilities. An interdepartmental group has been established, under independent chairmanship, on making work pay for persons with a disability. This group will look at the complex interactions between the benefit system, including the medical card scheme, the additional costs of work associated with a disability, and the net income gains in employment, with a view to devising workable solutions to difficulties identified.

What is its main reason – low financial advantage of employment as compared to benefits, inability to work and keep some benefits, low flexibility in transition to and out of the labour market?

A 2006 NDA survey found that for those out of work, and who would like to work, the main perceived barriers were, in order of importance

Flexible work arrangements (45%)

Modified tasks (29%)

Wage subsidy (24%)

Transport/parking (17%)

Accessible building (13%)

Human support (7%)

Assistive technology or physical adjustments (4%)¹¹⁷

Do the systems provide sufficient flexibility in moving to and out of employment and the social protection system, do they allow for a combination of pension and income from work?

There is a Partial Capacity Benefit scheme which allows people to combine some employment with some top-up social security payment. People on the means-tested Disability Allowance payment can earn up to €120 a week without forfeiting any benefit, and there is a further disregard of 50c in every euro of earnings between €120 and €350 a week.

Are any reforms foreseen to tackle the benefit trap?

Yes, see the Comprehensive Employment Strategy for People with Disabilities 2015 – 2024 mentioned above includes a commitment to examine the complex interactions between the benefit system and making work pay for people with disabilities. An interdepartmental working group has been established under an independent chair and will report in 2016.

Are reforms of assessment of working capacity ongoing?

Yes, as part of the Comprehensive Employment Strategy for People with Disabilities 2015 - 2024 mentioned above.

Are reforms of assessment of working capacity complemented by sufficient provision of active labour market policies and social services to enable persons with disabilities to integrate into the labour market and avoid their falling into poverty in case of losing a part or whole disability pension?

See details of the Comprehensive Employment Strategy for People with Disabilities 2015 - 2024, particularly the objective of making work pay, mentioned above.

¹¹⁷ National Disability Survey 2006, Table 7.29

Greece

1. Open labour market and sheltered employment (workshops)

The Vocational Rehabilitation Services for Persons with Disabilities, now called EKO Service, as part of active labour market policies, implements new employment programs and new freelancers for Vulnerable Social Groups.

The implementation of programs and NGF NEE Vulnerable Social Groups implemented and promoted by the six (6) Offices EKO. When not working Offices EKO, service for vulnerable social groups is carried out by the Employment Agency Employment Agencies.

Article 2 of Law 2643/1998 “Ensuring employment for persons of special categories and other provisions”, as replaced by article 1, paragraph 4, Law 3454/2006, provides for the percentage of compulsory placements, among others, for people with disabilities in jobs in enterprises. In enterprises employing more than fifty (50) persons, 8% of their staff should be people belonging to protected social groups, including people with disabilities and relatives of people with disabilities. Article 3, as replaced by paragraph 1, article 11 of Law 3051/2002, stipulates that 5% of the total job vacancies to be announced by any public enterprise, public law entity and local government organization shall be reserved for persons protected by the provisions of Law 2643/1998 (including people with disabilities and relatives of people with disabilities).

Law 2643/1998 introduces a special protection against dismissal of people with disabilities who meet the conditions thereof (regardless of whether they have been employed following a job announcement that took place under this law), as well as protection against dismissal (strict requirements for employer’s authorization to dismiss them) of protected persons belonging to any protection category (persons with disabilities, close relatives of persons with disabilities, etc.) placed through a job announcement under this law.

The Ministry of Labour, Social Security and Social Solidarity implements a number of interventions and activities that aim at the halting of unemployment, maintenance of existing jobs, creation of new jobs, integration of young people and vulnerable social groups in the labour market, and support to the sectors adversely affected by the impact of the economic crisis. We note that all unemployed people are entitled to participate in the active employment policies implemented through the Ministry of Labour, Social Security and Social Solidarity.

Active employment policies currently being implemented and intended for people with disabilities are divided inter alia, into: (a) subsidy programmes for job creation; (b) programmes for subsidy of social security contributions with a view to the creation of jobs; (c) programmes for the enhancement of entrepreneurship; (d) programmes that combine training and acquisition of work experience in enterprises through the labour market entry voucher; e) community service programmes.

Other programmes finance a part of the costs of business activity commencement for persons belonging to vulnerable social groups, including persons with disabilities who wish to practise a liberal profession (programmes for New Self-employed Professionals).

The Manpower Employment Organization implements business subsidy programmes for the ergonomic arrangement of the workplace in order to make it accessible to people with disabilities.

2. Reasonable accommodation

In the field of labour relations, in accordance with article 10 of Law 3304/2005 on compliance with the principle of equal treatment with respect to persons with disabilities, the employer shall take all appropriate measures where necessary, in order for such persons to have access to a job, to perform such job and develop, as well as to participate in vocational training, provided that such measures do not impose a disproportionate burden on the employer. Hence, the obligation for reasonable accommodation leads to the adoption of individualized intervention measures, yet such measures should be appropriate to ensure equal access for people with disabilities to work, the opportunity to perform the job and develop as well as to participate in vocational training.

Pursuant to article 10 of Law 3304/2005 “Reasonable accommodations for people with disabilities” the employer’s obligation for reasonable accommodations shall be limited if they result in a disproportionate burden. The disproportionate burden of reasonable accommodations is not specified by the law, because it is assessed on a case-by-case basis. However, in order to identify the disproportionate burden, one should consider several factors such as the nature and the costs required for the accommodations, the effect of the accommodations on the operation of the enterprise including the impact on other employees in respect of the discharge of duties, the financial means of the enterprise, the kind and size thereof, and the total number of employees. More specifically, according to Law 2643/1998, the Manpower Employment Organization may pay to enterprises or undertakings or bodies of the public sector that employ persons with disabilities a part of the costs for the ergonomic arrangement of the workplace of such people (paragraph 2, article 8). At this point, it should be noted that a burden may not be considered disproportionate when it is offset by protective measures taken within the framework of implementation of a policy in favour of people with disabilities. Furthermore, it should be pointed out that paragraph 4, article 8, Law 3304/2005 explicitly introduces an exemption from the prohibition of discrimination based on disability in employment and occupation, *“in the armed forces and security forces, since it concerns a different treatment based on age or disability related to the Service”*.

3. Employment Quotas

Establishing guidelines and encourage taking measures; under the "Europe 2020" - in order to increase female labour market participation, reducing structural unemployment and promoting job quality.

- Increase the participation of women in the labour market
- Reducing structural unemployment
- Promoting the quality of work

Within the framework of “Youth Guarantee”, consultations have taken place with the social partners and representatives of youth, where representatives of the National Confederation of Disabled People also participated and submitted comments and observations. The “Youth Guarantee” plan gives emphasis to vulnerable social groups and, in this context, special employment integration actions for young people with disabilities are to be implemented, in order to facilitate the employability of people with special difficulties and at greater risk of social exclusion.

We would also like to mention that in the context of establishment in Greece of the area of Social Economy and Social Entrepreneurship, Law 4019/2011 “Social Economy and Social

Entrepreneurship and other provisions” introduces a new form of Social Cooperative Enterprise. Depending on their object, Social Cooperative Enterprises are divided into three categories. Of these the Integration Social Cooperative Enterprises, which involve integration in the economic and social life of persons belonging to Vulnerable Population Groups, shall compulsorily employ, by at least 40%, workers belonging to such groups.

4. Active Labour Market Policies

Further, we would like to refer to actions co-financed by the European Social Fund through the Operational Programme “*Human Resources Development*”. This Operational Programme included Actions concerning the implementation of programmes for the provision of integrated pre-training, vocational training and accompanying supportive services to persons with disabilities and/or detoxified persons or drug addicts. Those programmes were intended for unemployed persons belonging to the above target groups regardless of their education level, and were implemented by Specialized Centres for the Social and Vocational Integration of Persons with Disabilities and of detoxified persons or drug addicts. The total budget for the actions amounts to 13,000,000 euro and about 1,319 people belonging to the above target groups benefited.

The Operational Programme “Human Resources Development” has included interventions in favour of vulnerable social groups implemented by certified Specialized Centres for the Social and Vocational Integration of Persons with Disabilities and of detoxified persons or drug addicts as well as by Vocational Training Centres (KEK). The object of such actions is to provide pre-training and training services to 7,713 people belonging to vulnerable social groups, including People with Disabilities. The beneficiary body is the European Social Fund Actions Implementation Authority, Ministry of Labour, Social Security and Social Solidarity, while the implementation of those programmes has been assigned, following an open public tender, to contractors, i.e. Specialized Centres for the Social and Vocational Integration of Persons with Disabilities and of detoxified persons or drug addicts, and Vocational Training Centres. The total budget amounts to 79,560,000,00 euro and the contractors have already started implementing this action.

According to paragraph 4, article 8 of Law 2643/1998, “The annual paid ordinary leave for employees, as provided for by the legislation in force, shall be increased by six (6) working days for persons with disabilities, as stipulated in the first subparagraph, indent (b), paragraph 1, article 1, as well as for disabled persons, permanent civil servants, employees of local government organizations and other public law entities, provided that they meet the essential requirements of the above provision”. All persons with disabilities shall be entitled to such increase, regardless of the manner and time of their appointment.

5. Passive Labour Market Policies

The Manpower Employment Organization (OAED) implements programmes for the subsidy of enterprises that hire people belonging to vulnerable social groups, including persons with disabilities. The purpose of those programmes is to create New Jobs by subsidizing the labour costs for the benefited persons for a specific period. The relevant ministerial decisions also provide for a period of non co-financing, during which the enterprises shall employ such workers. These programmes aim at the acquisition of work experience with an ultimate view to maintaining employment.

Spain

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment?

According to the last statistic data, referred to the year 2014 and published on the 21st December 2015 in the report “Employment of Persons with Disabilities” by the National Statistical Institute, the number of employed persons with disabilities was 343.300 (196.700 men with disabilities, that is, 57,3%, and 146.600 women with disabilities, that is, 42,7%). The employment rate was 25,7%, more than 32 points under the one for persons without disabilities.

Specific types of contracts for persons with disabilities (temporary and indefinite contracts)(In 2015 until October):

Table 1

Discapacit.= workers with disabilities

CEE (Centros Especiales de Empleo): special employment centres.

Enclaves laborales: labour enclaves.

Mujeres discap.= women with disabilities

ANUAL CONTRACTS FOR DISABLED PEOPLE- Temporary and permanent

AÑO	DISCAPACITADOS	INDEFINIDO	TEMPORAL	Total
2012	DISCAPACIT. EN CEE	3.516	38.222	41.738
	ENCLAVES LABORALES DISC.INTELECT. >=33%	46		46
	ENCLAVES LABORALES DISC.FÍS./SENS.>=65%	45		45
	ENCLAVES LABORALES MUJERES DISCAP.>=33%	83		83
	DISCAPACITADOS	8.253	10.843	19.096
	Total	11.943	49.065	61.008
2013	DISCAPACIT. EN CEE	3.590	46.018	49.608
	ENCLAVES LABORALES DISC.INTELECT. >=33%	48		48
	ENCLAVES LABORALES DISC.FÍS./SENS.>=65%	42		42
	ENCLAVES LABORALES MUJERES DISCAP.>=33%	83		83
	DISCAPACITADOS	7.873	11.994	19.867
	Total	11.636	58.012	69.648
2014	DISCAPACIT. EN CEE	4.205	55.352	59.557
	ENCLAVES LABORALES DISC.INTELECT. >=33%	50		50
	ENCLAVES LABORALES DISC.FÍS./SENS.>=65%	45		45
	ENCLAVES LABORALES MUJERES DISCAP.>=33%	76		76
	DISCAPACITADOS	9.129	14.118	23.247
	Total	13.505	69.470	82.975
2015	DISCAPACIT. EN CEE	4.207	64.406	68.613
	ENCLAVES LABORALES DISC.INTELECT. >=33%	54		54
	ENCLAVES LABORALES DISC.FÍS./SENS.>=65%	49		49
	ENCLAVES LABORALES MUJERES DISCAP.>=33%	76		76
	DISCAPACITADOS	10.536	15.910	26.446
	Total	14.922	80.316	95.238
Total		52.006	256.863	308.869

See also:

Workers with disabilities in CEE in 2013: 64.079

Number of CEE in 2011: 2215

http://www.sepe.es/contenidos/que_es_el_sepe/publicaciones/pdf/pdf_mercado_trabajo/imt2016_datos2015_estatal_discapacitados.pdf<http://www.odismet.es/es/datos/1/integracion-laboral-y-tendencias-del-mercado-de-trabajo/110numero-de-centros-especiales-de-empleo-y-plantilla-de-personas-con-discapacidad/1-11/>

Are they considered to be workers under national law or not?

Workers with disabilities, who are hired either in open labour market or in special employment centres, are considered workers under national law¹¹⁸, so they have, in general terms, the same rights and duties and working conditions as workers without disabilities.

In special employment centres workers with disabilities are hired through a special labour relationship and have some special working conditions:

Royal Decree 1368/1985, 17th July, regulating special labour relation of people with disabilities working at special employment centres:

<http://www.boe.es/buscar/act.php?id=BOE-A-1985-16663>

http://www.empleo.gob.es/es/Guia/texto/guia_8/contenidos/guia_8_19_2.htm

What are the main types of work in sheltered workshops?

CEE, like any other business sector, has multiplicity of characteristics and management models, being in an ongoing adaptation to the environment. They develop many diverse activities and, although they were born linked to the industrial subcontracting, have been opened to new markets such as production of goods or provision of services. They have a compromise with quality and natural environment and for that reason many of them have obtained the corresponding certificates.

More than two-thirds of the activity of the CEE is dedicated to the services sector, followed by the industry, agriculture and construction.

The services is the main activity sector and includes subsectors such as garden maintenance, building cleaning, laundry services or call centres, among others. Their presence is also evident, although less significantly, in food industry, automobile or pharmaceutical.

Please, provide information on the division between the traditional and transitional sheltered workshops.

Traditional sheltered employment: Special Employment Centres are those centres whose main purpose is to perform a production of goods and services in regular market conditions. The aim is to guarantee remunerated employment or provide personal and social adjustment services that are needed by its employees with disabilities. At the same time, it should act as a means of integration in the mainstream labour market for as many people with disabilities as possible.

The workforce in these centres should be made up of the greatest possible number of workers with disabilities the productive process allows, and in all cases workers with disabilities should constitute in Spain at least 70% of the workforce. When calculating this figure, staff members with disabilities whose job is providing personal and social adjustment services

¹¹⁸ Article 49 of Spanish Constitution; article 4.1 c) of Royal Legislative Decree 2/2015 of October 23, approving the revised text of the Act of Workers' Statute; article 30 of Royal Legislative Decree 3/2015 of October 23, approving the revised text of the Employment Act (people with disabilities are considered as priority group in specific programs for fostering employment); article 35 of Royal Legislative Decree 1/2013, of November 29, approving the revised text of the General Act on rights of persons with disabilities and their social inclusion (it recognizes the right to employment of people with disabilities, in conditions that guarantee the application of principles of equal treatment and non-discrimination).

(meaning rehabilitation, therapeutic services, social and cultural integration and integration through sport to ensure the worker with disabilities enjoys an enhanced personal rehabilitation and improved adaptation to his or her social relations) are not included.

Special Employment Centres may be public or private entities and may or may not enjoy non-profit making status. Centres must be accredited by and be included in the central government or regional government Register of Centres.

Any person with a physical, mental or sensorial disability may be employed in a Special Employment Centre, subject to approval by a multidisciplinary assessment team that will determine the person's real possibility to integrate and his or her ability to work.

The incentives offered are varied and wide-ranging; they include subsidies paid for each stable job created which may amount to as much as € 12,000 where the proportion of workers with disabilities in the centre exceeds 90 per cent. There are also rebates of 100 per cent of employers' social security contributions, wage cost subsidies equivalent to 50 per cent of the minimum inter-occupational wage, subsidies for adaptation of jobs and removal of construction impediments of up to € 1,800 per job, subsidies for technical assistance and subsidies to balance the budgets of non-profit-seeking special employment centres and those declared of public utility.

Transitional sheltered workshops: Labour enclaves (regulated by Royal Decree 290/2004, of 20 February) are a kind of half-way house between the sheltered and general labour markets. Their ultimate purpose is to facilitate the transition of workers with disabilities from sheltered employment to employment in a free environment.

The basis of a labour enclave is a contract between a company in the general labour market and a special employment centre. The purpose of the contract is the provision of goods or services directly related to the normal activity of the company and for the performance of which a number of workers with disabilities from the centre with disability levels equal to or exceeding 33 per cent are temporarily transferred to workplaces in the company. A company engaging a worker with disability from a labour enclave for an indeterminate period may receive a subsidy of up to € 7,800 for a full-time indeterminate contract and a grant of up to € 900 for adaptation of the job, and also a 100 per cent rebate on the employer's social security contributions. The special employment centres receive subsidies to cover the labour and social security costs deriving from the indeterminate or temporary contract amounting to up to € 1,200 per year for each worker with disability engaged.

Supported employment: Supported employment is a programme to integrate persons with disabilities into the general labour system. It comprises a number of measures involving guidance and individual monitoring at the workplace in enterprises in the general labour market, provided by specialist work instructors and aimed at facilitating the adjustment in employment and society of workers with disabilities experiencing special difficulty in entering the labour market. Work is performed in conditions similar to those of other workers in equivalent jobs. The scheme is designed for persons with cerebral palsy, mental illness or recognized mental disability equal to or exceeding 33 per cent and persons with physical or sensory incapacity making for an impairment equal to or exceeding 55 per cent. The subsidies are intended to cover the labour and social security costs incurred through engagement of the work instructors. The amount of subsidy payable depends on the number of workers involved,

the type of disability and the degree of impairment; it ranges from € 2,500 to € 6,600 per year and per disabled worker.

Is there an increase of the trend towards transitional model?

The most adequate type to assess the transition from sheltered to ordinary employment is the labour enclave. There has been certain stability in hiring through this type in the last years (table 2) (see also table 1):

Table 2: Contracts of persons with disabilities in labour enclaves.

Disc.intelect.= intellectual disability

Disc.fís./sens.= physical / sensorial disability

Mujeres discap.= women with disabilities

CONTRACTS OF PERSONS WITH DISABILITIES IN LABOUR ENCLAVES

AÑO	DISCAPACITADOS EN ENCLAVES LABORALES	Nº DE CONTRATOS
2012	ENCLAVES LABORALES DISC.INTELECT. >=33%	46
	ENCLAVES LABORALES DISC.FÍS./SENS.>=65%	45
	ENCLAVES LABORALES MUJERES DISCAP.>=33%	83
	Total	174
2013	ENCLAVES LABORALES DISC.INTELECT. >=33%	48
	ENCLAVES LABORALES DISC.FÍS./SENS.>=65%	42
	ENCLAVES LABORALES MUJERES DISCAP.>=33%	83
	Total	173
2014	ENCLAVES LABORALES DISC.INTELECT. >=33%	50
	ENCLAVES LABORALES DISC.FÍS./SENS.>=65%	45
	ENCLAVES LABORALES MUJERES DISCAP.>=33%	76
	Total	171
2015	ENCLAVES LABORALES DISC.INTELECT. >=33%	54
	ENCLAVES LABORALES DISC.FÍS./SENS.>=65%	49
	ENCLAVES LABORALES MUJERES DISCAP.>=33%	76
	Total	179
Total		697

Are any changes / reform in sheltered employment ongoing or planned?

The review of the regulation of the promotion of employment of people with disabilities is in process.

A study group on the current situation of special employment centres was created in 2012 by an agreement of the Employment and Social Affairs Sector Conference. The main stakeholders took part in that group: State Employment Service, Directorate General for Disability Support Policies, representatives of the Autonomous Communities and representatives of the disability sector: CERMI, FEACEM, CONACEE, ADINTRE and DINCAT.

As an initial consideration, the increase of the number of workers in special employment centres in the last years reflects that this type of employment is one of the most effective for the creation of job post for people with disabilities, even with very high rates in comparison with those achieved by the ordinary employment. At the same time, most of the special employment centres have been turned into consolidated companies competing in the market such as any ordinary company.

The main conclusion of the study group was the need of a legislative update in order to get it closer to the needs of people with disabilities and to adapt it to the new legal and social reality. So, the new regulation should:

- Should include and unify criteria and qualification and registration requirements of special employment centres and create a State Registration of special employment centres.
- Should revise aids and rebates on the employer's social security contributions in order to establish scales depending on the degree of disability, sex, age, duration of the contract and the insertion in the ordinary labour market.
- Should streamline and unify, as far as possible, the different grants according to the above mentioned scales (grants of special employment centres, of projects that create employment, of maintenance of job posts, of labour enclaves, of support units and of supported employment.
- Should establish a greater monitoring in the implementation of the aids and grants to achieve the goals regulated by Royal Legislative Decree 1/2013, of November 29, approving the revised text of the General Act on Rights of Persons with Disabilities and their Social Inclusion.

Therefore, given the fact that workers with disabilities have more difficulties to enter in the ordinary labour market, it would be appropriate to facilitate, even more, their participation in the labour market avoiding the creation of new obstacles and barriers. Special employment centres should continue existing but with an adapted treatment to the new social reality and a more uniform legislation, in order to avoid inequities and improve the effectiveness of management and monitoring of public administrations.

How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

A number of 293.678 specific contracts for persons with disabilities have been signed from January 2012 to December 2015. (See table 1).

What is the situation of persons who acquire disabilities when already in employment? Please, add figures on job retention and impact of disability in advancement in careers.

It depends on the level of permanent disablement that has been recognized by the Social Security System. According to the Workers' Statute (articles 48.2 and 49.1 e), the work contract is extinguished by serious disability or total or absolute permanent disability for work, but, in case of temporary disability, the contract can be suspended with a reserve of the job post for a period of two years, when it will be revised.

The Royal Legislative Decree 8/2015 of October 30, approving the revised text of the General Act of Social Security allows to make compatible the disability pension with work (see article 198) <http://boe.es/buscar/act.php?id=BOE-A-2015-11724>

There are some special measures that are regulated by Royal Decree No. 1451/1983, which regulates selective employment, and are aimed to guarantee his or her own job post or another one adapted to his or her capabilities in the same company.

<http://www.boe.es/buscar/act.php?id=BOE-A-1983-15813>

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

Is there any competence centre in your Country, region, locality?

Do Public Employment Services provide support for reasonable accommodation? Could you elaborate on subsidies available to employers to provide reasonable accommodation?

Every employer, who hires a worker with disabilities, receives from the Public Employment System a subsidy of up to 901,52 euros for adaptations of workstations, elimination of barriers or provision of personal protection means. If the employer is a special employment centre, the subsidy raises up to 1.803, 04 euro per job.

https://www.sepe.es/contenidos/que_es_el_sepe/publicaciones/pdf/pdf_empleo/integracion_la_boral_discapacitados.pdf

CEAPAT is the Spanish Reference Centre of Personal Autonomy and Technical Aids. It was founded in 1989 and belongs to the Institute of Elderly and Social Services (IMSERSO) at the Ministry of Health, Social Services and Equity of the Spanish Government.

Its mission is to contribute to making the rights of persons with disabilities and older persons effective, through integral accessibility, assistive products and technologies and design for all. CEAPAT has a long expertise in the adaptation of technologies to support Personal Autonomy for all. This concept encompasses the daily life needs of a wide range of population from "0 to 99" years old. CEAPAT-IMSERSO catalogue includes accessible buttons, supporting facilities for people with motor impairments, tools for elderly people and other creations to promote Independent Living.

Assistive products catalogue CEAPAT-IMSERSO: <http://www.catalogo-ceapat.org/>

Assistive products catalogue produced by the users. IMSERSO:

<http://www.crmfalbacete.org/recursosbajocoste/default.asp>

The “aptitudes report” (also called “capacities report”) was approved by Orden SSI/1474/2014, de 28 de julio, por la que se modifica la Orden de 2 de noviembre de 2000, por la que se determina la composición, organización y funciones de los Equipos de Valoración y Orientación dependientes del Instituto de Mayores y Servicios Sociales y se desarrolla el procedimiento de actuación para la valoración del grado de discapacidad dentro del ámbito de la Administración General del Estado.

http://www.boe.es/diario_boe/txt.php?id=BOE-A-2014-8498

Thanks to this new regulation and the “aptitudes report”, the “multi-professional teams for qualifying and recognizing the degree of disability assess not only the situations of disability but also the situations of capacity of a person with disability. This team writes down a report aimed to highlight capacities, abilities, skills and functional and potential competences of the person with disabilities. Furthermore, the report contains also information on:

- possible risks for the performance of the jobs, and barriers that they could find in the workplace (in environments that they frequent or visit often);
- reasonable accommodations that they could need.

This information will help the labour intermediation carried out by the employment offices of the Public Employment System.

Do you disseminate information on these assistance measures and subsidies to employers?

The Ministry of Health, Social Services and Equality is working in the implementation of the Action Plan for the Spanish Strategy on Disability 2014-2020 in collaboration with regional governments, disability associations and other ministerial departments. One of the objectives of this plan is to raise entrepreneurship and public sector awareness of the labour capacities of people with disabilities, and, in order to achieve this goal, it is planned to conduct information campaigns targeted to entrepreneurs, especially small and medium enterprises, on the diversity of disability, labour capabilities, reasonable accommodation or tax and social security benefits.

Both the State and the Autonomous Communities Public Employment Systems disseminate information about assistance measures and subsidies to employers.

And some guides have been published by CEAPAT, too:

References Guide “Adaptation of workstations”. CEAPAT:

<http://www.ceapat.org/InterPresent2/groups/imserso/documents/binario/adaptacionpuestra.pdf>

“Ask me about accessibility and technical aids!”. CEAPAT:

<http://imserso.es/InterPresent2/groups/imserso/documents/binario/preguntame.pdf>

Prevention and disability. National Institute for Safety and Hygiene at Work (INSHT): a tool (computer application) that facilitates the preventive management of workstations filled by persons with disabilities.

<http://www.insht.es/portal/site/Insht/menuitem.1f1a3bc79ab34c578c2e8884060961ca/?vgnnextoid=83c895a95eefa310VgnVCM1000008130110aRCRD&vgnnextchannel=1d19bf04b6a03110VgnVCM100000dc0ca8c0RCRD>

Do you have information about the different types of adaptations provided by the employers?

The Autonomous Communities have the competence on managing and implementing aids and subsidies.

How is reasonable accommodation provided in public administration?

The access of persons with disabilities to the public employment is regulated in article 59 of the Act 7/2007 of the Basic Statute for Public Employee:

<http://www.boe.es/buscar/act.php?id=BOE-A-2007-7788>

And the main normative development is established by:

- Royal Decree 2271/2004, which regulates access to public employment and the provision of jobs for people with disabilities: <http://www.boe.es/buscar/act.php?id=BOE-A-2004-21221>

- ORDER PRE/1822/2006 of 9 June, establishing general criteria for adaptation of additional time in the selection processes for public employment of people with disabilities: <http://www.boe.es/buscar/doc.php?id=BOE-A-2006-10483>

Article 59.2 of the Act 7/2007 provides the obligation for each public administration to adopt the necessary measures for adaptations and reasonable accommodations of times and means during the selective process. It establishes the guarantee of accessibility of the information and the communication of the processes.

Royal Decree 2271/2004 establishes positive action measures to ensure and fulfil the right to equality of opportunity for people with disabilities in public employment, without prejudice to equal access conditions that must prevail among candidates for the coverage of public employment positions. These positive action measures are, among others:

- 1) Adaptations and reasonable accommodation in the development of the selection process.
- 2) Adaptation and reasonable accommodation of the job post.
- 3) Adaptation of training.

- 1) Adaptations and reasonable accommodations in the development of the selection process.

The goal of these measures is to ensure the participation of candidates with disabilities on equal conditions than the other. And for that the examining board of the selection process may adopt adaptation of times or / and adaptations of means and reasonable accommodations, depending on the specific difficulties that the person may have for carrying out the proof or exam.

In all cases, the applicants with disabilities must formulate the request for a proof adaptation in the application form, and must explain their specific needs to access to the selection process on equal terms. And for that, they have to attach beside the application form and the certificate with the recognized degree of disability, the technical report issued by the technical body that assesses and qualifies the degree of disability. And by this report, it is proved the permanent deficiencies that have caused the recognized degree of disability.

1.1) Adaptations of times

The adaptation of times consists on the concession of an additional time to do the exercises.

To this end, the selection bodies have general criteria to assess if it is fitting the granting of the requested time adaptations. These general criteria consist on a scale that provides the additional time for each deficiency or impairment and for each degree of disability, in exercise lasting 60 minutes, whether oral or written tests.

This assessment must be inspired by the principles of equal opportunity, non-discrimination, universal accessibility, and compensation of disadvantages.

The time adaptation is not provided automatically, but only in cases where the disability is directly related to the exam.

The selection board must resolve the fitting and granting of the requested time adaptation, depending on the specific circumstances of each selective proof, and in case of doubts, they may ask for the necessary reports and collaboration of other administrative bodies.

For example, if the applicant certifies a visual disability, it may be provide 15 additional minutes, or 30, or 45 or even 60 more minutes when the person has a complete blindness.

1.2) Adaptations of means and reasonable accommodations

The adaptation of means and reasonable accommodations consists on making available to the applicants the necessary human and material resources to do the exam:

- Personal assistances and supports.
- Technical aids and supporting technologies.
- And this adaptation of means and reasonable accommodations may consists also on the guarantee of the accessibility of
- The information and advertisement of the selective processes
- The place where the proofs will be held.

In any case, the applicant has to explain in detail the requested adaptation, bearing in mind that this adaptation has to be directly related to the limitations caused in the disability of the person.

2) Adaptation and reasonable accommodation of the job post

The persons with disability may ask for the adaptation of the job post, in the application forms for awarding a destination.

The application shall be accompanied by a report issued by the occupational risk prevention service (of the workplace of destination), stating the adequacy of the adaptation and the compatibility of the person with the performance of the functions of the requested post. In any case, the compatibility with the carrying out of the functions of the post will be assessed taking into account the adaptations that can be made on it.

3) Adaptation of training

It is regulated also positive action measures for guarantee the equal opportunities of the public employees with disabilities:

Access to training: among the selection criteria established for taking part in training courses for public employees, it will be included the state of have a recognized degree of disability greater than or equal to 33 per cent.

The participants with disabilities must make a specific request in the application form for the training, in the case of needing adaptations and reasonable accommodations to take part in the course on equal terms. In this case, the public administration shall decide the adequacy of such adaptation, which may only refuse when imposing a disproportionate burden.

Specific courses for public employees with disabilities: the public administration may organize training courses only for public employees with disabilities. These courses have to be offered with guarantees of accessibility, and their aim is:

- The training of these employees for the best performance of their post.
- The training to support internal promotion from job posts reserved for persons with specific disabilities.

Is there a complaint mechanism in place as concerns non-application of reasonable accommodation?

The Disability Support Office (OADIS) (based in Ministry of Health, Social Services and Equality) receives complaints on different topics such as refusal of the requested reasonable accommodation.

The person with disabilities who has applied for a reasonable accommodation can lodge first an administrative appeal, and if it is also refused, he or she can lodge a judicial appeal with the Court of Justice.

According to the Royal Legislative Decree 5/2000 of August 4, approving the revised text of the Labour Infringements and Penalties Act (article 8), the following, among others, are considered very serious infringements:

- any unilateral company decision that implies direct or indirect discriminations on the grounds of disability in terms of remunerations, workdays, training, promotion and other working conditions,
- any unilateral company decision that implies direct or indirect discriminations on the grounds of disability in terms of remunerations, workdays, training, promotion and other working conditions, or any employer's decision that consists on an adverse treatment as a reaction to a complaint within the undertaking or to any legal proceedings aimed at enforcing compliance with the principles of equal treatment,

Would you like to signal changes as concerns information provided in the study "Providing reasonable accommodation for persons with disabilities in the workplace in the EU..." published by the Commission in 2008?

The General Act on rights of persons with disabilities and their social inclusion, approved and published in December 3, 2013, contains a wide definition of disability and it was written down taking into account the contents and language of the UN Convention on the rights of persons with disabilities, so that, this text follows the social model of disability.

It contains also definitions of reasonable accommodation, accessibility and design for all.

Related to obligatory employment quotas, this has been increased in public sector from 5% to 7%.

Furthermore, the above mentioned Labour Infringements and Penalties Act establishes a fine of between 300.52 and 5005.06 euros for the breach or infringement of the obligation to employ the 2% of workers with disabilities or implement alternative measures (article 15)

<http://www.boe.es/buscar/act.php?id=BOE-A-2000-15060>.

3. Employment Quotas

Do you have quotas in place?

Article 42 of the General Act on rights of persons with disabilities and their social inclusion establishes reserved quotas whereby small and medium-sized public and private enterprises employing 50 or more workers are required to ensure that workers with disabilities make up at least 2 per cent of their workforce. <http://www.boe.es/buscar/act.php?id=BOE-A-2013-12632> Exemptions from this obligation are permitted in exceptional circumstances or where alternative arrangements are in place, such as the conclusion of a commercial or civil contract with a special employment centre or a self-employed worker with a disability, or the creation of a labour enclave established to promote sheltered employment for persons with disabilities and facilitate their transition to ordinary employment. (Royal Decree 364/2005 of April 8, regulating, as an exception, the alternative fulfilment of the quota reserve in favour of workers with disabilities). <http://www.boe.es/buscar/act.php?id=BOE-A-2005-6308>

In the Public Sector, the aim of the quota reserve in the public offer of employment is to reach that the 2% of the total employees of each Public Administration will be persons with disabilities.

And for that in recent years it has been increased the reservation quota: first (with the Law 23/1988) a quota of no less than 3% of vacancies, then (with the Law 53/2003 on the public employment of persons with disabilities) of no less than 5%, and today (with Law 7/2007 on the Basic Statute of Public Employees, amended by Act 26/2011 on the Normative Adaptation to the Convention on the Rights of Persons with Disabilities, dated 1 August 2011) of no less than 7%. Within the generic quota of no less than 7% it is established a specific one of 2% only for persons demonstrating intellectual disabilities.

According to law, the person with disability will cover a reserved vacant post if she or he passes the selective processes, proves her or his disability and demonstrate compatibility with the performance of the tasks. <http://www.boe.es/buscar/act.php?id=BOE-A-2013-12632>

Do you have data on quota application in your country in a) public sector, b) private sector? If yes, please, elaborate on the main findings.

In the Private Sector, there are only data about the number of applications for the implementation of the exceptional alternative measures to the fulfilment of quota reserve:

- In 2012, 317 applications were submitted and 305 exceptionality certificates were allowed.
- In 2013, 330 applications were submitted and 328 exceptionality certificates were allowed.
- In 2014, 341 applications were submitted and 334 exceptionality certificates were allowed.
- In 2015, 347 applications have been submitted and 338 exceptionality certificates have been allowed.

In the Public Sector, the reserve of vacant posts and the consequent incorporation of persons with disabilities are being gradually accepted in the “labour and social culture” of the Public Administrations. They value this process as a positive element, and have been adapting the

job posts and needs to the employees with disabilities, in order to their full integration, removing any barriers (architectural or functional) that are discriminatory towards them.

The positive action measures regulated by Royal Decree 2271/2004 have had favourable consequences both in the increase of the vacant posts reserved for persons with disabilities, and in the number of those approved.

A total of 1.595 persons with disabilities have accessed to public employment in the State Administration in the period 2003 – 2011 through the mechanisms of job posts reservation.

Of these 1.595 jobs, 996 corresponded to vacant post in open competition and 599 to internal promotion.

This data prove the positive trend and the progressive improvement that the public employment of persons with disabilities has experienced since 2004, when the royal decree regulating this matter was approved.

Are they compulsory quotas or informal targets?

According to the regulation above mention, the quotas are compulsory and its non-compliance implies sanctions.

Are those quota reached?

We have no data about that, only about the alternative measures.

Are there penalties or remedies if not reached?

The above mentioned Labour Infringements and Penalties Act establishes a fine of between 300.52 and 5005.06 euros for the breach or infringement of the obligation to employ the 2% of workers with disabilities or implement alternative measures (article 15) <http://www.boe.es/buscar/act.php?id=BOE-A-2000-15060>.

Furthermore, business that have been punished by the commission of a serious infringement in terms of labour integration and equal opportunities and non-discrimination of persons with disabilities are not allowed to conclude contracts in the public sector, according to article 60.1 of Royal Legislative Decree 3/2011 of November 14, approving the revised text of the Public Sector Contract Act <http://www.boe.es/buscar/act.php?id=BOE-A-2011-17887>

Do employers employ required % of disabled or prefer to pay the sanctions?

Employers who are able to comply with the quote, hire the required workers with disabilities and those who are not able to comply, try to do it through the alternative measures. In any case, we have no data about that.

How do you use money coming from sanctions (special fund to support measures for persons with disabilities, for employers to provide reasonable accommodation, etc.)?

Non information available.

The regulation does not allocate the collected sanctions to programs targeted to the group of persons with disabilities.

Have the introduction of quotas impacted the overall level of employment of disabled people?

Yes, they have. In 2015, 544 businesses were allowed to implement alternative measures in the amount of 124,92 million euros (equivalent to 6.918 persons with disabilities).

Is the impact of quota system evaluated?

There is no information.

Are there any plans to reform the quotas system?

There is no information. <http://www.odismet.es/es/datos/4politicadempleoorientadasalaspersonascondiscapacidad/408personasasalariadasquecotizanenempresasde50omaspersonastrabajadorasenfuciondelgradodecumplimiento dela cuota de reserva de personas trabajadoras condiscapacidad/4-44/>

4. Active Labour Market Policies

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

The general legislation on training, employment and engagement is applicable to the specific group consisting of workers with disabilities. Consequently, these workers may enter into contracts of any of the types regulated by Spanish law.

Incentives are also provided to any enterprise or associated cooperative engaging workers with disabilities equal to or exceeding 33 per cent.

Contracts may be of indeterminate or temporary duration, full-time or part-time. The incentives offered include subsidies for indeterminate contracts in the form of a lump sum of € 3,900 for each indeterminate contract concluded, social security contribution rebates of amounts fixed in the annual employment promotion plan and varying between €3,500 and €6,300 according to the type of contract (indeterminate or temporary), the degree of disability and the sex of the worker, grants of up to € 900 for job adaptation, subsidies for the training of disabled workers and company tax rebates.

Enterprises offering induction training contracts for workers with disabilities (either formal or on-the-job training, full-time or part-time) are entitled to a 50 per cent reduction of employer social security contributions for the entire period of the contract in addition to the subsidy of up to € 900 for job adaptation.

There are also a number of financial incentives for the engagement of persons with disabilities, the principal of which are:

(a) A subsidy of € 3,907 (reduced proportionately in the case of a part-time contract) for indeterminate initial contracts or for conversion of a temporary contract (Royal Decree No. 1451/1983);

(b) Rebates on social contributions:

- Indeterminate contracts: from € 4,500 to € 6,300 per year, according to type and degree of disability, age and sex (Act No. 43/2006);
- Training contracts: 50 per cent of employer social security contributions payable in respect of common contingencies (ET, additional provision No. 2);
- Temporary employment promotion contracts: from €3,500 to € 5,300 per year (Act No. 43/2006), according to type and degree of disability, age and sex.

https://www.sepe.es/contenidos/que_es_el_sepe/publicaciones/pdf/pdf_empleo/integracion_laboral_discapitados.pdf

Is specific support provided to participation of persons with disabilities in life-long learning (the systemic measures in place, financial support, vouchers, counselling, ESF projects)?

In vocational training for employment, the Order TAS 718/2008 of March 7, regulates specific grants for persons with disabilities and the access to general aids for transport, meals and accommodation, if the requirements are met.

Additionally, those training centres and entities that comply with the legislation on accessibility and elimination of barriers and have appropriate facilities for the provision of training actions, will be promoted. <http://www.boe.es/buscar/act.php?id=BOE-A-2008-5158>

How many persons with disabilities are receiving support?

In terms of persons with disabilities who are beneficiaries of training actions, see table 3:

TABLE 3

**ACCIONES FORMATIVAS
TRABAJADORES CON
DISCAPACIDAD**

Trabajador: Ind. Persona con Discapacidad en P.F. DESC		
Acción Formativa: Finalización Año ID	Nº Trabajadores	Nº Trabajadores que finalizan la acción formativa*
2012	11.368	9.191
2013	10.529	8.981
2014	8.693	7.299
2015	6.895	5.833

* Trabajadores que finalizan la acción formativa con resultado positivo o negativo

Are employers receiving support?

The aids above mentioned (that is, subventions and rebates on the employer's social security contributions) are given to employers in order to make easier the hiring of persons with disabilities, reducing the cost of hiring.

In terms of rebates on the employer's social security contributions, see table 4 (January 2012- Dec 2015):

TABLE4

BONUSES FOR DISABLED PEOPLE
PERIODO ESTUDIADO: ENERO DE 2012 A DICIEMBRE DE 2015

2012		2013		2014		2015	
Nº PERSONAS	IMPORTE						
201.948	604.910.766,67	189.347	576.418.301,25	200.430	629.101.600,71	211.468	656.375.460,32

Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and adviser training)?

Until October 10, 2015, people with disabilities, who start up an activity as entrepreneurs or self-employed workers, have incentives in social security contributions:

- Workers with disability who register as self-employed workers.

1. People with a level of disability of 33% or over who join the RETA or register as self-employed workers under the Special Regime for Seafarers (until 28 July 2013) for the first time will be entitled to a credit equal to 50% of the contribution resulting from applying the current rate thereof to the minimum basis for the Regime during the 5 years following the effective date of affiliation.

- Social Security contribution reductions and credits for people with disabilities who register as self-employed workers, according to the provisions of article 30 of Law 14/2013, of 27 September, on support for entrepreneurs and their internationalisation, which amends additional provision eleven of Law 45/2002, of 12 December, on urgent measures to reform the unemployment protection system and improve employability, which states the following:

1. People with a level of disability of 33% or over who join for the first time under the Social Security Special Regime for Self-Employed Workers will benefit, during the five years following the effective date of affiliation, from the following reductions and credits to their contributions for common contingencies. The amount to be reduced will be the result of applying the minimum contribution rate in force at any given time - including temporary disability - to the corresponding minimum contribution basis for a maximum period of 5 years according to the following scale:

a) A reduction equal to 80% of the contribution during the 6 months immediately following the effective date of affiliation.

The content of this section a) will not be applicable to self-employed workers with disability who are employers.

b) A credit equal to 50% of the contribution during the following 54 months.

2. When self-employed workers with a level of disability of 33% or over are aged under 35 and are affiliated for the first time or have not been paying contributions in the five years immediately prior - to be counted from the effective date of affiliation - under the Social Security Special Regime for Self-Employed Workers, they may benefit from the following reductions and credits to their contributions for common contingencies. The amount to be reduced will be the result from applying the minimum contribution rate in force at any given time - including temporary disability - to the corresponding minimum contribution basis for a maximum period of 5 years according to the following scale:

a) A reduction equal to 80% of the contribution during the 12 months immediately following the effective date of affiliation.

b) A credit equal to 50% of the contribution during the following four years.

The content of this section will not be applicable to self-employed workers with disability who are employers.

3. The self-employed workers with disability referred to in the previous section who may have opted for the system defined therein may subsequently, where applicable, benefit from the reductions and credits defined in section 1 provided that their calculated total does not exceed the maximum period of 60 monthly payments.

4. The content of the previous sections will also be applicable to worker-members of Associated Workers Cooperatives who are included under the Social Security Special Regime for Self-Employed Workers when they meet the requirements defined in the previous sections of this additional provision.

http://www.seg-social.es/Internet_6/Trabajadores/CotizacionRecaudaci10777/Regimenes/RegimenEspecialTrab10724/TrabAutInfoGen2k9/DebeCoti2k9Cuant/index.htm

From October 10, 2015, according to the modification of the Law 20/2007 of July 11 of the statute of self-employment, modified by Law 31/2015 of September 9, by amending and updating rules on self-employment and building measures and promotion of self-employment and social economy are taken, are regulated reductions and rebates contributions to social Security for people with disabilities, established as self-employed as follows:

The fee for common contingencies, including temporary disability, people with a degree of disability equal or superior to 33 percent, causing initial acquisition or that had not been in a registration position in the immediately preceding 5 years, starting from effective date of discharge, in the Special Regime of the Social Security of Self-Employed or Autonomous be reduced to the amount of 50 euros per month during the 12 months immediately following the effective date of discharge, in the case that choose to contribute for the minimum base that corresponds to them.

Alternatively, those self-employed workers that meet the requirements of the preceding paragraph, would opt for a base of more than the minimum their corresponding contributions,

may apply for the immediately following first 12 months of the effective date of discharge a reduction of the quota for common contingencies, with the fee to reduce 80 percent the result of applying the minimum contribution base corresponding minimum contribution rate in effect at all times, including temporary disability.

After the initial period of 12 months provided in the preceding two paragraphs, and regardless of the contribution base chosen, the self-employed workers who enjoy the remedy provided by this article may apply a discount on the share for common contingencies, it is the fee to reclaim 50 percent of the result of applying the minimum contribution base corresponding minimum contribution rate in effect at all times, including temporary disability, for a maximum period of up to 48 months to complete a maximum period of 5 years from the effective date of discharge.

This measure will be applicable even when the beneficiaries, once started its activity, employing employed people. It will also apply to members of labour associations and partners workers of Worker Cooperatives that are framed in the Special Regime of the Social Security of Self-Employed or self-employed if they meet the requirements of the preceding paragraphs of this article.

Another measure to promote self-employment of persons with disabilities is to provide the unemployment benefit in a unique payment in the 100% corresponding amount.

Furthermore, all the European Social Fund (ESF) operational programs for the programming period 2014-2020 support the employment for people with disabilities. All the 19 regional operational programs contain the thematic objective 9 of social inclusion, with a minimum allocation of the 20% of the total amount of each operational program. The most number of actions for persons with disabilities are established in the frame of this thematic objective. In the sphere of State General Administration, the 2014-2020 ESF operational program of social inclusion and social economy, with an allocation of more than 1000 million euros in terms of total cost, foresees also specific actions for persons with disabilities.

Do you have information about the number of self-employed persons with disabilities?

The number of self-employed workers with disabilities was of 18323 on 30th September 2015. 100 unemployed with disabilities have received subventions in the amount of 588551 euros for their establishment as self-employed. In terms of rebates of employers' social security contributions, see table 5:

TABLE5 **BONUSES FOR DISABLED AUTONOMOUS**
PERIODO ESTUDIADO: ENERO DE 2012 A DICIEMBRE DE 2015

2012		2013		10 14		2015	
Nº PERSONAS	IMPORTE						
14.431	13.306.545,60	12.682	12.089.597,93	11.248	11.046.114,47	10.863	10.844.280,23

Is there a system and specific support for vocational rehabilitation targeting persons with disabilities?

There are some special measures that are regulated by Royal Decree No. 1451/1983, which regulates selective employment, and are aimed to guarantee his or her own job post or another one adapted to his or her capabilities in the same company
[http://www.boe.es/buscar/act.php?id=BOE-A-1983-15813:](http://www.boe.es/buscar/act.php?id=BOE-A-1983-15813)

One of those measures is the reduction of the employers' social security contribution in the 50% for a period of 2 years in the contracts of the workers who are readmitted
Business that readmit their workers with disabilities (after recovering their capacity or part of it) have the right to a rebate, during 2 years, of 50 to 100 per cent of employers' social security contributions payable in respect of common contingencies

5. Passive Labour Market Policies

Have you identified the problem of benefit trap and low motivation of persons with disabilities to enter the labour market in your country?

In general, the payment of benefits is linked to the active job search, in order to avoid the possible demotivation for the access to labour market (Special Activation for Employment Program, December 2014)

http://www.lamoncloa.gob.es/consejodeministros/referencias/documents/2014/refc20141219e_2.pdf

What is its main reason – low financial advantage of employment as compared to benefits, inability to work and keep some benefits, low flexibility in transition to and out of the labour market?

Non information available.

Do the systems provide sufficient flexibility in moving to and out of employment and the social protection system, do they allow for a combination of pension and income from work?

Active Insertion Income (RAI) program: This is a program run by the State Employment Service (SEPE) in collaboration with the autonomous community employment services that helps individuals with particular barriers to entering the job market and in need of economic aid. It enables such individuals to receive a monthly allowance and supplementary allowances in certain cases.

What are the requirements?

You must be a registered job seeker throughout the period you receive the allowance, and you must also sign the undertaking to cooperate with the employment office.

- Be under 65 years of age.
- Your own income cannot exceed 486.45 euros/month.
- The total monthly income of your entire family unit, divided by the number of members of the same, does not exceed €486.45.

- You cannot have been a recipient of the Active Insertion Income Program in the 365 calendar days preceding your application, except in the case of victims of gender violence or domestic violence and people with a disability.
- You cannot have been a recipient of three previous Active Insertion Income Programs.

If you are a person with disability:

- Have a recognized degree of disability equal to or greater than 33%, or be a disability pension recipient.
- You must have previously terminated a contributory benefit or unemployment allowance at some time, unless this was due to a penalty, and not be entitled to any further benefit or agricultural income support.
- You must have been a registered job seeker for at least 12 months.
- Accredited, at the time of application, having completed at least three active employment seeking actions during the registration period.

Income taken into account:

All your income and that of the members of your family unit (your spouse and children under the age of 26 or over 26 if they have some level of disability, or foster children under your care) is taken into account, irrespective of the source, except for compensation for redundancy and child allowance.

Also, 3,5% of the value of non-income-generating assets, not including your main residence. No expenses incurred by you or the members of your family unit are deducted.

If you are the victim of gender or domestic violence, the income of your abuser is not taken into account.

How long you will receive the allowance:

The maximum period is 11 months, and you will receive the first payment the day after you submit your claim.

Amount: €426.00 per month, which will be paid into the account in the financial institution indicated by the applicant, of which the applicant is the account holder, except under exceptional circumstances in which the SEPE authorises payment in cash. More information at www.sepe.es

You might also be entitled to other allowances:

- If you are the victim of gender or domestic violence, you can apply for an additional sum of €1,278.00, if you have to move to a new residence as a result of your situation.
- If you start to work in a self-employed capacity or find full time employment, the RAI will be suspended and you will be entitled to receive 25% of the RAI for up to 180 days. This period will not be deducted from the remaining RAI allowance period to which you are entitled.
- If you find a part-time job, the deduction will be proportional to the hours worked, and the remaining RAI allowance period, provided you remain eligible, will likewise be extended proportionally.

If your employment contract is terminated after less than 6 months, the State Employment Service will automatically resume payment of the allowance, provided you have registered as a job seeker.

If you relocate abroad in order to seek or perform a job, or as the result of international cooperation or professional development for a period of less than six months, the RAI allowance will not be suspended, and on your return you can apply for it to be resumed.

https://www.sepe.es/contenidos/que_es_el_sepe/publicaciones/pdf/pdf_prestaciones/cuadr_rai_ing.pdf

Are any reforms foreseen to tackle the benefit trap?

There is no information.

Are reforms of assessment of working capacity ongoing?

There is no information.

Are reforms of assessment of working capacity complemented by sufficient provision of active labour market policies and social services to enable persons with disabilities to integrate into the labour market and avoid their falling into poverty in case of losing a part or whole disability pension?

The Spanish Action Plan for the Spanish Strategy on Disability 2014-2020 and the Spanish Strategy for Employment Activation contains actions to achieve this aim.

<http://www.lamoncloa.gob.es/lang/en/gobierno/councilministers/Paginas/2014/20140905-councilministers.aspx>

<http://www.lamoncloa.gob.es/lang/en/gobierno/councilministers/paginas/2015/240715-councilministers.aspx/>

Below we include the most recent measures aimed at boosting employment activation so that the economic recovery reaches as many workers as possible and allows companies to be more competitive.

- Spanish Strategy for Employment Activation 2014-2016: this is the multi-annual strategy which represents the backbone of the actions of the different Public Employment Services with overarching common objectives and common principles of action. The purpose is to achieve more efficient and effective activation policies, by means of the boosting of results-orientation and assessment culture.
- Notwithstanding the competence of the Autonomous Communities to develop their own initiatives so as to adjust them to their specific interests, the Strategy also includes certain common tools to reinforce the capacity of Public Services, such as, the implementation of the Youth Guarantee and the Public Services Best Practices Exchange Programme.
- Annual Employment Policy Plan 2015: this includes the specific measures for 2015 of the Strategy for Employment Activation for 2015 and compiles the set of measures to be developed this year as well as the indicators that can be used as a basis for their evaluation in 2016.
- Distribution of funds to the Autonomous Communities which have assumed competencies on active employment policies: the amount of funds for the year conditional upon meeting

the targets of the previous year is increased to 60 per cent, which shows a positive step forward in the consolidation of the results-oriented model.

- Special Programme for Employment Activation: this is a specific and special programme of a temporary nature addressed to long-term unemployed persons with family dependents who, at least six months before the application to the programme, have used up all unemployment protection possibilities offered by the system. This new programme includes active employment and labour intermediation policies so as to increase the possibilities of their reincorporation to the labour market and offers an economic subsidy, with a maximum duration of 6 months, which is not compatible with other subsidies associated with employment programmes and other minimum incomes.
- Active Insertion Income: the access requirements have been modified so as to increase their connection to active employment policies and to strengthen compliance with the activity commitment.
- Common Available Services of the Public Employment Services: this establishes the set of employment services that must be provided throughout the national territory and to which all workers are entitled to. It is a very important development, since these Common Available Services and common bases allow us to rigorously assess equivalent employment services and evaluate them in order to improve results in the labour market.
- Reform on Professional Training for Employment: this was approved in March 2015 and its main elements are the following: it applies to all Public Administrations as well as all companies and workers anywhere within the national territory so as to complete the necessary market unity; social agents and collective bargaining maintain their key role; an efficient system for the monitoring and research in the labour market will be developed; a multi-annual scenario for strategic planning containing all sectors with growth potential as well as upward transversal competencies will be prepared; the training-account which will accompany workers throughout their professional careers will be implemented; training within the company will be key and will be provided with the maximum flexibility so that training responds to the reality of the specific job performance; training management planned by Administrations will be implemented under competitive tendering and exclusively among those entities organizing the training; e-learning will be used as a tool providing the system with a greater efficiency and flexibility.

It will also focus on ongoing quality and impact assessment of the training so as to improve job performance and to improve the competitiveness of companies. On the other hand, it establishes a zero tolerance principle against fraud, by means, among other measures, of the creation of a Special Unit within the Labour and Social Security Inspectorate, responsible for the monitoring of these activities.

France

L'emploi des travailleurs handicapés :

La politique de l'emploi des travailleurs handicapés demeure une priorité de l'Etat français. Il mobilise l'ensemble des acteurs concernés avec la double volonté d'assurer l'égalité des chances entre les travailleurs handicapés et les autres catégories de travailleurs et de permettre à toute personne handicapée qui est en mesure de travailler, de trouver un emploi en milieu ordinaire ou en établissement de travail protégé.

La politique d'emploi de travailleurs handicapés et fondée sur une obligation d'emploi des travailleurs handicapés (OETH) renforcée par la loi de 2005 : un quota fixé à 6 % de l'effectif de l'établissement (public et privé) pour tous les établissements d'au moins 20 salariés. A défaut de respecter cette obligation d'emploi de 6%, l'employeur paye une contribution financière à deux fonds créés par la loi : L'association de gestion du fonds pour l'insertion professionnelle des personnes handicapées (AGEFIPH) et le fond pour l'insertion professionnelle des personnes handicapées dans la fonction publique (FIPHFP).

En 2014, le taux d'emploi des personnes handicapées est de 3,1% dans le secteur privé (370.000 personnes) et de 4,6 % dans le secteur public (195.000 personnes).

La troisième Conférence nationale du handicap (CNH) du 11 décembre 2014 a tracé les grandes orientations, notamment sur le champ de l'emploi :

- Renforcer l'accès des personnes handicapées à la formation professionnelle (abondement par l'Agefiph de leur compte personnel de formation - CPF) ;
- Diversifier l'offre des métiers pour les personnes handicapées
- Organiser la continuité de l'accompagnement vers et dans l'emploi
- Prévenir la désinsertion professionnelle
- Inciter à la conclusion d'accords d'entreprises

Par ailleurs, une convention nationale multipartite pour l'emploi des personnes handicapées (2013-2016) a permis de mettre en œuvre différents chantiers : l'accès à l'emploi, la formation professionnelle et le maintien dans l'emploi. En cours d'évaluation, cette convention devrait être renouvelée, avec une attention particulière portée aux attentes des différents territoires dans le domaine de l'emploi et de la formation.

Le projet de loi travail adopté définitivement par le Parlement début juillet prévoit pour la première fois dans notre pays un dispositif d'emploi accompagné pour les personnes handicapées, avec comme objectif d'éviter les ruptures de parcours professionnel. L'Etat soutiendra l'émergence de projets locaux dans ce domaine.

Croatia

1. Open labour market and sheltered employment (workshops)

In the Republic of Croatia we have 5 sheltered workshops (Lada d.o.o., institution URIHO, institution DES, institution Tekop Nova, institution Suvenir Arbor) and 4 sheltered labour workshops (Vocational High School Varaždin, Bilokalnik IPA d.d., association Centre for Inclusion and Community Support, Hrast-Export-Puklavec d.o.o.). Over the last 20 years the number of sheltered workshops did not grow, moreover, some were even closed.

According to the database of the Department of Expertise, Vocational Rehabilitation and Employment of Persons with Disabilities (hereinafter: Department) on the subsidies allocated for the employment of persons with disabilities in 2014, 437 employers received incentives for hiring 827 people with disabilities in the open labour market, while in sheltered conditions 9 sheltered workshops received incentives for hiring 518 people with disabilities.

In the first 10 months of 2015, the Department has allocated incentives for 443 employers who employ 872 people with disabilities in the open labour market, and for 520 people with disabilities employed in 9 sheltered workshops.

All persons employed in sheltered workshops were employed with full legal effect, i.e. they have an employment contract, as well as health and pension insurance, just as employees who are not disabled. Persons with disabilities who are employed in sheltered workshops work eight hours a day and receive payment in accordance with their education level, their job type and the type of tasks they perform which are regulated by the job systematization.

In 2013 and 2014, new legislation was adopted: The Act on Vocational Rehabilitation and Employment of Persons with Disabilities, Ordinance on vocational rehabilitation and vocational rehabilitation centres for persons with disabilities, the Ordinance on the content and manner of keeping the register of employed persons with disabilities, the Ordinance on establishing quotas for the employment of persons with disabilities, the Ordinance on incentives for the employment of persons with disabilities and the Ordinance on sheltered workshops and integrative workshops for the employment of persons with disabilities.

In combination with the previous legislation, we can conclude that a great progress has been made, that is, legislation and subordinate legislation was adopted which systematically addresses the issues of people with disabilities in relation to their work and employment.

The Ordinance on sheltered workshops and integrative workshops for the employment of persons with disabilities (OG 44/14; OG 2/15) defines what is sheltered workshop, which is considered a sheltered workplace, and what is integrative workshop, how to establish them and the conditions required for establishing them. The obligation of employing professional workers and workplace trainers in such workshops was introduced. And the obligation of professional supervision over the work of sheltered and integrative workshop was assigned to the Department.

This is the first time that the concept of integrative workshops appears in Croatian legislation. In accordance with the new regulations, employment in sheltered and integrative workshops is only possible upon submitting previously obtained medical record and the opinion of the expert team from the vocational rehabilitation centre, which is how the legislator put an

emphasis on the employment in the open labour market and introduced control over the employment under special conditions. People can be employed in sheltered or integrative workshops only when it is really necessary, as sheltered and integrative workshops were conceived as places where people with more complex disabilities can be employed who, at the same time, require a higher level of support and adjustment. When we are talking about the right to employment in integrative conditions, we are talking about people who have significant difficulties, but who require a lower level of support and adjustments, and whose conditions are estimated as permanent or of limited duration, after which they could be employed in the open labour market.

A Record of sheltered and integrative workshops was also introduced and as of January 1st 2015 it is managed by the Department. Transitional and final provisions enabled sheltered workshops and sheltered labour units, which were established before the adoption of the Ordinance, to be entered in the Record of sheltered workshops. As of December 31st 2014, persons with disabilities already employed in sheltered workshops were recognized the status of persons with disabilities employed in sheltered workplace. Such a provision was needed in order to provide the existing sheltered workshops with a sufficient and gradual period of adjustment to the new legislation.

The new legislative framework has anticipated the possibility of re-evaluation for persons with disabilities, and the possibility of providing professional support in the workplace for persons with disabilities who are transitioning from the sheltered workplace to the open labour market. It is important to note that legislation distinguishes employment in the open labour market, employment in sheltered conditions, and the employment of people with disabilities under the social inclusion program (the jurisdiction of the social welfare system). However, data on the number of persons who are transitioning from the social inclusion program and sheltered working conditions to the open labour market won't be available until the next few years.

Individuals who become disabled during employment have the right to evaluation and referral to the vocational rehabilitation under the Pension Insurance Act.

The priority in hiring process is regulated in detail by the Act on Vocational Rehabilitation and Employment of Persons with Disabilities (Official Gazette 157/13 and 152/14; hereinafter: the Act).

2. Reasonable accommodation

In 2014, based on the Decision on the rights to incentives for employing persons with disabilities (Official Gazette 08/08, 20/09, 96/09, 44/10, 97/13 and 127/13; hereinafter: Decision), which was in force until December 31st 2014, the Department allocated funds for the accommodation of the workplace - architectural accommodation - and accommodation of working conditions - technical accommodation.

As of January 1st 2015, the Department, based on the Ordinance on incentives for the employment of persons with disabilities (Official Gazette 44/14, 02/15 and 13/15; hereinafter: Ordinance on incentives) allocates the funds for co-financing the costs of accommodating the workplace - architectural accommodation - and the funds of co-financing the costs of accommodating the working conditions - technical accommodation.

The institution authorized for the allocation of incentives available to employers in ensuring the reasonable accommodation (architectural and technical accommodation), in accordance with the Ordinance on incentives, is the Department. In 2014, the Department provided financial and professional support for ensuring reasonable accommodation. As of January 1st 2015, the Department provides only financial support, while vocational rehabilitation centres provide professional support, that is, they issue an assessment and an opinion to be used for designing and determining the need for accommodating the workplace and working conditions.

The right to co-financing the costs of reasonable accommodation of the workplace for a person with a disability can be gained if due to the type and severity of the persons' disability the accommodation of the workplace is required in order to remove architectural barriers, and it can be gained only if the need for accommodating the workplace, according to the workplace accommodation plan, was determined by the assessment and opinion of the Vocational Rehabilitation Centre. Accommodation of the workplace refers to the accommodation of the working area of a person already performing the employer's business activities.

The right to co-financing the costs for accommodating the working conditions for a persons with a disability can be gained if due to the type and severity of the person's disability persons workplace needs to be accommodated with technical equipment, and it can be gained only if the need for accommodating the workplace, according to the workplace accommodation plan, was determined by the assessment and opinion of the Centre. Accommodating the working conditions does not mean equipping the workplace for the performance of employer's business activities, rather it means accommodating the working conditions for the person with disability employed at that particular job.

On the website of the Department www.zosi.hr employers can find all relevant information on the allocation of funds and the provision of support for reasonable accommodation, as well as information on the promotion of employment by the Department.

The Department contains information about different types of accommodation co-financed by the Department, that is, it contains information on: the number of employers who have gained the right to reasonable accommodation, number of persons with disability for the benefit of who employers gained the right to a reasonable accommodation, the type of accommodation (architectural or technical), the amount of funds allocated per employer and basic information about employers and people with disabilities, all in accordance with the rules of the EUROSTAT methodology.

In 2014, the Department granted co-financing of the architectural accommodations to 4 employers for the benefit of 6 employed persons with disabilities, and the co-financing of technical accommodations to 7 employers for the benefit of 8 employed persons with disabilities. In the first 10 months of 2015, the Department granted co-financing of architectural accommodations to 5 employers for the benefit of 6 employed persons with disabilities, and the co-financing of technical accommodations to 7 employers for the benefit of 7 employed persons with disabilities.

To the state administration bodies, judicial bodies, governmental bodies and other state bodies, bodies of local and regional self-governments, public services, public institutions, non-budgetary and budgetary funds, as well as to legal persons with public authorities

(hereinafter: Public Administration) the Department allocated funds, in 2014, for the accommodation of the workplace - architectural accommodation - and the accommodation of working conditions - technical accommodation. For the needs of Public Administration, the Department co-finances only the costs of accommodating working conditions - technical accommodation (in accordance with Article 21 to 26 of the Ordinance on incentives). The obligation of architectural accommodation of public and state institutions is prescribed by the Ordinance on ensuring access to the disabled and to persons with reduced mobility.

3. Employment Quotas

Based on the old Act on Vocational Rehabilitation and Employment of Persons with Disabilities (Official Gazette 143/02 and 33/05), in 2014, legal persons of the Public Administration had a mandatory employment quota for persons with disabilities and were obligated to employ at least one person with disabilities for every 25 employees at an appropriate workplace and in appropriate working conditions. Legal persons of the Public Administration that haven't met the prescribed employment quota for persons with disabilities were required to pay a special contribution to the promotion of employment of people with disabilities at a rate of 0.2% on the basis according to which the employer is obliged to calculate employment contributions under regulations governing contributions for compulsory insurance. However, the old Act did not stipulate the body that should supervise the quota and defined no control mechanisms, so the quota was not controlled.

During 2014, pursuant to the Act on Vocational Rehabilitation and Employment of Persons with Disabilities (Official Gazette 157/13, 152/14; hereinafter: the Act), the Ordinance on establishing quotas for the employment of persons with disabilities was adopted (Official Gazette 44/14; OG 2/15) which introduces the obligation of employing persons with disabilities for all employers who employ at least 20 workers, and it determines which employees are excluded from the total number of employees. The quota for the employment of persons with disabilities (hereinafter: the quota) can include employees with disabilities who have an employment contract for at least 20 working hours a week. The quota is determined in the amount of 3% of the total number of employees and the quota obligation applies as of January 1st 2015.

Ordinance defines three possible ways of meeting quota obligations and those: by employing persons with disabilities, by using a replacement quota or by paying a compensation for not hiring people with disabilities. The fulfilment of quota obligations by using a replacement quota gives employers several different possibilities such as: entering into a contract or contracts on business cooperation with a sheltered or integrative workshop or trading company, cooperative or association where people with disabilities make half of their workers, or entering into one or more business cooperation contracts with persons with disabilities who are self-employed, taking in students with disabilities as interns, taking in rehabilitating persons as part of vocational rehabilitation, by entering into one or more temporary service contracts with students with disabilities, taking in a person with a disability for professional training without entering into employment contract with him/her or by granting one or more scholarships to persons with disabilities for their full-time education. If the employer who is obliged to comply with the employment quota does not employ a person with a disability and does not use a replacement quota, the employer is obligated to calculate and pay a financial compensation in the amount of 30% of the minimum wage for each person with disability the employer was obliged to employ.

Funds collected from the fees paid for not employing people with disabilities are used for the purposes of paying incentives and rewards for employing persons with disabilities, as well as to implement projects and programs for employing people with disabilities.

Employers who are not obligated to comply with the employment quota or employers who employ more disabled persons than prescribed by the quota, are entitled to a monthly reward for employing above the prescribed quota in the amount of 15% of the minimum wage for each employee with a disability who represents a surplus in terms of the prescribed quota. Legal persons of the Public Administration Entitlement and self-employed persons with disabilities are not entitled to the said reward.

The quota is binding and the Department is determined by the Ordinance as the body responsible for monitoring quotas. Monitoring, methods of enforced collection etc. are defined by the same Ordinance.

In order to monitor the employment quota obligation Ordinance on the content and the manner of keeping a register of employed persons with disabilities (Official Gazette 44/14; 87/114; NN 2/15) was adopted. The Ordinance defines who is considered a person with a disability in terms of employment and what kind of valid evidence is required for a person with a disability to be entered in the register of employed persons with disabilities. For people with disabilities 13 possible statuses are determined. The register is kept by the Croatian Pension Insurance Institute in cooperation with the Croatian Institute for Public Health, i.e. Register of Persons with Disabilities.

Keeping records of employed persons with disabilities is a major step forward from the former practice and we will be able to know for the first time how many people with disabilities are employed in Croatia. To elaborate, until now, the Croatian Pension Insurance Institute registered only some categories of persons with disabilities (disabled workers, disabled person - insurance with increased duration, disabled war veterans), but now, pursuant to the Ordinance, all categories of disability will be recorded. The registration of people with disabilities who were employment at the time when the Ordinance was adopted began on May 1st 2014.

A total of 11,441 employed persons with disabilities is now registered in the register. A total of 8,751 employers who are obligated to comply with the employment quota is registered, and 2,481 of them employs 10,636 people with disabilities and in doing so meet the quota. The register also registers 700 employers who are not obligated to comply with the employment quota, but nonetheless employ 805 people with disabilities, and therefore they have the right to a cash reward for employing above the prescribed quota. A total of 3,807 employers meets the quota in full (by employing persons with disabilities and/or by paying a financial compensation and/or by using a replacement quota), and 1,471 employers meet the quota partially, while 2,608 of them did not meet the quota for the employment of persons with disabilities. Financial compensation for not employing people with disabilities was paid by a total of 3,657 employers who are obligated to comply with the employment quota. All these statistical data represent the state that was valid on September 30th 2015.

4. Active Labour Market Policies

Based on the Decision on the rights to incentives for employing persons with disabilities (OG 8/08, 20/09, 96/09, 44/10, 97/13, 127/13), which was in force until December 31th 2014, the

Department was regularly paying incentives to employers who employ people with disabilities. The types of incentives that were allocated pursuant to the said Decision were the following: financial incentives (the refund of contributions for basic health insurance and employment contributions), co-financing the difference as a result of reduced working efficiency of the person with disability, co-financing the cost of a personal assistant for persons with disabilities, one-off grants for the education of employed and unemployed persons with disabilities, accommodation of the workplace for persons with disabilities, accommodation of working conditions for persons with disabilities, co-financing interest rates for tools, machinery and equipment bought on lease and operated by persons with disabilities, co-financing the costs of an occupational therapist for persons with disabilities.

In 2014, incentives were used by a total of 446 employers who employed a total of 1,345 persons with disabilities, and in the first 10 months of 2015, a total of 452 employers used the incentives who employ a total of 1,392 persons with disabilities.

Since it was founded, the Department (formerly called the Fund) draw attention to the lack of the functional assessment of the work capacity of people with disabilities, as well as to difficulties that it creates in the business operation in terms of incentives for employing persons with disabilities which often don't match the actual need for support and aid for people with disabilities. The provisions of the Decision related to the assessment of work capacity could not be adequately amended, because no functional assessment existed in our system and no bodies were established that would conduct such an assessment, (vocational rehabilitation centres), so it was impossible to obtain valid documents that were in accordance with the actual needs for support for people with disabilities based on which it would be possible to identify persons with disabilities that employers have the right to incentives for. Addressing such problems certainly contributes to significant savings for the Department and ensures that all incentives are truly directed where they are most needed. These problems are largely eliminated by the application of the new Act.

As part of adopting comprehensive legislation, the Ordinance on incentives for the employment of persons with disabilities was adopted which prescribes the nature, amount, conditions and eligibility to incentives for the employment of persons with disabilities. The new Ordinance is in force as of January 1st 2015, and the incentives for the employment of persons with disabilities have experienced significant redesign in comparison to how they were defined in the former Decision on the rights to incentives for employing persons with disabilities.

Regarding the incentives a big step forward was made from the former practice and most incentives depend on the assessment by an expert team from the vocational rehabilitation centre, and apart from that, significant progress was made from purely financial incentives directed to employers towards providing a service which is co-financed by the Department and directed not only to an employer but also to the person with a disability (co-financing the costs of professional support).

Incentives comply with the Commission Regulation (EU) no. 1407/2013 and in accordance with that we differentiate the right to incentives for employers in the open labour market, incentives that integrative workshops as employers have the right to, and incentives that sheltered workshops as employers have the right to.

Employers in the open market have the right to the following incentives: 1. subsidy for the disabled persons' salary, 2. co-financing the cost of education for people with disabilities, 3. co-financing the costs of workplace accommodation for people with disabilities, 4. co-financing the costs working conditions accommodation for people with disabilities, 5. co-financing interest rates on loans for the procurement of machines, equipment, tools and accessories required for the employment of persons with disabilities, 6. co-financing the costs of professional support, 7. grants for innovative programs for employing people with disabilities.

Integrative workshops as employers have the right to the following incentives: 1. subsidy for the disabled persons' salary, 2. co-financing the cost of education for people with disabilities, 3. co-financing the costs of workplace accommodation for people with disabilities, 4. co-financing interest rates on loans for the procurement of machines, equipment, tools and accessories required for the employment of persons with disabilities, 5. special grants for the development of new technologies and processes for the purpose of employing and maintaining employment in sheltered and integrative workshops.

Sheltered workshops as employers have the right to the following incentives: 1. subsidy for the disabled persons' salary, 2. co-financing interest rates on loans for the procurement of machines, equipment, tools and accessories required for the employment of persons with disabilities, 3. special grants for the development of new technologies and processes for the purpose of employing and maintaining employment in sheltered and integrative workshops.

The implementation of the Ordinance on incentives for the employment of persons with disabilities that is expected in the coming year and the implementation of the Ordinance on vocational rehabilitation and vocational rehabilitation centres for persons with disabilities will significantly contribute to a more rational and just spending of the Department's funds.

With regard to the vocational rehabilitation, it is important to note that our legislation was insufficient and that we lacked developed model of vocational rehabilitation, as well as criteria and standards for the implementation of vocational rehabilitation, and therefore, considering all mentioned restrictions, vocational rehabilitation in Croatia was conducted only partially or it wasn't conducted at all.

That is the reason why the Ordinance on vocational rehabilitation and vocational rehabilitation centres for persons with disabilities was adopted, which prescribes the performance, content and standards of vocational rehabilitation, as well as the conditions for the establishment and operation of the professional rehabilitation centres.

The Vocational Rehabilitation Centres (hereinafter: VRC) were conceived as a backbone for the development in that area, and as a support to people with disabilities and employers. In 2015, 4 VRC were established in four regions (Zagreb, Osijek, Rijeka, Split).

Vocational rehabilitation centres are authorized for the implementation of a number of vocational rehabilitation services, which are conducted with people with disabilities of all categories of disabilities and for all systems which require services, but also with other vulnerable groups who are disadvantaged in the labour market. Vocational rehabilitation services shall be conducted in accordance with the vocational rehabilitation standards, which will provide uniform operation in all parts of Croatia. In the process of assessment of physical and mental states of beneficiaries, VRC will use the International Classification of Diseases,

and will test the International Classification of Functioning, Disability and Health (after the training of professionals). The obligation of the Department was to develop standards and prices for vocational rehabilitation services and to publish them on the website of the Ministry of Labour and Pension System and the Department's website. Professional supervision over the implementation of services will be carried out by the Department.

In accordance with the Ordinance, VRC is required to apply the following principles: an interdisciplinary approach, individual approach, respecting the privacy of individuals, objectivity of the assessment and evaluation processes, ensuring supervision over the evaluation, adapting the process to the level of understanding, and the cost-effectiveness of the process.

The Republic of Croatia and local and regional self-governments jointly establish VRC.

With regard to vocational rehabilitation, we can conclude that a great progress has been made, that is, legislation and subordinate legislation was adopted which systematically addresses the issues of people with disabilities in relation to their work and employment.

In the coming period we expect the implementation of the new model of vocational rehabilitation.

The Department has no special incentives for self-employment, that is, for people with disabilities who are self-employed, it only provides incentives for employers who employ people with disabilities, and therefore the Department has no information on the number of self-employed people with disabilities.

5. Passive Labour Market Policies

They provide income for the unemployed, financial incentives for employers for employing persons with disabilities.

However, these programs can become a "trap" when:

- the financial benefit during the employment is smaller than social benefits;
- laws do not allow working while receiving benefits;
- it is difficult to re-gain the right to a benefit in the event of job loss.

Receiving various benefits and low motivation of people with disabilities still represents a real problem in Croatia. Although various benefits that most persons with disabilities receive are smaller than the income from wages, people still think of them as "safe income". During 2014, several positive amendments of the Pension Insurance Act were introduced which opened the possibility of gaining the right to a survivor's pension regardless of whether the disabled person worked or not, that is, it opened the possibility of activating the survivor's pension in the event of job loss. The pension insurance system provides a possibility for people with reduced work capacity to combine pension and income from work.

As of January 1st 2015, for all systems and all the evaluation needs, including the assessment of work capacity, evaluation of disability takes place in a unique body for medical evaluation, which in addition to the medical status determines the type and degree of the person's functional capacity.

Italy

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.)?

Data relating to the recruitment of people with disabilities in Italy are found in the Report to the Parliament, based on the data that the Regions send annually. In particular, reference is into the "Seventh Report to the Parliament on the implementation of the Law of 12 March 1999 n. 68 ", related to the years 2012-2013.

People with disabilities employed in the year 2012 through permanent or fixed or other forms of labour contracts are a total of 15,680, of which 9,590 in the North Italy, 3,675 in Central Italy and 2,415 in the South Italy.

In the year 2013, people with disabilities employed in the open labour market by open-ended contracts, fixed and other forms of agreement were a total amount of 18,163: 9,619 in the North Italy, 3,764 in Central Italy and 4,780 in the South Italy.

With reference to the protected job:

According to Article 52 of Legislative Decree no. 12 April 2006, n. 163, the contracting may reserve the right to participate in award procedures for public contracts, sheltered workshops in accordance with the local regulations, or provide for the execution in the context of sheltered employment programs where the most of the employees concerned are people with disabilities who , because of the nature or the seriousness of their disabilities, cannot carry on occupations under normal conditions.

The legislator, therefore, introduced a derogation from the normal conditions of competition in favour of the legal entities and the programs that promote the integration or reintegration of people with disabilities in the labour market, through the creation of reserves is operating under subjectively (sheltered workshops) and objective (protection programs), in each case characterized by the majority of persons with disabilities.

How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

Data relating to the types of contract hiring of people with disabilities in our country are given in the Report to the Parliament, based on the data that the Regions annually send.

The data relating to the types of contract hiring of people with disabilities in Italy are described in the Report to the Parliament, based on the data that the Regions send annually. In particular, the reference is the "Seventh Report to the Parliament on the implementation of the Law of 12 March 1999 n. 68 ", relating to the years 2012-2013.

At 31 December 2012, the persons with disabilities employed in the labour market are, respectively: 6,322 taken with permanent contracts; 8,346 employed on a temporary contract; 1,012 taken with other types of contract.

On 31 December 2013 people with disabilities employed in the labour market were respectively: 6,373 with permanent contracts; 10,474 employed on a temporary contract; 1,316 employed with other types of contract.

What is the situation of persons who acquire disabilities when already in employment? Please, add figures on job retention and impact of disability in advancement in careers.

Under Article 4, paragraph 4, of Law 12 March 1999 n. 68, the workers who become disabled as a result of work injury or illness cannot be counted in the reserve quota if they have suffered a reduction in working capacity 60% at least, if they become disabled because of an employer's default concerning infringement of the rules with regard to safety and hygiene at work and verified in jurisdictional Court.

The injury or disease are not justified grounds for dismissal of the abovementioned employees if they are employed for equivalent job tasks or, if not, at lower assignment. They have the right to retain more favourable treatment or equivalent duties. Otherwise, or they are assigned at lower duties or they are started for compatible activities with the remaining work capacity, by the competent offices without the inclusion in the ranking.

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

L'art. 9 of Law Decree 28 June 2013, n. 76 (text integrated by the conversion law of 9 August 2013, n. 99) inserted the Article 3 paragraph 3-bis of Legislative Decree 9 July 2003 n. 216, (Implementation of Directive 2000/78 / EC on equal treatment in employment and occupation), which provides that in order to ensure compliance with the principle of equal treatment of persons with disabilities, public and private employers are required to adopt reasonable accommodation, as defined by the UN Convention on the rights of persons with disabilities, ratified under the Law 3 March 2009, n. 18, in order to ensure to the persons with disabilities a full equality with the other workers. Furthermore it was specified that the public employers must ensure the implementation of accommodations without new or increased charges on the public finance and by the human, financial and material available resources under current legislation.

Finally, in order to strengthen the targeted employment system, the legislative decree 14 September 2015, n. 151, refers the matter to a specific decree implementing the issuance of guidelines aimed at the analysis of the characteristics of the jobs to be assigned to persons with disabilities, including regarding reasonable accommodation.

Is there any competence centre in your Country, region, locality?

In order to rationalize the systematic collection of available data on the targeted placement to the work, to simplify the formalities, to strengthen controls, to improve monitoring and evaluation of interventions it has been planned the establishment of the database of targeted placement, which will collect the information relating to employers and workers, including those relating to reasonable accommodation (Article 9 of law 68/1999).

Could you elaborate on subsidies available to employers to provide reasonable accommodation?

The *Regional Fund for the employment of people with disabilities* gives contributions for the partial lump-sum reimbursement of the necessary expenses to the adoption of reasonable accommodation for workers with more than 50 %, working capacity reduced for the preparation of telework technologies and for removal of architectural barriers that limit in any way the labour integration of the disabled person.

Do you disseminate information on these assistance measures and subsidies to employers? Do you have information about the different types of adaptations provided by the employers?

The information on the different types of reasonable accommodation provided by employers will be available after the installation of the database.

How is reasonable accommodation provided in public administration?

Article 17 of the Law 124/2015 ensure the effective integration of people with disabilities in the workplace pursuant to the Law 68/1999 providing for the establishment of a National Advisory nominated by the Minister for Simplification and public administration, without new or increased burdens on public finances. The National Advisory will be composed of representatives of central and local public administrations, with the task of providing, among other things, extraordinary measures for the adoption of reasonable accommodation in the workplace provided for in Article 3, paragraph 3-bis of legislative decree July 9, 2003, n. 216.

3. Employment Quotas

Do you have quotas in place?

Yes, there are quotas for employment. In particular, article 3 of Law 68/99 provides that the public and the private employers must hire persons with disabilities, according to the size of enterprise, in the following proportion: a disabled worker if the total of employees is by 15 to 35; two workers with disabilities if they have 36 to 50 employees; 7% of workers with disabilities if they have more than 50 employees.

Do you have data on quota application in your country in a) public sector, b) private sector? If yes, please, elaborate on the main findings.

The data for the application of the reserved quotas in our country are stated in the Report to the Parliament that is based on the data that the Regions send annually. With reference to the "Seventh Report to the Parliament on the implementation of the Law of 12 March 1999 n. 68 ", relating to the years 2012-2013, however, the data should be carefully considered because of the respondents provinces vary considerably both in number and in quality, in contiguous annularity.

In particular:

a) in the public sector: according to the information provided by the provincial offices, the employers in 2012 claimed a share of the total reserve of 76,770 employees. The reserve quota declared amounted to 69,083 units on 31.12.2013;

b) in the private sector: the employers in 2012 claimed a share of the total reserve of 158,295 employees according to the information provided by the provincial offices. The proportion decreased to 117,136 as of 31 December 2013.

Are they compulsory quotas or informal targets?

There are compulsory quotas.

Are those quota reached?

On 31.12.2012, according to the information provided by the provincial offices, in the public sector there are 12,989 jobs not covered by assumptions. In 2013 the total amount was 14,499 (³). On 31.12.2013, according to the information provided by the provincial offices, in the private sector there were 13,349 jobs not covered by assumptions but in 2013 calculated as the discovered were 14,258 (⁴).

Are there penalties or remedies if not reached?

Yes, the penalties are due for not reached quota of employed persons with disabilities.

The article 15, paragraph 4, of the law 12 March 1999 n. 68 provides that after 60 days from the fixed date of the obligation to hire workers with disabilities, the employer is required to pay the sum of EUR 62,77 for each day of uncovered quotas up to the day of fulfilment of the obligations, and for each unemployed worker with disabilities.

Penal, administrative and disciplinary sanctions are assigned to the responsible of defaults of public administrations, according to the above article and by the Law of 7 August 1990 n.241.

Do employers employ required % of disabled or prefer to pay the sanctions?

The "Seventh Report to the Parliament on the implementation of the Law of 12 March 1999 n. 68 on 2012-2013" shows that the imposed sanctions to penalties for uncovered compulsory quota of recruitments were an amount of 309 in 2012-2013.

How do you use money coming from sanctions (special fund to support measures for persons with disabilities, for employers to provide reasonable accommodation, etc.)?

According to the article 15, paragraph 2, of the law 12 March 1999 n. 68, the revenues of the administrative sanctions are assigned to the Regional Fund for Employment of the people with disabilities.

According to article 14, paragraph 4, of the law 12 March 1999 n. 68, as amended by article 11, paragraph 1, letter b) of Legislative Decree no. 14 September 2015, n. 151, this Fund provides:

a) contributions to the organizations that carry out activities aimed at supporting and employment of the disabled;

b) contributions as partial lump-sum reimbursement of necessary expenses to the adoption of reasonable accommodation for workers with more than 50% reduced working capacity, included telework technologies set or the removal of architectural barriers, in order to aim to

the labour integration of people with disabilities, and also to establish a responsible of job placement in the workplace;

c) any other providence in the implementation of the purposes of the law 68/1999.

Have the introduction of quotas impacted the overall level of employment of disabled people?

The quota system was already provided by the law 2 April 1968, n. 482. The article 1 of the Law of 12 March 1999, n. 68 provides a wider system of quotas.

Is the impact of quota system evaluated?

Yes, the impact of the quota system is evaluated with the Report to the Parliament.

Are there any plans to reform the quotas system?

No, there are not quotas reform programs.

4. Active Labour Market Policies

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

Yes, the public and private employment services make active policies for the labour market for people with disabilities.

In accordance with the article 6 of Law 68/99, the *services for the employment of workers with disabilities* are set up at the regional and provincial level, in connection with social, health, education and training services of the territory, according to their specific competences. They provide for the planning, implementation, monitoring of the actions to promote the employment of people with disabilities. They start to work from unemployment lists and update the lists; they release permits for partial exemptions, and for the stipulation of the conventions and implementation of the targeted placement.

Moreover, under article 6, paragraph 1, letter e) of Legislative Decree. N. 276/2003 the patronage, the bilateral agencies and no-profit associations of protection of disability are entitled to carrying out brokerage activities. Job intermediation is the activity of mediation between labour demand and supply and also the collection of resumes of potential employees; the pre-selection and establishment of its database; the promotion and management of the meeting between demand and supply of labour; career guidance; the design and delivery of training activities aimed at providing placement targeted employment.

Are employers receiving support?

Yes, employers receive support.

The article 10, paragraph 1, of Legislative Decree no. 14 September 2015, n. 151 has replaced the article 13 of Law 68/99, providing for the recruitment carried out since 1 January 2016, that the employers are allowed to request an incentive for a period of 36 months:

a) an amount of 70% of the monthly gross taxable salary taxable for social security purposes, for each disabled worker hired with permanent job, who has a working capacity reduction higher than 79% or disabilities ascribed from the first to the third category given in the attached tables to the consolidated laws on war pensions;

b) 35% of the monthly gross taxable salary for social security purposes, for each disabled worker, hired with employment relationship of indefinite duration, which has a working capacity reduced between 67 and 79 % or disabilities ascribed from fourth to sixth category listed in tables mentioned in subparagraph a).

Furthermore, the employers are allowed to request an incentive for a period of 60 months for the recruitment of workers with more than 45% reduced intellectual or psychic capacity, to obtain an incentive equal to 70% of the monthly gross salary. For those workers are promoted the fixed-term working of not less than 12 months and for all the period of the contract.

Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and adviser training)?

Yes, there is a support for self-employment of people with disabilities. As a matter of that the article 18, paragraph 6, of the Law 5 February 1992, n. 104 provides that the Regions can provide, by their own laws, the benefits for individuals with disabilities in order to initiate and develop self-employment.

Do you have information about the number of self-employed persons with disabilities?

We do not have information on the number of self-employed workers with disabilities.

Is there a system and specific support for vocational rehabilitation targeting persons with disabilities?

The article 4, paragraph 6, of the law 12 March 1999 n. 68 states that the Regions may authorize, at their own expenses, the training activities when an adequate retraining is necessary for a targeted recruitment, in the same company of recruitment or by conventions and also in the national association of promotion, protection and representation of people with disabilities which are competent of the right technical skills, resources and availability.

Retraining is even in training institutions that these associations are issuing, as well as to organizations, institutions, cooperatives, labour, services, and the driven machining centres, associations and voluntary organizations carrying out suitable activities to promote the inclusion and work integration of people with disabilities.

Finally, the article 1, paragraph 166, of Law December 23, 2014, n. 190 attributed to INAIL (the Italian National institute for insurance against accidents at work) the competence in the field of rehabilitation and work integration of people with disabilities to work, to be implemented with customized projects aimed to the conservation of work or to find new employment, with training programs for retraining, with projects to overcome and for the removal of architectural barriers in the workplace, with adjustment and adaptation of the workstations.

Latvia

1. Open labour market and sheltered employment (workshops)

There is no sheltered employment in Latvia.

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

In order to facilitate the access to training and employment measures for persons with disabilities, as well as the integration of such persons into the labour market, there have been several amendments made, providing for the financing of the places of training and traineeship for the unemployed persons with disabilities, providing for the possibility of financial resources to cover expenditure on sign language interpreter, assistant, occupational therapist and services of other specialists during the involvement period in the subsidized work place.

If the employer, who has entered into a contract regarding the implementation of the measure, is an association or foundation, which aims to support people with disabilities, who employ unemployed persons in the following professions — an assistant or a guide for persons with disabilities, Latvian sign language interpreter for deaf people, teacher of the interest group for persons with disabilities, special educator, — the State Employment Agency covers the state mandatory social insurance contributions from the co-financed salary of the grant for the unemployed persons involved in the measures.

Do Public Employment Services provide support for reasonable accommodation?

Latvian State Employment Agency provides financing to employers for the adjustment of a workplace for a person with disability, as well as covers costs of additional services.

Could you elaborate on subsidies available to employers to provide reasonable accommodation?

- Financing of sign language interpreter, occupational therapist and services of other specialists during the involvement period in the subsidized work place, each up to 40h/week.
- Financing for workplace adjustments – up to 711.42 euro per training or traineeship place.

Do you disseminate information on these assistance measures and subsidies to employers?

Yes, information can be found on the homepage of State Employment Agency, it is distributed directly to clients and employers.

Do you have information about the different types of adaptations provided by the employers?

Information on adaptations provided by the employers is fragmented and not gathered.

How is reasonable accommodation provided in public administration?

Public administration institutions are not provided with additional financing for adaptations, it depends on the awareness of the employer and available resources. Information on adaptations provided by the public administration is not gathered.

3. Employment Quotas

Do you have quotas in place?

No

4. Active Labour Market Policies

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

Active labour market programmes are provided by State Employment Agency. ALMP include the following categories: employment services and job-search assistance, training, hiring subsidies, direct job creation. SEA records and informs about the vacancies, organizes cooperation and information exchange between employers and unemployed persons, implements and administers ALMP measures, provides consultation on occupational suitability, selection of an appropriate occupation and vocational training, issues licenses and supervises work placement service providers etc. The majority of other ALMP programs is implemented in close cooperation with different bodies, through service organized in cooperation with employers, outsourced serviced, contracts with local municipalities.

Is specific support provided to participation of persons with disabilities in life-long learning (the systemic measures in place, financial support, vouchers, counselling, ESF projects)?

Yes, there have been measures in place to support participation of persons with disabilities in life-long learning during the previous EU funds programming period 2010-2014. Persons with disabilities were relieved from the duty to cover co-financing when involving in life-long activities. The same rule will be applied when the next ESF project on life-long learning will start in 2017.

How many persons with disabilities are receiving support?

In 2015 there were 8343 unemployed persons with disability registered with SEA, that is 10,2% from the total number of unemployed. In 2015 more than 11 000 persons with disabilities have been participants to one or several SEA provided activities.

Are employers receiving support?

Latvian State Employment Agency provides financing to employers for the adjustment of a workplace for a person with disability, as well as covers costs of additional services. Financing of sign language interpreter, occupational therapist and services of other specialists

during the involvement period in the subsidized work place, each up to 40h/week. Financing for workplace adjustments – up to 711.42 euro per training or traineeship place.

Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and adviser training)?

SEA provides measures to Facilitate Start-up of Business Activities and Self-employment.

Unemployed persons, including with disability, shall comply with the conditions - professional secondary or higher education specialising in entrepreneurship or similar, or in a field where business activities or self-employment start-up is intended; professional education that ensures the required knowledge in the field of business managements or a field where business activities or self-employment start-up is intended; professional secondary or higher education and informal education (no less than 120 academic hours) in the field of business management.

While participating in the measure, the unemployed persons receive the required help and support for business activity or self-employment start-up: consultations on drafting and developing a business plan (20 consultations within 6 weeks' time), consultations on implementing the business plan during the first year of business activities or self-employment (20 consultations); business subsidies for implementing the business plan – up to EUR 3000.00 depending on the approved budget estimate; monthly subsidies for early stages (first six months) of business plan implementation – the amount of national minimum monthly wage

Is there a system and specific support for vocational rehabilitation targeting persons with disabilities?

SEA provided measure: the unemployed persons can receive coupons and participate in professional further education programmes allowing acquiring professional qualification. Unemployed persons with disability may acquire certain professional education programmes online. Training period is up to 8 months.

State Social Integration Agency provides professional rehabilitation and professional adequacy test for persons with disability.

Professional rehabilitation consists of: Professional adequacy and job simulation tests, Training programmes, Psycho-social assistance, Providing assistance in placement and job finding, Driving lessons and car adaptation for people with disabilities.

Professional Adequacy and Job Simulation Test is also possible a separate service. Duration is up to 2 weeks depending on the applicant's health condition, type of disability, interests and motivation. Applicants are provided with services of: psychologists, social workers, doctors, occupational therapists, physiotherapists, carer consultants, vocational trainers and tutors.

5. Passive Labour Market Policies

Have you identified the problem of benefit trap and low motivation of persons with disabilities to enter the labour market in your country?

There are no specific surveys available to confirm or deny the suggestion above.

What is its main reason – low financial advantage of employment as compared to benefits, inability to work and keep some benefits, low flexibility in transition to and out of the labour market?

Persons with disabilities have the right to receive both the disability pension and work salary. In NGO's and experts opinion if only there is a job that suits the skills and capacity of the person they are willing to enter the labour market. However due to the overall low education level of persons with disabilities and in combination with lack of flexible working arrangements these could be among the main reasons for low motivation to enter the labour market.

Do the systems provide sufficient flexibility in moving to and out of employment and the social protection system, do they allow for a combination of pension and income from work?

Persons with disabilities have the right to receive both the disability pension and income from work.

Are reforms of assessment of working capacity ongoing?

Latvia has introduced ICF criteria in disability determination system as from 2015. Further discussions as regards introducing professional work capacity evaluation criteria are started this year, however no concrete concept or steps have been adopted yet.

Are reforms of assessment of working capacity complemented by sufficient provision of active labour market policies and social services to enable persons with disabilities to integrate into the labour market and avoid their falling into poverty in case of losing a part or whole disability pension?

To receive a disability pension person must have contributed at least 3 years to social insurance system. If no social insurance records are registered, then the person is obliged to receive the disability pension in the amount of the State Social Security Benefit. Disability pension does not constitute any restriction to receive income from work or engage into active labour market programmes (explained before).

Several social services, state benefits and reliefs are foreseen only to persons with disability status. As long as person does have the disability status determined by the competent authority the person has right to receive the disability pension.

At the same time Latvia has the adequacy problem as regards state pensions, including disability pensions, that often are close or below to the at risk of poverty threshold.

Lithuania

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.)?

On the 1st of November 2015, 7340 employees worked in social enterprisers, out of which 5551 disabled (from target groups of the persons employed in social enterprisers). The average working hours per day are 5-6 hours, the average wage – 309.6 Euro per month.

Are they considered to be workers under national law or not?

Disabled, employed in social enterprisers, are considered to be workers as all other employees that are working in open labour market or other employees working in a social enterpriser.

What are the main types of work in sheltered workshops?

The main types of work in social enterpriser for disabled are: cleaner, watchman, economy worker, packer, ancillary worker and etc., having appropriate qualification – manager, administrator, builder, masseur, tailor, cabinetmaker and etc.

Please, provide information on the division between the traditional and transitional sheltered workshops.

It exist one type of sheltered workshops – traditional model (permanent work places) – social enterprisers and disables social enterprisers.

Is there an increase of the trend towards transitional model?

We are analysing with the concerned authorities and non-governmental organisations the possibility to improve the system.

Are any changes / reform in sheltered employment ongoing or planned?

The draft Law on Social enterprisers has been prepared by the Ministry of Social security and Labour. The main aim of the project is to improve legal regulation, seeking to ensure efficiency and control of provided state support for social enterprisers, also to encourage employers to employ people that cannot compete on the labour market on equal terms and conditions. One of the project goals is to determine that a social enterprise would be an operator in the social economy whose main objective is to have a social impact rather than make a profit for their owners or shareholders.

How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

Despite that the Law on Social enterprisers determines 6 target groups, whose employment in social enterprise is supported by the state, only one group – disabled work in social enterprisers. The state support employing disabled is given as long as they work in social

enterprise, so usually they are not moving to the open labour market, but are moving from one social enterprise to another.

What is the situation of persons who acquire disabilities when already in employment? Please, add figures on job retention and impact of disability in advancement in careers.

According to the Law on Support for Employment the state support (in subsidy form) is provided when the employer is hiring disabled who are registered at a territory labour exchange as unemployed.

According to the Law on Social enterprisers the state support is provided for disabled registered at the territory labour exchange or not. Only in social enterprise the state support for employment could be provided for persons, when they are already in employment.

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

Measures mentioned below.

Is there any competence centre in your Country, region, locality?

No.

Do Public Employment Services provide support for reasonable accommodation? Could you elaborate on subsidies available to employers to provide reasonable accommodation?

Public Employment services do provide reasonable accommodation.

The Law on Equal Treatment provides that to ensure equal treatment the employer shall take reasonable accommodation to enable the disabled to have access to, participate in, or advance in employment, or to undergo training, including adaptation of premises, unless such measures would impose a disproportionate burden on the employer.

According to the Law on Social enterprisers in order to reimburse the expenses incurred by social enterprises to train the employees who are attributed to the target groups, a subsidy may be granted to these enterprises. The training must be carried out in order to improve the qualification of employees required for the operation of a social enterprise.

With a view to reimbursing the expenses incurred by disabled social enterprises and intended to eliminate the obstacles arising due to the disability of a disabled employee and preventing the employee from accessing his workplace or the rest rooms of the enterprise, a subsidy shall be granted for the adaptation of the work environment of disabled employees, production premises and rest rooms.

As an assistant (sign language interpreter) is required to help disabled employees, having severe or moderate disability or the disabled employees whose capacity for work does not

exceed 40% or who are rated as having high- or medium-level special needs to perform their work functions, a subsidy shall be granted for the reimbursement of such expenses.

Also a subsidy for the creation of a workplace and the adjustment of a workplace to a disabled employee and for the reimbursement of expenses on the acquisition or adjustment of his work equipment may be granted when these expenses are required to eliminate the obstacles within an enterprise arising due to the disability of employees and preventing him from performing work functions.

With a view to reimbursing the additional administrative expenses of social enterprises of the disabled incurred due to the work of disabled employees, a subsidy for the reimbursement of additional administrative expenses shall be granted.

Where a social enterprise organises transportation to and from work of its disabled employees having severe or moderate disability or of the disabled employees whose capacity for work is rated at 0-40% or having high- or medium-level special needs, also delivery to and from home of the materials, parts, products, etc. required for work at home of the disabled employees upon conclusion of outwork contracts with them, this enterprise may be granted a subsidy for the reimbursement of the fuel expenses incurred by it.

According to the Law on Support for Employment Support state support are provided to the employers who are creating new jobs or adapting the already existing workplaces to the disability of the unemployed person and employing unemployed persons under an open-ended contract of employment. The employers must cover a part of the expenses related to the creation (adaptation) of one workplace and maintain one created (adapted) workplace for at least 36 months from the employment of persons sent by local labour exchange offices.

Also according to both above mentioned laws, employer could get a wage subsidy employing unemployed or people from target groups of the persons employed in social enterprises.

Do you disseminate information on these assistance measures and subsidies to employers?

Public employment services are responsible for the information dissemination to employers.

Do you have information about the different types of adaptations provided by the employers?

Mostly they are related to structural modifications of the enterprise's premises, adjustments of the workplace, the technology, the provision of assistance.

How is reasonable accommodation provided in public administration?

Action plan for 2016-2018 for implantation of National program for social integration of persons with disabilities in 2013-2019 by Order of Minister of Social security of Labour of 25 June 2015 there was adopted. Many measures are foreseen in Action plan to be implemented in period of 2016-2018: to organize training for design professionals, local authorities and non-governmental organizations about universal design principles in the field; to adapt housing and the environment for the disabled; to develop and to restore the mobility of persons with disabilities and independent living skills; to titrate Lithuanian national radio and television programs; to publish and distribute periodicals for disabled; to adapt physical and

informational environment for disabled people in vocational schools; to optimize and upgrade physical and information infrastructure of cultural institutions (cultural centres, museums, public libraries and other); assess accessibility of police office buildings; assess level of adaptation of municipal primary health care, social welfare departments, social services centres, long-distance bus stations for needs of disabled persons and to draw conclusions and recommendations.

Is there a complaint mechanism in place as concerns non-application of reasonable accommodation?

A person who considers himself wronged by failure to apply equal treatment to him shall have the right to appeal to the Equal Opportunities Ombudsman. An appeal to the Equal Opportunities Ombudsman shall not preclude the possibility of defending his rights in court. The Equal Opportunities Ombudsman investigates complaints and starts investigations on his/her own initiative as regards cases of discrimination on the grounds of disability. Any individual may take his/her case of violation of their rights and freedoms to court on individual basis.

3. Employment Quotas

Do you have quotas in place?

No

Are there any plans to reform the quotas system?

Yes, we are analysing with the concerned authorities and non-governmental organisations the possibility to have quota system in Lithuania.

4. Active Labour Market Policies

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

Specific active labour market policy measures for disabled are being organized by Public employment services: subsidized employment, subsidy for job creation or workplace adaptation, support for self-employment. For disabled as for any other additionally supported in the labour market person also could be organized other active labour market policies: vocational training, job rotation, acquisition of professional skills, public works, unemployed territorial mobility.

Is specific support provided to participation of persons with disabilities in life-long learning (the systemic measures in place, financial support, vouchers, counselling, ESF projects)?

The persons with disabilities have an equal right to access information and lifelong learning. Since Lithuania became a member of the European Union, the development of adult learning education has become one of the key priorities of the Lithuanian Educational Policy. The planning and implementation of the Lithuanian policy on the development of lifelong learning

is based on the Strategy for Ensuring Lifelong Learning and the Action Plan for its Implementation approved by the Ministers of Education and Science and Social Security and Labour. The Strategy sets out three basic types of adult education and training activities: formal, non-formal and self-education. To reduce social exclusion, the state supports vocational training, employment, vocational guidance and consulting, and the development of the distance learning system. Employers are also encouraged to organise practical training and provide opportunities for employment for people with disabilities.

When implementing the measure “Providing financial aids to disabled students”, financial support is provided to disabled student. Following the Description of the Procedure for the Provision of Financial Aids to the Disabled Studying in Higher Schools, the funds are allocated for meeting special needs of the disabled studying in higher schools (a monthly benefit in the amount of 0.5 basic social insurance pensions) and partially reimbursing for studies (a benefit in the amount of 3.2 basic social benefit once in a semester).

How many persons with disabilities are receiving support?

Disabled are not receiving support (subsidies). Employers, who have employed additionally supported in the labour market persons shall receive subsidies (partial compensation). 2854 disabled participated in active labour market policy measures in 2014, 5253 were employed, 84 percent of all employed – found permanent job.

Are employers receiving support?

Yes.

Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and adviser training)?

Support for self-employment is being organized when a person creates workplace in a micro-enterprise or when he starts its activity according business licence. The amount of the subsidy (support for the creation of workplace) cannot exceed 40 minimal monthly wages for the creation of one workplace. The Law on Support for employment determines that support for the creation of a workplace shall be provided to the disabled, having severe or moderate disability or of the disabled whose capacity for work is rated at 0-40%, who are starting their business.

Do you have information about the number of self-employed persons with disabilities?

Support for self-employment was provided for 30 disabled having severe or moderate disability or disabled whose capacity for work is rated at 0-40% in 2014.

Is there a system and specific support for vocational rehabilitation targeting persons with disabilities?

In Lithuania, a number of types of rehabilitation is used, namely, medical rehabilitation, social rehabilitation, and vocational rehabilitation; they are aimed at increasing people’s abilities and reducing limitations in various areas so that the disabled, availing of the services of rehabilitation, could participate in public life in a comprehensive manner. The aim of

vocational rehabilitation is to develop or restore capacity for work of the disabled and increase opportunities for their employment. This is achieved in several stages. First of all, the need for vocational rehabilitation services is determined. The Service for the Establishment of Disability and Capacity for Work, which performs this function, assesses medical, functional, vocational, and other criteria, which have an impact on the possibilities of an individual's vocational rehabilitation and employment, with regard to every individual who is approaching the Service concerning the establishment of the level of capacity for work.

In order to improve the quality of vocational rehabilitation services, a Strategy for the Development of Vocational Rehabilitation Services was approved. The Strategy provides for long-term objectives of the development of the vocational rehabilitation system, such as, improving the legal framework of the vocational rehabilitation system, increasing availability and variety of vocational rehabilitation services, and improving the quality of such services. Every year, the Minister of Social Security and Labour approves a plan of measures for the implementation of the Strategy.

5. Passive Labour Market Policies

Have you identified the problem of benefit trap and low motivation of persons with disabilities to enter the labour market in your country?

Low motivation and benefit trap are the main reasons identifying disabled employment problems.

What is its main reason – low financial advantage of employment as compared to benefits, inability to work and keep some benefits, low flexibility in transition to and out of the labour market?

Analysing the employment situation of disabled all above mentioned reasons are substantial.

Do the systems provide sufficient flexibility in moving to and out of employment and the social protection system, do they allow for a combination of pension and income from work?

According to the Law on Cash Social Assistance for Poor Residents families (including disabled people) and single residents who are unable to provide themselves with sufficient funds for living shall be entitled to the following financial social assistance:

1. social benefit;
2. compensations for the costs of house heating, hot and drinking water.

1. Social benefit is paid to persons living together (family) or single resident if the monthly income is below the level of the state supported income (hereinafter referred to as the "SSI") (i.e. Euro 102 per person per month).

The monthly benefit level is 100% of the difference between the SSI (i.e. Euro 102) per person per month and the actual income of a family or single resident for the first family member, 80% – for the second member and 70% – for the third and later members.

A family or single resident shall be additionally granted social benefit the amount of which is equal to 50 % of the average amount of the social benefit paid during the last 12 months prior

to employment for each month, even when they leave social assistance and get employment. Additionally social benefit will be paid for six months even if a family has no right to get social benefit after employment.

2. A family (including disabled people) or a single resident is granted compensation for heating, drinking water and hot water.

A family or a single resident shall pay for the heating of the accommodation not more than 20 percent of the difference between the received income and the SSI provided to a family (person). The compensation covers the part of the cost of drinking water exceeding 2 per cent of the income gained by a family or a single resident. The compensation covers the part of the cost of hot water exceeding 5 per cent of the income gained by a family or a single resident.

Families or single residents who own a dwelling in a multi-dwelling building are entitled to support towards the cost of a loan taken out to finance the renovation of the building, provided they participate in the modernisation project and they are entitled to the compensation for heating expenses.

Are any reforms foreseen to tackle the benefit trap?

The Parliament of Lithuania is considering the new social model. The model prepared with the help of scientists and experts amends nearly 40 legal acts. It consists of four major parts - social insurance, increase of employment, regulation of labour relations and fight against poverty.

The new model made recommendations on the law on employment, social partnership, reform of social insurance pensions, maternity and paternity leave, social insurance, material responsibility of employees, work–life balance, legal regulation of dismissals, and work and rest. Amendments to legislation are aimed at improving harmonisation in the labour market, and of social insurance and tax policy.

Are reforms of assessment of working capacity ongoing?

Starting from 1 July 2005, when the new system on assessment of person's disability level came into effect, when determining working capacity level integrated approach is applied, by assessing not only medical (health condition) but also functional, professional and other criteria (such as, educational background, professional qualification, working experience and working skills, age and necessity for adaptation of physical, working and information environment) of a person, which affect person's working capacity. Starting from 1 July 2014, a questionnaire based on ICF is included into person's working capacity assessment, which ensures application of integrated approach to assessment of working capacity level – not only health condition of a person reflects his/her working capacity level but also its impact on daily activities, person's independence and ability to keep social contacts, key activities of a person, such as: mobility, cognition, communication, self-care, daily activities.

In order to improve the procedure of determining special needs, a working group was formed in 2012 at the initiative of the Ministry of Social Security and Labour of the Republic of Lithuania, which prepared a draft procedure on determining the level of functioning of a person (LFP) and the description of criteria based on ICF elements. The proposed model on

determining level of functioning of a person would essentially change the system of determining general initial special needs that is currently in effect.

Are reforms of assessment of working capacity complemented by sufficient provision of active labour market policies and social services to enable persons with disabilities to integrate into the labour market and avoid their falling into poverty in case of losing a part or whole disability pension?

As it was mentioned, when determining working capacity level integrated approach is applied, by assessing not only medical (health condition) but also functional, professional and other criteria (such as, educational background, professional qualification, working experience and working skills, age and necessity for adaptation of physical, working and information environment) of a person, which affect person's working capacity.

In Lithuania there have been implemented a number of programmes or measures aiming at social integration of persons with disabilities and improvement of quality of their life in the society. They include provision of technical assistance measures and social services, adaptation of accommodation, payment of target compensations, support for disabled students, promotion of engagement and employment, and implementation of the professional rehabilitation programmes.

Seeking to restore or increase the capacity for work level of the disabled and their professional competence and ability to participate in the labour market, the implementation of the Vocational Rehabilitation Programme and provision of vocational rehabilitation services continued in 2015. The purpose of vocational rehabilitation services is to develop or restore working capacities of the disabled and increase their employment possibilities.

Seeking that disabled persons who complete the Vocational Rehabilitation Programme and become employed retain their employment as long as possible and assigning more responsibility for persons who have completed the Vocational Rehabilitation Programme to institutions providing vocational rehabilitation services, the Vocational Rehabilitation Programme (covering the following services: evaluation of professional competences, vocational guidance and counselling, restoration of professional competences or development of new competences, assistance when finding employment) was supplemented with a new service – support at the workplace. It is the provision of assistance to the employed disabled person, by solving the problems of the lack of person's social skills, adaptation at the workplace, and motivation for work, intermediation between the person and the employer as well as counselling by solving the problems related to employment relations or conditions, and other assistance seeking more efficient and long-term integration in the labour market. The objective is continuous employment of the person for at least 6 months – in this case an institution providing vocational rehabilitation services will be paid for the service of support at the workplace. Persons participating in the Vocational Rehabilitation Programme are granted and paid the vocational rehabilitation benefit, irrespective of other income.

On 1 March 2015, the Lithuanian Labour Exchange launched a new three-year project “Assistance for the Disabled”, co-funded from the European Union Structural Funds and the state budget of the Republic of Lithuania. The project aims at increasing the employment rate of the disabled through the provision of vocational rehabilitation services. The services are planned to be provided to 2 000 disabled persons. The project value amounts to EUR 7 588 166.13.

Luxembourg

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.)?

At this time, it is not possible to know the exact number of people with impairment working in the open labour market.

The number of employees working in sheltered employment has risen from 373 in 2004 to 1065 in 2014. This is partially due to the increase of the general population and partially due to new diagnostics established in the field of autism and psychic impairments.

Are they considered to be workers under national law or not?

People working in Ateliers protégés (sheltered employment) are considered workers. They have a regular work contract with their employer and are paid on the basis of the national minimum social salary. Affiliation to the social security schemes is given and a regular retirement pension is due under normal conditions of the social security schemes.

What are the main types of work in sheltered workshops?

Different types of work are done in the sheltered workshops: the products and services are sold and provide part of the income for the companies.

The main types of work in sheltered workshops are:

- gardening, agriculture and working with animals
- kitchen and catering activities
- subcontracting such as mailing
- shop assistant (sale department)
- hand-made and artistic products.

Please, provide information on the division between the traditional and transitional sheltered workshops.

The transition between traditional and transitional sheltered workshops is part of the mission of the employers of the sheltered workshops and is fixed in the employment contract of the employee.

Is there an increase of the trend towards transitional model?

All actors are eagerly trying to enhance the number of employees succeeding in making the transition. JobCoach projects under ESF-funding have given interesting evidence in order to develop new instruments for the professional inclusion process.

Are any changes / reform in sheltered employment ongoing or planned?

Considered to function as a real company, the boards of the associations are looking at new opportunities to evolve. This concern is valuable for the pedagogical and social commitment as well as for the intern structure and the role on the open market.

How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

The number of employees moving indefinitely (long-term-employment) on the open labour market is very low. Success stories are more likely to happen if the company is able to invest specific resources in the professional inclusion process.

What is the situation of persons who acquire disabilities when already in employment? Please, add figures on job retention and impact of disability in advancement in careers.

Social security provides specific schemes for this case. The purpose of the social security system is to maintain people on the job and to secure financial income, as well as possible.

Two examples:

1. Subsidy to cover wage costs, that is granted to employers who hire workers with an internal (“reclassement interne”) or external (“reclassement externe”) placement status. These are indeed workers that cannot any longer carry out their previous job due to health reasons.
2. The „indemnité compensatoire“ (compensatory benefit) is another employment subsidy that matches the difference between the old and the new wage, for workers who cannot work in their previous job anymore because of health reasons. In 2014, 3446 persons have benefitted from this measure.

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

Support measures are available, for employers in the private and public sector.

Is there any competence centre in your Country, region, locality?

2 Government departments are in charge of the support measures:

Ministère de la Famille, de l'Intégration and

Ministère du Travail, de l'Emploi et de l'Economie sociale et solidaire

as they have a shared responsibility for employees with impairments.

Dedicated (public) experts are giving advice and assisting implementation of accommodation in the very concrete situations.

www.adapth.lu,

www.hoergeschaedigt.lu/online/www/vertical/about_us/200/DEU/index.html,

www.autisme.lu, www.atp.lu, ...

Do Public Employment Services provide support for reasonable accommodation?

Yes. On the basis of legal and regulatory provisions.

Could you elaborate on subsidies available to employers to provide reasonable accommodation?

Different types of accommodation may be asked by the employer or the employee:

Adjusting the workstation and access to the workplace to the needs of the employee

Purchase of professional equipment and didactic material

Training

Transport fees

Wage subsidies and subsidies of the employer's social security contributions are available to employers (if there is a loss of yield).

Every employee with a disability has the right to get six additional days of paid leave, which are reimbursed by the State.

Do you disseminate information on these assistance measures and subsidies to employers?

www.guichet.public.lu/entreprises/fr/ressources-humaines/recrutement/recherche-candidat/aide-emploi-travailleurs-handicapes/index.html

Do you have information about the different types of adaptations provided by the employers?

In the year 2014, 8 new decisions have been taken in order to subsidize the adaptation of the workstation and the access to the workplace. 2 reimbursements of transportation expenditures have been done.

In total, 202 employers have received in 2014 a subsidy to the wages of a person with impairment employed in their company.

How is reasonable accommodation provided in public administration?

Every year, Luxembourg's government can create up to 50 full-time equivalent job aimed at disabled workers. In 2014, 44 persons have been hired via this measure. For these jobs, the same accommodation measures as for the private sector are available. (see below)

Is there a complaint mechanism in place as concerns non-application of reasonable accommodation?

Appeal can be made in case of a negative decision within the regular judicial and extrajudicial procedures.

The 2011 act on the approval of the CRPD (Loi du 28 juillet 2011 portant 1. approbation de la Convention relative aux droits des personnes handicapées, faite à New York, le 13 décembre 2006 2. approbation du Protocole facultatif à la Convention relative aux droits des personnes handicapées relatif au Comité des droits des personnes handicapées, fait à New York, le 13 décembre 2006 3. désignation des mécanismes indépendants de promotion, de protection et de suivi de l'application de la Convention relative aux droits des personnes handicapées) allocates the task of promoting and monitoring the Convention to the Consultative Commission of Human Rights (of the Grand Duchy of Luxembourg). It will carry out that task jointly with the Centre for Equal Treatment, while the task of protecting is being allocated to the National Ombudsman.

The mission of the Consultative Commission of Human Rights is to promote human rights throughout the Grand Duchy of Luxembourg "inter alia" for persons with disabilities, while the Ombudsman is mainly dealing with citizens' individual complaints. As for the Centre for Equal Treatment (CET), its purpose is to promote, analyse and monitor equal treatment between all persons without discrimination on the basis of race, ethnic origin, sex, sexual orientation, religion or beliefs, handicap or age. In the performance of its mission, the Centre can, i.e., lend assistance to people who feel that they have been the victim of discrimination by providing them with an advisory and orientation service intended to inform victims regarding their individual rights, the legislation, case law and the means for claiming their rights.

3. Employment Quotas

Do you have quotas in place?

The law of 12th of September 2003 has fixed quotas

Do you have data on quota application in your country in a) public sector, b) private sector? If yes, please, elaborate on the main findings.

The public sector comes close to the fulfilment of the legal quota of 5%.

In second position we find the local authorities.

The private sector shows the most difficulties in employing people with impairment, partially due to the lack of jobseekers with the requested professional profile, partially due to apprehension coming out of lacking experience with disability in the workplace.

Are they compulsory quotas or informal targets?

The quotas are compulsory, given that an employee corresponding to the requested profile is declared as a jobseeker at the PES.

Are those quota reached?

Data are not robust at this time. It should be operational by the end of 2016.

Are there penalties or remedies if not reached?

The Government policy puts emphasis on dialogue and partnership with the companies in order to push the professional inclusion of people with impairments.

Do employers employ required % of disabled or prefer to pay the sanctions?

Employers are encouraged to occupy employees with impairment.

How do you use money coming from sanctions (special fund to support measures for persons with disabilities, for employers to provide reasonable accommodation, etc.)?

N.a.

Have the introduction of quotas impacted the overall level of employment of disabled people?

N.a.

Is the impact of quota system evaluated?

Data collection is necessary.

Are there any plans to reform the quotas system?

Knowledge about facts and figures is necessary to implement the policies needed.

4. Active Labour Market Policies

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

There is a certain number of measures that are aimed at workers with disabilities. As one person might profit from more than of these measures, the figures cannot be added up.

Vocational training and retraining measures for disabled workers

PES – ADEM can take in charge completely or partially the costs of training or retraining of disabled workers in order to promote their (re)integration into working life. This includes allowances during retraining and initiation, rehabilitation, as well as other related costs such as registration fees, travel allowances, meal costs, and small didactic equipment. In 2014, 19 persons have benefitted from this measure

Measures of professional (re)integration of disabled workers

PES - ADEM can grant a recruitment subsidy to the employer in the form of a contribution to the wage costs of disabled workers who are registered jobseekers or who are at risk of losing their job. The subsidy can vary from 40% to 100% of the gross wage. This allowance is meant to cover an initiation or hand-over period, or a reimbursement of social contributions.

Adaptation of the workplace for disabled workers

ADEM can support the adaptation of workstations or the purchase of specialised equipment for disabled workers employed in companies. Access to the workplace and travel costs can also be covered.

Reimbursement of extra leave for disabled workers

Employer can request from ADEM the reimbursement of the daily allowances due for the 6 supplementary days of leave granted to disabled workers.

In 2014, 837 employers and workers have benefitted from this measure

Redeployment measures

Expenditures for reintegration and rehabilitation measure can be reimbursed. This measure is aimed at workers that cannot any longer carry out their previous job due to health reasons.

In 2014, 62 persons have benefitted from this measure.

Is specific support provided to participation of persons with disabilities in life-long learning (the systemic measures in place, financial support, vouchers, counselling, ESF projects)?

Jobseekers as well as employees which are recognized as “salarié handicapé” may apply for the different measures as described in this questionnaire.

Some ESF-funded projects addressed the professional inclusion of workers with impairment, mainly with autism spectrum and psychic impairment.

The current ESF program subsidizes new projects.

Employees with disabilities have the right to participate in life-long learning programs. Persons with disabilities working on the open labour market have the same right to participate in training as their colleagues. Special support – called “aide humaine” (human assistance) – exists for persons with sensory disabilities who participate in vocational training. The support consists for example in bearing the costs of sign language interpretation for a deaf person or of a travel assistance for a blind person.

The “Life Academy” is a life-long learning program offered by the Ligue HMC, that is adapted to the needs and interests of persons with intellectual disabilities.

Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and adviser training)?

Self-employed workers with an officially recognized disability can ask for a reimbursement of their social security contributions.

In 2014, 8 persons have benefited from this scheme.

Do you have information about the number of self-employed persons with disabilities?

On the 31st of May 2015, 3892 persons with an officially recognised handicap had a job. Among these, 31 were self-employed (0.8%).

Is there a system and specific support for vocational rehabilitation targeting persons with disabilities?

See the measures described above.

5. Passive Labour Market Policies

Do the systems provide sufficient flexibility in moving to and out of employment and the social protection system, do they allow for a combination of pension and income from work?

The Law of 12 September 2003

(www.legilux.public.lu/leg/a/archives/2003/0144/a144.pdf#page=2) created the recognition of the statute of the “disabled worker” and the access to work (in the open labour market and sheltered employment) for them. The working conditions were defined (salary, working hours, adaptations, training (...)) as well as the transition from sheltered employment and open labour market and vice-versa. The law created at the same time the right to an income for persons with such a severe disability that they are unable to work at all (called Revenu pour personnes gravement handicapées).

The conditions defined by law are such as not to disadvantage people with a disability in comparison to workers with no impairment.

The number of people seeking for the benefit of the Revenu pour personnes gravement handicapées is rising.

www.isog.public.lu/islux/inclusion-sociale/analyse-et-resultats/evolution-des-beneficiaires.html

Are any reforms foreseen to tackle the benefit trap?

N.a.

Are reforms of assessment of working capacity ongoing?

The reform of PES is ongoing. The specific assessment of jobseekers with impairment has been tackled recently by 3 concerned Government departments and their agencies with the objective to shape a dedicated assessment for those jobseekers.

Are reforms of assessment of working capacity complemented by sufficient provision of active labour market policies and social services to enable persons with disabilities to integrate into the labour market and avoid their falling into poverty in case of losing a part or whole disability pension?

The Call centre “ContactCenter” of PES is the result of an integrated assessment and training project which (through a comprehensive training approach) created jobs for people with impairment, which until then were out of the job. The Contact Centre employs only people with impairments.

Hungary

General information

Our national measures regulate the term of disability and related benefits, subsidies and allowances system by a diverse content.

The classification system being in force and based on complexity currently insures the differentiation properly encouraging both the employers and the employees into an activity.

The Act CXCI of 2011 on Benefits for Persons with Changed Working Capacity and the Amendment of Certain Other Acts defines the legal and institutional system concerning the disabled persons, but definition of deficiency, health impairment, disability etc. can be found in more measures.

The assessment system focuses on preserved capacities, mapping abilities that can still be used which are relevant in terms of employability and makes chances of successful employment rehabilitation.

6 classification categories exist in the present complex classification system to determine the preserved state of health:

- between 51-60% and can be rehabilitated (has a good chance of fully reintegrating into the world of labour through rehabilitation)
- between 51-60% but his employment and social aspects inhibit his rehabilitation
- between 31-50% and needs permanent work rehabilitation
- between 31-50% but his employment and social aspects inhibit his rehabilitation
- between 1-30%, self-sufficiency on the grounds of medical findings and can be employed only by constant support
- between 1-30% and is not capable self-sufficiency or only with help on the grounds of medical findings

1. Open labour market and sheltered employment (workshops)

31 085 persons with disabilities has worked for accredited employers at the time of filling the questionnaire.

The employees with disabilities work 4-7 hours per day at the accredited employers. Their wages generally correspond to their time-proportionate sum of the minimum wage (currently 105 000 HUF/month) or the guaranteed minimum wage (currently 122 000 HUF/month).

The rules concerning the general pension rights are valid in the employment of employees with disabilities as well.

According to the national law, the persons with disabilities, who are employed, belong to the scope of employees as well.

There are accredited employers in almost all sectors of the national economy except the heavy industry. They are employed mostly in the public services, human services, while the semi-skilled, assembling work is typical in industrial activities. They deal among other things with textiles, clothing, leather and leather products manufacturing, wood processing, paper products manufacturing, typographical activities, food production, administrative activities

and supporting services, human health and social care, accommodation services, hospitality, info communication, machinery, mechanical equipment manufacturing, electrical equipment manufacturing.

The long-term supported employment category aims –according to Hungarian law- the preservation and development of working skills; the improvement of health conditions, physical and mental capabilities of those people with disabilities, who cannot be rehabilitated and are in protected labour circumstances during employment relationship.

Transit employment makes the preparation of those employees with disabilities who can be rehabilitated, by providing production and service activities, - in protected circumstances - , to work in the open labour market.

As the amendments, regarding to the people with disabilities' employment, are in force just since 2013, significant processes may not yet be described and analysed, however, there is a noticeable shift towards transit employment.

3 900 persons of the clients of the rehabilitation authorities became employees in 2014, as non-accredited employers, while until November 2015 this number was 3 016 persons.

35 678 persons with disabilities claimed for complex assessments in 2014, and 21 214 persons until 31 May 2015. Since the criteria for gaining benefits is not to be performing any gainful activities, the persons with disabilities are typically terminated the employment relationship, just if they claim for the complex assessments.

It is not typical to employ an employee again at the previous workplace, after becoming disabled, so their career arches usually breaks, but exact data is not available regarding to these cases.

Rehabilitation Card is a new element in the system. It can be received by persons with disabilities in the aim of improving their employment opportunities in the open labour market by ensuring absolute immunity of the social contribution tax for the employer up to the amount of 27 percent of the minimum wage twice, for the entire duration of the employment. The number of people employed with Rehabilitation Card since the introduction, has been increasing continuously, which shows the success and popularity of it. There is not any regulation of the number of the employees or the size of the firm, using this card.

As the current care and support system has been in operation for some years, structural change is not in progress or planned, however on the basis of past practical experience, the review and fine-tuning of the system has become timely, and will start in the near future.

2. Reasonable accommodation

To the aim of providing reasonable accommodation for the people with disabilities, the accredited employers can get grants and subsidies through tenders to employ the target group. These can be personal subsidies (wage costs and support), a job creation subsidy, or the so-called single- expense support.

Among the eligible costs, the required expenses of providing reasonable accommodation (for example adopting or transforming workplaces, developing of an appropriate work environment, physical adjustments of the tools, personal work assistance, services of special needs, advising services etc.) are explicitly preferred.

Any firm employing a person with disabilities who has a rehabilitation card can have absolute immunity of the social contribution tax for the employer up to the amount of 27 percent of the minimum wage twice for the entire duration of the employment.

The companies employing more than 25 employees obliged to pay rehabilitation contribution. They are exempted from payment if the numbers of employees with disabilities are above the quota (currently 5%).

The companies employing people with disabilities are entitled to further tax/contribution allowances e.g. corporation tax - allowance, while the employee with disabilities can get personal income tax-allowance.

During the public procurement the accredited or sheltered employers have priority since the procurement of goods produced or services provided by people with disabilities are not subject to the rules of the procurement process. If the EU thresholds are not exceeded, and the procedures above that priority rate, the priority have to be assured for them.

Assessments centres begin their activities in seven regional operating centres of National Office for Rehabilitation and Social Affairs within a short time.

The employers, employing people with disabilities may receive grants to support expansion of their employment regulated at legislative level, can comply with the requirement of reasonable accommodation easier. In addition, other tenders are also used to prefer the employment of people with disabilities. The employers can receive assistance for activities aimed to provide reasonable accommodation in the reason for being able to take appropriate measures in order to allow access to employment, the participation in work or in the training courses.

The subsidies are available for the public, these are advertised on websites, conferences, communiqués, job fairs, and other events.

The adaptations implemented in Budgetary subsidies, the creation or transformation of the accessible workstations are regularly monitored - both professional and financial terms - by the announcers of the tenders or the grantors. Employers present their activities in forums, conferences, exhibitions, and these receive extensive publicity on handover ceremonies.

Considering the obligation of reasonable accommodation, there are plans of equal opportunities in public administration. The employers in public administration also have the opportunity to apply for these allowances.

In those cases where the requirement of reasonable accommodation is not properly applied, one can turn to the courts, to the Equal Treatment Authority, or to the Ombudsman as remedies. The interested representatives have a very significant avail in lobbying activities.

3. Employment Quotas

The Article 22-24 in the [Act CXCI of 2011 on Benefits for Persons with Changed Working Capacity](#) and the Amendment of Certain Other Acts define the obligation of employing a certain amount of persons with disabilities, and the rules of the payable rehabilitation contribution if it is not fulfilled. On the basis of Article 23, if the company employs more than 25 employees, the currently accepted quota for the employers with disabilities is 5 %. The sum of rehabilitation contribution is 964.500 HUF after every lacking person.

These payments get into the central budget; conclusions can be drawn for the trends. The rehabilitation contributions were planned both in 2014 and 2015 with the same amount of HUF 65 billion. There were realized 65 952.9 million forints in 2014.

4. Active Labour Market Policies

Legal obligation of accredited employers is to provide skilled rehabilitation mentor, rehabilitation consultant and supplying services (e.g. provision of labour market information, employment counselling, career counselling, rehabilitation counselling, psychological counselling).

The job-placement is available for people with disabilities participating transit employment to obtain work experience in the open labour market.

Segregated training courses, trainings, vocational qualification and competency development courses organized only and exclusively for people with disabilities. There are specialized training institutions in the entire country.

Employers finance their trainings from projects.

For example in TÁMOP 5.3.8 project the target is to improve the chances of the groups in the most disadvantageous position at the labour market and to help and improve their integration. Applied tools are trainings, professional and IT developments, ensure labour market services and establishment a national professional methodology and information technology centre.

TÁMOP 1.1.1 project is designed to support the rehabilitation and employment of people with disabilities. The group of targets are people with disabilities who could be rehabilitated successfully in order to be employed at the open labour market. As it is currently in progress, there are no definitive data. The number of people involved in the program are 12 465 people, number of successfully completed supported trainings are 2,566 people, the number of clients in employment more than three months under the program are currently 7,734 persons.

Other programs, tools to assist the labour market integration:

- Every year the winning companies receive the recognition of disability-friendly workplace in a ceremony, the major sponsor of the award is the EMMI (Ministry of Human Capacities).
- Using the "segítő vásárlás" (helping purchase) logo stimulate the demand for quality products produced by people with disabilities. The "segítő vásárlás" logo certifies that the product is created by an employer who employed people with disabilities at least 50% health impairment. By using the logo, the manufacturer indicates to customers that he can support their employment buying the product.
- Authorities have undertaken in the framework of the "The World is Better with Us" program to expand the employment of people with disabilities and the organization of sensitizing trainings.

5. Passive Labour Market Policies

The problem of "benefit trap" is certainly identified, when the persons with disabilities enter the labour market but the increasing of the minimum wage and the guaranteed minimum wage continuously can have a positive impact on these processes, as well as the 100 % refund of the

cost of commuting to work, the transport of workers and the social benefits - work clothes, catering, improve working conditions, - can improve the situation.

In addition, the characteristic of the system is that the payment of benefits is based on the state of health limits, working hours and earnings. Under a certain income level, it can be disincentive and it can motivate the employees with disabilities to keep the secure benefits instead of changing their occupational circumstances.

On the basis of past practical experience, the review and fine-tuning of the system has become timely, and will start in the near future. It will take place on a legislative and regulatory level as well. There will be amendments and clarifications concerning this specialized sector.

As a new element in the assessment of working capacity, assessment centres will begin their activities in seven regional operating centre of National Office for Rehabilitation and Social Affairs within a short time.

Currently there is a demand for employees with disabilities in Hungary, obviously with territorial differences.

The Netherlands

Regular labour market and sheltered employment

On the implementation of the Participation Act as of 1 January 2015 existing regulations (Work and Social Assistance Act, Sheltered Employment Act and part of the Work and Employment Support (Young Disabled Persons) Act) were incorporated into a single regulation. In combination with the arrangement in the Social Agreement to create 125,000 jobs for people with an occupational disability from 2014 to 2026, in this way more opportunities are created for these people to participate in the labour market. If this voluntary job arrangement is not achieved between employers and workers, it has been agreed that after consultation with the social partners and municipalities a legal quota can be introduced. As from 1 January 2015 it is no longer possible to work under the Sheltered Employment Act (*Wsw*) anymore. Municipalities will be given additional funds to assist these people in finding work with wage cost subsidy. This could be work with provisions at regular employers and work in a sheltered working environment for those people who only have the ability for labour participation in a sheltered working environment.

1. Open labour market and sheltered employment (workshops)

In 2013, 14% of all 15 to 65 year-olds in the Netherlands – almost 1.6 million people – had an occupational disability. They have a long-term illness, disorder or handicap which hampers them in the carrying out or finding of work. More than one-third of these [occupationally disabled](#) had paid work for 12 hours per week or more, often in permanent employment and relatively often in part-time employment. One out of ten occupationally disabled people with paid work would like to work more hours (data from the Central Statistical Office, December 2015).

The net labour market participation in the Netherlands in 2012 amounted to 37% of the labour force with a long-term disorder and after Luxembourg, this is the highest in Europe (source: Eurostat: disabled people by sex, severity of disability and labour).

In total 104,000 people with an occupational disability worked pursuant to the Sheltered Employment Act (*Wsw*) in 2014. They earned an average salary of € 17,710.- whereas in the regular labour market an average of € 28,310.- is earned. The majority of the people in sheltered employment (*Wsw*) earn more than the statutory minimum wage. The average duration of work is generally 28.4 hours per week, and for work pursuant to the *Wsw* the average duration is 30.8 hours per week (source: Statistics Netherlands statline update 22 October 2015).

Of the 104,000 people in the *Wsw* a total of 43,400 worked in a sheltered working environment.

People who work in the regular labour market, are subject to the collective labour agreement of their employer. Information about their terms of employment are only made known in a generally applicable collective labour agreement. People who work in sheltered employment are subject to the *Wsw* collective labour agreement. Municipalities are responsible for helping people with an occupational disability to find work. Pension is accumulated if relevant arrangements have been made in the applicable collective labour agreement.

These people are subject to the operation of the Participation Act, the Sheltered Employment Act (*Wsw*), the Work and Employment Support (Young Disabled Persons) Act (*Wajong*) or the Work and Income according to Work Capacity Act (*WIA*), this is national legislation.

The most important types of work in a sheltered working environment is packaging and repackaging work. Occasionally also simple production line work and assembly.

Traditionally sheltered employment is organised pursuant to the *Wsw* in the social work placement company. People who work at a traditional sheltered workplace have employment within socially sheltered employment on which the Collective Labour Agreement (CLA) of the *Wsw* is applicable. Since the introduction of the Participation Act, municipalities have room within the frameworks of this legislation to organise sheltered employment as a provision. Municipalities have the room to shape and give substance to sheltered employment. The target group for sheltered employment is confined to people who only have an ability to work in sheltered circumstances. Remuneration of employees with a new sheltered employment contract, takes place pursuant to the collective labour agreement of the sector in which they're working (if no collective labour agreement is applicable) at least in conformity with the Minimum Wage and Minimum Holiday Allowance Act.

Due to the implementation of the Participation Act, it is no longer possible to enter into sheltered employment as from 1-1-2015. A portion of the people who formerly entered sheltered employment are able to go to regular employers if certain adaptations and support are provided. However, there's always a remaining group who are only able to participate in the workforce in adapted sheltered working environment circumstances. To this end the provision of sheltered employment has been incorporated in the Participation Act.

Since 1 January 2015 municipalities are able to organise sheltered employment pursuant to the Participation Act. For this purpose, municipalities have extensive latitude. These new sheltered workplaces are increasing in numbers, the expectation is that in the structural situation (2048) 30,000 workplaces will be needed in a sheltered working environment.

Many social work placement companies are preparing themselves for a new future pursuant to the Participation Act.

The net labour participation of occupationally disabled people was 516,000 in 2013.

What about the people who become occupationally disabled while they are already working in the labour market. Provide figures on job retention and career consequences.

This data is not available, because municipalities are generally responsible for the placements in the labour market.

2. Reasonable accommodation

Since January 2015 employees with disabilities can globally be divided into two main groups:

- *People for which the Institute for the insurance of workers (UWV) is responsible to provide accommodation (for example people with a WIA¹¹⁹/Wajong¹²⁰-benefit).*

¹¹⁹ WIA= Wet werk en inkomen naar arbeidsvermogen = Ability to work act

UWV can give the employee instruments or subsidize adaptations by the employer, which enable the employee to perform his work.

- *Other employees with a disability.* Municipalities can give the employee for which they are responsible give instruments or subsidize adaptations by the employer, which enable the employee to perform his work.

For example:

- Transport to work (depending of the income)
- Braille equipment for blind a person who read out texts for a blind worker (max 15% of working time)
- An interpreter/translator for the deaf (max 15% of working time)
- Adaptation of working aids
- Job coaching

Legal provisions for this are set out in the WIA and Wajong (UWV), and Participatiewet (municipal).

Wage cost subsidy, no-risk policy and job coaching are the most appropriate instruments that municipalities are planning to deploy for the implementation of the Participation Act. Experiences with the deployment of these instruments are still limited at the time of this writing: after all, the law only recently entered into force. This is also evident from the Statistics on reintegration by municipalities (SRG) by Statistics Netherlands (CBS): deployment of the new instruments is slowly beginning to get underway.

Provisions pursuant to the Participation Act	As at 1-1-2015	As at 30-6-2015
Number of provisions	199,800	210,200
Incl. Participation Act instruments	500	900
Provisions that can already be deployed under (old) Work and Social Assistance Act (<i>WWB</i>).	199,300	209,300

Nationally, there is Team Inclusive, which is part of the Organisation and Personnel Centre of Expertise. Together with government organisations, the Team implements the programme for intake and retention of employees with an occupational disability. This programme is financially supported by the Ministry of the Interior and Kingdom Relations/Central government employer, the Central government Labour market and Training Fund (*A+O fonds Rijk*) and the Ministry of Social Affairs and Employment. The *A+O fonds Rijk* is a collaboration between the employer and the Dutch Trade Union Confederation *FNV Overheid*, *AC Rijksvakbonden*, *CNV Overheid* and *CMHF* (Federation of Intermediate and Senior Employees in Government, Education, Companies and Institutions).

¹²⁰ Wajong = Wet arbeidsongeschiktheidsvoorziening jonggehandicapten= The Disability act for people who got a handicap before the age of 17 or before the age of 27 when they were studying. Since 2015 only people who haven't any labour capacity left can get a Wajong-benefit. Other can ask support on basis of the Participatiewet.

On a regional scale there are work centres: partnerships between the Employee Insurance Agency (*UWV*), municipalities and sheltered employment companies. They take care of a free service for recruitment, placement, after-care and tailored advice (including subsidies, social return, job coaching, information) for employment, secondment, outsourcing and restructuring of working processes. So too for people with an occupational disability.

For instance, municipalities can make wage cost subsidy available. The available budget also provides resources for supervision and adaptation of workplaces. The Employee Insurance Agency (*UWV*) too, has the means to guide people on benefit (*Wajong*, *WIA*) to work.

Mobility bonus for occupationally disabled older workers

In order to increase sustainable deploy-ability and to ensure that less people fall by the wayside, mobility bonuses are given for keeping them in service and employing older benefit recipients and occupationally disabled people. As part of the pension agreement the age restriction of the mobility bonus for older benefit recipients was raised from 50 years to 56 years as from 2015. As of 1 January 2018 the premium discounts for older employees and occupationally disabled workers will be converted into wage cost benefits. This conversion will make the methodology easier, more robust and less susceptible to fraud. This amendment will be organised in the Salary Costs (Incentive Allowances) Act. This legislation also organises the introduction of a low-income benefit – a specific wage cost benefit to provide an incentive for employers to employ people with low incomes or to keep them in employment – as of 1 January 2017.

Relief for start-up companies in cases of incapacity for work

In order to encourage workforce participation of partially occupationally disabled people, there is a tax incentive for people with *WIA* or *Wajong* benefit. Due to a disability or illness, partially occupationally disabled people are often not able to comply with the working hours criterion which commonly applies as a relief for start-up companies. It's for this reason that they are entitled to make a claim pursuant to the relief scheme for start-up companies in cases of incapacity for work in the first three years of their enterprise, in which a reduced hourly criterion applies.

Also there is a possibility for people with a handicap who are starting in self-employment to get an interest-bearing loan and adaptations which enable them to perform their work.

ESF

For the provision of funds from the European Social Fund, the Netherlands has opted to allocate the largest portion of the budget to people who are distanced from the labour market. Generally, long-term unemployment occurs frequently among this vulnerable group, which also includes the labour incapacitated target group.

Several ESF projects are particularly aimed at labour incapacitated people. For instance, in the current ESF 2014-2020 programme period in the project 'Drecht City Municipalities Inclusive 1'. This labour market region is committed to combating (youth) unemployment and getting the labour incapacitated people back to work. With the help of ESF funding, youngsters can be supervised in finding the right training or job and attention can be paid to people who are distanced from the labour market. Examples of these activities are to create learning environments, to offer internships and to provide guidance towards work for people who are (extremely) distanced from the labour market. The same applies for the labour market region

of South-Limburg, in which ESF funds in the ‘ESF South-Limburg municipalities 2014-2016’ project, are also used for setting up youth desks, for creating job experience places and for supervising labour incapacitated people in finding work.

The European Social Fund in the Netherlands also focused in the preceding ESF programme period (2007-2013) on the labour incapacitated target group. This programme continues to the end of 2015. Sub-action A gears itself towards partially occupationally disabled people not only receiving a benefit from the *UWV* but also to receive an additional benefit on grounds of the *WWB*, or persons with a medical impediment who only receive a benefit on grounds of the *WWB* (labour incapacitated). In 2014 4,500 people participated in a project. Of those, about ten percent of the participants were younger than 25 years.

The *UWV* and de Association for Municipalities¹²¹ do have information on their websites about the assistance measures. Information is also exchanged in the so called regional work companies (regionale werkbedrijven). These companies are since 2015 in creation in 35 regions of the Netherlands. Municipalities, *UWV* and organizations for employers and workers (social partners) are participating in these regional working companies. The lay-out for the working companies is made by the Workingchamber (*Werkkamer*). In the Workingchamber the de Association for Municipalities and social partners make appointments for good cooperation in the region

The so called Council of program (*Programmaraad*) is hereby supportive.

Communications about these funds take place via the municipalities and the *UWV*. They provide information to those involved about the possibilities for reintegration.

Can the Netherlands provide information about the various types of adaptations for involved employees?

We do not have such information available in detail, but in general it concerns adaptations to the workplaces, adaptations to working hours and for instance making supervision by e.g. job coaches available.

Various legislation such as the Participation Act, the Work and Employment Support (Young Disabled Persons) Act (*Wajong*), and the Work and Income (Capacity for Work) Act (*WIA*), incorporate regulations about the possibilities to deploy instruments for fitting-in to the regular labour market.

In the Netherlands there is the Act on equal treatment Disabled and Chronically sick persons (*Wet gelijke behandeling op grond van handicap of chronische ziekte*).

In this act is laid down that an employer may not make a difference by the offering of work to an employee with, or without a handicap. This ban means that the employer must make effective adaptations according to the need of the employee, unless they are a disproportionate burden for the employer.

The Dutch College for human rights (*College voor de rechten van de mens*) and the Dutch court can make a judgment when an employee has a complaint about an employer who is handling not according this Act.

¹²¹ Vereniging van Nederlandse Gemeenten

This is an elaboration of article 27 of the UN-convention.

As the answers on the previous questions indicates, in the Netherlands there is also legislation about the provision of facilities for the adjustment of the workplace.

When an employee or an employer want to complaint about not getting the adjustment where they have asked for, he can complaint by the UWV or the Municipality. If he is not content with the answer on his complaint, he can go to court and after that to the appeal court (Centrale Raad van Beroep).

What changes can you indicate in respect of the information from a previous study into “Providing reasonable accommodation for persons with disabilities in the workplace in the EU...” published by the European Commission in 2008?

With the implementation of the Participation Act as of 1 January 2015, existing regulations (*WWB*, *Wsw* and a portion of the *Wajong*) were incorporated in a single regulation.

The aim of the Participation Act is to get more people, including those with an occupational disability, into work. The municipality has now become responsible for people who do have a working capacity who need support. The law provides municipalities with a number of instruments to ensure that people with an occupational disability find a place in the labour market. The most important ones are wage cost subsidy and sheltered employment. In addition, agreements have been made about extra jobs.

More in detail:

Page 37 quota

See for update remarks that are made by subject number 3 of this paper.

On page 44 there is mentioned ‘*The act of reintegration*’. Presumably is ment de Wet op de (re)integratie arbeidsgehandicapten (REA). This act doesn’t exist anymore since 2006.

Remark in connection with page 65: since 2015 there is a possibility that de employer himself gives the jobcoaching or hire a coach.’

Page.159

Reported legislation not complete and correct:

Wet arbeidsongeschiktheidsvoorziening jonggehandicapten (Wajong) = Disablement Assistance Act for handicapped young persons

Act on equal treatment Disabled and Chronically sick persons/Wet gelijke behandeling op grond van of chronische ziekte (2003)

Participatiewet/Participation Act (2015)

Page 169 (key actors)

CWI doesn’t exist anymore since 2009.

See for present key actors answers on questions.

Page. 180 ‘List of funding schemes promoting reasonable Accommodation in the workplace.

Wsw ‘is closed’ since 2015 for entrance of new persons.

Persons with an indication for sheltered employment can since then asked the support on the basis of the Participation act.

Page 195 Provider of financial Support –First National contacts

See remark by page 169.

Address UWV is ‘almost’ correct: postcode: 1043 DL

Website: [http:// uwv.nl](http://uwv.nl)

Page 203

Address of Agentschap SZW

Rijnstraat 50

2515 XP Den Haag

Postbus 93249

2509 AE Den Haag

Tel: +31/(0)70/3152000

3. Employment Quotas

The government has an ambitious legislative program which focuses on improving the participation of people with a disability on the labour market. With the Participation Act, municipalities will become responsible for helping people with a disability to work. The municipalities and the Institute for Employee Benefit Schemes (UWV) will implement the Participation Act.

In April 2013 the government made a ‘social deal’ with trade unions and employers organizations. The employers in the private sector guarantee to create 100.000 extra jobs for persons with a disability over a 10 years period. The public sector will guarantee an extra 25.000. By means of a quota law there is a framework created that makes it possible for the government to activate a quota for extra jobs for persons with disabilities. This will only be activated if the employers do not reach the amounts they have guaranteed. This law, *Occupational Disability Act (Wet banenafspraak en quotum arbeidsbeperkten)*, was adopted on the 1st of May 2015.

To reach the total of 125.000 extra jobs for persons with disabilities in 2025 the ‘social deal’ of 2013 also contained a growth path. At the end of 2015 the private sector guaranteed to create 6.000 extra jobs and the public sector guaranteed 3.000 extra. Annually, starting in 2015, the amount of extra jobs for persons with disabilities will be monitored. If in a certain year the annual monitor shows that the number of extra jobs is not reached, it is possible to activate a quota for the relevant sector.

The quota will be compulsory for each individual employer, with 25 or more employees in this sector (public, private or both). In this sector, the employers must fulfil a certain percentage (approximately 1,75% in 2017 up to 2,75% in 2025) of jobs by persons with disabilities. If employers do not reach the required quota, they are yearly sanctioned € 5.000 per job that should have been fulfilled by a disabled person.

This € 5.000 will be used to cover forgone savings on the social assistance and to cover the administration costs of the quota system. The extra jobs of the social deal will lead to savings

on social assistance benefits. These savings have already been incorporated in the budget. If the number of extra jobs that will be created will be less than the number that has been agreed on in the social deal, part of the savings that have been accounted for, will not occur. It is expected that the revenues of the quota system will just compensate for those savings forgone and the administration costs of the quota system.

The Participation Act and the *Occupational Disability Act (Wet banenafspraak en quotum arbeidsbeperkten)* will be evaluated in 2015, 2017 and 2019. If the quota of the *Occupational Disability Act (Wet banenafspraak en quotum arbeidsbeperkten)* is activated, it will be evaluated two years after activation.

4. Active Labour Market Policies

Employers guarantee extra jobs

The government does not consider it acceptable that large groups of occupationally disabled people are left by the wayside, while they do have working capacity. It should become generally accepted that people with an occupational disability from part of the labour process. This calls for a considerable change in culture. The government looks positively towards social partners endorsing the arrangements in the Social Agreement that will raise the workforce participation of people with an occupational disability and that this takes extra effort. Through the Social Agreement they take their responsibility and provide guarantees for a total of 125,000 additional jobs until 2026, for a target group that has difficulty in finding work: 100,000 jobs in the private sector and 25,000 jobs in the public sector. The arrangements in the Social Agreement broaden the support to create jobs for people with an occupational disability.

The government sees an added value of the Social Agreement in the fact that the social partners have bound themselves to the objective, to help more people with an occupational disability to find work. The arrangements made are not without obligation. If employers create less jobs than has been agreed to in the Social Agreement, then the Occupational Disability (Employment Targets and Quotas) Act enters into force which makes it mandatory for employers to employ a number of occupationally disabled people.

The target group for the employment targets are the people who have an occupational disability who cannot earn the statutory minimum wage and are subject to the Participation Act, *Wajong* beneficiaries and people on the waiting list for sheltered employment.

Wajong Reintegration

For young disabled persons a re-integration budget is available to supervise them where necessary, to help and support them as soon as they have a job. This budget is intended to be used for processes aimed at finding work, for provisions after accepting the work (including job coaching) and for financing the REA [Disability (Reintegration) Act] institutions. Since 2015 the *UWV* has had an integrated task-imposing reintegration budget available to be used for processes and provisions to support partially occupationally disabled people (*Wajong*, *WIA*).

ESF 2014-2020 Funding Scheme*

[In the coming seven years \(2014-2020\), the Netherlands](#) will get almost half a billion euro from the European Social [Fund](#) (ESF) to enable people to seek employment by preparing themselves for the [labour market](#). The bulk of the funds will be available for the 35 [labour market regions](#) and will then mainly end up at the municipalities. Furthermore, a portion will be available for the business community. These funds are meant for people who need it, people who are distanced from the labour market. The funds are seen as being supplemental to the reintegration budget for job seekers.

In the current 2014-2020 programme period of the ESF, attention will continue to be paid to people who are distanced from the labour market. This corresponds with the country-specific recommendations by the European Commission of 2013, for “Additional measures to be taken to increase workforce participation, particularly workers in the margin of the labour market”. The Active Inclusion theme encompasses 70% of the total ESF budget, a total of about EUR 355 million.

Within ESF's Active Inclusion theme, funding is offered for the fitting-in of people that are distanced from the labour market, which is mainly designated for the following target groups: people with an occupational disability, unemployed seniors aged 50+, unemployed people without benefits (not entitled to benefits) including (less qualified) women and (ex)detainees. For these groups who are distanced from the labour market, long-term unemployment (>1 year) is a frequently occurring issue.

Applicants for ESF funding to promote the fitting-in of workers who are distanced from the labour market, are the 35 centre municipalities (for both grant applications on behalf of municipalities as well as on behalf of Voluntary Services Overseas (VSO-PRO) schools), the Employee Insurance Agency (*UWV*) and the Ministry of Security and Justice.

Do employers receive support?

See the previous answers which explain the types of support to employers.

For long-term illness or people with a disability, self-employed entrepreneurship is a good way to [start working again](#). Work and working hours can then be harmonised to the individual's own capabilities.

The government supports self-employed entrepreneurs who want to start-up after a long-term illness or an occupational disability. This happens, for instance, by way of:

- [an interest-bearing loan \(start-up credit or preparatory credit\)](#);
- [compensation for a sign language interpreter](#);
- [adapted transport](#);
- [adaptation of the workplace](#).

Does the Netherlands have information about the number of self-employed entrepreneurs with a disability?

We do not have such information available.

5. Passive Labour Market Policies

The risk of poverty trap occurring has long been recognised. The policy comprises a combination of the sustainment of a difference between benefits and wages, and a

supplementary range of instruments to prevent the occurrence of poverty trap (see below). As a result, it cannot unequivocally be said what the main cause is.

For *WIA* and *Wajong*, the rights to benefit entitlements will be reinstated, under conditions, where it concerns moving out of employment and it previously concerned a benefit situation and a certain measure of disability exists at the time someone moved out of employment. The Participation Act does not provide in the same way for this reinstatement right; in this, the right to benefit must be established anew each time. Though the municipality always has the option to grant social assistance for as long as the right to a benefit has not yet been established.

Both for the *WIA* and the *Wajong* as well as the Participation Act, it is possible to earn a little extra besides the benefit. For *WIA* and *Wajong* it concerns a percentage of your income. This means that someone who is going to work while receiving the benefit is always better off. The Participation Act provides for income exemption over a period of six months.

The government recently introduced various reforms which should prevent the risk of poverty trap occurring and which are an incentive to make working, starting from a benefit situation, more attractive:

Reforming arrangements for families with children Act;

Various instruments in the Participation Act, such as a partial income exemption and the possibilities to grant a temporary incentive bonus;

Abolition of the income limit of 110% of the Minimum Wage and Minimum Holiday Allowance Act (*WML*) for the application of special benefits.

With effect from 2016 higher amounts apply for the employed person's tax credit and the income dependent combination rebate for income tax.

The implementation of social security in the Netherlands focuses on what someone is able to do, both in respect of labour productivity as well as in respect of tying in with the labour market (qualifications, competences, etc.). In both of the social insurance laws *WIA* and *Wajong*, as well as in the Participation Act, salary assessment plays a significant role which is the basis for the extent of the wage cost subsidy to be granted by the government, or the application of wage dispensation. In the implementation of the Participation Act, parties in the regional work placement companies must agree on the choice of a salary assessment method in the region. In the *Wsw* and the new sheltered employment to be put in place, considerations also include which adjustments of and supervision at the workplace are necessary.

This policy has been in force since 1 January 2015, and is subject to continuous monitoring and evaluation. No amendments are foreseen in the near future.

Both for the *WIA* and *Wajong* as well as the Participation Act, the administering institutions (*UWV*, municipalities) have a wide range of instruments available for reintegration into the labour market. This includes the possibilities to provide people with (temporary) extra financial support in the event that income falls below the social minimum (Supplementary Benefits Act, additional social assistance benefit, special assistance).

Austria

1. Open labour market and sheltered employment (workshops)

In Austria there are two different types of sheltered workshops:

The sheltered workshops described in the study “Reasonable Accommodation and Sheltered Workshops for People with Disabilities: Costs and Returns of Investments” are provided by the regions of Austria. About 20.000 people are in those workshops, on the base of law of the regions. It is important to distinguish that there is a second type of sheltered workshops, which is not described in the study that offers a special form of sheltered employment, the so called “integrative enterprises”, based on federal law (Disability Employment Act).

Both do support people with disabilities but with different targets: By the first way they work for the purpose of therapy and do not have employee status, only getting pocket money. By the second way they work in socio-economic enterprises, which are mainly oriented to bring permanently unemployed persons without disabilities back into labour market.

The following answers refer to the “integrative enterprises”:

As of 1 January 2015, integrative enterprises made available a total of about 2.162 jobs, including roughly 1.591 jobs for people with disabilities, in the module “employment”. As of 1 January 2015, a total of approximately 141 training places were offered to people with disabilities in the module “vocational preparation”.

The people with disabilities employed there have employment contracts, receive at least the minimum pay laid down in collective agreements and are fully covered by social insurance. Integrative enterprises engage mainly in job-order production, this means they produce semi-finished and finished products for economic enterprises. In the last years they also started to offer services, like facility service, gardening or cleaning.

As described above, Integrative Enterprises have a modular structure: In the module “employment” jobs tailored to the needs of people with disabilities are made available. In the module “vocational preparation” people with disabilities receive qualifications to allow placement in the first labour market. The infrastructure available in integrative enterprises ensures that people with disabilities obtain top qualifications.

In 2016 a process will start to help the integrative enterprises to deal with the challenges that are seen with the ongoing automatization of industry and the lack of work especially for “weaker workers”. Usually more than 2/3 of the people in the transitional module can find a job in the first labour market. When a person with disability applies for a job a team of experts decides on admission to an integrative enterprise.

2. Reasonable accommodation

Whereas Austria's public employment service (in German: AMS), following the principle of disability mainstreaming, is responsible for bringing less disabled people into employment (see the chapter on “public employment service”), the main task of the Sozialministeriumservice (the former “Federal Office for Social Affairs”) is to support people with severe disabilities by providing special, individually tailored services and instruments,

which usually take a longer time, to make them fit for a job in the first labour market. Both institutions – Sozialministeriumservice and AMS - report to the Federal Ministry for Labour, Social Affairs and Consumer Protection.

So reasonable accommodation is one of the main tasks of Sozialministeriumservice, which provides employment programs for people with disabilities financed by 3 funds: State Budget, Disabled Persons Compensation Fund and European Social Fund (totally about €170 million per year).

In accordance with the principles of the CRPD the Austrian efforts

- today lie on a more individual approach
- with the greater focus on abilities and strengths of the person concerned
- Practice shows that the development of necessary skills & competences including e.g. social skills and cultural technics are of utmost importance. Competence development is a precondition for a successful vocational inclusion.
- The goal is self-employment - to manage things on their own instead of having a permanent assistance.

Key project approaches in that area are, Youth Coaching, Production School, Vocational Training Assistance, Work Assistance and Job Coaching.

a. Youth-Coaching: Young people with disabilities are advised and accompanied at the transition school to work. Youth Coaches look for the vocational perspectives of youngsters and so stabilize and strengthen their personal and social situation. Professional information, counselling & support are essential to minimize the danger of dropping out of the system.

b. Production School: Sometimes young people can't change directly from school to work (vocational training or on a permanent job) due to a lack in social and vocational competences and skills. The goal of the Production School is the development of these basic skills & competences. Competence-development is seen as a precondition for a subsequent successful vocational inclusion.

c. Vocational Training Assistance: This instrument enables youngsters with vocational placement problems to finalize a successful apprenticeship or partial qualification and so brings up new chances concerning their vocational career. They and employers get tailor-made support-offerings either in the Prolongation of the stated vocational training or due to the acquisition of partial qualifications. (Regarding to a-c see FIG 2 - Young people with special needs.)

d. Work Assistance: The Work Assistance clarifies professional perspectives. It is the central instrument of all the vocational assistances. It is an individual, long-term oriented counselling and support model, 20 years in place of experience. Work Assistance is one of the most successful support offers for persons with disabilities. Essential is the professionalism and competence of the individual backing and accompany.

e. Job Coaching: This is a specific intensive measure of the vocational assistances, subsequent to the work assistance. It is developed for people, who need that very intensive support due to a cognitive, learning or physical impairment offering direct & personalised

support in the workplaces, promoting professional, communicative & social competences. All the measures above mentioned have one goal: More opportunities mean more future! The style of the mentioned vocational projects changed from a traditional social work approach to a modern service system for persons with disabilities, society and the economy (employers), where all partners are involved in an ongoing process.

In 2014 about 66.000 persons in 84.000 cases received support by the SMS. There were individual furtherance's as wage subsidies, adaptations of work places, mobility, technical and other support in about 19.000 cases and project furtherance's as above mentioned in 65.000 cases. Concerning the NEBA vocational inclusion measures there are to mention about 57.300 cases, whilst the focus is on aspects on Youth Coaching with 35.509 cases.

3. Employment Quotas

The Disabled Persons Employment Act provides an employment quota. All employers, who employ 25 or more employees are obliged to hire one Registered Person with Disabilities for every 25 employees.

Example: An employer with 100 employees has to employ 4 Registered Persons with Disabilities (= "Pflichtstellen" – "mandatory jobs").

According to § 2 Disabled Persons Employment Act persons with a degree of disability of at least 50% can be Registered Persons with Disabilities, if they are in principle available for work (e.g. if they are no longer undergoing training or already retired). Applications are needed.

The fulfilling quota of the public sector is significantly higher.

The following table shows fulfilment by the Federation and the Regions ("Länder"):

	Employees	Employees with disabilities	Percentage of EwD	Fulfillment of the legal quota obligation
Federation (2015-09-01)	146,411	4,585	3,13%	Yes (+14,05 %)
Land (2014-12-31)	Employees	Employees with disabilities	Percentage of Employees with disabilities	Fulfillment of the legal quota obligation
Vorarlberg	10,084	176	1.75%	No (-40.70 %)
Tyrol	19,308	413	2.14%	No (-27.70 %)
Salzburg	12,893	399	3.09%	No (-0.40 %)
Upper Austria	17,654	970	5.49%	Yes (+92.80 %)
Lower Austria	50,833	1,688	3.32%	Yes (+8.30 %)
Vienna	80,306	2,467	3.07%	Yes (+2.40 %)
Burgenland	5,959	231	3.88%	Yes (+30.70 %)
Styria	32,985	1,693	5.13%	Yes (+70.70 %)
Carinthia	15,482	747	4.82%	Yes (+59.10 %)

In 2014 about 78% of the employers, who were obliged to hire one Registered Person with Disabilities, did not fulfil their quota completely. On the other side 65% of the mandatory jobs are filled by Registered Persons with Disabilities.

An employer, who does not fulfil this obligation, has to pay a compensatory tax to the Disabled Persons Compensation Fund. This tax is scaled according to the number of employees.

In 2015:

- Less than 99 employees: 248 € per month
- 100-399 employees: 348 € per month
- 400 employees and more: 370 € per month

The Compensatory Taxes are paid into the Compensatory Tax Fund. The revenues are exclusively used to promote the vocational integration of people with disabilities (chapter 2).

In 2011 the Compensatory Taxes were increased extraordinary. First results of the evaluation show that the increase had no significant effects on the employment of people with disabilities. Of course you have to bear in mind that the situation on the labour market generally was difficult and the number of unemployed people is still rising. At the moment no reform of the quota system is planned.

4. Active Labour Market Policies

In Austria active labour market policies are under the responsibility of the public employment service (German acronym AMS, but for ease of understanding the English acronym PES will be used below), which also covers unemployment benefits and unemployment assistance.

As a general principle, disabled persons have access to all active labour market programs and subsidies. In addition special programs for disabled persons are provided by the PES in cooperation with other institutions supporting disabled persons. Vocational rehabilitation (Check4chances) for instance is a key measure. First of all work capacity is assessed. Secondly, possible and realistic fields of employment are defined. Thirdly, active labour market policy and financial subsidies as well as placement as a last step are provided by the PES to enable people entering the labour market.

Young handicapped people and youngsters with disabilities who don't get an apprenticeship on the open labour market are offered prolonged supra-company apprenticeship training or shortened supra-company apprenticeship training to acquire a partial qualification. During and after the training period people are supported in finding an apprenticeship on the open labour market by the PES.

PES provides financial support to people attending courses on the open education market to improve their skills and increase their opportunities on the labour market. This kind of subsidy is offered to all unemployed persons in need of additional skills in consideration of their individual labour market position.

Socio-economic enterprises employ (registered unemployed) persons with disabilities as well as long term unemployed and unemployed people faced with different socio-economic problems up to one year.

Employers receive special integrations subsidies for employing (registered unemployed) disabled persons. In addition financial subsidies are available for employers providing apprenticeships for disabled youngsters. Employers who induce their employees to enterprise related professional training may request the PES for financial assistance for course costs.

As part of the general measures offered by PES unemployed people interested in starting their own business get advice and support (but not financial support) for the foundation of an enterprise. This service is provided by management-consultants and financed by the PES.

The number of employed and self-employed persons with disabilities is surveyed once a year at the beginning of December. 3.563 persons with disabilities were self-employed by 1.12.2014. At the same time 58.980 persons with disabilities were employed in the open labour market. We don't have any data about the level of qualification, type of activity, sector.

5. Passive Labour Market Policies

The high unemployment rate of people with disabilities (see FIG 1) is not because of a benefit trap or low motivation. You have to bear in mind that the situation of the labour market generally is difficult.

Also in Austria there is a trend to move from disabilities to greater focus on abilities, therefore more emphasis is on classification methods, development of personal employment and carrier plans.

To provide flexibility in moving to and out of employment two adoptions of our social protection system have to be listed:

a. Reform of disability pension:

With the reform of the disability pension in 2014 the focus is set on recovery and regaining one's health and - so far - on activation and labour market reintegration:

People born 1964 and downwards, who are temporary disabled are entitled to mandatory rehabilitation measures. In case vocational rehabilitation measures are not appropriate and reasonable, people receive medical rehabilitation measures. Instead of a temporary disability pension, these people get retraining money or rehabilitation money. (Persons with a permanent disability can still get a disability pension.)

A competence centre has been established to assess working capacity and therefore determine legal entitlements for rehabilitation measures: Decisions are taken on disability – either a medical or an occupational report is made. In need an expert from the public employment service will be also consulted. For the analysis of the working capability and the vocational training also an extern company is involved.

At the latest, one year after the first assessment the health status will be examined again in the competence centre.

Due to evaluation it is planned to improve the assessment by a better coordination between the health insurer and the competence centre, as - in practice - the health insurer already has new medical data of the person concerned.

b. Partial pension:

In 2016 new legislation will come into force which provides the new model of a "partial pension". Its main purpose is to make employees maintaining their job till statutory retirement, by reducing their work time gradually from 40% to 60% in the last three years before retirement. This is also to encourage employers to keep older workforce. Their (in case of a partial pension) extra costs will be fully covered from social security benefits.

FIG. 1: Unemployed persons with health-related employment limitations in Austria 2008-2014 (average per year)

year	2008	2009	2010	2011	2012	2013	2014
persons with health-related employment limitations	31.263	36.673	35.664	36.439	39.978	47.364	57.594
all unemployed persons	222.248	260.309	250.782	246.702	260.643	287.206	319.357
percentage persons with health-related employment limitations	14,7	13,7	14,2	14,8	15,3	16,5	18,0

Education

Current situation and trends: rising rate of pupils with special educational needs; in the year 2013/2014 more than 60% of them were educated in integrated/inclusive ways mainstream schools.

FIG. 2: Young people with special educational needs

school year	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014
all pupils	604.489	596.162	586.642	580.165	571.543	568.157
pupils with special education needs	28.411	28.468	29.146	29.646	29.793	30.002
%	4,7%	4,8%	5,0%	5,1%	5,2%	5,3%

Poland

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.)?

It was estimated that in December 2014 there were 212 620 disabled workers employed in open labour market and 151 380 in sheltered employment (i.e. in sheltered work enterprises and vocational activity establishments) in Poland. Moreover 82 thousand people with disabilities run their own business (14 thousand of them were also employers) and 22 thousand disabled persons worked as contributing family members.

The legal measures concerning wages and pension rights do not differentiate the situation of disabled workers employed in open labour market or in sheltered employment. Wages of all workers, including those with disabilities, cannot be lower than the legally set minimal wage.

The general rule is that working time of a disabled person may not exceed 8 hours a day and 40 hours a week, but for workers with severe or moderate degree of disability it may not exceed 7 hours a day and 35 hours a week – without lowering of monthly or hourly wage for work; above mentioned provisions may not applied on request of an employed person, with the consent of a doctor. However, in the case of vocational activity establishments, workers with severe or moderate degree of disability may work approximately 4–5,5 hours per day (including time of 1-2 hours spent on rehabilitation activities) according to the decision of vocational activity establishment programme board.

Are they considered to be workers under national law or not?

Persons with disabilities working in the open labour market or sheltered labour market are considered to be workers under national law if they are employed on employment contracts regulated by the Labour Code and not work on the civil contracts regulated by the Civil Code. Polish rehabilitation and employment system is based on measures that constitute incentives for employers from both, sheltered and open, labour markets to hire workforce on the employment contracts regulated by the Labour Code. Therefore employers concerned tend to employ persons with disabilities mainly as workers.

What are the main types of work in sheltered workshops?

According to the Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Disabled Persons, the sheltered labour market consists of sheltered work enterprises and vocational activity establishments.

Sheltered work enterprises are competitive undertakings, but they are partly supported with state aid. These enterprises combine regular employment of disabled workers with elements of their rehabilitation financed from the enterprise's fund for rehabilitation of disabled workers. These enterprises are obliged to achieve and sustain rate of workers with disability which amounts at least:

- 50%, including at least 20% of the total number of employees being the persons with severe or moderate degree of disability, or
- 30%, if disabled employees are persons with mental disease or intellectual disability or the blind and all of them have recognized severe or moderate degree of disability.

Vocational activity establishments are assumed to be non-competitive and strongly supported from public resources units. They are obliged to achieve and sustain at least 70% employment

rate of persons with severe degree of disability or persons with moderate degree of disability and recognized autism, intellectual disability or mental disease. These establishments are mostly aimed at rehabilitation of afore-mentioned workers. Their revenues are allocated to the establishment's activity fund.

Please, provide information on the division between the traditional and transitional sheltered workshops.

Both forms of sheltered employment are aimed at transitional functions. It is obligatory for sheltered work enterprises and vocational activity establishments to elaborate and implement individual rehabilitation programmes. Those programmes are the employer-level projects to ensure that barriers limiting the vocational development of disabled workers are removed so to increase their chances for employment on more open labour market. The main idea of the programme is that the disabled participant gets interdisciplinary (i.e. educational, vocational, psychological and ergonomic or work-process related) diagnose from the employer-level board which also suggests various solutions aiming at improvement of skills and qualifications, work conditions, application of assistive technologies etc. Each concerned disabled worker is involved in the process of planning and realisation of his individual rehabilitation programme. In vocational activity establishment such programme should enable disabled worker to keep their employment in this establishment (in most severe cases) or to gain job in sheltered work enterprise or even in open labour market. The programmes elaborated for employees of the sheltered work enterprise should enable them to keep employment in this enterprise (in most severe cases) or to gain employment in open labour market.

Is there an increase of the trend towards transitional model?

We can observe decrease in number of sheltered work enterprises (from 1 454 in December 2012 to 1 278 in December 2014) and number of disabled persons employed by them (from 172 830 in December 2012 to 147 790 in December 2014).

At the same time there is an increase in number of vocational activity establishments (from 69 in December 2012 to 89 in December 2014) and number of disabled persons employed by them (from 2 651 in December 2012 to 3 590 in December 2014).

Are any changes / reform in sheltered employment ongoing or planned?

There are no reforms or major changes in sheltered employment ongoing or planned.

How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

Data on the mentioned matters are not available.

What is the situation of persons who acquire disabilities when already in employment? Please, add figures on job retention and impact of disability in advancement in careers.

Employees who acquired disabilities cannot be made redundant because of their disability. As the Labour Code states, it would be deemed to be an illegal act of discrimination on the ground of disability (with damages actions involved).

According to the Labour Code, an employer is responsible to protect health and life of its workforce by ensuring their health and safety at work through an adequate use of science and technology. As regards preventive measures, an employer shall place a special emphasis on

the protection of health of disabled employees. The Regulation of the Minister of Labour and Social Policy on general occupational health and safety rules lays an obligation on employers to adapt a workstation to the needs of a disabled person. According to the Regulation, an employer who employs a disabled person shall adapt a workplace, as well as the access to it, to the needs and abilities of a disabled employee. An employer is also obliged to adapt sanitary facilities, as well as the access to them, according to the technical and building regulations.

Furthermore, according to the Act on Vocational and Social Rehabilitation and Employment of Disabled Persons, if work-related illness or work-related accident results in workers' disability, employers are obliged to organize new or adjust existing workplaces and adapt premises. In case of termination of employment contract of such a person, the employer is obliged to pay high contribution (i.e. an amount of fifteen average monthly wages for work in national economy) to the State Fund for Rehabilitation of Disabled People.

Regardless of the reason of assessed disabilities, the employer is obliged to provide reasonable accommodations (as the Act on Vocational and Social Rehabilitation and Employment of Disabled Persons states in its article 23a).

There are several legal measures supporting employer to enable the worker with assessed disability to retain employment, which are provided in the mentioned Act (see detailed information in the further part below).

Disabled workers employed in sheltered work enterprises and vocational activity establishments may benefit from instruments (that includes individual rehabilitation programmes) financed respectively from the enterprise's fund for rehabilitation of disabled persons or establishment's activity fund.

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

Support for employers who provide reasonable accommodation is available of various kinds: advisory (provided by occupational medicine services or public employment services), informational (provided by the Office of the Government Plenipotentiary for Disabled People in the Ministry of Family, Labour and Social Policy, by NGOs acting for the groups of people with specific disabilities, as well as by the Central Institute for Labour Protection through publication of guidelines) or financial (provided by the State Fund for Rehabilitation of Disabled People and public employment services with the use of the State Fund for Rehabilitation of Disabled People and the Labour Fund resources; see detailed information below).

Is there any competence centre in your Country, region, locality?

There is no public competence centre as such. People with disabilities enjoy advisory and training services organized by public employment services, and employers can get crucial information directly from the Office of the Government Plenipotentiary for Disabled People, public employment services or from the Central Institute for Labour Protection (which published framework guidelines for adaptation of facilities and workplaces).

Do Public Employment Services provide support for reasonable accommodation?

Yes, they do it as advisory activities and financial support. Public employment services reimburse, from the resources of the State Fund for Rehabilitation of Disabled People and the Labour Fund, various costs that may relate to reasonable accommodation.

Could you elaborate on subsidies available to employers to provide reasonable accommodation?

There are several financial measures supporting employers in providing reasonable accommodation regulated in article 26, 26d, 32 and 41 of the Act on Vocational and Social Rehabilitation and Employment of Disabled Persons .

Moreover, according to the Act, an employer may apply for:

- refund of the costs of acquiring equipment for newly created workplace suitable for a disabled person who is registered in the labour office as unemployed or job seeker without work (article 26e);
- wage subsidies for disabled employees payable by the State Fund for Rehabilitation of Disabled People from its resources (article 26a); as concerns persons who acquire disabilities when already in employment this measure will be available since 1 July 2016; even though the wage subsidies do not relate directly to reasonable accommodation, they may encourage employers to employ disabled persons and even cover some of the costs of reasonable accommodation from own resources.

The aid defined in article 26, 26d, 26e and 41, provided by public employment services and financed from the State Fund for Rehabilitation of Disabled People resources, can be obtained by employers of open or sheltered labour market, regardless of the employment structure of the enterprise.

However, the aid defined in article 32, provided by the Fund itself, is available only for sheltered work enterprises, where at least 50% of workers are workers with disabilities.

1. Reimbursement of the additional costs of employing workers with disabilities (article 26):

An employer may apply for reimbursement of the following costs of employing disabled workers which are additional to those which the employer would have incurred employing workers who are non-disabled persons: costs of adapting the premises, costs of adapting or acquiring equipment which facilitate disabled person' performing work or functioning in the firm, or acquiring and validating software for use by workers with disabilities and assistive technology facilities or facilities adapted to the needs resulting from workers' disability, as well as costs of examination by the occupational medicine services of the special needs resulting from disability of workers.

The refund of costs may not exceed an equivalent of 20 times average monthly wage for work in national economy for each adjusted workplace for persons with disabilities (appr. 18 550 EUR) and is possible only as concerns:

- recruitment of disabled persons who are unemployed or are job seekers and are not employed,
- disabled persons who are employed by the employer who applies for the refund of costs, if their disability has emerged during the period of employment with this employer.

The employer is required to keep employee on this adjusted workplace for at least 36 months.

2. Reimbursement of the additional costs of assistance at work (article 26d).

It is possible for an employer to receive reimbursement of:

- a) monthly costs of employing staff for time spent solely on the assistance for the disabled worker at work;

the amount of refund depends on the minimal wage, number of hours of assistance, number of assistants working hours (taking into account that one assistant may devote for help for a disabled person not longer than 20% of his/her monthly work-time) and number of disabled employee working hours in the given month;

- b) costs of training staff to assist workers with disabilities at work;

the aid intensity is up to 100% of costs of training, but the maximal amount of refund is equal to a minimal wage per one assistive staff member (appr. 400 EUR)..

The assistance of the staff should facilitate disabled worker communicating with co-workers and perform activities difficult or impossible for the disabled person to perform without help in the workplace.

3. Reimbursement of the costs of training (article 41).

Any employer may apply for partial reimbursement of the costs of training of employed disabled persons. The eligible costs and aid intensity should be in compliance with the provisions of article 31.4 of the Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, but – according to article 41 of the Act on Vocational and Social Rehabilitation and Employment of Disabled Persons – the maximal refund threshold amounts double the average wage per one trained person with disability (appr. 1 855 EUR).

4. Reimbursement of the transport, administration and modernisation costs (article 32).

An employer running a sheltered work enterprise may apply for financial support in the form of reimbursement of the additional (i.e. resulting from the employment of persons with disabilities) costs of constructing or rebuilding that concern buildings or premises of the enterprise, as well as costs of administration and transport. The maximal refund threshold has not been stated and the aid intensity is up to 100% of eligible costs.

Do you disseminate information on these assistance measures and subsidies to employers?

Yes, such information is available directly at the Office of the Government Plenipotentiary for Disabled People or on its website (<http://www.niepelnosprawni.gov.pl/p,67,uprawnienia-pracodawcy-zatrudniajacego-osobe-niepelnosprawna>).

Do you have information about the different types of adaptations provided by the employers?

Information on the use of legal measures defined in article 26, 26d, 26e and 41 is being collected by public employment services. However official consolidated data on organisational activities undertaken by employers to provide reasonable accommodation or on types of adaptations have not been collected.

How is reasonable accommodation provided in public administration?

The obligation (in force from 1 January 2011) to provide reasonable accommodation (for workers, job applicants, trainees and persons participating in vocational training, apprenticeships or practices for graduates) relates to public administration and private sector

employers. Reasonable accommodation may be necessary in the scope of the organization of work and working time, adaptation of workplaces and providing training.

But there are also special regulations included into the Act on Civil Service, the Act on Self-Government Employees and the Act on State Offices' Employees that concerns applying for jobs in public administration (i.e. civil service and self-government units). They defined the terms under which priority is given to disabled persons in the process of recruitment of candidates for the position (with the exception of managerial positions in self-government units) in offices where the employment rate of disabled persons is lower than 6%.

More and more often information encouraging persons with disabilities to apply for job is listed in the notices of vacancy for vacancies in the civil service.

As an example of best practice it should be mentioned, that in the years 2013-2014 the project "Internship in public administration as support for social and vocational activation of persons with disabilities and building a positive image of persons with disabilities in the labour market" was implemented by the Foundation Institute for Regional Development and financed from the PFRON resources. The aim of the project was to organize internships for 200 disabled university graduates, providing individualized support and promotion of employment of persons with disabilities in public administration.

Is there a complaint mechanism in place as concerns non-application of reasonable accommodation?

A complaint mechanism as concerns non-application of reasonable accommodation has been included in the Labour Code (article 18^{3d} and 18^{3e}) and in the Act on Vocational and Social Rehabilitation and Employment of Disabled Persons (article 23a). The act of non-application of reasonable accommodation qualifies as a breach of the principle of equal treatment and thus is a subject to liability for damages and compensation regime. The person with disability concerned is entitled to damages in the amount of at least minimal wage. Neither this person nor anyone else helping this person cannot be treated less favourable because of taking part in the mentioned procedure.

Would you like to signal changes as concerns information provided in the study "Providing reasonable accommodation for persons with disabilities in the workplace in the EU..." published by the Commission in 2008?

No.

3. Employment Quotas

Do you have quotas in place?

The quota-levy system (as a legislative obligation backed by sanctions) was for the first time implemented in Poland on 1 July 1991 on the basis of the Act of 9 May 1991 on Vocational Rehabilitation and Employment of Disabled Persons, which was replaced since 1 January 1998 by the Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Disabled Persons.

According to the statutory provisions in force (article 21 of the Act), stipulated amounts must be paid to State Fund for Rehabilitation of Disabled People (PFRON) by an employer with at least 25 employees (in full-time equivalents) who has not fulfilled the required index of employment

of disabled persons. In principal, the payments are not charged if the rate of disabled employees reaches at least 6%.

For state and non-state higher schools, vocational higher schools, public and non-public schools, teachers' education centres as well as welfare educational and re-socialisation institutions the quota is set at 2%. The disabled employment index in these units is calculated as a sum of the employment index of disabled persons and doubled index of disabled pupils, students and listeners who follow a course of learning or studies in accordance with the didactic regulations adopted by the institution. The index of disabled pupils, students and listeners is understood as their enrolment rate i.e. percentage in the total population of pupils, students and listeners, respectively as of the state for the previous year.

Exemption from payments is envisaged for non-profit social welfare homes and hospices, as well as for non-profit public and private entities which sole subject of activity is the social and medical rehabilitation, education or care for people with disabilities.

The quota may be subject to reduction in the case of employment of disabled persons with dysfunctions or diseases (listed in the corresponding Regulation of the Minister of Labour and Social Policy of 18 September 1998, i.e. for instance: visual impairments, epilepsy, serious complications of diabetes, deafness, AIDS, HIV positivity etc.) that particularly hinder the performance of work. The principle is that the number of employees (calculated in full-time equivalents) with these dysfunctions or diseases is additionally tripled in the case of severe degree of disability or doubled in the case of moderate degree of disability of a given person.

Do you have data on quota application in your country in a) public sector, b) private sector? If yes, please, elaborate on the main findings.

Based on recent available data for November 2015, required quota is reached by 41.8% of obliged employers in public sector and cultural institutions (i.e. by 2806 employers), and by 86.3% schools, universities etc. (i.e. by 9 470 entities), as well as by 31.3% of obliged employers in private sector (i.e. by 10 424 employers).

Are they compulsory quotas or informal targets?

Statutory defined quotas are compulsory.

Are those quota reached?

Based on recent available data for November 2015, quotas are reached by 44.5% of total number of obliged employers.

Are there penalties or remedies if not reached?

The payment for each post that is lacking to achieve required quota is equal to 0.4065 of national average wage (and amounts approximately 377 EUR).

Payments to the State Fund for Rehabilitation of Disabled People shall be reduced in respect of purchase of a service, excluding trade, or product of the employer who employs at least 25 workers counted as full-time workers and who has reached at least the 30-percent employment rate of persons with disabilities which are:

- persons with officially recognised severe degree of disability or
- the blind or persons with mental disease or intellectual disability or pervasive developmental disorders or epilepsy - with officially recognised moderate degree of disability.

Do employers employ required % of disabled or prefer to pay the sanctions?

It depends on the individual employer situation. Based on available data (see above), there are employers who prefer to make sanction payment and there are those, who prefer to employ at least required percentage of disabled workers.

How do you use money coming from sanctions (special fund to support measures for persons with disabilities, for employers to provide reasonable accommodation, etc.)?

Monthly payments made by employers within the quota-levy system constitute the main source of revenues of the State Fund for Rehabilitation of Disabled People. The significant part of its resources is spent for wage subsidies which have to be compulsory paid by the Fund, under the statutory defined conditions, on application of the employer employing disabled workers. A part of the Fund's resources have to be obligatory transferred to territorial self-government units for financing their tasks defined in the Act. Fund's resources are used also for financing facultative tasks resulting from the Act, that are addressed to employers (including co-financing costs of creation of new workplaces for disabled workers or reimbursement of the various additional costs of employing disabled workers and costs of training of disabled workers) or to people with disabilities (concerning their social and vocational rehabilitation and self-employment), as well as for co-financing costs of creation and functioning of the occupational therapy workshops and vocational activity establishments, or for realization of tasks in the field of vocational and social rehabilitation which may be contracted out by the Fund to territorial self-government units and non-governmental organizations, or for realization of programmes adopted by the Fund's Supervisory Board.

Have the introduction of quotas impacted the overall level of employment of disabled people?

The quota-levy system was introduced to Polish legislation in 1991 together with the system of incentives for employers financed from the resources of the State Fund for Rehabilitation of Disabled People collected in the frame of the quota-levy system and received by the Fund from the state budget in the form of subsidies. It can be still observed that these both systems enable maintaining stability in this scope of employment of disabled people. Financial resources of the Fund are used also for stimulating social and vocational activity and self-employment of disabled persons.

Is the impact of quota system evaluated?

The impact of quota system is monitored through analysis of the monthly information sent to the State Fund for Rehabilitation of Disabled People by obliged employers.

Are there any plans to reform the quotas system?

There are no plans for changes or reform in this area.

4. Active Labour Market Policies

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

Public employment services implement active labour market policies which measures are set out in the Act of 20 April 2004 on Employment Promotion and Labour Market Institutions and in the Act on Vocational and Social Rehabilitation and Employment of Disabled Persons.

They provide mainly such measures as: job placement, vocational counselling, vocational training, wage subsidies, support for job creation, intervention works, internship, postgraduate studies, voucher for settlement, training voucher, internship voucher.

Private employment services mainly provide services for unemployed persons who are furthest from the labour market and whose activation very often cannot be restored through standard actions. They need more time to be spent for work with them, more individualized support that is not provided by the public labour offices, such as comprehensive medical examination, psychological support and interpersonal training, and sometimes help in resolving personal or family matters.

Is specific support provided to participation of persons with disabilities in life-long learning (the systemic measures in place, financial support, vouchers, counselling, ESF projects?)

Disabled employees are entitled to benefit from training organized by employers with co-financing of the costs from the resources of the State Fund for Rehabilitation of Disabled People (under article 41 of the Act on Vocational and Social Rehabilitation and Employment of Disabled Persons).

The training for disabled persons who are unemployed or are job seekers and are not employed, registered in the labour office, may be initiated and organized by the head of the labour office (under article 38 of the Act on Vocational and Social Rehabilitation and Employment of Disabled Persons) to increase their chances of getting a job, upgrade existing professional qualifications or increase occupational activity, particularly in case of:

- 1) the lack of professional qualifications;
- 2) the need for retraining due to the lack of proposals of appropriate employment;
- 3) the loss of capacity to work in a profession previously performed.

The above mention solution applies also to persons with disabilities during a period of notice, if an employment contract is to be terminated for reasons not connected with the employee.

Some measures, including various training courses, training voucher, internship voucher, defined in the Act on Employment Promotion and Labour Market Institutions only for the unemployed registered in the labour office (financed from the Labour Fund resources) are available also for unemployed disabled persons (with financing from the Labour Fund), as well as for disabled persons who are registered as job seekers and are not employed (with financing from the State Fund for Rehabilitation of Disabled People).

There was also possibility to benefit from support offered in the frame of various targeted programmes, adopted by the Supervisory Board of the State Fund for Rehabilitation of Disabled People in the previous years, concerning education and training of persons with disabilities, such as "Student" or "Junior". Support for obtaining education at higher level is still available for students with severe or moderate degree of disability within the programme "Active Self-Government".

Since 2014 support in this field is available thanks to specific projects implemented within some regional operational programmes with the use of the ESF resources.

How many persons with disabilities are receiving support?

According to public employment services data, there was 108 902 disabled persons registered as the unemployed and 17 392 disabled persons registered as job seekers and not being

employed - in the end of 2014. In 2014, 4 910 disabled persons participated in vocational training, 686 were trained to gain skills for active seeking for work, 2 392 participated in intervention works, 3 221 participated in socially useful works, 2 208 performed public works, 65 321 received referrals to work, and 9 144 disabled persons undertook subsidized employment, including 1 123 of them – on workplaces subsidized with the use of the PFRON resources. Moreover, 711 start-up subsidies and 25 refunds of credit interest were granted for disabled persons.

Total number of beneficiaries of specific support for persons with disabilities concerning their participation in life-long learning is not available.

Are employers receiving support?

As it was described in the part related to support in providing reasonable accommodation, employers can receive aid defined in article 26 (reimbursement of the additional costs of employing workers with disabilities), 26d (reimbursement of the additional costs of assistance at work), 32 (reimbursement of the transport, administration and modernisation costs) and 41 (reimbursement of the costs of training for disabled workers) of the Act on Vocational and Social Rehabilitation and Employment of Disabled Persons. Furthermore, they can receive refund of the cost of job creation and wage subsidies.

1. Job creation costs' refund (article 26e)

An employer (from the open or sheltered labour market) may apply for refund of the costs of acquiring equipment for newly created workplace for a disabled person who is registered in the labour office as unemployed or as job seeker without work. The maximal refund amounts 15 times average monthly wage for work in national economy (appr. 13 910 EUR). The condition is that the National Labour Inspectorate approves the adaptation of a workstation to the needs of a disabled employee, or declares that the workstation meets health and safety standards. Moreover, the employer is required to keep the employee on this adjusted workplace for at least 36 months.

2. Wage subsidies (article 26a)

Wage subsidies in the form of monthly co-financing of remuneration of disabled workers (included into the PFRON roll) are available - on application - to employer meeting the statutory quota obligation or running the sheltered work enterprise. The maximal refund threshold depends on the degree of worker's disability, as well as on the costs of remuneration borne by an employer, that are connected with the number monthly working hours, and is higher in the case of persons with confirmed mental disease, intellectual disability, pervasive developmental disorders or epilepsy and the blind. For full-time employers the monthly refund varies from appr. 107 EUR (for workers with minor degree of disability without confirmed special impairments) to appr. 571 EUR (for workers with severe degree disability with confirmed special impairments) and for part-time workers it proportionally decreases. The aid intensity is up to 75% of the wage costs for state aid beneficiaries (i.e. for employers running business activity) or 90% of the wage costs for other employers.

There are also some tax relieves provided for the employers on the sheltered labour market but the resources coming from this entitlement are transferred to the fund for rehabilitation of disabled persons or to the activity fund, respectively, in sheltered work enterprises or in vocational activity establishments.

Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and adviser training)?

As mentioned before, persons with disabilities that would like to be self-employed can receive general advisory training for small business, as well as the following financial support defined in the Act on Vocational and Social Rehabilitation and Employment of Disabled Persons:

1. Start-up support (article 12a)

A disabled person, registered in the labour office as unemployed or as job-seeker without work, may apply for financial resources for start-up of an economic or agricultural activity or for payment of contribution to social cooperative, in the amount up to 15 average monthly wages in the national economy (appr. 13 910 EUR). The beneficiary is required to keep the economic or agricultural activity or cooperative participation for next 24 months after the subsidy is granted.

2. Interest refund (article 13)

According to article 13 of the Act, co-financing (up to 50%) of interests on bank credits drawn by a person with disability to continue economic activity or run one's own or leased agricultural farm is available.

3. Social insurance contributions refund (article 25a)

According to article 25a of the Act, there is available, on the application of entitled person to the PFRON, refund of social insurance contributions, i.e.:

- monthly contributions to the Pension Fund and Old Age Pension Fund paid in compulsory amount - for a disabled person running business activity; the amount of the refund varies depending on disability degree: it amounts 30% – in case of a person with minor degree of disability, 60% – in case of a person with moderate degree of disability and 100% – in case of a person with severe degree of disability;
- all mandatory contributions (paid quarterly) – for disabled farmer or for a farmer obliged to pay contributions for a disabled household member.

Do you have information about the number of self-employed persons with disabilities?

As was already mentioned above, it was estimated that 82 thousand people with disabilities run their own business activity (14 thousand of them were also employers) and 22 thousand disabled persons worked as contributing family members in December 2014.

Is there a system and specific support for vocational rehabilitation targeting persons with disabilities?

Persons with disabilities may benefit from various measures (such as: vocational counselling, job placement, vocational training, intervention works) set up in the Act on Employment Promotion and Labour Market Institutions.

The Act on Vocational and Social Rehabilitation and Employment of Disabled Persons defines the system of support for social and vocational rehabilitation and employment of disabled persons. It creates opportunities for various groups of disabled persons: those interested in self-employment or in employment on the open labour market, as well as for those, who are not able to undertake any regular working activity which may benefit from participation in occupational therapy workshops to get some basic knowledge or abilities necessary in the work process. Severely disabled persons may work as employees in vocational activity establishments. It is transitional or continuous process depending on the assessment of individual conditions of the employees concerned. If it is transitional, disabled persons can decide to undertake employment in sheltered work enterprises where they can

still get some rehabilitation services financed from the resources of the enterprise's fund for rehabilitation of disabled persons, but the work process is exactly the same as in the open labour market.

To enable vocational rehabilitation for persons with special needs the Act provides possibility to grant them co-financing of participation in the holiday rehabilitation stay, removal of functional and technical barriers and barriers in communication, as well as co-financing for provision of rehabilitation equipment, orthopaedic items and auxiliary appliances, that are provided under the health care system.

Employers employing persons with disabilities may apply for financial support established by the Act.

5. Passive Labour Market Policies

Have you identified the problem of benefit trap and low motivation of persons with disabilities to enter the labour market in your country?

Persons with disabilities entitled to a disability pension or retirement pension may work.

It is possible to keep pension and receive remuneration in employment. Eligibility for pension does not affect the amount of the salary received.

But the mechanism of reduction or even suspension of the right to a disability pension in case of higher income from work (see information below) may be considered as a kind of benefit trap and a reason of lower motivation to enter labour market.

What is its main reason – low financial advantage of employment as compared to benefits, inability to work and keep some benefits, low flexibility in transition to and out of the labour market?

As the main reason of low vocational activity of persons with disabilities who are able to work we can recognize the overall difficult situation on the labour market. The percentage of people with disabilities at working age having tertiary level of education has increased in recent years (but it is still low in comparison with that for non-disabled people), so it is more difficult for them to compete on the labour market. These factors may discourage persons with disabilities to seek for job. Many of them (depending on the economic situation of their households) prefer to benefit from disability pensions, which are low but constitute fixed and certain source of income.

Do the systems provide sufficient flexibility in moving to and out of employment and the social protection system, do they allow for a combination of pension and income from work?

In the Polish social insurance system, a disability pension shall be reduced in the case of receiving income from work in the amount between 70% and 130% of the average monthly wage for work in national economy, announced according to the Act of 17 December 1998 on Retirement, Disability and Other Pensions from the Social Insurance Fund. Getting an income in the amount exceeded 130% of the average wage causes a suspension of the right to a disability pension.

In the case of decrease of income from work or termination of employment a disabled person can benefit from eligibility for disability pension.

Are any reforms foreseen to tackle the benefit trap?

At the moment there are no reforms foreseen in this scope.

By elimination of various barriers and equalizing opportunities, public authorities aim to enable increasing level of education of persons with disabilities and to encourage them to social and vocational activity and benefiting from various forms of support on the labour market.

Are reforms of assessment of working capacity ongoing?

Since 2005 no changes have been introduced as concerns assessment of working capacity of a person.

According to article 13.1 of the Act on Retirement, Disability and Other Pensions from the Social Insurance Fund, in assessing the degree and the anticipated period of incapacity to work and the prognosis for regaining the ability to work the following factors are taken into account:

- 1) the degree of impairment of the body and the ability to restore the necessary skills through treatment and rehabilitation;
- 2) the ability to perform the current job or take another job and the desirability of vocational retraining, taking into account the type and nature of the work performed so far, the level of education, age and psychophysical predispositions.

Labour offices provide individual vocational counselling services and strive to find employment for disabled persons according to their individual working capacities.

Are reforms of assessment of working capacity complemented by sufficient provision of active labour market policies and social services to enable persons with disabilities to integrate into the labour market and avoid their falling into poverty in case of losing a part or whole disability pension?

Exit from the labour market (sheltered or open) does not close the return way to it.

There are various measures defined mainly in the Act on Vocational and Social Rehabilitation and Employment of Disabled Persons, which enable disabled persons to benefit from social and vocational rehabilitation to restore their working capacity and undertake employment or self-employment. The Act provides also financial support for employers to employ persons with disabilities (see detailed information placed above).

According to the Act on Employment Promotion and Labour Market Institutions, unemployed disabled persons may be granted unemployment benefits under statutory defined conditions. Additional measures, addressed at persons encountering difficulties on a labour market, including disabled people, include:

- as regards the unemployed who receive social assistance benefits, a labour office shall provide them - within six months since they lost the right to benefits due to the lapse of statutory payment period - with a job offer, other type of paid work, training, internship, vocational training for adults, employment associated with intervention works, public works or, upon request of a social assistance centre, it may refer them to join a social contract, personalised programme for becoming independent and local social assistance programme, which are specified in social assistance regulations. The labour office may also enable them to take part in personalised social employment programmes, as specified under social-employment regulations,

- an employer, who hired an unemployed person for intervention works for six months, is entitled to the partial refund of costs associated with remunerations, awards and social insurance contributions,
- an employer, who hired an unemployed person for intervention works for at least six months, continued to employ this person for another six months and continues to employ him on a full time basis after the lapse of this period, may be entitled to a single refund of the cost of remuneration,
- the unemployed may be granted a six-month long internship (12 months for the unemployed under 27 who received their graduation diploma or another certificate of graduation from a higher education institution less than 12 months prior to the internship); the unemployed person's psychophysical abilities and health, level of education and professional qualifications shall be considered when determining the programme of an internship.

According to the Act on Retirement, Disability and Other Pensions from the Social Insurance Fund, a disability pension is foreseen for persons with officially recognised incapacity to work, who have at least minimal required period of payment of social insurance contributions (see above information on disability pension reduction and suspension conditions).

An adult person, who is completely unable to work due to disability which occurred before the age of 18 years, or during school or college - before the age of 25 years, or during doctoral studies, and not entitled to benefits from the Social Insurance Fund, has the right to a social pension. It is a kind of financial aid, granted on virtue to the Act 27 June 2003 on Social Pension and financed from the state budget. The right to a social pension is suspended if the person entitled achieved revenue exceeded in total of 30% of the average monthly wage in national economy.

According to the Act of 29 November 1990 on Social Assistance, individuals and families may benefit from social assistance in case, in particular, of poverty, homelessness, unemployment, disability, long-term illness or helplessness in matters of care and education and home management, especially in single-parent families or families with many children. Support may be granted in kind, especially in the form of services facilitating independent living and inclusion of people with disabilities in the local community, or in cash. The right to cash benefits from social assistance may be granted to persons and families, under condition of compliance with statutory thresholds concerning income per person in the family. Specialist counselling, in particular legal, psychological and family counselling, is provided to persons and their families who have difficulties or need support as regards their day-to-day problems, regardless of their income.

Portugal

In order to support the professional integration of persons with disabilities the Decree-Law No. 108/2015 of 17 June, which proceeded to the third amendment to Decree-Law No. 290/2009 of October 12 (previously amended by Law No. 23/2011 of 16 June, and by Decree-Law No. 131/2013 of 11 September), created the Program for Employment and Support Qualification of Persons with Disabilities (Programa de Emprego e Apoio à Qualificação das Pessoas com Deficiência e Incapacidade).

Supported Employment in open market

Employers that celebrate employment contracts in this modality with persons with disabilities, whose working capacity is lower than other worker for the same job or function, are eligible for financial support with salaries and compulsory costs of employer responsibility.

The beneficiaries of this measure are persons with disabilities, with working capacity of at least not less than 30% or more than 90% of normal working capacity of another worker in the same professional functions.

Reasonable Accommodation

For an adequate professional performance or even to gain access or move in the company, some workers may need an adaptation of equipment or/and elimination of physical barriers. In these situations, the law provides non-repayable subsidies intended to share the costs incurred for the adaptation of jobs or elimination of architectural barriers, up to the following maximum amounts:

- 100% of the cost of the adaptation in the case of hiring a unemployed person with disability registered in employment centres or in job centres and vocational training or looking for his/her first job,;
- 50% of the cost of the job adaptation in order to support companies to maintain workers who acquire disabilities and whose maintaining employment depends of the adaptation of the job, since, in the case of industrial accident, this responsibility does not belong under the law to the employer.
- Employees that celebrate training contracts with persons with disabilities or entities that celebrate employment-insertion contracts may also be supported for the job adapting to 8 times the IAS (€ 3 353.76). If the cost of adopted technical solution exceeds this amount, the company can benefit from the value of the difference up to € 6 707.52, if they celebrate and employment contract with the person with disability after the end of stage or contract job -insertion.

Elimination of architectural barriers, 50% of the cost with the elimination of architectural barriers up to a maximum of 16 times the IAS, € 6,707.52, since the facilities have been licensed or built before February 8, 2007.

Support Products

In order to have access or maintain the employment or career progression, or even to enter or attend training, person with disability who needs support product (technical assistance), can obtain a reimbursement up to 100%.

Are products of support or assistive any products, instruments, equipment or technical system used by person with disability, especially produced or available in the market that prevent, compensate, mitigate or neutralize the activity limitation or participation restriction arising from the interaction between the person disability and environmental conditions.

Quota system

In public administration access contests it is reserved a quota up to 5% for workers with disabilities. Private companies should have a quota of 2%.

This quota system refers to persons with disabilities (organic, motor, visual, hearing, mental or cerebral palsy) with a degree of disability equal or greater than 60%, which may exercise without functional limitations, the activity to which they apply.

The contests for public administration must specify the number of places to be filled by persons with disabilities.

Active employment policies in open market

The sheltered employment is the professional activity performed by persons with disabilities with reduced capacity for work in sheltered employment centres (CEP), i.e., structures, with administrative and financial autonomy, created specifically to provide these people a professional activity and the development of personal, social and professional skills necessary to their integration.

The sheltered employment is addressed to persons with disabilities which work capacity is not less than 30% and more than 75% of normal working capacity of a worker in the same professional functions.

The State may support part of the cost of construction, installation and equipment of the CEP created by private non-profit organizations, its maintenance and conservation up to a maximum of 30 times the IAS per job in regime supported employment.

The State also supports part of the remuneration of CEP workers in the same way that supports the salaries of workers integrated into the supported employment on the open market modality.

Active employment policies in passive market

Stimulus-Employment

Companies can receive financial support for the conclusion of fixed-term employment contracts for a period less not than six months or permanent employment contract, full-time or part-time, with unemployed persons registered in the employment services, with the obligation to provide vocational training to employees recruited.

There is also a support for the conversion of the employment fixed term contract in a permanent employment contract.

In both cases, the support consists of a percentage reduction of the value of the Social Support Index (IAS) multiplied based on the number of months of the contract in question.

In case of labour contract concluded with term financial the support is increased.

Insertion stage

The insertion stages are addressed to persons with disabilities with any level of qualification or professional qualification, unemployed or looking for their 1st job, registered in the employment centres.

Trainees benefit from a stock stage that can range from € 419.22 to people without any skill level, and € 691.71 for graduated persons or high level of qualification.

The State also supports benefits as food allowance and insurance premium accidents.

The stage, up to 12 months duration, could be a time prior for the conclusion of employment contracts, allowing an integration process supported by the company, a person's adaptation to the tasks they will perform, an adaptation of co-workers.

The insertion-employment contracts are intended to enable the development of socially useful activities on the part of the person with disability, in order to strengthen their relational and personal skills, enhance self-esteem and encourage work habits.

Persons with disabilities integrated in insert employment contracts can benefit from a monthly occupancy scholarship worth € 419, 22 that could be shared by the State by 90%, in the case of public authority, or 100% in the case of private entity non-profit.

The disabled person also benefits from a transport allowance in the monthly amount of € 52, 40 and monthly food allowance, and insurance to cover the risks that may occur during and because of the activity.

The insertion employment contract can have a maximum duration of 12 months.

Program for Entrepreneurship and Self-Employment Creation

Under the modality of support for companies' creation there is the Program for Entrepreneurship and Self-Employment Creation, which consists in grant support for projects of creation of SME by accessing the lines of credit with guarantee and interest rate subsidy granted by banks.

Romania

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.)?

At the 2015 level, the persons with disabilities who work in sheltered employment are almost 2000 persons (1.997); on open labour market is almost 32.150 persons (32.147).

Are they considered to be workers under national law or not?

Yes

What are the main types of work in sheltered workshops?

The main types of work: baking, gardening, cleaning services, printing services, cardboard production, production of corrugated packaging, body care activities/massage, manufacture of some types of paper of cardboard, sales services and printing, binding and archiving services, specialized cleaning services.

Please, provide information on the division between the traditional and transitional sheltered workshops.

The special Law – no. 448/2006 – regarding the protection and rights for disabled persons, actualized, promotes the rights of people with disabilities; so the public authorities have the obligations to sustain/to create all the conditions to choose and exercise their profession, trade or occupation, to acquire and maintain a job, and to promote them in a professional point of view, of course, in concordance with their professional training and in collaboration with information from handicap certificate. So, sheltered employment is one of the ways that promote employment for persons with disabilities. Also, the provisions of the special law promote the protected places on the labour market (both open and sheltered employment).

Is there an increase of the trend towards transitional model?

Based on provisions of the legislative framework, the protected employment sheltered (in completion with open employment market and, implicit, promotion of equal opportunities for all) represent one of the only supported measures.

Are any changes / reform in sheltered employment ongoing or planned?

In the very near future our system will continue to promote and sustain thru legislative mechanism, this trend/form of sheltered employment.

How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

At the moment we are starting to develop this kind of information, so, at this moment we don't have a specific information.

***What is the situation of persons who acquire disabilities when already in employment?
Please, add figures on job retention and impact of disability in advancement in careers.***

According with the information that we have, if you acquire a disability when you are already in employment and you have a certificate on this, you have the rights to further work, according with recommendations from the specialists.

Regarding the information on figures for impact on disability: at the 2015 level, the persons who are employed, and have disabilities (who have also invalidity pensions) are about 141.683.

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

The special Law and additional legislative measures, promote equal opportunities for all. In this regard, the employers are obliged to offer all accessibilities for persons with disabilities.

Is there any competence centre in your Country, region, locality?

National Work Inspection, especially at county level, represents the centre who can evaluate this domain.

Do Public Employment Services provide support for reasonable accommodation?

No

Could you elaborate on subsidies available to employers to provide reasonable accommodation?

At national level, for work place, the employers must to realize all the reasonable accommodation on their expenses, according with the legislative documents.

The provisions of special law: the employers of persons with disabilities have the rights:

- deductions in calculating the taxable amounts they relate to employment protection and acquisition of machinery and equipment used in the production process by the persons with disabilities;
- deductions in calculating taxable profits, costs of the transport of persons with disabilities from home to work place and the costs of transporting raw materials and finished products to and from the residence of the persons with disabilities who work from home;
- settlements from the unemployment insurance budget expenditure specific training, vocational guidance and training and employment of persons with disabilities;
- a subsidy from the state (as provided national legislation).

Do you disseminate information on these assistance measures and subsidies to employers?

All the employers who intend to hire persons with disabilities can ask to our office, also the general/county directorate for child protection and social assistance and county employment offices about all the special provisions. In the very near future we intend to develop an official plan that will be posted and can be disseminated on our web page.

Do you have information about the different types of adaptations provided by the employers?

One of the most common type of reasonable accommodations it represented by the adapting the physical environment. Also, one of the most important aspects is that employers are also more and more interested by other forms of reasonable accommodations.

How is reasonable accommodation provided in public administration?

Reasonable accommodation (at workplace, according with our special Law 448, regarding the protection and rights for persons with handicap, actualized) - all changes made by the employer to facilitate the exercise of the right to work of the person with disabilities; it involves modification of the work, purchase of equipment, devices and assistive technologies and other measures.

Is there a complaint mechanism in place as concerns non-application of reasonable accommodation?

The persons with disabilities can make complains regarding the non-applications of reasonable accommodation at county level, at Work Inspection, also at National Council for Combating Discrimination who, according with their responsibilities can evaluate and react.

Would you like to signal changes as concerns information provided in the study "Providing reasonable accommodation for persons with disabilities in the workplace in the EU..." published by the Commission in 2008?

No

3. Employment Quotas

Do you have quotas in place?

According to national legislative provisions, Law 448/2006 – regarding the protection and promotion of rights of persons with handicap, actualized, the public authorities and institutions (public or private, who have at least 50 employees are obliged to employ persons with disabilities at least 4% from total employees).

Do you have data on quota application in your country in a) public sector, b) private sector? If yes, please, elaborate on the main findings.

We are in the evaluating process in this regard.

Are they compulsory quotas or informal targets?

The 4% quotas is an obligation for them.

Are those quota reached?

From the information that we have, in some cases are, in some cases are not yet (for example, the National Authority for Persons with Disabilities are about 8,77%; and, in the very near future we intend to grow this percent). We also recommend constantly to our partners in respect the provisions of our specific legislative framework and to hire more persons with disabilities.

Are there penalties or remedies if not reached?

Yes, there are. If the employers don't hire the persons with disabilities, according with the provisions of law, they have the following solutions:

- they can buy products or services made by people with disabilities employed in protected units authorized, based on partnership, in an amount equivalent to the amount owed to the state budget.
- to pay monthly to state budget an amount representing 50% of the basic salary minimum gross wage multiplied by the number of jobs that have not hired persons with disabilities.

Do employers employ required % of disabled or prefer to pay the sanctions?

Those employers prefer to pay the sanctions.

How do you use money coming from sanctions (special fund to support measures for persons with disabilities, for employers to provide reasonable accommodation, etc.)?

The money are coming from the sanctions are going at state budget, without a special destination for disabilities field.

Have the introduction of quotas impacted the overall level of employment of disabled people?

Yes.

Is the impact of quota system evaluated?

No.

Are there any plans to reform the quotas system?

The National Authority for Persons with Disabilities intend in very near future to develop a set of rules who will determinate the public administration to employ persons with disabilities, without any other options.

4. Active Labour Market Policies

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

The National Agency for Employment (thru the county agencies of employment), organize periodically the «work place award». And so, including persons with disabilities can deposit some specific documents and, according with the requirements and qualifications, to obtain a work place.

If persons with disabilities need to have special counselling programme post-employment she/he can go to an office from this county agencies for employment and to get help; qualifications and requalification's courses; advice and support for starting a new business (students, also unemployed); work mediation; completion of incomes; new graduates who are new hired (graduates of educational institutions and graduates of special schools (16 years old or over), registered on agencies for employment, in the event that engages with normal hours of work for a period exceeding 12 months, can benefit from budget unemployment insurance can receive employment bonus equal to the reference social indicator in force on classification; measures for stimulating the labour mobility (for persons who work far then 50 km from home and for persons who choose to work in another locality than she lives).

For employer: training programs for their own employees; facility on credits; facilities for hiring the pupils and students on holiday period; framing young people in difficulty and at risk of professional exclusion, including persons with disabilities.

Is specific support provided to participation of persons with disabilities in life-long learning (the systemic measures in place, financial support, vouchers, counselling, ESF projects)?

According with the public system, the employees (including persons with disabilities) can benefit according with their evaluations/needs from a series of courses at work place. The institution also have in mind to develop, in the future, a new component on this domain and to assure the counselling for all work period.

Are employers receiving support?

The county agencies for employment can intermediate the connections between employers and employee, including for persons with disabilities. In this process, the county agencies can discuss with the employers and to offer support if they ask for.

Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and adviser training)?

If a person (including a person with disabilities) wants to develop such an action, he/she have to go and ask on counties agencies of employment and can receive support for starting developing a business (for unemployed but also for students). Type of services: legal services, marketing, financial services, management techniques other consulting.

Do you have information about the number of self-employed persons with disabilities?

At 2015 level, we can offer a percent on this: almost 1.42% from persons with disabilities who are in active market.

Is there a system and specific support for vocational rehabilitation targeting persons with disabilities?

There are regional training centres for adult capable of providing modern training conditions in various occupations (obtaining, maintaining and raising the professional competitiveness), in particular for occupation required on the labour market.

5. Passive Labour Market Policies

Have you identified the problem of benefit trap and low motivation of persons with disabilities to enter the labour market in your country?

Low self-esteem/prejudices and lack of information's are one's of the most important law motivations to enter in open labour market.

What is its main reason – low financial advantage of employment as compared to benefits, inability to work and keep some benefits, low flexibility in transition to and out of the labour market?

We consider that the main reason is, first of all, in strong relations with prejudgment, including discrimination from employer's point of view. Of course, as an after-effect mechanism, the low remunerate system is an important part from an inflexible system.

Do the systems provide sufficient flexibility in moving to and out of employment and the social protection system, do they allow for a combination of pension and income from work?

The policies at the national level regarding this point are very positive. The special law promote that, for those persons with disabilities who are in an employment form to keep also the benefits.

Are any reforms foreseen to tackle the benefit trap?

Thru all the measures that we intend to develop on the national strategy: developing a national plan for developing of independent abilities and employment; also a national plan for accessibility – physical, communicational and informational environment. Thru all this aspects, the most important idea is to develop a strategy that can be able to eliminate the obstacles and so, to permit to be involved in active employment field, without any barrier. Of course, we are aware that prejudices can be an important aspect in exceed, but, in the same time, we are confident that, thru our policies and vision we will break this “rule”.

Are reforms of assessment of working capacity ongoing?

At the national level we intend to readapt the assessment for persons with disabilities in concordance with International Classification of Functioning, Disability and Health (ICF) of and so, to readapt the assessment of working capacity.

Are reforms of assessment of working capacity complemented by sufficient provision of active labour market policies and social services to enable persons with disabilities to

integrate into the labour market and avoid their falling into poverty in case of losing a part or whole disability pension?

According with our legislative process, the actual measures intend to encourage the active life, including the growth on active employment. So, the persons with disabilities who benefit from a special amount, in concordance with type and degree, can work, and receive money for that, and still receive all amount of money according with type and degree/disability.

Also, there are specific benefits, social protection measures (minimum income inclusion). This kind of measures can support, for a specific period of time, a minimum income (according, for examples with the numbers of family members) and so, to avoid their falling into extreme poverty. In parallel, according with their working capacity their can receive support to find a new, adequate job.

Slovenia

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.)?

People in open labour market 30.507, 3,83% of all employed in Slovenia

Number of employed persons with disabilities	2011	2012	2013	2014
Regular working environment	24,923	23,979	24.446	24.772
Companies employing the disabled	5,319	5,672	5.528	5.323
Sheltered employment centres	303	317	353	412
TOTAL of all employed persons with disabilities	30,545	29,968	30.327	30.507
Total of all persons employed in the country	805,723	784,829	783.343	795.601
Share of employed people with disabilities in relation to the total of employed population	3.79%	3.82%	3,87%	3,83%
Number of jobless persons with disabilities	16,873	7,454	17.936	17.646
Number of persons with disability in the labour market	47,418	37,422	48,263	48,153
Total number of all unemployed	112,754	118,061	124.015	119.458
Share of jobless persons with disabilities in relation to the total of all unemployed persons	14.9%	14.7%	14,5%	14,7%
Number of employments relating to jobless persons with disabilities	2,107	2,694	2.937	2.929
Number of proposals for termination of employment contract	712	698	658	621

Average monthly number of particular cash benefits recipients

Type of cash benefit	Average monthly number of recipients		
	2012	2013	2014
increase in cash social assistance for assistance and attendance allowance	267	n.p.	293
disability pension	89.384	88.361	87.250
attendance allowance	30.069	29.840	30.343
disability allowance	56.241	55.441	53.111
partial wage compensation	48.484	46.952	45.906
compensation for disability	5.563	5.545	5.586
care and attendance allowance	545	601	634
allowance for a child in need of special care and protection	3.933	3.979	4.045
allowance for a child in need of special care and protection	6.043	6024	6056
partial payment for loss of	667	701	712

earnings			
disability allowance	2.939	2712	2511
special disability allowance	512	475	442
assistance and attendance allowance	202	195	184
disability allowance	507	509	475
single parent allowance	51	46	37
family disability allowance	1.348	1232	1134
family allowance	535	470	468
monthly life annuity	53	53	53
Social Inclusion Program No. included in a new. 2015: 580 Number of employees in Employment Centres in protected jobs in November 2015: 451 Employment centres in 2015 was 43centres Providers of social inclusion programs in 2015 was 20 providers There are 35 Sheltered workshops - VDC (23 public and 11 private entities) with 3.150 people (nov.2015), but more than 500 people waiting to be included.			

Are they considered to be workers under national law or not?

Yes, under the national law - Vocational Rehabilitation and Employment of Disabled Persons Act. Persons with disabilities in the context of protected employment in sheltered workshops and job centres have the status of a worker and all rights and obligations arising from employment that apply to employees (salaries, insurance, paid leave, etc.)

Persons with intellectual disability and persons with severe disabilities, that are included in The main object of Sheltered workshops - VDC, are currently taken with the legislation older than 30 years (Act Concerning Social Care of Mentally and Physically Handicapped Persons, 1983) and are considered as not to able to work. The same is with Social Inclusion Programme users with legal act on current un-employability. This is the reason that they are not considered to be workers.

What are the main types of work in sheltered workshops?

Activities according to the Standard Classification of Activities (approx. 200 different types businesses and at least as many different major activities)

The main object of Sheltered workshops - VDC and Social Inclusion Programme providers - SIPP is quite similar - development and maintenance of work abilities and promotion of social skills and functional literacy. Work-tasks related activities consist of activities for maintenance and development of work skills, increase work abilities, competencies for work and work endurance. Activities regarding users' social skill (acquisition and development of social skills and improvement of empowerment) consist of activities/measures for increasing motivation, accepting/coping with own disability, improving personal growth, acquiring functional literacy, competencies for independent life and computer skills, overcoming personal hardships and difficulties, for preservation of health condition (preventive measures) etc.

Please, provide information on the division between the traditional and transitional sheltered workshops.

Please, provide information on the division between the traditional and transitional sheltered workshops.

Transitions are based exclusively on an individual assessment of job opportunities.

Is there an increase of the trend towards transitional model?

Particular examples of passages into support of protected form of employment (and vice versa) exist, but they are not mass or their number is not increasing.

There is an interest to facilitate integration into employment or insurance target groups of persons with disabilities who are involved in certain forms of daily occupational therapy for a short fixed term, including the possibility of suspension on the rights arising from disability.

Are any changes / reform in sheltered employment ongoing or planned?

Not at the moment.

Persons with disabilities, especially persons with intellectual disability, persons with severe disabilities and persons with legal act on current un-employability are structurally disadvantages in the labour market in Slovenia because of the barriers posed by society and current legislation. That is the reason why Slovenia believes we should immediate action to end the situation of exclusion from the labour market. That is why Slovenia submitted an application on Call for proposals of European Commission for social policy innovations supporting reforms in social services (VP/2015/011) in December 2014. With the activities of the project, we will unlock job potential and shift the focus away from the disability on to abilities, skills and competences. With inclusion into the labour market, especially in the open labour market of approximately 200 persons with intellectual disability and other severe disabilities we will prevent social exclusion and its consequences. We will design a model of transition to open labour market and all needed support with awareness of person centred approach that enable choice and flexibility. We will raise awareness within employers of all advantages of employing persons with disabilities and encourage them to create job suitable for persons with disabilities. Persons with disabilities will become visible in community with improved labour market participation. And last but not least, the society and its values will change itself.

How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

See above

What is the situation of persons who acquire disabilities when already in employment? Please, add figures on job retention and impact of disability in advancement in careers.

(We don't have statistic on this)

Disabled worker: an insured person who has been granted one of the rights under the:

The Pension and Disability Insurance Act entered into force on 1 January 2013 (Official Journal of the RS, No 96/12, hereinafter: ZPIZ-2).

Definition of disability under ZPIZ-2

Definition of disability is based on the Article 1 of the Convention No 159 of the International Labour Organization, stipulating that "a disabled person" is an individual whose prospects of securing and retaining suitable employment have substantially been reduced due to physical or mental impairment. The same definition of "a disabled person" is given in the Recommendation No 168 of the International Labour Organization.

The definition of disability covers the entire general and occupational work capacity of the insured. The absolute definition of disability is specified as the loss of work capacity for any organized gainful activity as well as the impairment or loss of capacity to work in one's own occupation, taking into account the level of qualifications, additional training, work experience and the possibility of occupational rehabilitation.

Disability is the consequence of changes in one's health condition which cannot be remedied by treatment or medical rehabilitation. An insured person's own occupation is the work performed at one's post or the activity which serves as a base for their insurance and which corresponds to their physical or mental capacities and for which they have been qualified, additionally trained or gained required work experience according to the regulations or collective agreements.

Apart from the definition of insured person's own occupation, the definition of remaining work capacity under Article 64, ZPIZ-2 (defining the category II and II) is taken into account when establishing disability under Article 63, ZPIZ-2.

ZPIZ-2 defines "another job" as the job an insured person can perform considering their remaining work capacity. Another job has to correspond to their health condition or the nature of the change in their health condition and must not cause the impairment of their disability. The choice of another job depends on:

- the evaluation of remaining work capacity,
- general and professional qualification of an insured person, work experience, personal characteristics, and their willingness to perform a certain job,
- working conditions provided by one's employer, workplace equipment, adequacy of working environment.
- The job for which an insured person has been trained in the course of occupational rehabilitation prior to their transference is regarded as a suitable job.

There are three categories of disability under ZPIZ-2:

- Category I – where an insured person is not able to perform organized gainful activity or carry out their job, with no remaining work capacity;
- Category II – where an insured person's work capacity to perform their job has been reduced by 50% or more;
- Category III – where an insured person is not able to perform their job on a full-time basis, yet can work part-time for at least four hours a day, or their capacity to work in their occupation has been reduced by less than 50%, or they can still work in their occupation full-time, yet not at their current job.
- Self-employed persons, partners in a private company or institution, or farmers are regarded as disabled if they are not able to perform the activities subject to insurance coverage on a full-time basis.

Upon a request, work or activity performed for at least one year in the last two years prior to the occurrence of disability can be taken into account in disability assessment with insured persons not covered by compulsory insurance scheme when disability occurred.

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

Unemployed persons with disabilities that for employment need and adjustment of the workplace - this right is exercised in accordance with Public Guarantee, Maintenance and Disability Fund of the Republic of Slovenia - JPI and the employee at the Pension and Disability Insurance Institute of the Republic of Slovenia – ZPIZ.

Is there any competence centre in your Country, region, locality?

We estimate that the assessment of competence is not assessment of the needs for adjustments. The need for adjustments can be identified by occupational medicine specialist and professional teams of providers of vocational rehabilitation services.

Do Public Employment Services provide support for reasonable accommodation?

In the context of vocational rehabilitation for unemployed persons with disabilities needs to be carrying out an assessment of the need for adjustments to the workplace as well as execution plan itself.

Could you elaborate on subsidies available to employers to provide reasonable accommodation?

The conditions for determining the financing or co-financing adaptation are provided by the Public Guarantee, Maintenance and Disability Fund of the Republic of Slovenia - JPI and Pension and Disability Insurance Institute of the Republic of Slovenia - ZPIZ.

Occupational rehabilitation is an integral process in which an insured person is provided with professional, physical and psycho-social training required for work in another occupation or at another job, so that he can be appropriately reassigned or employed and reintegrated in the work environment, or training 38 for the same occupation or job by suitable adaptation of his workplace with appropriate technical aids.

In the event that occupational rehabilitation for an appropriate job of an insured person afflicted by invalidity requires adaptation of premises and working implements, the Institute shall bear the costs of such adaptation.

In the event that employment or reassignment of an insured person afflicted by invalidity to another job requires adaptation of premises and working implements, the Institute may, in part or in whole, bear the costs of such adaptation.

The Institute may earmark a part of the invalidity insurance funds for promotion of employment of unemployed disabled workers.

The criteria and procedure for assessment of the amount of means as per the preceding paragraph shall be determined by the Institute.

Do you disseminate information on these assistance measures and subsidies to employers?

Individual information for all involved in the rehabilitation, as well as other forms of information of employers (Progress Project “Zmoremo”)

Do you have information about the different types of adaptations provided by the employers?

Adaptations can be provided for all types of disabilities if needed.

How is reasonable accommodation provided in public administration?

The same as in economy or other working sectors (written above).

Is there a complaint mechanism in place as concerns non-application of reasonable accommodation?

Yes, complaint can be sent on the Ministry of Labour, Family, Social Affairs and Equal Opportunities

Would you like to signal changes as concerns information provided in the study "Providing reasonable accommodation for persons with disabilities in the workplace in the EU..." published by the Commission in 2008?

In Slovenia, researchers at University Rehabilitation Institute Republic of Slovenia studied conclusions of the European Commission study (KMU Forschung Austria 2008). In research (Tabaj 2014) we put together information about all forms of reasonable accommodation (RA) at workplaces for PwD (technical solutions, organization measures, job coaching, rehabilitation, awareness-raising) and concluded:

	PIII 2010	PIII 2011	PIII 2012	PIII 2013	ERA 2010	ERA 2011	ERA 2012	ERA 2013	Total
Technical solutions	20	21	21	12	0	0	1	1	76
Organizational solutions 1	5235	4643	4266	3289	258	303	317	353	18664
Organizational solutions 2	7433	6126	5310	4567	5353	5449	5672	5528	45438
Job coaching, personal assistance	0	0		0	11	2	3	10	26
Rehabilitation	342	377	367	375	2043	1945	1758	1886	9093
Rehabilitation	107	76	81	58					322
Awareness-raising	0	0	0	0	0	0	0	0	0
Total	13137	11243	10045	8301	7665	7699	7751	7778	

- Some forms of reasonable accommodation are apparently more rare or frequent than others. Technical solutions, job coaching and personal assistance, awareness raising are very rare or not present. Very frequent measures are organizational solutions, workplaces in disability companies and rehabilitation, which are also more traditional forms.
- During the years 2010 - 2013 there is a trend of decreasing measures from Pension and Invalidity Insurance Institute (PIII), while measures from Employment and Rehabilitation Act (ERA) are slightly increasing.

From the above mentioned research the main factors for reasonable accommodation for PwD at work places were detected:

- 1. Attitudes and support from the employer
- 2. Characteristics connected with employee
- 3. Possibilities for reasonable accommodation
- 4. Awareness raising of environment and PwD of reasonable accommodation.

In the research we checked which reasonable accommodation forms are recognized: this is the common supportive environment and the specific forms of RA possibilities. The main specific forms were technical and architectural adaptations, organizational solutions; the least recognized were education, subvention of wage and personal assistance. Rehabilitation and awareness raising were in between.

In the study we researched also obstacles towards reasonable accommodation – the main factor were systemic obstacles – financial resources, the length of procedures, the knowledge about procedures of all stakeholders in the process of RA. Obstacles on the side of PwD and discrimination were not detected as the influencing factor.

Slovenian Ministry of labour, family, social Affairs and Equal Opportunities has decided in 2015 to prepare project »Zmoremo« (»We'll manage«), Progress co-financed by EU, based on the awareness raising of employment with PwD, to present in Slovenia systemic measures for supporting employment and rehabilitation for PwD, including also reasonable accommodation issues.

3. Employment Quotas

Do you have quotas in place?

Yes

A quota system for the employment of disabled persons (Vocational Rehabilitation and Employment of Disabled Persons Act - ZZRZI, Article 62 et seq.) means that employers under prescribed conditions are required to employ at least a certain number of persons with disabilities in relation to the overall number of employees. The Act provides that the Government, on a proposal by the Economic and Social Council, sets through a regulation a relevant quota for the employment of persons with disabilities. The quota differs depending on the employer's economic activity, but may not be below two per cent or above six per cent of the total number of workers employed. The person obliged to meet the quota is any employer, legal entity or natural person or person of public law employing at least 20 persons, except for foreign embassies and consulates, social enterprises, and employment centres. The regulation, inter alia, rewards employers of persons with disabilities for employments exceeding the prescribed quota.

Funds for various employment incentives regarding persons with disabilities are provided by the Fund for the Promotion of Employment of Persons with Disabilities. This is a public financial fund established by the Government with a view to promoting the employment of disabled persons pursuant to the ZZRZI and to preserving working posts for the disabled (Paragraph 1 of Article 77 of the ZZRZI). The incentives include wage grants for persons with disabilities, payment of costs for the adaptation of working posts, payment of services in supported employment, exemption from payment of pension and disability insurance contributions, bonuses for exceeding the quota, annual rewards to employers for examples of good practice in employing persons with disabilities, other incentives in the area of employment and preserving jobs for person with disabilities, and other development-related incentives.

Do you have data on quota application in your country in a) public sector, b) private sector? If yes, please, elaborate on the main findings.

A quota system shall mean the obligation to recruit a certain proportion of disabled workers at employers who employ at least 20 employees. It includes incentives and rewards for meeting and exceeding quotas and payments for non-quota. The quota amount is from 2 to 6%, depending on the type of business of the employer. For the implementation of the quota system ensures Disability Fund of the Republic of Slovenia.

Are they compulsory quotas or informal targets?

Compulsory

Are those quota reached?

Mainly they are.

Are there penalties or remedies if not reached?

Yes there are penalties.

Do employers employ required % of disabled or prefer to pay the sanctions?

Employ required %.

How do you use money coming from sanctions (special fund to support measures for persons with disabilities, for employers to provide reasonable accommodation, etc.)?

Money goes back to the Disability Fund and to be spent as reward to those who exceed the quota, or for those companies having a smaller number of employees than 20 and still employ persons with disabilities - many invitations to pursue.

Have the introduction of quotas impacted the overall level of employment of disabled people?

It has a positive impact, more persons with disabilities was employed since introduction.

Is the impact of quota system evaluated?

Yes, evaluation is made by the Disability Fund

Are there any plans to reform the quotas system?

Not at the moment.

4. Active Labour Market Policies

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

Unemployed persons with disabilities can participate in all forms of active employment policy (public works, training, education ...) which are also intended for other various target groups of the unemployed, but only persons with disabilities have vocational rehabilitation services.

Is specific support provided to participation of persons with disabilities in life-long learning (the systemic measures in place, financial support, vouchers, counselling, ESF projects)?

Wage subsidies, advisory / support services, monitoring of work performance / work functioning.

How many persons with disabilities are receiving support?

(See above in the table under the first question)

Are employers receiving support?

Yes

Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and adviser training)?

Unemployed persons, who want to become self-employed, can take advantage of consulting services, which include the assessment of the business plan and subsidy, for unemployed persons with disabilities are also provided vocational rehabilitation services.

Do you have information about the number of self-employed persons with disabilities?

No

Is there a system and specific support for vocational rehabilitation targeting persons with disabilities?

There is a system of professional and vocational rehabilitation, within the education system is the professional orientation of children with disabilities an integral part of the overall system.

5. Passive Labour Market Policies

Have you identified the problem of benefit trap and low motivation of persons with disabilities to enter the labour market in your country?

The problem was identified before the enactment of new legislation relating to the exercise of rights deriving from disability insurance, new legislation in this area is significantly reduced compensations from disability insurance.

Higher problem is the amount of social assistance for unemployed persons with disabilities who do not qualify to receive benefits from the insurance it is insufficient to meet basic living expenses.

Finland

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.)?

In 2014 for persons with disabilities, there were both 60 000 new and completed spells of unemployment. Of those completed spells, some 20 000 were due to employment into open labour market and 24 000 due to starting a service (labour market training, other training or subsidised employment). There is no statistical information about level of needed qualifications etc.

In Finland sheltered employment is mostly organised by municipalities under the Social Welfare Act or special care districts under the Act on Special Care for People with Intellectual Disabilities. There were 1783 persons in sheltered work for persons with disabilities in 2014. In this service the participants have traditionally had an employee status. However, there's no precise information on this available at the moment. 9701 persons participated in sheltered workshops for persons with disabilities in 2014. In this service the participants' most common source of income is pension, in addition to which they can be paid a small daily allowance.

Are they considered to be workers under national law or not?

Labour laws apply to those who have an employment contract, whether they work in open labour market or sheltered employment. Work organised under the Social Welfare Act and the Act on Special Care for People with Intellectual Disabilities is defined as social service, not employment, by national law.

Please, provide information on the division between the traditional and transitional sheltered workshops.

The sheltered workshops operate mostly according to the traditional model in Finland.

Is there an increase of the trend towards transitional model?

Some municipalities have taken the transitional model into use. The Government supports the implementation of the transitional model of supported employment for persons with disabilities. This happens as a joint development by Labour Services and Social Services, funded by the government.

Are any changes / reform in sheltered employment ongoing or planned?

A comprehensive change in the national legislation concerning sheltered work for persons with disabilities is under way during this government period (2015-2019).

How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

No such information is available.

What is the situation of persons who acquire disabilities when already in employment? Please, add figures on job retention and impact of disability in advancement in careers.

Job retention may require changes to work machines, tools or methods or the external working conditions at the workplace, or arrangements that are essential in order to compensate for or reduce the inconvenience caused by the disability or disease. The resulting costs can be reimbursed to the employer subject to an application for subsidy for arrangement of working conditions. If the costs resulting from changes or arrangements would be greater than the purchase price of a new machine, equipment or piece of furniture, the purchase costs can be reimbursed to the employer. The employment and economic development office may grant a subsidy for arranging working conditions also for compensating assistance provided by another employee.

Employers have a statutory obligation to arrange occupational health care in Finland. Occupational health care aims to promote occupational health, the safety of work and the working environment and to prevent occupational diseases. The most important preventive measures in occupational health care are maintaining work ability, sufficient early treatment, and timely rehabilitation. If working incapacity becomes protracted, occupational health care can help employees return to work following sick leave. This requires close cooperation between employees, employers and occupational health care professionals.

In June 2012, legislation took effect by which the remaining work ability of employees must be assessed by occupational health care after 90 working days of sick leave. Employers, employees and occupational health care professionals must estimate how the return to work can be best supported, for instance by making working times more flexible.

According to the Occupational Health Care Act (2001), employers have a duty to monitor and support the ability of a disabled employee to cope at work, provision of advice on rehabilitation, and directing for treatment or vocational or medical rehabilitation.

Employers have to arrange and pay for accident insurance to compensate expenses and earnings in the event of occupational diseases or workplace accidents.

Authorised earnings-related pension providers (Earnings-related insurance rehabilitation) and workers' compensation and motor liability insurance institutions (Insurance rehabilitation) provide occupational rehabilitation for persons in need of rehabilitation.

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

According to the Occupational Health Care Act (2001), employers have a duty to adapt the work to the needs of the employee if necessary and to maintain and promote the employee's working and functioning capacity.

Employers, entrepreneurs and other self-employed persons are entitled to receive compensation for the costs incurred in organizing occupational health care as provided in the Sickness Insurance Act.

Do Public Employment Services provide support for reasonable accommodation?

Placement of a disabled person in a workplace or retention of that job may require changes to work machines, tools or methods or the external working conditions at the workplace, or arrangements that are essential in order to compensate for or reduce the inconvenience caused

by the disability or disease. The resulting costs can be reimbursed to the employer subject to an application for subsidy for arrangement of working conditions. If the costs resulting from changes or arrangements would be greater than the purchase price of a new machine, equipment or piece of furniture, the purchase costs can be reimbursed to the employer. The employment and economic development office may grant a subsidy for arranging working conditions also for compensating assistance provided by another employee.

Could you elaborate on subsidies available to employers to provide reasonable accommodation?

Subsidy for arranging working conditions seems to be poorly known support since in 2014 only some 110 different employers applied the subsidy and 105 were granted.

Do you disseminate information on these assistance measures and subsidies to employers?

Yes, as normal dissemination of information of the services.

Do you have information about the different types of adaptations provided by the employers?

No

How is reasonable accommodation provided in public administration?

In the same way as in private sector - the same legislation on equality applies.

Is there a complaint mechanism in place as concerns non-application of reasonable accommodation?

Yes: Ombudsman on Equality, Board on Equality and Work Safety Authorities.

3. Employment Quotas

Do you have quotas in place?

No

4. Active Labour Market Policies

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

There are no public employment services (PES) or measures targeted only for persons with disabilities. All the measures and services are for all customers. The labour authorities prefer to integrate disabled persons into mainstream training and employment programmes. Services for disabled customers are handled in employment offices mainly according to so-called normality principles. In serving customers with disabilities, every effort is made to utilise first and foremost the employment services intended for all citizens: job placement services, vocational guidance and career planning, labour market training and vocational information, and employment training.

Although, if the disabled client's service need requires services other than public employment and business services, or if another authority or party is responsible for providing the service, the employment and economic development office, must inform the client about other service options and, as appropriate, steer the client to services provided by other authorities or service providers, in cooperation with these. Persons with disabilities often may need rehabilitation or vocational rehabilitation. Rehabilitation tasks are handled within different service, insurance and administration systems.

The main players in the field of rehabilitation are:

- Municipal health care / Occupational health care
- Social Insurance Institution (SII)
- Authorised earnings-related pension providers (Earnings-related insurance rehabilitation)
- Workers' compensation and motor liability insurance institutions (Insurance rehabilitation)
- Municipal social services

Measures of occupational rehabilitation provided by authorised earnings-related pension providers, workers' compensation and motor liability insurance institutions and the Social Insurance Institution are mainly similar in each institution and division of responsibilities comes mainly from the client's situation. Typical measures are:

- examinations
- work and training trials and try-outs
- vocational education
- job coaching
- financial subsidies for self-employment

If person with disabilities receives vocational rehabilitation, which fundamentally is targeted to enhance one's employability, PES is regarded as complementary and promoting employment into open labour market. The main PES measures are (see <http://www.finlex.fi/en/laki/kaannokset/2012/20120916>):

- Information and advisory services: As a public employment and business service, the employment and economic development office distribute information and give advice e.g. on vacant positions, training opportunities, starting up of business activities and opportunities for developing them.
- Expert assessments: To assess the competence, professional skills, suitability, and work, business, and training options of an individual client, the employment and economic development office may acquire different kind of surveys, examinations and assessments
- Vocational guidance and career planning: The Labour Administration's vocational guidance and career planning services help the customers in solving questions relevant to their choice of profession, professional development and finding jobs in various stages of

their lives - when the customer is planning continued or complementary education, thinking about changing careers or comes face to face with issues associated with unemployment, state of health and coping at work.

- Coaching: The employment and economic development office may offer job seeking coaching, career coaching and work coaching.
- Try-outs: The employment and economic development office may arrange try-outs in educational institutions and workplaces in order to examine career options and to support returning to the labour market.
- Labour market training and jobseeker's independent studies supported by unemployment benefit

Is specific support provided to participation of persons with disabilities in life-long learning (the systemic measures in place, financial support, vouchers, counselling, ESF projects)?

Labour market training and jobseeker's independent studies supported by unemployment benefit:

Labour market training is training designed for the population in the working age, the aim of which is to improve the participants' possibilities of staying on at work or returning to the labour market. Labour market training mostly concerns continued or further training for vocational qualifications previously acquired either by study or at work. A majority of the training leads to a vocational qualification or partial qualification based on a demonstration examination or curriculum, in which skills learnt earlier are taken in consideration by preparing a personal study plan for each student.

As an alternative to labour market training a jobseeker who has turned 25 years of age and who is engaged in independent studies is entitled to unemployment benefit if the jobseeker is in need of training and the employment and economic development office assesses independent studies to be the most appropriate method for enhancing the jobseeker's vocational skills and possibilities for finding employment or retaining a job.

Adult education allowance:

The purpose of the adult education allowance by the Education Fund is to support employees' and self-employed persons' voluntary vocational studies and life-long learning. The allowance is not targeted only for persons with disabilities.

To qualify for the allowance, the applicant must participate in studies leading to a degree or in vocational further or continuation training and his/her full-time employment relationship with the same employer or pension-insured entrepreneurship must have lasted for at least one year. In addition, the applicant must have been employed or have worked as a self-employed person for at least eight years. The applicant must be on unpaid study leave of at least two months due to his/her studies. Allowance can also be paid to an applicant whose periods of study leave last less than two months or who studies part-time on the basis of a study leave agreement made with the employer.

How many persons with disabilities are receiving support?

In 2014 from all the persons with disabilities who were customers in the Employment and economic development office:

- 2 800 started labour market training
- 900 started other training
- 8 202 received coaching or started a try-out, of which 5 400 started a try-out in a workplace
- 5 800 received vocational guidance and career planning
- 11 500 were employed via wage subsidy

Are employers receiving support?

Wage subsidy

Primarily, an effort will always be made to find a vacancy for a jobseeker or guide him/her to training that would promote the finding of a job through employment services. In case a jobseeker cannot find employment through such individual measures, the Employment Office may grant an employer a wage subsidy towards the wage costs of an unemployed person.

A wage subsidy may be granted to a company, organisation, private employer, municipality or federation of municipalities. A wage subsidy can be granted for work performed under an employment contract or for apprentice's indenture.

The objective of work arranged on a wage subsidy is to improve the vocational skills, competence and labour market position of the unemployed jobseeker and to promote access to the open labour market for those who have been unemployed for extended periods. A wage subsidy can be used to employ unemployed persons whose productivity in the task that is offered is estimated to be lower because of his/her deficiencies in vocational skills.

The wage subsidy may, however, be granted even if there are no deficiencies in the vocational skills of the person to be employed on the subsidy if the person in question is over 60 years of age and has been unemployed for a continuous period of at least 12 months immediately before the granting of the wage subsidy. A wage subsidy may only be granted on the basis of a disability or illness if the employment and economic development office determines that the disability or illness substantially and permanently or in a permanent manner lowers the productivity of the unemployed jobseeker in the task offered.

Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and adviser training)?

Start-up grant

As in all the PES measures, start-up grant is targeted to all (also non-disabled) customers who are willing to become an entrepreneur. Start-up grant is granted for a maximum period of 18 months and as a de minimis subsidy. The customer must have or acquire sufficient capacities for the intended business activity.

Self-employment subsidies as vocational rehabilitation

See below the text about vocational rehabilitation.

Do you have information about the number of self-employed persons with disabilities?

No

Is there a system and specific support for vocational rehabilitation targeting persons with disabilities?

The providers of earnings-related pension have the primary responsibility for the provision of vocational rehabilitation services to those recipients who are or could potentially be economically active. The Social Insurance Institution of Finland (SII) has a statutory responsibility to provide its clients with access to vocational rehabilitation services and to ensure their income security during rehabilitation. Vocational rehabilitation granted by the SII is aimed at people entering or already in working life whose work capacity has deteriorated or is at risk of deteriorating over the next few years. The purpose of vocational rehabilitation may be to improve the capacity for work so as to help a person cope with work demands, to help him/her overcome impairment and enter working life or to help him/her return to work after a lengthy absence. However, the SII's rehabilitation mandate is secondary to the provision of rehabilitation services under Acts on Workers' Compensation, Motor Liability Insurance, Military Injuries and Military Accidents. Rehabilitation allowances, paid by the SII and the earnings-related pension scheme, are the primary benefit systems providing income maintenance during rehabilitation. When the need for rehabilitation is based on accidents and diseases covered by Acts Workers' Compensation, Motor Liability Insurance, Military Injuries or Military Accidents, income maintenance is regulated in these special laws.

The purpose of business subsidies in the rehabilitation context is to help self-employed persons and entrepreneurs with an illness or disability to start up a business and to acquire necessary tools and instruments. If a person already is running a business, he/she can receive subsidy towards acquiring tools and instruments if they are for personal use and if they are essential for him/her to perform his/her work. Before granting a subsidy, the SII evaluates whether the work and business activity is suitable in light of a person's illness or disability. Also evaluated are professional skills and the outlook of the business to remain profitable. The amount of subsidy granted is determined on grounds what is necessary and reasonable. The subsidy can cover up to 80% of projected costs and can be up to EUR 17 000.

Under the earnings-related pension scheme, rehabilitation allowance is paid to an insured person who is working but is threatened to be incapacitated for work due to an illness and for whom the pension provider arranges vocational rehabilitation. Rehabilitation allowance may be granted as a partial benefit amounting to a half of the full allowance when the insured person earns more than half of the stabilised earnings during rehabilitation. Discretionary rehabilitation assistance may furthermore be granted in the amount of the disability pension for periods between rehabilitation periods. The SII provides income maintenance during rehabilitation for the rest of working-age population who are not within the scope of applicability of the above mentioned laws. A cash benefit called "rehabilitation allowance" is paid for the duration of rehabilitation that requires absence from the recipient's regular work. The rehabilitation allowance is paid in connection with rehabilitation services arranged by the SII, or by the primary health care, social services or occupational health care sector.

The following benefits are available: rehabilitation allowance proper, means-tested rehabilitation assistance that is payable during the post-rehabilitation period, and the means-tested maintenance allowance. The rehabilitation must be aimed at helping the rehabilitation client enter, re-enter or remain in employment. Young people between 16 and 19 years of age are eligible for a rehabilitation allowance if their ability to work or possibility to choose a profession is impeded by their condition so that they need an intensified work ability evaluation or rehabilitation. Eligibility for the allowance requires that the young person has

had a personal training and rehabilitation plan drawn up for them together with, for instance, their local health care centre. The aim of the regulation is to guarantee that a young person receives vocational rehabilitation and support for studying and employment.

5. Passive Labour Market Policies

Have you identified the problem of benefit trap and low motivation of persons with disabilities to enter the labour market in your country?

Yes, both the previous government and the current government have worked and are working towards removing benefits traps. According to a study from 2011, a bit less than half of the persons with disabilities seek employment (PTT-raportteja 225). However, there are no comprehensive studies on these issues.

In its work, the current Government has placed emphasis on the extension of working careers. A key element in this regard is to prevent incapacity for work and to improve employment opportunities for the partially disabled. The implemented development measures are based on the view that timely and properly targeted actions can prevent a person from retiring on a disability pension and to provide significant support to the partially disabled people's opportunities to access employment or to stay employed. Even if a person's work ability would be weakened, he/she often has partial ability to work. A key to accessing employment, staying at work and extending working careers is that each existing work ability can be used and that it is supported in every possible way.

What is its main reason – low financial advantage of employment as compared to benefits, inability to work and keep some benefits, low flexibility in transition to and out of the labour market?

There are no comprehensive studies on these issues, but the benefit trap has been identified for those on disability pension. The trap includes both the maximum amount of pay that the person receiving disability pension may earn as well the fear for losing the pension if employed for a longer period. Also the current service system doesn't encourage persons on disability pension into employment as effectively as it should. This applies especially to social services that arrange work and day activities for persons with disabilities.

Do the systems provide sufficient flexibility in moving to and out of employment and the social protection system, do they allow for a combination of pension and income from work?

The Act on Promoting the Return to Work of Persons on Disability Pension (738/2009) entered into force in the beginning of 2010. The Act extended the opportunity to leave a disability pension dormant: in addition to other disability pensions, the opportunity now applies to disability pensions under legislation governing employment pensions and fixed-term disability pensions under the National Pensions Act. The Act also applies to guaranteed pensions granted as disability pension. The limit for earned income when receiving disability pension was increased to the level of guarantee pension from 1 March 2011, and its amount was tied to the National Pension Index. The limit is EUR 743.84 per month in 2016.

Disability pension under the National Pensions Act (568/2007) shall be left dormant when the person's earned income exceeds EUR 743.84 per month. Persons receiving full disability pension under legislation governing employment pensions are allowed to earn 40%, at the

most, of the average income level they had before their incapacity for work, but always at least EUR 743.84 per month. Full disability pension is changed into partial disability pension if both limits for earned income, 40% and EUR 743.84, are exceeded but the earnings during one year, at least, remain smaller than 60% of the person's average income level. A person who receives partial disability pension can earn 60%, at most, of his or her average earned income before the impaired capacity for work, but always at least EUR 743.84 per month. Partial disability pension shall be left dormant if both limits for earned income, 60% and EUR 743.84, are exceeded.

At the minimum, disability pension can be dormant for three months and at the maximum for two years. If the person's earnings decrease below the limit for earned income set by law, the payment of his or her disability pension that was dormant restarts without a new evaluation of work capacity. Disability pension can be left dormant again after the person has received disability pension for a month, at least. During that period of receiving disability pension, the amount of earned income must not exceed the maximum limit set by law.

When work is carried out while disability pension is dormant, new pension is accrued from the earned income. The accrual percentage is then 1.5% of the annual earnings, which is the same percentage as for work carried out while retired on old-age pension. If the person wants to continue to work after two years, his or her disability pension will be abolished retrospectively as of the date when the disability pension was left dormant. In that case, the person will accrue new earnings-related pension in accordance with age-related accrual rate for the period when the disability pension was dormant.

When disability pension is dormant, the person's work is supported by paying him or her highest disability allowance for persons over the age of 16 years, as laid down by the Act on Disability Benefits (570/2007). The amount of the highest disability allowance is EUR 420.51 per month in 2016. The precondition for paying disability allowance is that all disability pensions granted for the person are dormant simultaneously. It is further required that the person has received care allowance for pensioners immediately before the disability pension was left dormant. If the person has, immediately before the disability pension was left dormant, received housing allowance for pensioners, the payment of the housing allowance will continue for as long as the requirements for receiving housing allowance are met. This applies even though disability pension is not paid when the pension is dormant.

Entitlement to disability pension

There are two pension schemes in Finland: national pension scheme and earnings-related pension scheme. The criteria for disability for work are largely identical in both pension schemes. Disability pension may be granted to a person who has an illness, handicap or injury that reduces their working ability, when the incapacity for work may be assumed to last for at least a year. Besides medical factors, the pension-recipient's earning-capacity by means of such available work that they can be expected to manage reasonably well in the light of their education, earlier activity, age, place of residence and other comparable factors, is taken into account.

In the national pension scheme, disability pension may be granted to persons aged from 16 to 64 years. However, disability pension is not granted before the rehabilitation possibilities have been investigated. Permanently blind persons and persons who are unable to move are in any case always considered disabled to work. In the earnings-related pension scheme, disability pension may be granted to persons aged between 18 and 62. At the age of 63, disability pension is replaced by old-age pension.

Partial, temporary and special disability pensions

Earnings-related disability pension may be paid in full or as a partial pension. A full disability pension is paid if the person's work ability is reduced by at least three-fifths. A partial disability pension is paid if the work ability is reduced by less than three-fifths but at least by two-fifths. The estimation is conducted by the pension institution. The amount of the partial disability pension is half of the full pension.

In both pension schemes, disability pension can be granted for a specified period or until further notice. A temporary disability pension (called "cash rehabilitation benefit" or "rehabilitation subsidy") is paid to a person who is disabled for work but whose handicap or illness is expected to improve through treatment or rehabilitation. Thus, a temporary disability pension always requires a treatment or rehabilitation plan. A disability pension, whether temporary or indefinite, may be discontinued if the work ability of the beneficiary improves. In addition to the disability assessment required for new periods of temporary pensions, there is no automatic retesting of the disability status. A recipient is always entitled to have their pension matter re-examined on grounds of new clarification presented in the matter.

Disability allowances

Disability allowances (child disability allowance, disability allowance, pensioners' care allowance), granted by the SII, are aimed at improving the quality of life of disabled persons despite their disability or illness. The aim is to promote their equal opportunities in comparison to other citizens. Disability allowances are linked together by a so-called life span ideology, in which the functional abilities of a disabled person or person with an illness are taken into account and improved throughout their life cycle.

The purpose of the disability allowance is to make it easier for disabled persons of a working age who are not pension recipients to manage their daily lives and to cope with work and studies. Persons between 16 and 64 years of age, whose functional ability has been reduced on account of an illness or injury for a period of at least 12 months, are entitled to the said allowance. Eligibility is not dependent on income or asset-based tests. The allowance is intended to provide a compensation for the handicap, need of assistance, as well as to cover the special expenses caused by the illness or injury. It is graded in three payment categories. Disability allowances are fully financed by the State and are non-taxable income.

Statutory accident insurance system

Statutory accident insurance provides coverage for employees and farmers in case of work accidents or occupational disease. Work accident means an accident due to an unexpected, sudden external event which causes injury or illness to an employee while he or she is working, in circumstances related to his/her work or in his/her work place, when going on errands for his/her employer or while protecting or trying to protect property or his/her employer or while saving or trying to save human lives in the course of his/her work. Occupational disease means a disease which is probably primarily due to physical, chemical or biological factors associated with work done during a period of employment. Not only the accidents occurring at the place of work, but also commuting accidents are compensated.

According to the statutory accident insurance, the right to receive compensation for a work accident is based on performance of work for another person, i.e. on an employment relationship or a post. A self-employed person has no obligation to take out an employment accident insurance, but he/she has the possibility of taking out the same cover voluntarily.

The benefits of the statutory accident insurance system are: compensation for medical care, daily allowance, employment accident pension (including survivors' pension), inconvenience allowance, invalid rehabilitation care and funeral benefit. Compensation for accident injuries takes priority over other forms of statutory compensation and pensions. This means that the injured worker is first paid the compensation he/she is entitled to on the basis of statutory accident insurance in full and the benefits of other social insurance is paid if he/she is entitled to them. An employee is entitled to compensation even when the employer fails to take out the insurance.

The amount of the daily allowance is, for the first four weeks, the same as the wage the employer is paying during the time of sickness. After four weeks it is one 360th of the annual earnings of the insured person. Daily allowance is paid for a maximum of one year after the accident or the occupational disease occurred. After one year the indemnity is paid as an employment accident pension. The accident pension for a totally disabled person is 85% of his/her annual earnings (70% after the age of 65). In the event of partial disability, a proportionate amount of full accident pension corresponding to the reduction in working capacity is paid.

According to the Employment Accident Insurance Act, it is the employers who are obliged to pay the insurance premiums. The employees do not pay anything in this social insurance. The calculation basis for insurance premiums must be such that the premiums are in reasonable proportion to the costs arising from the insurance, taking into account the risk of accident and occupational disease involved in the employment concerned. The statutory accident insurance system is operated by private insurance companies. The State Treasury Office is responsible for the accident insurance coverage of government employees.

Legislative amendments to benefits

The validity of a fixed-term law promoting the return to work of persons on disability pension was extended from 2014 until the end of 2016. The legislation is intended to stay in force even from the beginning of 2017 onwards.

Are any reforms foreseen to tackle the benefit trap?

Yes, it is one of the main objectives in the current government's key program that promotes the employment of persons with partial working capacity.

Are reforms of assessment of working capacity ongoing?

Measures to encourage the employment of persons with disabilities

Yes, as part of the Government's key project to promote the employment of persons with partial working capacity. The Government is also appointing a committee to evaluate the needs for change of Finnish rehabilitation system. Working capacity is one of the main issues the committee will focus on.

Are reforms of assessment of working capacity complemented by sufficient provision of active labour market policies and social services to enable persons with disabilities to integrate into the labour market and avoid their falling into poverty in case of losing a part or whole disability pension?

The validity of the fixed-term law promoting the return of those on disability pension to work was extended from 2014 until the end of 2016. It is intended to continue the validity of the law from the beginning of 2017.

The access to vocational rehabilitation organised by the Social Insurance Institution was facilitated in 2014 so that in addition to illness or injury, other factors affecting person's life are taken more widely into account when assessing the right to rehabilitation. The change has improved the inactive young people's access to vocational rehabilitation.

Two amendments were introduced to the Health Insurance Act: in 2014, partial sickness allowance was extended from 72 days to 120 days, and since 2015, students have the right to limited studies on sick leave, i.e. when the student is paid sickness allowance instead of study grant.

Starting from the beginning of 2015, earnings-related pension providers have been obliged to identify, on their own initiative, the right of the person applying for the disability pension to vocational rehabilitation. If the conditions of eligibility for rehabilitation are met, a preliminary decision on rehabilitation is given to a person in addition to the disability pension solution. Also, the emphasis is placed on the Social Insurance Institution's obligation to identify the possibilities of rehabilitation before giving a decision on the disability pension.

The amendment to the Disability Benefits Act has come into force on 1 June 2015. The amendment concerns the subsidies for disabled persons under 16 years of age, subsidies for disabled persons over 16 years of age and care allowance for pensioners. The Act provides for a more precise definition of the specific costs resulting from the illness, impairments or injuries, which are taken into account when granting disability benefits. After the amendment, the severity of illness or injury is clearer and stronger factor impacting the level of the subsidy being granted, which promotes equality for example among people in the same illness or disability group. Due to the amendment, there would be approximately 10,000 newly eligible minimum basic benefit recipients over 16 years of age by the end of 2020. The amendment will allocate subsidy, inter alia, to those who are under threat of disability, such as people suffering from long-term mental and behavioural disorders, those with multiple sclerosis or rheumatoid arthritis, or persons with cerebral palsy.

The amendment to rehabilitation legislation has come into force at the beginning of October 2015, whereupon the person being rehabilitated can receive a partial rehabilitation allowance for those rehabilitation days when he/she is working part-time alongside the rehabilitation.

Sweden

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.)?

In Sweden the public sector is responsible for providing sheltered employment. There are two main forms; sheltered employment in the public sector and sheltered employment within Samhall AB.

Sheltered employment in the public sector targets people with limited ability to work due to problems relating to addiction, people with cognitive disabilities, people with a history of chronic and severe mental illness who have not been in contact with working life for a long time and people who are entitled to measures under the Act concerning Support and Service for Persons with Certain Functional Impairments. In 2014 an average of 3 586 people per month had this form of employment¹²².

People with disabilities whose needs cannot be met in any other way may also be offered employment with Samhall AB. This company was established as a state-owned group in 1980 with the aim to produce goods and services that are in demand and, by doing so, create meaningful and stimulating work for people with disabilities. Samhall AB provided sheltered employment for about 20 000 people with disabilities in 2014¹²³.

The terms of the employments are set out in the applicable collective bargaining agreements, which means there is no specific standard for this group of employees as a whole.

Are they considered to be workers under national law or not?

Yes, they are.

What are the main types of work in sheltered workshops?

Sheltered employment in the public sector can include different types of work. One significant restriction, however, is that the work cannot be in parts of the public sector that is open to competition from the private sector. This is often particularly relevant in municipalities. Samhall AB offers a wide range of services in several different parts of the labour market, for instance in maintenance, logistics, manufacturing and care¹²⁴. Therefore the types of work for the employees also vary. Thus what people in sheltered employment have in common is primarily the form of employment rather than the type of work they do.

Please, provide information on the division between the traditional and transitional sheltered workshops.

¹²² Arbetsförmedlingen, Annual report 2014: http://www.arbetsformedlingen.se/download/18.25cbe81c14b70efda53188c/1424430255050/Arbetsf%C3%B6rmedlingens_%C3%A5rsredovisning_2014.pdf

¹²³ Samhall AB, Annual report 2014: http://samhall.se/wp-content/uploads/2015/04/Samhall_AHR2014.pdf

¹²⁴ Samhall AB, Annual report 2014: http://samhall.se/wp-content/uploads/2015/04/Samhall_AHR2014.pdf

All sheltered employment in Sweden aims towards increasing the opportunity for the employee to find unsubsidised employment¹²⁵. In that sense all sheltered workshops in Sweden can be considered transitional, even though persons may be employed there for a considerable amount of time.

Is there an increase of the trend towards transitional model?

See answer to previous question.

Are any changes / reform in sheltered employment ongoing or planned?

Not in terms of changes to the regulatory framework. Within the application of the legislation, however, there has been an increase in the number of people employed with development employments within Samhall AB¹²⁶¹²⁷. This is the result of a directed effort from the Swedish government to provide more opportunities for workers with disabilities to increase their work ability in an environment which is suited to their needs.

How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

A total of 1 102 people moved from Samhall to other employment in 2014¹²⁸. From sheltered employment in the public sector, 86 persons moved to other employment (without any kind of subsidy)¹²⁹. Given the variety of types of work that exist within (both forms of) sheltered employment it is difficult to identify trends that are common for this group as a whole.

What is the situation of persons who acquire disabilities when already in employment? Please, add figures on job retention and impact of disability in advancement in careers.

When a disability is acquired the employer has a responsibility to provide the employee with different kinds of support and rehabilitation. This is regulated in the Work Environment Act¹³⁰.

The annual study by Statistics Sweden on the situation in the labour market for people with disabilities also included a number of questions regarding how the respondents viewed their prospects of advancing in their career and in what, if any, way their disability is a factor in that regard. The survey shows that 6.5 percent of respondents with a disability that causes reduced work ability think they have been treated unfairly in relation to their wage because of their disability. Furthermore, 9.4 percent think their disability has been the reason for them

¹²⁵ Act (2000:630) concerning Support and Service for Persons with Certain Functional Impairments: <http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/-sfs-2000-630/>

¹²⁶ Samhall AB, Annual report 2014: http://samhall.se/wp-content/uploads/2015/04/Samhall_AHR2014.pdf

¹²⁷ Arbetsförmedlingen, Annual report 2014:

http://www.arbetsformedlingen.se/download/18.25cbe81c14b70efda53188c/1424430255050/Arbetsf%C3%B6rmedlingens_%C3%A5rsredovisning_2014.pdf

¹²⁸ Samhall AB, Annual report 2014: http://samhall.se/wp-content/uploads/2015/04/Samhall_AHR2014.pdf

¹²⁹ Arbetsförmedlingen, Annual report 2014:

http://www.arbetsformedlingen.se/download/18.25cbe81c14b70efda53188c/1424430255050/Arbetsf%C3%B6rmedlingens_%C3%A5rsredovisning_2014.pdf

¹³⁰ Work Environment Avt (1977:1160): https://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Arbetsmiljolag-19771160_sfs-1977-1160/

not getting a job they have applied, and been qualified, for in the past five years. When it comes to the opportunity to take part in courses and education within the workplace, 6.0 percent say that they have been unable to do so because of failure to meet their needs. 6.6 percent of respondents with a disability that causes reduced work ability say that they have lost a job because of their disability in the last five years¹³¹.

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

The Public Employment Service (PES) provides several kinds of support measures for reasonable accommodation provided that the disability is clearly defined and documented¹³². The basis for providing support, and deciding what kind of support measure(s) would be most effective in each case, is always an assessment of the individual needs of the disabled person.

Various kinds of subsidised employment for people with disabilities (wage subsidy, development employment, secure employment and sheltered employment in the public sector) is common in Sweden. It is also common that some form of adjustment or accommodation is required in connection with an employment of this kind. That can entail any of the various measures listed below, but it is important to note that different kinds of accommodation also in many cases is part of the terms of the subsidised employment in itself.

If a person needs a large amount of individual support to learn or perform their work tasks, employers and employees can receive personal introduction assistance from a specially trained employment officer, known as a special introduction and follow-up consultant (SIUS consultant). This support is gradually decreased over a six-month period and ends once the disabled person is able to perform their tasks without assistance. Follow-up support can be provided for up to one year from the commencement of employment.

Employers can receive support for adjustments in the workplace and various kinds of assistive devices that are used by the disabled person. This cannot include adjustments or devices which the employer are obliged to provide to their employees under the Work Environment Act or measures that the employer is eligible to receive other kinds of support for. In some cases the support is provided directly to the disabled person (for instance when the assistive device is relatively small and mobile), and in some cases support is provided to partly fund an adjustment in the workplace (for instance when the adjustment is beneficial for all employees even though the employer is not obligated to provide it by law).

Support can also be given to employers in order to cover the cost of assigning persons with disabilities an assistant in the workplace. The assistant is typically another employee. The employer is then compensated for the cost of providing the assistant. The amount varies with the amount of time spent and the wage of the assistant. There is however a maximum of SEK 60 000 per disabled person per year.

¹³¹ Statistics Sweden, The labour market situation for people with disabilities 2014:

http://www.scb.se/Statistik/ Publikationer/AM0503_2014A01_BR_AM78BR1501.pdf

¹³² Act (2000:630) concerning Support and Service for Persons with Certain Functional Impairments:

<http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/- sfs-2000-630/>

The Swedish government provides financial assistance for people with visual and hearing impairments who need literature in audio and Braille formats, in order to take part in employment training or training within the framework of a labour market policy programme. Financial support may also be offered for interpreters who are needed to enable participation in company training courses, or for making audio recordings of specialist literature that is required in order to take part in the training.

Is there any competence centre in your Country, region, locality?

Each agency, region or municipality provides advice and assistance on the basis of their respective responsibilities, though it is not uncommon for different actors to engage in cooperation, either in projects or on a case-by-case basis.

Do Public Employment Services provide support for reasonable accommodation?

Yes. See answer to the first question above for further information.

Could you elaborate on subsidies available to employers to provide reasonable accommodation?

Yes. See answer to the first question above for further information.

Do you disseminate information on these assistance measures and subsidies to employers?

Yes. Information is spread through the PES website as well as via other channels. For instance PES provides various kinds of information leaflets that are used when employees are contacted. It is also important to note the value of actively acquiring work for persons with disability. In practice this means that PES officers initiate contact with various local employers in order to find suitable employment for disabled jobseekers. Employments acquired this way will often include some kind of subsidy and/or support measure, and therefore the information that PES provides to the employers regarding the different kinds of support measures that are available is an important part of the process.

Do you have information about the different types of adaptations provided by the employers?

Since the individual needs of persons with disability vary greatly, support is provided for a very wide range of adaptations as long as the individual has a clearly identified need. In terms of the different types of support (assistive aids, SIUS, personal assistance), figures on this are provided below.

How is reasonable accommodation provided in public administration?

The regulatory framework in Sweden does not differentiate between public and private employers in this regard. Thus all support measures that are available for employers in general can also be provided for persons with disability that work within public administration.

Is there a complaint mechanism in place as concerns non-application of reasonable accommodation?

In Sweden the employer is obligated to make reasonable accommodations to ensure the employee with disabilities is in a comparable situation with other employees' without disabilities. If an employer fails to provide reasonable accommodation, there may be a case of direct discrimination. By taking the court jurisprudence into account the employer is obliged to take such action as may be considered reasonable.

Would you like to signal changes as concerns information provided in the study "Providing reasonable accommodation for persons with disabilities in the workplace in the EU..." published by the Commission in 2008?

No. Sweden has come a long way in this regard. PES provides support to aid in the workplace and support for personal assistants in order to assist people with disabilities to get and keep a job.

3. Employment Quotas

Do you have quotas in place?

No.

4. Active Labour Market Policies

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

The Public Employment Service (PES) implements labour market programmes for people with disabilities who have a reduced ability to work and for people who have difficulty entering the labour market. The main legal basis for these programmes is provided by Regulation 2000:630 on special measures for people with disabilities and reduced workability¹³³. Labour market measures and programmes that specifically target persons with disabilities include:

- * wage subsidies;
- * development employment;
- * secure employment;
- * sheltered employment;
- * assistive devices;
- * personal assistance;
- * individual support from a SIUS consultant;
- * measures for people with visual and hearing impediments;
- * special measures for young people with disabilities.

¹³³ Act (2000:630) concerning Support and Service for Persons with Certain Functional Impairments: <http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/-sfs-2000-630/>

Wage subsidies, development employment, secure employment and sheltered employment are all based on the principle that the employer receives financial compensation to a degree that – theoretically, at least – is equivalent to the reduction in work ability of the employee. In that regard these support measures work in the same way. The difference instead lies in other factors, for instance what different kinds of other support that can be given in combination with the wage subsidy, what groups of employees are targeted, to what degree the employee is exempt from other labour legislation and for how long time the subsidy can be given. It is important to note that because of the way the subsidy in these cases is constructed the person can be said to hold a “regular job”, many times on the same terms as everyone else in the workplace, and the subsidy aims at compensating for the disability – thus making it cost neutral for the employer to hire someone with a disability. The purpose of the other support forms mentioned above is to provide support to the individual according to his or her needs in the workplace.

Persons with disabilities are also eligible for all labour market measures and programmes available for jobseekers in general. These, for instance, include various kinds of education, trainee programmes and guidance. In some instances these general measures and programmes have been used, both nationally and locally, in projects and efforts that specifically have targeted persons with disabilities. One example is the ongoing trainee program in the state sector. There are also certain labour market measures where, while not explicitly reserved for people with disabilities, a relatively high percentage of participants have a disability. One example are the preparatory measures, where the aim is to prepare the jobseeker so that he/she is more ready to be able to start employment should the opportunity arise.

Is specific support provided to participation of persons with disabilities in life-long learning (the systemic measures in place, financial support, vouchers, counselling, ESF projects)?

The entire educational system is required to meet certain standards when it comes to accessibility and accommodation, but there are also more specific measures in place in relation to the labour market and employability.

For instance; jobseekers in Sweden can take part of motivational courses at folk high schools for a certain amount of time. The purpose is to motivate them for further studies and, as an extension of that, strengthen their position in the labour market. For persons with disability the maximum time allowed for these courses is higher.

PES also provides opportunities for job seekers to take part in courses that aim to increase their skill level and increase their chances of finding employment. For jobseekers with disabilities, as well as for others who have the need, there are also preparatory courses and a possibility to adapt the courses to suit individual needs.

For persons that are in employment, financial support may be offered for interpreters who are needed to enable participation in company training courses, or for making audio recordings of specialist literature that is required in order to take part in the training¹³⁴.

How many persons with disabilities are receiving support?

¹³⁴ Act (2000:630) concerning Support and Service for Persons with Certain Functional Impairments: http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/-_sfs-2000-630/

As stated above, persons with disabilities are eligible for all support measures that are available to the general population of jobseekers. As a result of that persons with disabilities receive many different kinds of support. A total of 235 154 people with disabilities were registered at the Public Employment Service in 2014¹³⁵.

The number of people that have been employed with some form of wage subsidy is as follows (these individuals are also included in the total number of registered persons above). Please note that the numbers represent average amounts per month over the full year in this case¹³⁶.

	2012	2013	2014
Wage subsidies	44 094	37 606	32 230
Development employment	3 818	5 168	7 841
Secure employment	20 995	27 534	32 990
Sheltered employment in the public sector	4 208	3 881	3 586

The most common other forms of support directed to people with disabilities are the following. In this case, however, the numbers represent the total number of individuals that have received the respective kinds of support during the course of each year. It should be noted that the various support measures, both in this table and in the one above, can be combined in a number of different ways (either at the same time or over the course of a year) which means that one individual may contribute to the total for more than one support measure¹³⁷.

	2012	2013	2014
Assistive devices	6 965	7 682	7 042
Personal assistance	14 779	19 059	22 174
Individual support from a SIUS consultant	8 405	9 287	9 908

Are employers receiving support?

Yes. The assessment of a disability and its consequences in terms of work ability is based on the situation as a whole for an individual in the workplace, considering not only the disability itself but the overall work ability of the individual in the context of the work environment and the tasks employee is to fulfil. In the same way, several of the measures that are available for employees with disabilities are at the same time intended to function as a means of support for the employer. While personal assistance, for instance, acts as support for an individual

¹³⁵ Arbetsförmedlingen, Annual report 2014:
<http://www.arbetsformedlingen.se/download/18.25cbe81c14b70efda53188c/1424430255050/Arbetsf%C3%B6rmedlingens+%C3%A5rsredovisning+2014.pdf>

¹³⁶ Arbetsförmedlingen, Annual report 2014:
<http://www.arbetsformedlingen.se/download/18.25cbe81c14b70efda53188c/1424430255050/Arbetsf%C3%B6rmedlingens+%C3%A5rsredovisning+2014.pdf>

¹³⁷ Arbetsförmedlingen, Annual report 2014:
<http://www.arbetsformedlingen.se/download/18.25cbe81c14b70efda53188c/1424430255050/Arbetsf%C3%B6rmedlingens+%C3%A5rsredovisning+2014.pdf>

employee it is the employer who receives the financial support to cover the cost for providing the assistance. The methodology used by the SIUS consultants includes this perspective as well; their support is directed to the employer and the workplace as a whole as well as the employee.

Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and adviser training)?

Yes. PES provides jobseekers in general with support to start their own business on the condition that business plans etc. are deemed viable. This can include financial support as well as different kinds of advisory and educational services. In some ways jobseekers with disabilities are also exempt from certain limitations in the rules, for instance regarding the minimum age of the person receiving the support.

For disabled jobseekers there are special support measures available in addition to this. A jobseeker with a disability can for instance also receive financial support for costs pertaining to the acquisition of equipment that is needed in the start-up process. 550 persons received this form of special support in 2014¹³⁸.

Do you have information about the number of self-employed persons with disabilities?

According to the 2015 survey by Statistics Sweden on the situation for people with disabilities in the labour market, approximately 8,7 per cent of respondents with reduced work ability that are in some kind of employment state that they run their own business or helps a family member to do so. While it is important to note that this is a survey and as such not an exact measurement, the percentage would translate to about 31 000 people in total¹³⁹.

Is there a system and specific support for vocational rehabilitation targeting persons with disabilities?

Yes. To a significant degree this is the responsibility of the PES, but other actors also have important roles; for instance health care providers and the Swedish Social Insurance Agency. All of the various support measures listed above are integral parts of the process.

5. Passive Labour Market Policies

Have you identified the problem of benefit trap and low motivation of persons with disabilities to enter the labour market in your country?

Yes, although to a lesser extent because of the control environment¹⁴⁰.

¹³⁸ Arbetsförmedlingen, Annual report 2014:

http://www.arbetsformedlingen.se/download/18.25cbe81c14b70efda53188c/1424430255050/Arbetsf%C3%B6rmedlingens_%C3%A5rsredovisning_2014.pdf

¹³⁹ Statistics Sweden, The labour market situation for people with disabilities 2014:

http://www.scb.se/Statistik/Publikationer/AM0503_2014A01_BR_AM78BR1501.pdf

¹⁴⁰ The internal governance and control of the activities / programs largely complies with the requirements for regulatory compliance: Law on Unemployment Insurance (1997: 238) and Social Code (2010: 110).

What is its main reason – low financial advantage of employment as compared to benefits, inability to work and keep some benefits, low flexibility in transition to and out of the labour market?

Mainly low motivation and inability to work and keep some benefits.

Do the systems provide sufficient flexibility in moving to and out of employment and the social protection system, do they allow for a combination of pension and income from work?

Yes. The system provide flexibility in moving to and out of employment and social protection system and allows great flexibility in terms of time of retirement and the possibility of combining income from work with full or partial pension.

Are any reforms foreseen to tackle the benefit trap?

There are no known plans for reforms to tackle the benefit trap.

Are reforms of assessment of working capacity ongoing?

There are no ongoing reforms of assessment of working capacity. The reason is that Sweden has come far in terms of rules, systems and procedures for this purpose.

Are reforms of assessment of working capacity complemented by sufficient provision of active labour market policies and social services to enable persons with disabilities to integrate into the labour market and avoid their falling into poverty in case of losing a part or whole disability pension?

No. See above answer

The United Kingdom

1. Open labour market and sheltered employment (workshops)

The UK Government does not keep specific details on 'sheltered employment'. However, through Work Choice the UK provides financial support to a number of individuals with a disability who require longer-term employment support. This is done by funding 'Protected Places' within Supported Businesses. These places are each worth £4,800 per annum per full time placement. This funding is paid, via the Work Choice Prime Provider, to the Supported Business employing the individual in acknowledgement of the support they provided for each disabled person working in that scheme.

To qualify as a Supported Business in the Work Choice programme and receive this funding, the organisation must have been eligible at the start of the programme in October 2010 and at least 50% of the business employees must be people with disabilities. The Supported Business will provide the participants with a job opportunity, day-to-day support and training as appropriate, all of which must meet the quality and customer service expectations of the main Work Choice contract.

2. Reasonable accommodation

The UK's Equality Act 2010 provides the legislative framework that entitles disabled people to reasonable adjustments in many aspects of life, including employment. As such, employers are under a legal duty to provide reasonable adjustments for disabled employees. Where the employee requires adjustments that are not considered within the limits of 'reasonable' to expect from the employer, perhaps because of the cost implication and/or size of business, then state support is available.

'Access to Work' is a national programme, delivered through Jobcentre Plus, that provides practical and financial support for the additional costs that those with disabilities or long-term health conditions may face when entering and/or remaining in employment. Where it is apparent that the support required by the employee is over and above that which is a reasonable adjustment for the employer, Access to Work will provide a contribution towards obtaining the support. These payments are usually to the employee directly, but can be made to a designated third party or to an employer. 36,470 disabled people were helped by Access to Work in the 2015/16 financial year.

In line with the principles of personalisation, the UK has stopped operating a limited list of standard equipment that Access to Work will fund, opting instead for advisers to work constructively with employers and employees to identify the assistance that can be provided. The type of support Access to Work provides is therefore tailored to an individual's needs and can include travel to work, travel buddies, support workers (including interpreters and work coaches) and specialist aids and equipment.

Access to Work has been particularly important for small employers who want to hire disabled people but might otherwise struggle to finance all necessary reasonable adjustments. Its existence is promoted in a number of ways, including on Gov.UK and through the Government Disability Confident campaign; additionally there is a 'pre-employment' letter that disabled people can print off to inform their new employers of the scheme.

Whilst the UK maintains that it is right that larger employers adhere to the duties placed on them under the Equality Act to provide reasonable adjustments, Government is looking at how they can be better supported to increase their recruitment and retention of disabled employees. As a large employer, the public administration is also expected to, and indeed does, deliver reasonable adjustments to its own employees.

If a disabled person wishes to complain about discriminatory practices from their employer, they can contact the Advisory, Conciliation and Arbitration Service (Acas). Acas is an executive non-departmental public body, sponsored by the Department for Business, Innovation & Skills. It aims to improve organisations and working life through better employment relations, working with employers and employees to solve problems and improve performance. If a disabled person wishes to make a complaint about their claim for Access to Work, there is a complaints process in place within the Department for Work and Pensions. If they are not satisfied with the Department's response they can appeal to the Independent Case Examiner, and if still unsatisfied to the Parliamentary and Health Service Ombudsman.

3. Employment Quotas

The UK has not had a quota system in place for many years. It was appropriate before legislation protecting disabled people against discrimination was in place, to ensure that discrimination did not prevent employment opportunities. It is now illegal to discriminate against a person on the basis of disability. As such, when the Disability Discrimination Act 1995 was introduced, the requirement for employers with 20 or more employees to comply with the 3% quota of registered disabled people was removed. Additionally, it removed the requirement for a State register of disabled people, aligning government more closely to the social model of disability on which the UNCRPD is based.

4. Active Labour Market Policies

The UK provides both public and contracted (private) employment services for people with health conditions and disabilities. The public employment service is called the Jobcentre Plus; it delivers support itself and through partnerships with employment support contractors, local employers and local voluntary organisations. The support available to disabled people is a mix of mainstream programmes and more specialist support.

The 'Jobcentre Plus Offer' is a mainstream offer which unemployed disabled people on welfare benefits have access to. It provides back to work support to claimants through a flexible model that focuses on outcomes and personalised back to work support. Support might include volunteering opportunities, skills support, work experience and opportunities available through the Flexible Support Fund. The Flexible Support Fund provides more locally driven support to meet the local needs.

The Jobcentre Plus employs Disability Employment Advisors (DEAS) and ensures that all mainstream Work Coaches are trained to support people with complex needs, including those with disabilities, find a job or gain new skills. The Work Coach can advise disabled people about the specialist programmes and grants available to help claimants with disabilities and

health conditions back to work. Specialist provision includes Work Choice and Access to Work.

Work Choice, mentioned in section 1, is contracted provision for disabled people who have experienced difficulties finding and retaining work. Participation is voluntary and is available regardless of whether the disabled person is claiming welfare benefits. It has been designed so that the support provided can be tailored to respond more flexibly to the individual needs of disabled people and their employers. Target groups for Work Choice are those with complex disability-related barriers to employment whose needs cannot be met by mainstream employment support programmes and those who are in work but under threat of losing their job as a result of their disability.

Other specialist support available includes Specialist Employability Support (SES), a new national provision designed to help unemployed disabled adults to secure and sustain employment or self-employment. It focuses on helping those for whom other provision is not suitable, offering a combination of guidance, learning in the workplace and work experience.

Disabled people who claim the Employment Support Allowance (ESA) welfare benefit may be referred to the Work Programme, a contracted mainstream employment support programme. It supports a wide range of claimants, including those who are disabled or have a health condition and may have subsequently been out of work for several years. Work Programme providers are free to innovate and tailor the support they provide to individuals. As such, the support a person claiming ESA receives will depend on their individual circumstances and their contracted support provider; the work-related activity that the person might be expected to undertake must be reasonable to their circumstances and agreed with the disabled person.

Disabled people also have access to New Enterprise Allowance, a scheme for unemployed people who wish to start-up their own business. It was introduced in April 2011, and is open to a range of people claiming welfare benefits aged 18 and over, including those claiming ESA, dependent partners of those on ESA, those claiming Income Support who are disabled. Around 1 in 5 (22%) of those who have participated in the New Enterprise Allowance scheme have a self-declared disability.

The Fit for Work service provides support to disabled employees and their employers and doctor to help them stay in or return to work. The service makes available a supportive occupational health assessment and general health and work advice. As 52% of long-term absentee employees are disabled, compared with 11% of employees over all, Fit for Work is well placed to help disabled employees remain in work.

Employers also receive support to employ disabled people in a number of other ways. The Disability Confident campaign supports employers by providing information about employing disabled people and encouraging business to business discussion about the benefits of employing disabled people. Access to Work supports employees and employers to meet the cost of an employee's reasonable adjustments.

In addition, the UK has introduced a new 'test and learn' pilot called the Small Employer Offer. The Small Employer Offer works to change employer attitudes and create more job opportunities for people with a disability or health condition. It provides a package of in work support for both employers and employees, including tailored in-work support for employees

and advice and support for employers on disability issues and work place adaptations. The offer recognises the value of in-work support and provides a small amount of funding for the employer to provide on-going support during the induction period once an individual has been employed for three months.

5. Passive Labour Market Policies

The UK acknowledges difficulties inherent in the current welfare system and has introduced benefit reforms to support a higher wage, lower welfare economy. The UK also recognises the need for work across government to ensure that the infrastructure, in the widest sense, supports disabled people to enter, remain and progress in work and employments.

In acknowledgement that the employment gap between disabled people and non-disabled people is too large, the UK Government has committed to halving the disability employment gap. Steps are being taken to address this, such as the setting up of the Work and Health unit. The unit brings together officials from the Department of Health and the Department for Work and Pensions to consider how best to increase employment amongst disabled people.

The 2015 Spending Review also announced funding rising to at least £130 million a year on the new Work and Health Programme; this programme will seek to restructure work-related support to focus on providing the best possible support for disabled people or those with health conditions, as well as those who are long-term unemployed. No decisions have been made on the design of the future Programme, however the UK will expect the contractors to provide intensive, specialist and tailored support that uses the skills, experience and networks of the provider market. Importantly, contractors will be expected to demonstrate how they will link up with health and social care services, and other local services in order to support employment outcomes.

EASPD

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.)?

Are they considered to be workers under national law or not?

The different structures for defining persons with disabilities in the member states makes it quite difficult to present a common or general overall classification within the EU.

Even the meaning of for example “sheltered workshop” (used in most Northern European Countries), “occupational service” (sometimes used in Belgium Flanders), “cooperative” (used in Italy) creates confusion and difficulty in terms of managing classifications; Average numbers for persons with disabilities are specified differently; In some partner countries it is quite difficult to ascertain the exact number of special occupational services on offer: sheltered workshops, cooperatives, special settings, etc.

Another problem to take into account, as experienced in many countries, is to ascertain the exact number of persons with disabilities classified in terms of working in the right workplaces, guaranteed by law, respecting the legislation and so on.

What are the main types of work in sheltered workshops?

There are similarities in the kind of occupation sheltered workshops/occupation services provide: Social & Sheltered Workshop Services are provided, depending on their location

- In a sheltered or social workshop (e.g. carpentry, laundry services);
- In a community workshop (e.g. tourist structures such as restaurants or camping sites);
- In the community (e.g. maintenance of public gardens)
- At the home of clients (e.g. gardening, painting work)

The programs and activities that are offered by the service providers in the European member states show great similarities. There are technical programs that are run to enable persons with disabilities to work in professions such as woodwork, metalwork, gardening, packaging, textiles, etc. Furthermore, the services also include interpersonal offers such as special group activities, personal development or organisation of the work.

In the field of social and cultural programs the focus lies on key competences, art and creativity, inclusion in society, as well as personal and social development.

Services concerning work or employment for persons with disabilities in all eight partner countries of the project partnership offer vocational training and qualifications, occupational services/sheltered work settings/work and transition to the open labour market through supported employment, if it is possible. In addition to that there are other programs primarily specializing in elderly persons with disabilities or specializing in persons with high dependency needs as well as programs that are not provided in every partner country such as

programs that support self-advocacy, provide paramedical and therapeutic services or offer parent counselling.*

* *Quality Work Settings for All, IGOS Project, 2011, pages 101-122*

Are any changes / reform in sheltered employment ongoing or planned?

Sheltered occupational services are organised in different ways. The place where rehabilitation services are offered is changing. At the beginning during the founding years many of these services were realised behind high walls, segregated from society. Nowadays, as the perception of a person with a disability in society has changed, workshop services are not any more exclusive but more and more an integral part in a local, societal life.

We can find similarities on the location of the service delivery in most European countries. In the European member states different models of service delivery exist next to each other. Service delivery is both centre based and/or community based, and delivered by both the public and private sectors.*

* *Quality Work Settings for All, IGOS Project, 2011, pages 121-122*

3. Employment Quotas

General remark:

In Europe most countries have a quota system although most quota systems are different with different results. There's a stringent implementation needed of effective employment quota systems for persons with disabilities where applicable, as well as a harmonization of employment quota systems to promote equal rights across the EU.

A Harmonised quota system is needed.

4. Active Labour Market Policies

All European member states have developed policies and programmes for the transition of persons with disabilities toward employment and the general labour market. They encompass both vocational training and supported employment services. They are often accompanied by financial incentives to employers (e.g. Greece, France for workers previously employed in an adapted setting, Portugal). As far as vocational training and qualification is concerned, the main types of provisions are as follow:

- Access to mainstream vocational training, which has to be adapted. Greece even has a quota of 10% of places in vocation schools reserved for persons with disabilities
- Special vocational education for young people in special schools
- Special apprenticeship
- Special vocational training provision
- Training in an adapted work setting

Access to one type or another may depend on the status of the person (e.g.: unemployed, working in an adapted work setting...). Training can include internship and temporary work placement. Supported employment services encompass an integrative approach varied services: needs assessment and guidance, work assistance, job coaching, job matching, mentoring, adaptation of workplaces, follow up.

In all countries sheltered occupational (adapted) work settings run programmes for the transition of workers towards the general labour market. However, while in some countries these programmes are compulsory by law and have to be implemented by the workshop (e.g. Germany, France), in others they are only optional (e.g. Ireland, Italy).

5. Passive Labour Market Policies

General remark:

As far as sheltered work is concerned, only a few countries such as Belgium use a system where the remuneration of the 'sheltered' worker has to respect the legal minimum wage. In other European countries, workers receive a payment, and this payment is topped up by a disability allowance. The amounts of the payment and of the disability allowance vary a lot from countries to countries.

Open labour market work is subject to the rules of labour law in terms of remuneration.

The remuneration is set in the employment contract and, in most of countries, it has to respect a minimum wage either set by law and/or by collective agreement (Austria, Flanders, France, Ireland and Portugal). This does not prevent workers from benefiting from a disability allowance (e.g. in the case of part time work in France, to compensate for the cost of commuting to and back from work in Flanders,...).

Income realities in rehabilitation centres among the project partner countries are more complex. Most service users receive allowances based on their impairment grades.

Within the European member states there is a harmonization needed of allowances/benefit systems for persons with disabilities in order to ensure at least an adequate income for all persons with disabilities.

Inclusion Europe

1. Open labour market and sheltered employment (workshops)

How many people work in open labour market and sheltered employment? Please, provide information on their working conditions (wage, working hours, pension rights, etc.)?

People with intellectual disabilities are disproportionately represented in both the unemployed workforce, and in the sheltered workshops. As a matter of fact, in some countries, like Slovenia, being granted the status of intellectually disabled person prevents people to participate in the workforce. A big obstacle for employment of people with intellectual disabilities in many countries, such as Romania or Bulgaria, is their lack of legal capacity. When put under guardianship, people with intellectual disabilities lose their right to work and/or the right to sign legally valid work contracts, together with other civil rights that are taken away from them.

When persons with intellectual disabilities have access to employment, those are mostly sheltered job placements. In Germany most employees in sheltered employment are persons with intellectual disabilities. Great majority of school leavers with intellectual disabilities get employment in sheltered jobs. 75% of employees in sheltered workshops in Belgium are persons with intellectual disabilities. In Poland and Denmark, for example, people with intellectual disabilities are recognised as particularly disadvantaged in access to employment in general, regardless of whether it is sheltered or not.

Working hours in sheltered workshops generally are shorter than working hours in the open labour market. When in open labour market, persons with intellectual disabilities often work part-time.

People with intellectual disabilities who work in sheltered workshops often get subsidies instead of wages, and in many cases where the sheltered workshop is part of a larger service provider organisation, the subsidies are used to cover their cost if they are residents in a group home, or use other services. This means that persons with intellectual disabilities do not get the money for their work directly and therefore cannot decide on how to spend their own money.

Are they considered to be workers under national law or not?

Workers in the sheltered workshop are generally given different status than workers in the open labour market and are not provided with all the rights that a worker in the open labour market are granted. Workers are often paid a training allowance in addition to any welfare payments they might be entitled to, and very minimal or no wages - sometimes in the form of a bonus if production targets are met. Persons deprived of their legal capacity cannot be In Germany, for example, people with intellectual disabilities are considered as having only an “employee-like contract” (arbeitnehmerähnliches Arbeitsverhältnis) which excludes them from the right to a minimum wage, the right to engage in labour unions, and most other rights of an employee. As a result, they receive for their work only a pocket money, but no real salary.

What are the main types of work in sheltered workshops?

Sheltered workshops often organise manual, repetitive work that do not necessarily aim to produce something valuable for the market.. This makes people with intellectual disabilities less motivated to work. Modern technologies, such as CAD machines etc. are increasingly employed in sheltered workshops to increase the productivity and output. While this leads to growing incomes for the workshops, people with intellectual disabilities are then often

reduced to feeding the machines with raw materials, packing the outputs, and cleaning jobs. Experience has shown, however, that they indeed would be able to work e.g. on lathes to create high-quality outputs themselves.

A positive trend in sheltered workshops is that they increasingly try to produce services for the community, such as gardening, catering, washing, etc. This demonstrates the value of their work and at the same time enhances the contacts with their social communities.

Please, provide information on the division between the traditional and transitional sheltered workshops.

In the majority of states, most of the job openings for people with intellectual disabilities are still in sheltered workshops. In several countries, sheltered workshops are in principle only transitional measures that have the objective of inclusion in the regular labour market, but in fact people remain there for the whole of their working lives.

Are any changes / reform in sheltered employment ongoing or planned?

There are changes and reforms going on in a number of Member States, however it is difficult to estimate the particular impact, if any, of those reforms on people with intellectual disabilities.

How many people with disabilities move to the open labour market? Provide information about trends in those jobs (for example level of qualification, type of activity, sector, full or part-time, level of salaries, etc.).

As mentioned above, persons with intellectual disabilities are still mainly employed in sheltered employment and there is some evidence of the decreasing number of people with intellectual disabilities in the supported employment schemes¹⁴¹. There are, in Europe and abroad, several positive examples and experiences with people with intellectual disabilities in the open labour market. Case Studies evidence from several countries that their job retention and performance sometimes exceeds that of workers without a disability. However, there are no reliable figures available about the extent of these successful examples.

It would be necessary to provide more people with intellectual disabilities with the opportunity to gain qualifications through inclusive education, vocational training, lifelong learning and specific trainings. People with intellectual disabilities often have lower education background that presents a barrier when they want to apply to jobs in the open labour market.

What is the situation of persons who acquire disabilities when already in employment? Please, add figures on job retention and impact of disability in advancement in careers.

This is not applicable to persons with intellectual disabilities.

2. Reasonable accommodation

Could you elaborate on support measures available to employers to provide reasonable accommodation?

The overall approach towards assessing the support needs should be to ensure that the strengths and capacities of persons with disabilities are identified. The assessment procedure needs to look at what people can do, the abilities they have, their personal interests, things that have worked for them in the past and previous experiences they have had from an employment perspective. This is not to say that the intellectual disability is ignored, rather

¹⁴¹ http://ec.europa.eu/justice/discrimination/files/cowi.final_study_report_may_2011_final_en.pdf, page 74.

that the emphasis is on the positive aspects rather than on what people cannot do or the particular limitations they have. Of course, in order to identify the suitable area of employment for an individual, the person's difficulties and limitations will need to be taken on board.

When applied to individuals with intellectual disability, the principle of reasonable accommodations often means that a worker with intellectual disability needs a job coach, to give on-site assistance with regard to training for the job, social interaction at the work-place, understanding rules, health and safety etc. This job coach can also play an important role in assisting other workers to support their colleague with an intellectual disability. Job coaches exist in a few countries, like Austria, Belgium, Finland and Poland. A job coach may be needed permanently in some occasions, but most often this support is necessary only during the initial phase of employment and in training or re-training phases.

In addition to job coaching, it is useful to provide on the job support. In-company training for individuals with intellectual disability and in particular for those individuals with more significant intellectual disability, has proved to be an extremely appropriate method, as by definition, concrete things are learnt in context. This overcomes the issues around generalisation of learning. When a person with an intellectual disability enters the labour market or changes jobs to a new company, they will probably require some form of training, tailor made to their specific needs and the needs of that particular job.

Furthermore, additional measures, such as specialised training to co-workers and staff are also good tools for better inclusion of persons with intellectual disabilities into the work force.

Another approach is creating jobs in customised employment. This model embraces a person-centred approach, beginning with the person's needs, aspirations, talents and skills. This profile serves as a basis for contacting potential employers. It also emphasises the person's choices, strengths and abilities¹⁴².

In Ireland, there is a disability awareness training scheme, which is provided to companies to raise awareness of the barriers people with disabilities face and help them develop and maintain good working relationship with their colleagues with disabilities.

A few states (for example Ireland and Belgium) have introduced wage subsidy scheme, which provide financial incentive to employers.

Could you elaborate on subsidies available to employers to provide reasonable accommodation?

In Ireland, for example, there are some subsidies available to persons with disabilities to be provided with job coaches in their employment. In some instances, subsidies available refer to one-time expenditures, which can apply to necessary adjustment in the physical environment, without accounting for the necessary continuous support that needs to be provided to persons with intellectual disabilities.

How is reasonable accommodation provided in public administration?

As Inclusion Europe works at the European level, we would like to refer here to the European Commission as "Public Administration". Unfortunately, we have to conclude that the Commission does not provide any reasonable accommodation that would allow people with intellectual disabilities to take over employment in the Commission services. Recruitment practices of the Commission are outstanding examples of indirect discrimination, when for

¹⁴² See e.g. ILO Working paper no. 103, Trevor R. Parmenter, Promoting training and employment opportunities for people with intellectual disabilities: International experience, available at: http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_167316.pdf

example requiring school leaving certificates that do not correspond with the ability of a candidate to perform a specific job. Many simple tasks in the European Commission, like cleaning or catering, have also been outsourced to external providers where the Commission claims to have no influence on their recruitment practices. Indeed, the Commission has failed so far to implement conditions in their procurement procedures that would allow also persons with intellectual disabilities to be employed by external providers.

Is there a complaint mechanism in place as concerns non-application of reasonable accommodation?

Since lack of providing reasonable accommodations presents a form of discrimination under the CRPD, this mechanism should be the same mechanism as for the protection against discrimination.

3. Employment Quotas

Do you have quotas in place?

A few countries have in place a quota for the employment of persons with disabilities. However, quotas are not split between different types of disability, which puts people with intellectual disabilities in a particularly disadvantaged position and less likely to be employed, due to the specific accommodations that need to be made.

In most countries, employers who do not fulfil their quota have to pay sanctions, which are then used for labour market measures for people with disabilities. In a significant number of cases, these sanctions can, however, be reduced or waived if employers are giving production contracts to sheltered workshops. In many countries, for example in Germany, this seems to be the main source of contracts for sheltered workshops. This practice obviously reduces the pressure on employers to provide inclusive working places.

4. Active Labour Market Policies

Are Public Employment Services or private employment services having active labour market policies for person with disabilities? If yes, which type of measures do they provide?

There is very few specific policies specifically aiming to employ persons with intellectual disabilities. For example, there are some schemes to support people with intellectual disabilities to access open labour market in Cyprus¹⁴³ and Germany¹⁴⁴.

Is specific support provided to participation of persons with disabilities in life-long learning (the systemic measures in place, financial support, vouchers, counselling, ESF projects)?

There is a number of activities on the adult education of people with intellectual disabilities, but there is no systemic measures directed towards training and education of people with intellectual disabilities to prepare them to participate in open labour market.

As a matter of fact, sheltered workshops themselves are described as rehabilitation and training facilities, but very few workers ever graduate to the general employment market, even when financial incentives are offered. In fact, there was a major disincentive to progress

¹⁴³ http://ec.europa.eu/justice/discrimination/files/cowi.final_study_report_may_2011_final_en.pdf, page 66.

¹⁴⁴ http://ec.europa.eu/justice/discrimination/files/cowi.final_study_report_may_2011_final_en.pdf, page 85.

the more skilled workers to real jobs in the open labour market, as their productivity was crucial for the financial viability of the organisation¹⁴⁵.

Is specific support available for persons with disabilities that would like to be self-employed (entrepreneurship awareness, financial support, non-financial support and adviser training)?

These opportunities are very limited for persons with intellectual disabilities.

Do you have information about the number of self-employed persons with disabilities?

There is very few people with intellectual disabilities who are self-employed. Legal capacity, or rather lack thereof is very often a disrupting factor.

5. Passive Labour Market Policies

Have you identified the problem of benefit trap and low motivation of persons with disabilities to enter the labour market in your country?

People with intellectual disabilities are very often very motivated to enter into the labour market, but the opportunities are very rare, in particular for entering into inclusive employment in the open labour market.

Additional problem is the fact that in many countries, if they enter open labour market, people with intellectual disabilities are categorised as no longer disabled and can permanently lose access to benefits. Inclusion Europe has experienced this problem also when engaging self-advocates to work on our projects. Self-advocates in some countries are put in front of the choice to work for free, even when there is budget to pay them, as getting paid would mean losing their benefits forever.

The systems need to be changed to recognise this challenge and to enable people with intellectual disabilities to move in and out of the benefits system depending on the availability of adequate employment for them.

What is its main reason – low financial advantage of employment as compared to benefits, inability to work and keep some benefits, low flexibility in transition to and out of the labour market?

The main reason is, as explained above, low flexibility in transition, or rather absence of any flexibility.

Do the systems provide sufficient flexibility in moving to and out of employment and the social protection system, do they allow for a combination of pension and income from work?

No. See above.

¹⁴⁵ ILO Working paper 103, p. 23.

ANNEX 1: RESPONSIBLE AUTHORITIES AND CONTACT PERSONS

This annex contains an overview of responsible authorities, focal points, coordination mechanisms and contact points. The data were provided by the Member States in reply to the following questions:

* Who is responsible for the implementation (putting into practice) of the UN Convention, *i.e.* the focal point foreseen in Article 33(1) of the Convention?

* Have you established a coordination mechanism foreseen in Article 33(1) of the Convention?

Belgium

Focal Points:

- Federal level : Federal Public Service Social Security – DG Strategy & Research
- Flanders : Agentschap Binnenlands Bestuur, Afdeling Gelijke kansen, Inburgering en Integratie, team Gelijke kansen (Team Equal Opportunities)
- Walloon region: Agence pour une Vie de Qualité (AVIQ)¹⁴⁶
- Brussels-Capital region: Direction Egalité des Chances régionales
- Commission of the French speaking Community COCOF : Service Personne Handicapée Autonomie Recherchée (PHARE)
- Joint Community Commission COCOM : Administration COCOM
- French-Speaking community : Direction Egalité des Chances du Ministère de la Fédération Wallonie-Bruxelles
- German-speaking community: Dienststelle für Personen mit Behinderung (Office for People with Disabilities)

Coordination mechanism: Federal Public Service Sociale Security – DG Strategy & Research

Independent mechanisms: Centre interfédéral pour l'égalité des chances UNIA (Interfederal Centre for Equal Opportunities)

Contacts:

- Federal level + interfederal coordination mechanism: Greet van Gool - Federal Public Service Social Security, DG Strategy, International Affairs & Research – Mail: greet.vangool@minsoc.fed.be; CoordinationmechanismUNCRPD@minsoc.fed.be
- Flanders : Marian Vandenbossche and Han de Bruijn – Agentschap Binnenlands Bestuur, Afdeling Gelijke kansen, Inburgering en Integratie, team Gelijke kansen – Mail: marian.vandenbossche@kb.vlaanderen.be and han.debruijn@kb.vlaanderen.be
- Walloon Region: Jean-Marc HURDEBISE – AVIQ – Agence pour une Vie de Qualité - Mail : jm.hurdebise@viq.be
- Brussels Capital Region : Caroline DAUX - Direction Egalité des Chances régionale cdaux@sprb.brussels

¹⁴⁶ Former “Agence wallonne pour l’Intégration des Personnes Handicapées AWIPH”.

- Commission of the French speaking Community COCOF : DEBACKER Philippe, Véronique Gailly, Corinne Canneel – Service PHARE – Mail : pdebacker@cocof.irisnet.be vgailly@cocof.irisnet.be [ccanneel@cocof.irisnet.be](mailto:canneel@cocof.irisnet.be)
- Joint Community Commission COCOM - Edith Poot - Administration COCOM – Mail: epoot@ggc.irisnet.be
- French-Speaking community : Alexandra Adriaenssens, Gaëlle Chapelle – Direction Egalité des Chances du Ministère de la Fédération Wallonie-Bruxelles – – Mail : alexandra.adriaenssens@cfwb.be gaelle.chapelle@cfwb.be
- German-speaking community: Joel Arens, Stephan Förster - DPB - Dienststelle für Personen mit Behinderung – Mail : joel.aren@dpb.be stephan.foerster@dpb.be
- Independant mechanism: Véronique Ghesquière - Centre interfédéral pour l'égalité des chances UNIA beveronique.ghesquiere@unia.be

Bulgaria

Focal Point: Integration of People with Disabilities Department at Ministry of Labour and Social Policy

Coordination mechanism: None established

Independent mechanism: None established

Contact:

Eleonora Pachedzieva – Director

Ministry of Labour and Social Policy

Directorate “Policy for people with disabilities, equal right and social benefits”

2 “Triaditza” street, 1051 Sofia, Bulgaria

Email: E.Pachedzieva@mlsp.government.bg, Tel.: + 359 2 8119 658

Dr. Nadezhda Harizanova – state expert

Integration of People with Disabilities’ Department

Directorate “Policy for people with disabilities, equal opportunities and social benefits”

Ministry of Labour and Social Policy

2 “Triaditza” street, 1051 Sofia, Bulgaria

Email: nharizanova@mlsp.government.bg, Tel.: + 359 2 8119 656

Ministry of Labour and Social Policy

National Council for Integration of People with Disabilities.

Council of Ministers, regional governors, regional government in cooperation with civil society.

Ministry of Education and Science, Ministry of Health, Ministry of Youth and Sport, Ministry of Regional Development and Republic Works, Ministry of Justice, Ministry of Culture, Ministry of transport, ICT, Ministry of economy, energetic and tourism, State Agency for Child Protection, Agency for People with Disabilities, Social Assistance Agency, National Statistical Institute and regional government.

Czech Republic

Focal Point: Ministry of Labour and Social Affairs

Coordinating mechanism: Ministry of Labour and Social Affairs
Government Board for People with Disabilities
Czech National Disability Council

Independent mechanism: none established, proposed Office of the Ombudsman

Contact:

Stefan Culik
Ministry of Labour and Social Affairs
Na Poricnim pravu 1
128 01 Prague 2
Czech Republic
Tel: +42 22192 2693
E-mail: Stefan.Culik@mpsv.cz

Denmark

Focal Point: Ministry of Social Affairs and Interior

Coordination: Ministries' Disability Committee (Previously the Inter-ministerial Committee of Civil Servants on Disability Matters)

Independent mechanism: The Danish Institute for Human Rights

Contact:

Tina Gade Jensen (tgj@sim.dk)
Nanna Julie Jørgensen (najj@sim.dk)
Ministry of Social Affairs and Interior
Holmens Kanal 22, DK-1060 København K
+45 33 92 93 00

The Danish Disability Council

Civil society: involvement through representative organizations (“Danske Handicaporganisationer”/Danish Council of Organisations of Disabled People, Each sector Ministry is responsible of implementing necessary changes etc. in their area (the principle of sector responsibility)

Germany

Focal Point: Federal Ministry of Labour and Social Affairs

Coordination Mechanism: Federal Government Commissioner for Matters relating to Persons with Disabilities

Monitoring Mechanism: German Institute for Human Rights
National UNCRPD Monitoring Body
Zimmerstrasse 26/27, 10969 Berlin, Germany
Tel.: 0049-30-259359-450
E-Mail: monitoring-stelle@institut-fuer-menschenrechte.de
Fax: 0049-30-259359-459

<http://www.institut-fuer-menschenrechte.de/en/monitoring-body.html>

Contact:

Ulrike Knospe
Head of Division Division Va 5 (Implementation of the UNCRPD, Focal Point, National Action Plan)
Federal Ministry of Labour and Social Affairs,
email: ulrike.knospe@bmas.bund.de
Tel. +49-30-527-2070

André Necke
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Division Va 5 (Implementation of the UNCRPD, Focal Point, National Action Plan)
Federal Ministry of Labour and Social Affairs,
email: andre.necke@bmas.bund.de
Tel. +49-30-527-1780

Estonia

Focal Point: Ministry of Social Affairs.

Coordination mechanism: Ministry of Social Affairs (coordination of all the ministries according to the scope of their competence)

Independent mechanism: to be established at the Gender Equality and Equal Treatment Commissioner's Office in 2017.

Contact:

Focal point/coordination mechanism:
Raimo Saadi
Social Welfare Department, Ministry of Social Affairs, Gonsiori 29, 15027 Tallinn, Estonia.
E-mail: raimo.saadi@sm.ee; Tel: +372 626 9224

Heidi Koolmeister
Social Welfare Department, Ministry of Social Affairs, Gonsiori 29, 15027 Tallinn, Estonia.
E-mail: heidi.koolmeister@sm.ee; Tel: +372 626 9225

Independent mechanism:

Liisa-Ly Pakosta
E-mail: info@svv.ee; Tel: +372 626 9059; Endla 10A, 10142 Tallinn, Estonia

Ireland

Focal Point: Equality Division, Department of Justice and Equality, as per Government approval of Ireland's Roadmap to Ratification, published 21/10/2015.

Coordination mechanism: under consideration; will be confirmed on ratification

Independent mechanism: under consideration; will be confirmed on ratification

Contact:

Deaglán Ó Briain
Equality Division, Department of Justice and Equality
Email: dsobriain@justice.ie
Tel: +353 1 4790268

Layla de Cogan Chin
Equality Division, Department of Justice and Equality
Email: LRdeCoganChin@justice.ie
Tel.: +353 1 4790225

Greece

Focal point: Ministry of Labour, Social Security & Welfare

Coordination mechanism: none established

Independent mechanism: none established

Contact:

Nikolsky Dimitrios
Ministry of Labour, Social Security & Welfare
Stadiou 29, Athens
e-mail: dnikolsky@yeka.gr
Tel: +30 210 5281123

Spain

Focal Point : Ministry of Foreign Affairs and Cooperation as well as the Ministry of Health, Social Services and Equality, through Directorate-General for Disability Support Policies, which is responsible for the coordination of both.

Coordination: National Disability Council (General State Administration, Associations of common public interest, experts advisors).

Independent Mechanism: CERMI (Spanish Committee of Representatives of Persons with Disabilities) created by the National Disability Council

Contact:

Ignacio Tremiño
dgdiscapacidad@mssi.es
General Director of Disability Support Policies. Ministry of Health, Social Services and Equality
Alcalá, 37
28071 Madrid
tel: + 34 918226502/03

Humans Rights Office - Ministry of Foreign Affairs and Cooperation (MAEC)
odh@maec.es

France

Focal point: All administrations, services and bureaus working on the implementation of disability policy (not formally appointed yet as focal points)

Coordination mechanism: Interministerial committee of disability, chaired by the Prime Minister

Independent mechanism: Not appointed yet (see Chapter 2)

Contact:

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Directorate General for Social Cohesion
Ministry of Social Affaires and Health
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E-Mail : pascal.froudiere@social.gouv.fr

Croatia

Focal Point: Ministry of Social Policy and Youth

Coordination mechanism: Ministry of Social Policy and Youth, Committee for Persons with Disabilities of the Government of the Republic of Croatia

Independent mechanism: Office of the Ombudsman for Persons with Disabilities, Associations of persons with disabilities

Contact:

Ministry of Social Policy and Youth, Savska 66, 10 000 Zagreb, ministarstvo@mspm.hr
Office of the Ombudsman for Persons with Disabilities, Savska 41/3, 10 000 Zagreb, ured@posi.hr

Italy

Focal Point: Ministry of Labour and Social Policies - Directorate general for inclusion and social policies.

Coordination mechanism: Ministry of Labour and Social Policies- Directorate general for inclusion and social policies.

Independent mechanism: National Observatory for monitoring the condition of people with disabilities (Law 18/2009)

Contact:

Alfredo Ferrante, aferrante@lavoro.gov.it, DGInclusioneDiv4@lavoro.gov.it
Head of Unit for persons with disabilities
Directorate general for inclusion and social policies
Ministry of Labour and Social Policies
Via Fornovo, 8
00192 Roma - IT

Tel +39 06.4683.4659-4457

Cyprus

Focal Point: Department for Social Inclusion of Persons with Disabilities at Ministry of Labour, Welfare and Social Insurance (information in English available at www.mlsi.gov.cy/dsid)

Coordination mechanism: The Pancyprian Council for the Persons with Disabilities.

Independent mechanism: Commissioner for Administration and Human Rights (Ombudsman) – Independent Authority for the Protection of the Rights of Persons with Disabilities

Contact:

Christina Flourentzou-Kakouri (Director)
Department for Social Inclusion of Persons with Disabilities
1430 Nicosía, Cyprus
Tel: 00357 22 815120, Fax: 00357 22 482737
e-mail: cflourentzou@dsid.mlsi.gov.cy

Latvia

Focal Point: The Ministry of Welfare

Coordination mechanism: The National Council of Disability Affairs (NCDA)

Independent mechanism: The Ombudsman office (also the NCDA and working groups)

Contact:

Elina Celmina, Tel: +371 67021612, Elina.Celmina@lm.gov.lv
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Department of Social Inclusion and Social Work Policy
Ministry of Welfare
28 Skolas Str.Riga, LV-1331
Latvia
Fax +371 67021607

Lithuania

Focal Point: Ministry of Social Security and Labour

Sub-Focal points: The Ministry of Education and Science, the Ministry of Transport and Communications, the Ministry of Health, the Ministry of Environment, the Ministry of Economics, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Culture, the Department of Physical Education and Sports under the Government of the Republic of Lithuania, the Department of Statistics, Information Society Development Committee under the Ministry of Transport and Communications.

Coordinating mechanism: Ministry of Social Security and Labour

Independent mechanism: The Council for the Affairs of Disabled at the Ministry of Social Security and Labour and the Office of Equal Opportunities Ombudsperson.

Contact:

Egle Caplikiene, Egle.Caplikiene@socmin.lt
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Kristina Eismontė, Kristina.Eismonte@socmin.lt
Chief Specialist of Equal Opportunities Division
Tel: +370 5 266 42 74

Luxembourg

Focal point: Ministry of Family Affairs and Integration

Coordination mechanism: Ministry of Family Affairs and Integration

Independent mechanism:

Task of promoting and monitoring: Consultative Commission of Human Rights (of the Grand Duchy of Luxembourg) jointly with the Centre for Equal Treatment
Task of protecting: National Ombudsman

Contact:

Sandy Zoller
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Ministry of Family Affairs & Integration
12-14 avenue Emile Reuter
L-2919 Luxembourg
sandy.zoller@fm.etat.lu

Marie-France Nennig
Conseiller de Direction, 1^{ère} classe
Ministry of Family Affairs & Integration
12-14 avenue Emile Reuter
L-2919 Luxembourg
marie-france.nennig@fm.etat.lu

Hungary

Focal Point: Ministry of Human Capacities

Coordination mechanism: not established

Independent mechanism: National Disability Council

Contact:

1. Péter JUHÁSZ
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Ministry of Human Capacities

2. Petra Lévy
Policy Officer for Disability Affairs
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Ministry of Human Capacities

Malta

Focal Point: Ministry for Justice, Dialogue and the Family (responsible for social policy)

Coordination mechanism: Ministry for Justice, Dialogue and the Family

Independent mechanism: National Commission Persons with Disability (KNPD)

Contact:

Anne-Marie Callus, Kummissjoni Nazzjonali Persuni b'Dizabilità, Bugeia Institute, Braille Street, St Venera

The National Commission Persons with Disability (KNPD) established by the Equal Opportunities (Persons with Disability) Act (includes representatives of the main Government Ministries and also the voluntary sector working in the field).

The Netherlands

Focal Point: The Ministry of Health, Welfare and Sport (VWS)

Coordination mechanism: Proposed network of representatives from all layers of government.

Independent mechanism: National Human Rights Institute (College voor de rechten van de Mens: www.mensenrechten.nl Postbus 16001, 3500 DA Utrecht, T (00-31-30) 888 38 88)

Contact:

Nicolette Damen
Ministry of Health, Welfare and Sport
PO Box 20350
NL 2500 EJ The Hague
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E: nicollette.damen@minvws.nl

Austria

Focal Point at federal level: Federal Ministry of Labour, Social Affairs and Consumer Protection (mail to: behindertenrechtskonvention@sozialministerium.at)

Coordination mechanism: Federal Ministry of Labour, Social Affairs and Consumer Protection (Website: www.sozialministerium.at)

Independent mechanism: Independent Committee on monitoring the implementation of the UNCRPD in Austria (Chair: Marianne Schulze)

Office of the Austrian UNCRPD Monitoring Committee
c/o Federal Ministry of Labour, Social Affairs and
Consumer Protection
A-1010 Vienna, Stubenring 1
Fax: +43 1 718 94 70 2706
e-Mail: buero@monitoringausschuss.at
Website: www.monitoringausschuss.at

Contact:

Max Rubisch
Federal Ministry of Labour, Social Affairs and Consumer Protection (CRPD Focal Point)
A-1010 Vienna, Stubenring 1
E-Mail: max.rubisch@sozialministerium.at , Tel. +43-1-711 00-6262

Andreas Reinalter
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A-1010 Vienna, Stubenring 1
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Poland

Focal Point: Ministry of Family, Labour and Social Policy

Coordination mechanism: Ministry of Family, Labour and Social Policy and the Team for the Implementation of the CRPD Provisions (established in 2013 by the Minister of Labour and Social Policy, composed of representatives of the ministries involved in the implementation of the Convention and chaired by the Government Plenipotentiary for Disabled People)

Independent mechanism: Commissioner for Human Rights

Contact:

Joanna Maciejewska, joanna.maciejewska@mpips.gov.pl
Ministry of Family, Labour and Social Policy,
International Co-operation Department
Nowogrodzka 1/3/5, 00-513 Warsaw, Poland
Tel: +48 22 529 08 23, fax. +48 22 529 07 11

Małgorzata Kięducka, malgorzata.kieducka@mpips.gov.pl
Ministry of Family, Labour and Social Policy,
Office of the Government Plenipotentiary for Disabled People
Nowogrodzka 1/3/5, 00-513 Warsaw, Poland
Tel: +48 22 529 06 12, fax. +48 22 529 06 02

Portugal

Focal point: Directorate-General of Foreign Affairs (Ministry of Foreign Affairs), Strategic and Planning Office (Ministry of Labour, Solidarity and Social Security)

Coordination mechanism: National Institute for the Rehabilitation

Independent mechanism: The structure is composed by 10 members (one representative Ombudsman, one representative of National Parliament, one representative of Disability Commission, one representative of Portuguese NHRI, 5 members representing 5 disability areas (blind, deaf, intellectual, organic and physical disabilities) and an academic expert in the fields of disability.

Contact:

José Madeira Serôdio (PhD)
National Institute for the Rehabilitation
Av. Conde de Valbom 63
1069-178 Lisbon
Portugal
Tel: 00351 21 792 95 00
Fax: 00351 21 792 95 95
E-mail: José.M.Serodio@inr.msess.pt

Romania

Focal Point: National Authority for Persons with Disabilities

Coordination mechanism: National Authority for Persons with Disabilities

Independent mechanism: The Romanian Institute for Human Rights (IRDO)

Contact:

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National Authority for Persons with Disabilities
194, Calea Victoriei, 1st District, Bucharest, Romania
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Slovenia

Focal Point: Ministry of Labour, Family, Social Affairs and Equal Opportunities; Disability, Veterans and Victims of War Directorate

Coordination mechanism: Ministry of Labour, Family, Social Affairs and Equal Opportunities; Disability, Veterans and Victims of War Directorate

Independent mechanisms: Council for Persons with disabilities of the Republic of Slovenia

Contact:

Saša Mlakar, Senior Advisor I
Ministry of Labour, Family, Social Affairs and Equal Opportunities Disability, Veterans and
Victims of War Directorate

Kotnikova 28, 1000 Ljubljana,
SLOVENIA
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Council for Persons with Disabilities of Republic of Slovenia

Saša Mlakar, Secretary
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Slovenian National Council of disabled people's organizations

Goran Kustura, Secretary General
tel: + 386 1 430 36 46, fax: +386 1 430 36 47
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Slovak Republic

Focal Point: Ministry of Labour, Social Affairs and Family

Coordination mechanism: None established

Independent mechanism: None established

Contact: Ministry of Labour, Social Affairs and Family of the Slovak Republic
Spitalska 4,68
816 43 Bratislava
Slovakia
Tel.: +421 2 2046 2107
Fax.: +421 2 2046 2630
minarovychova@employment.gov.sk

Finland

Focal Point: Ministry for Foreign Affairs and Ministry of Social Affairs and Health

Coordination mechanism: Is being established

Independent mechanism: The Human Rights Centre, the Human Rights Delegation and the Office of the Parliamentary Ombudsman, which together form the national human rights institution.

Contact:
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Legal Officer

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Sweden

Focal Point: Ministry of Health and Social Affairs

Coordinating mechanisms: Division for Family and Social Services of the Ministry of Health and Social Affairs; The Swedish Agency for Participation

Independent mechanism: none established

Contact:

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Tel: +46 8 405 37 29

UK

Focal Point: Office for Disability Issues (ODI)

Coordinating mechanism: Office for Disability Issues (ODI)

Independent mechanisms: UK's four equality and human rights Commissions i.e. the Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC), the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI)

Contact:

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Ground Floor, Caxton House
Tothill Street
London SW1H 9NA
Tel: +44 207 2453746,
Fax: +44 20 7449 5087

Department for Work and Pensions; Office for Disability Issues

European Union

Focal point: European Commission

Coordination mechanism: none established

Independent mechanism: none established

Contact:

Emmanuelle Grange, Emmanuelle.Grange@ec.europa.eu

Head of Unit,

C3 Disability & Inclusion

European Commission

DG Employment

Joseph II 27

1000 - Bruxelles

ANNEX 2: WEBSITES

Belgium

Federal Ministry of Social Security: www.socialsecurity.fgov.be/

Flemish administration for 'Equal Opportunities in Flanders' : www.gelijkekansen.be

Walloon Agency for Integration of Persons with Disabilities : <https://www.aviq.be/handicap/>

Brussels Joint Community Commission : www.bico.irisnet.be

Office of the German-speaking Community for Persons with Disabilities: www.dpb.be

Bulgaria

Ministry of labour and social policy: www.mlsp.government.bg

Czech Republic

Ministry of Labour and Social Affairs: www.mpsv.cz

Czech National Disability Council: www.nrzp.cz

Government Board for People with Disabilities: www.vlada.cz/en/ppov/vvzpo/uvod-vvzpo-en-312

Denmark

Ministry of Social Affairs and Interior: www.sim.dk

Germany

Federal Ministry of Labour and Social Affairs:

www.bmas.de

Portal for persons with disabilities, their family, administrations and enterprises

www.einfach-teilhabe.de

Federal Commissioner:

www.behindertenbeauftragter.de

Monitoring Mechanism:

<http://www.institut-fuer-menschenrechte.de/en/monitoring-body.html>

Estonia

Ministry of Social Affairs: www.sm.ee

The Estonian Chamber of Disabled People www.epikoda.ee

Gender Equality and Equal Treatment Commissioner www.svv.ee

Ireland

Department of Justice and Equality: www.justice.ie

Disability Policy: www.justice.ie/en/JELR/Pages/WP15000115

Human Rights and Equality: www.justice.ie/en/JELR/Pages/WP15000118

National Disability Authority: www.nda.ie

Greece

Ministry of Labour, Social Security & Social Solidarity: <http://www.ypakp.gr>

National Confederation of People with Disabilities: www.esaea.gr

Spain

Ministry of Health, Social Services and Equality: www.msssi.es

Ministry of Foreign Affairs and Cooperation: www.maec.es

Comité Español de Representantes de Personas con discapacidad (CERMI): www.cermi.es

France

Ministry for Solidarity and Social Cohesion: www.solidarite.gouv.fr/

Croatia

Ministry of Social Policy and Youth: www.mspm.hr/

Office of the Ombudsman for Persons with Disabilities: www.posi.hr/

Croatian Union of Associations of Persons with Disabilities: www.soih.hr/

Croatian National Institute of Public Health: www.hzjz.hr

Italy

Ministry of Labour and Social Policies

www.lavoro.gov.it

Cyprus

Ministry of Labour and Social Insurance: www.mlsi.gov.cy

Department for Social Inclusion of Persons with Disabilities: www.mlsi.gov.cy/dsid

Latvia

Ministry of Welfare

www.lm.gov.lv

Lithuania

Ministry of Social Security and Labour and Department of Disabled People

http://www.ndt.lt/id-teises_aktai.html; <http://www.socmin.lt/>

Luxembourg

Ministry of Family Affairs and Integration

<http://www.mfi.public.lu/>

Hungary

<http://www.kormany.hu>

Malta

National Commission Persons with Disability (NCPD) website <http://www.knpd.org>.

The Netherlands

Ministry of Health, Well-being and Sports

www.minvws.nl (Dutch)

Austria

Federal Ministry of Labour, Social Affairs and Consumer Protection: www.bmask.gv.at

Disability Ombudsman: www.behindertenanwalt.gv.at

Monitoring Committee on the implementation of the UN Disability Rights Convention in Austria: www.monitoringausschuss.at

Austrian umbrella organisation of the organisations of people with disabilities – Österreichische Arbeitsgemeinschaft für Rehabilitation (ÖAR): www.oear.or.at

Poland

Ministry of Family, Labour and Social Policy websites: www.mrpips.gov.pl

<http://www.niepelnosprawni.gov.pl>

Portugal

The Ministry of Solidarity and Social Security
The National Institute for Rehabilitation, I.P. www.inr.pt

Romania

National Authority for Persons with Disabilities: www.anpd.gov.ro

Slovenia

Ministry of Labour, Family, Social Affairs and Equal Opportunities:
<http://www.mddsz.gov.si/en/>
<http://www.mddsz.gov.si/en/legislation/>

Council for Persons with Disabilities of Republic of Slovenia

http://www.mddsz.gov.si/si/delovna_podrocja/invalidi_vzv/svet_za_invalidne_republike_slove_nije/

Slovenian National Council of disabled people's organizations

<http://www.nsios.si/eng/>

Slovakia

Ministry of Labour, Social Affairs and Family of the Slovak Republic
www.employment.gov.sk

Finland

Electronic Treaty Data Base www.finlex.fi
Ministry of Foreign Affairs www.formin.fi
Ministry of Social Affairs and Health www.stm.fi
National Council on Disability www.vane.to

Sweden

Government's home page: www.sweden.gov.se
Contains an Easy Read version of the Convention, Braille and sign language.

UK

www.officefordisability.gov.uk
Contains English language Easy Read version of the Convention.

European Union

<http://ec.europa.eu/social/main.jsp?catId=1137&langId=en>
http://ec.europa.eu/justice/discrimination/law/index_en.htm

Other relevant websites

<https://www.un.org/development/desa/disabilities/>
www.easpd.eu
www.handicap.dk
www.nrozp.sk
www.cnditalia.it www.superando.it
www.edf-feph.org/
www.epr.eu
www.enil.eu
www.coface-eu.org