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REPORT FROM THE COMMISSION

on the application of COUNCIL RECOMMENDATION 86/379/EEC of 24 July 1986
on the employment of disabled people in the Community

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INTRODUCTION.

Le Conseil des Communautés Européennes a adopté le 24 juillet 1986 la Recommandation 86/379/CEE "sur l'emploi des handicapés dans la Communauté" (1).

Dans cette Recommandation, paragraphe II.3, le Conseil des CE invite la Commission "à présenter un rapport au Conseil sur l'application de la présente Recommandation dans un délai de deux ans à compter de la date de son adoption". Le présent rapport répond à cette invitation du Conseil.

Dans la première partie, un aperçu général est présenté de la situation dans chaque pays membre. Le but est de donner une description globale de chaque situation nationale, d'identifier les principaux axes de politiques nationales et de les situer dans le cadre de la Recommandation. Pour cela, la présentation de chaque situation nationale suit la structure de la Recommandation.

La deuxième partie du rapport présente une analyse comparative des politiques nationales. De nouveau, les différents thèmes suivent les axes de la Recommandation. Ainsi, les premiers chapitres de la deuxième partie mettent l'accent sur l'élimination des discriminations négatives, tandis que les suivants développent d'une manière détaillée les actions positives dans les différents domaines prévus par la Recommandation du Conseil.

La deuxième partie vise, par une analyse comparative, à identifier les convergences ou les divergences éventuelles entre les politiques nationales. Chaque chapitre est accompagné de tableaux qui visent à faciliter la comparaison des politiques des Etats membres.

Finalement, la dernière partie résume brièvement le présent rapport.

I.1. GERMANY (F.R.)

I.1.1 GENERAL CONTEXT

Definition and principles: In the Federal Republic of Germany, those persons are regarded as disabled who, as the result of the effects of an irregular physical, mental or psychological condition, suffer from a (permanent or temporary) functional disability which affects their capacity for social integration. Thus, a person is regarded as disabled by the law if his disability is accompanied by an integration problem.

As regards the benefits provided under the law on severely disabled persons, a specific procedure determines the consequences of a functional disability. This law lays down that persons with a disability of no less than 50% shall be regarded as severely disabled. The provisions of this law apply to this group of persons whatever the actual effect of their disabilities on their working and social lives. The same law allows persons with a disability of less than 50% but of no less than 30% to be treated as severely disabled persons if they are unable to find or keep a job without assistance.

A social consensus implies that a person who is disabled or in danger of becoming disabled, regardless of the cause of his disability, is entitled to the help needed to:

- (1) avoid, eliminate or reduce disability and prevent or reduce its consequences;
- (2) guarantee a place in society for that person in line with his preferences and abilities. The social rights of disabled persons are set out in the tenth paragraph of the general section of the Social Code.

Coherent policies: The principle of equal opportunities and social integration guides the actions of the competent authorities and institutions. Rehabilitation measures cover all the stages of that process and include compensation, assistance and redesigning of a disabled person's immediate surroundings.

Consultation: The Advisory Committee on the Rehabilitation of Disabled Persons is made up of 33 members among whom are representatives of the two sides of industry and of disabled persons' organizations. Analogous bodies (advisory committees) have also been set up within social assistance centres and the Federal Labour Office. Furthermore, in the social insurance bodies and the Federal Labour Office representatives of management and labour play a decisive part in the executive bodies.

I.1.2. ELIMINATION OF NEGATIVE DISCRIMINATION

Revision of legislation: The Central National Coordinating Committee on questions concerning disabled persons and the Advisory Committee on the Rehabilitation of Disabled Persons share the view of the Federal Government that the Council Recommendation does not necessitate a change in the aims of the policy pursued in the Federal Republic of Germany.

Dismissal in connection with a disability: The law on protection against dismissal deals with general protection against dismissal and the law on severely disabled persons with specific protection against the dismissal of severely disabled people. Severely disabled persons may thus be dismissed only after authorization is obtained from the competent institutions. Authorization is granted only after a close scrutiny of all possible ways of avoiding dismissal (for example, discussion with the employer on ways of redesigning the work station, providing technical assistance, etc.).

Exceptions to the principle of fair treatment: According to available information there are no rules which have the effect of restricting access because of a disability to vocational training courses or occupational activities. Each course or activity lays down its specific requirements for participation in terms of health, intellectual and other conditions. These conditions are not worded in a prohibitive or restrictive manner, but in line with the characteristics and requirements of the job in question.

Training tests: Legal provisions require the competent authorities to take account of the problems and specific needs of disabled persons in the field of vocational training, employment and tests. It is possible to provide technical assistance as regards the organization of tests, for example by replacing oral by written tests for persons with impaired hearing or by excluding some questions which are not essential for the occupation in question.

In addition, the law on vocational training and the code for manual workers include special provisions regarding the training of disabled persons. They are intended for persons who, because of the extent and the nature of their disability; are unable to receive training in a course leading to a recognized qualification.

There are regular revisions to determine whether some restrictions on access, training and employment cannot be lifted so as to promote access for disabled persons. For example, the ergonomic aspects of work stations are studied in the light of changes deriving from new technologies.

It is useful to note that the law on the harmonization of rehabilitation entitles a disabled person to rehabilitation measures adapted to his case. This includes rehabilitation courses.

Recourse to the courts and legal assistance: Disabled persons are entitled to the same treatment as non-disabled persons. In court cases involving social law disabled persons may have themselves represented before the relevant courts by representatives of disabled persons' organizations.

I.1.3. POSITIVE ACTIONS

Quota system: The law on severely disabled persons lays down that private and public employers with a staff of more than 15 must recruit at least 6% of their staff among severely disabled persons. If this quota is not filled, the employer is required to pay DM 150 per month per job not filled by a severely disabled person. The resources deriving from these payments may be used only for promotion of and assistance to severely disabled persons in the field of employment and training.

In 1985, the employment rate achieved under the quota system was 5%. Among private employers the rate was 4.7%, while in the public sector it was 5.9%. In October 1986, the number of jobs covered by the quota system was 974 268, of which 266 299 were not filled. On that date, 122 700 employers were concerned by the quota obligation. Among these, 21% met or exceeded the 6% obligation. 39% partially met the quota obligation. 30% employed no severely disabled persons and, at the time of the survey, 10% were not concerned by the quota obligation but employed over 16 persons during the other months of the year.

Code of good practice: A guide for disabled persons has been published by the Federal Ministry of Labour. An information document on the occupational integration of disabled persons has likewise been published by the Federal Labour Office. The latter is aimed mainly at employers. Other information documents have been produced by the relevant authorities. These publications recommend good practice relating to the employment of disabled persons.

Publication of results: At the beginning of each new parliament the Federal Government publishes a report on the situation of disabled persons and the development of rehabilitation policy. Under the quota system employers are required to provide information, especially to the Federal Labour Office. However, this information is intended only for internal administrative use.

Reintegration in the same firms of persons who have become disabled: Where an employed person becomes disabled, this does not constitute a reason for dismissal. Where such a person suffers a severe disability, the additional protection against dismissal provided for by the law on severely disabled persons becomes applicable. However, maintenance of employment presupposes the existence of opportunities for appropriate employment in the undertaking where the disabled person worked until he became disabled. Either the social assistance authorities or accident insurance occupational guidance counsellors endeavour to find practical solutions. Aid aimed at maintaining employment takes priority among the benefits for occupational promotion of rehabilitation.

OTHER POSITIVE ACTION AND RESULTS

Guidance and placement: The law on harmonization of rehabilitation lays down that information and guidance offices must provide disabled persons with extensive guidance. Furthermore, under the law on severely disabled persons, the Federal Labour Office has set up offices to advise and place disabled persons. They are concerned with both training and employment.

Sheltered employment: Sheltered workshops are intended for those disabled persons who are unable to enter the open labour market. In 1987, there were 379 sheltered workshops employing 95 000 disabled persons, 12 995 of whom received training. In 1986, the average wage was DM 220.

Training and employment: The number of occupational rehabilitation measures carried out in 1985 was 252 124. The main organizing bodies were the Federal Labour Office (83% of the measures), the pension insurance scheme (9.9%) and the accident insurance scheme (5.9%). The measures in question concerned assistance in obtaining or keeping a job (63%), training (8%), retraining (10%), training in a sheltered workshop (6%) and others (14%).

The medical occupational rehabilitation institutions provide medical treatment in hospitals and organize occupational rehabilitation actions. In 1987, there were 16 institutions providing 2 622 places.

Vocational training centres organize preparatory vocational training for young disabled persons. In 1987, there were 37 such centres with 10 000 places. Finally, occupational assistance centres organize retraining for adult disabled persons. In 1987, there were 21 such centres with 12 000 places.

A survey was carried out in 1986 on those who had completed their training in 1985 in an occupational assistance centre. Of these some 72% had a job and 16% were unemployed in 1986. Among the jobs held were occupations in data processing, commercial and administrative activities, electrical work, electronics, engineering and precision engineering.

Finally, subsidies are granted to employers to encourage the recruitment and keeping in employment of severely disabled persons. Other aids are also granted to encourage the occupational promotion of severely disabled persons and enable them to obtain employment in line with their qualifications.

As regards vocational training, further training and rehabilitation, preference is given as far as possible to company-level measures. The rehabilitation authorities may encourage recourse to occupational promotion measures in occupational rehabilitation establishments only where the nature or severity of the disability or the success of the rehabilitation process necessitate special assistance.

Employers are required to equip the work stations of severely disabled persons with the necessary technical aids, unless this involves disproportionate expenditure which cannot reasonably be expected. In such cases, the necessary technical aids are provided for all disabled persons by the rehabilitation institutions and, for severely disabled persons, by the social assistance centres.

In some circumstances severely disabled persons may obtain loans from the social assistance authorities to carry on an occupational activity which enables them to lead an independent life.

I.1.4. EMPLOYMENT - UNEMPLOYMENT

The number of severely disabled persons was estimated at 1.38 million in December 1986. Of this total, 37.5% were in the 15 to 60 age group, which represents an estimate of 1.64 million persons of working age.

The number of severely disabled persons on the labour market was estimated at 1 017 million in October 1985. This figure breaks down as follows: 811 725 were employed under the quota system, 69 500 were working for employers not subject to the quota system and 136 216 were unemployed. This represents an unemployment rate of some 13% on the basis of available data. More recent figures (July 1988) show that the number of severely disabled persons without jobs is 130 894. It should be pointed out that these figures are based on registration data and the specific definition of the term "severely disabled".

I.2. BELGIUM

I.2.1. GENERAL CONTEXT

Definitions and principles: The law of 16 April 1963 on the social reclassification of disabled persons applies to any persons whose effective employment capacity is reduced by at least 30% by a physical disability or 20% by a mental disability. The law lays down the principle of fair treatment of disabled persons and states that all nationals of EEC Member States may benefit from its provisions, as well as the nationals of other countries under certain circumstances.

Coherent policies: The system set up ensures care for the disabled person from the acquisition of the disability up to occupational integration and coordination of the benefits which that person may claim.

Consultation: The administrative board of the Fonds National de Reclassement Social des Handicapés (FNRS - national fund for the social rehabilitation of disabled persons) the main instrument of Belgium's policy with regard to rehabilitation, includes representatives of the two sides of industry and disabled persons' organizations.

Account taken of action in other Member States: The FNRS took account of experience gained in the United Kingdom in drawing up its code of good practice.

I.2.2. ELIMINATION OF NEGATIVE DISCRIMINATION

Revision of legislation: The available information shows that existing legislation ensures fair treatment of disabled persons.

Dismissal in connection with a disability: The law does not refer explicitly to disabled persons. Disabled persons enjoy the same treatment as non-disabled persons.

Exceptions to the principle of fair treatment: There are no jobs defined by law as not being open to disabled persons. Entering the public service requires an examination for physical suitability. To ensure fair treatment, the administration provides the FNRSH with reasons when a registered disabled person is turned down.

Training tests: The occupational guidance services use testing material adapted to the disability. In addition, there are guidance centres specializing in specific disabilities.

Recourse to the courts and legal assistance: Disabled persons have the same access to the courts as non-disabled persons. They are not entitled to specific public assistance in this respect. However, as regards social reclassification, disabled persons may demand the assistance of an association representing disabled persons, some of which are recognized by the FNRSH.

I.2.3. POSITIVE ACTION

Quota system: The law of 1963 on the social rehabilitation of disabled persons provides for an obligation to employ disabled persons for private undertakings with a staff of no fewer than 20 persons. However, this provision has not been applied.

The FNRSH takes the view that the quota system is inappropriate and contrary to the concept of acceptance and integration of disabled persons. As for the public sector, a Royal Decree of 1977 brought up to 1 200 the number of jobs reserved for disabled persons in the civil service. This is facilitated by a commission responsible for finding jobs, pointing out the adaptations to be made to work stations and keeping an eye on the disabled person during his probationary period. The law also sets at 90 the number of jobs to be reserved for disabled persons in certain semi-public bodies. Finally, the provincial and municipal authorities have to apply a quota of one out of every 55 full-time jobs.

Code of good practice: A code for employers was drawn up in 1970. The FNRSH feels that a code of good practice on the lines of the one existing in the United Kingdom is desirable. It has been drawn up and is now being distributed, in particular among employers and trade unions.

Publication of results: There is no obligation on employers to publish their results. The annual report by the FNRSH gives overall figures on the placement of registered disabled persons. In the public sector, the permanent civil service secretariat publishes an annual report on the results achieved by each department.

Reintegration of those who become disabled: An agreement between labour and management in the steel industry encourages maintenance of employment in the same undertaking or industry. Generally speaking, some employers voluntarily keep in their employ workers who have fallen ill or suffered accidents and later return to work. Financial assistance is provided for a maximum period of one year with a view to such re-employment.

OTHER POSITIVE ACTIONS AND RESULTS

Guidance: This is provided by the FNRSB, which draws up an individual programme of social and occupational rehabilitation for any disabled person who requests it.

Training: Belgium provides financial aid to promote integration in the mainstream training system. On 1 January 1988, 2 104 training courses were going on under the auspices of the FNRSB, 1 124 of which involved an apprenticeship contract in an undertaking, 900 were in a vocational training centre for disabled persons, 46 were in an ordinary educational institution (university level or the equivalent), 19 involving an apprenticeship contract in small and medium-sized undertakings and 15 in accelerated vocational training centres for the unemployed. As regards vocational training, apprenticeship contracts in trades and in business present a number of access problems related to disability.

Sheltered employment: In 1987, there were 159 sheltered workshops employing 17 429 disabled persons. The FNRSB takes the view, however, that some of these people could work in normal undertakings. In 1987, the FNRSB placed 1 431 persons, 755 of them in sheltered workshops, 560 in the private sector and 166 in the public sector.

Open employment: Subsidies for wages and social charges are granted to employers for a maximum period of one year. These subsidies are not intended as compensation for lower output but as support for a disabled person's introduction to open employment. By the same token, financial aid is provided for adaptation of work stations and of tools. In 1987, 34 employers received such subsidies.

Those who wish to set up their own business may receive loans and loan guarantees, but little use is made of these facilities. Finally, subsidies are granted to make up the difference between the minimum collectively agreed wage and the value of the worker's actual output. They may be granted for one year, but can be prolonged. In 1987, there were 1 859 recipients.

The FNRSH feels that to improve the situation it is necessary to:

- improve the awareness of the subregional employment committees;
- put together a specific employment strategy for disabled persons, particularly those with mental disabilities;
- carry out a consciousness-raising campaign in the private sector accompanied by aid rather than coercive measures.

I.2.4. EMPLOYMENT - UNEMPLOYMENT

In 1987, 546 024 persons applied for registration with the FNRSH. This gives the order of magnitude of a disabled population. The number of invalids and disabled persons receiving social security benefits in 1986 was 179 459.

The number of unemployed persons registered as disabled was on the increase up to 1984. At that time there were some 50 000 disabled persons, who accounted for some 9.5% of the total number of unemployed. After that date the number of unemployed disabled persons statistically recorded fell sharply, since unemployed persons over 50 years of age were no longer required to register as job-seekers. In 1986, therefore, out of 445 449 unemployed persons 32 107 were registered as disabled. Given that a number of disabled persons seeking work do not register as disabled persons, the number recorded may be regarded as a minimum. On 31 December 1987, 1 558 disabled persons were employed by the civil service and 147 by semi-public bodies.

I.3. DENMARK

I.3.1. GENERAL CONTEXT

Definitions and principles: Denmark has no definition of disability and a person cannot, therefore, be recognized as disabled in that country. Amendments to the law on social assistance lay down that assistance may be granted to anyone in need of guidance, financial or practical assistance, support in developing or regaining occupational abilities, care or special treatment. This applies to all physical, mental or psychological impairments, as well as to a disability with a social origin. The concept of "entitlement" or "equal opportunities" is not specifically laid down in Danish law. Danish policy aims at enabling everyone to lead a life as close to the "normal" as possible.

Coherent policies: Denmark's policy in this field is implemented through collaboration between the various sectors concerned. There is a special committee responsible for reviewing the situation of disabled persons on the labour market.

A project completed by the town of Aarhus in November 1987 aimed at eliminating the final obstacles to comprehensive and coordinated assistance for disabled persons. An important aspect of the project was the elimination of the compartmentalization of assistance by sector. The project received support from the European Social Fund.

Consultation: The two sides of industry are represented on the National Joint Council on Placement and Unemployment Insurance, which meets at regional level, and on local employment boards. Both deal with questions concerning disabled persons. Organizations of disabled persons are consulted through the Central Council for Disabled Persons, which acts as an intermediary between these organizations and the public authorities. The Council has an advisory role. It is made up of eleven members, five of whom are appointed on a proposal from the confederation of disabled persons' organizations.

Account taken of action in other Member States: Denmark is aware of the quota system and the results obtained with it in the other Member States.

I.3.2. ELIMINATION OF NEGATIVE DISCRIMINATION

Revision of legislation: Available information shows that legislative and administrative provisions are not contrary to the principle of fair treatment of disabled persons.

Dismissal in connection with a disability: Disabled workers receive the same treatment as other workers. The law makes no specific reference to disability and the Ministry of Labour takes the view that there is no need to amend existing legislation.

Exceptions to the principle of fair treatment: A decree issued by the Ministry of Labour on 18 December 1985 defines priority of access for disabled persons to certain jobs controlled by the public authorities. An exception may be made to this rule in respect of jobs involving tasks which are beyond the capacities of disabled persons.

Training tests: Disabled persons are subject to the same tests and examinations as non-disabled persons. Adaptations to tests required to facilitate access to training courses are not provided. However, it is part of Government policy to attempt to eliminate all physical obstacles to the participation by disabled persons in examinations in general.

Recourse to the courts and legal assistance: Disabled persons use the same forms of recourse to the courts as non-disabled workers. However, as regards "priority access", the placement of services see to it, when workers are recruited, that the interests of disabled persons are safeguarded.

I.3.3. POSITIVE ACTION

Quota system: Denmark does not plan to introduce a quota system. It is felt that this is contrary to Danish tradition. The setting up of such a system would necessitate the systematic registering of all disabled persons. This idea met with opposition from the disabled persons' organizations, which were consulted on this question in August 1985 when the report on disabled persons and the labour market was published.

As we pointed out above, a decree issued by the Ministry of Labour grants priority access for disabled persons to certain jobs in the civil service, State and municipal undertakings and institutions and the semi-public sector. In this connection, the placement services are required to keep an eye on vacant jobs and to negotiate with the

authorities concerned the recruitment of a disabled person considered capable of filling the vacant post. The job may not be filled until such negotiations have taken place. The decree is intended to help those job seekers who, because of a disability, have difficulty in finding a job on the normal labour market. A revision of the system now under way aims at requiring public employers to report all vacant jobs to the placement service so that it may apply the principle of priority access. The decree also provides for preferential treatment of disabled persons in the granting of licences for sales outlets such as newspaper kiosks.

Code of good practice: The Aarhus project included the drawing up of a code of good practice for the rehabilitation of disabled persons and their integration in social and working life. The Ministry of Labour believes it could draw up a document on the basis of this experiment.

Publication of results: Employers are not required to publish their results.

Reintegration of those who become disabled: The Directorate for Social Services works with a person who has become disabled in his endeavours to find a job, but an employer is not obliged to re-recruit a former employee. In its future policy the Government intends to stress improvements at the workplace to reduce the number of accidents.

OTHER POSITIVE ACTIONS AND RESULTS

Placement: The Directorate for Social Services, which is concerned with rehabilitation and re-employment, and the placement services approach undertakings in an endeavour to obtain jobs for disabled persons on a voluntary basis.

Vocational training: For a varying length of time the public authorities may grant wages support to disabled persons undergoing training for jobs on the normal labour market. Some 4 000 to 5 000 persons receive such support every year. The training given as part of the rehabilitation process may be financed from public funds. As for training in a special establishment, it is often twined with sheltered employment.

Sheltered employment: Disabled persons may be employed in craft or manufacturing activities in sheltered workshops run by the public authorities. Their remuneration is subject to specific rules. In 1987, 7 750 persons were employed in sheltered workshops.

Employment promotion measures: Jobs are found for individuals who do not meet the conditions attached to the granting of an early retirement pension. Under this scheme the public or private employer bears no less than 60% of wage costs while the municipal and county authorities share the remainder equally. The municipal authorities monitor such placements. As regards the early retirement pension, the public authorities pay an amount equal to a third of the minimum wage laid down by collective agreement. In January 1987, the total number of places under these two schemes was 1 937, 60% coming under the first scheme and 40% under the second.

Wage subsidies are paid to employers who recruit elderly persons with slight disabilities. This scheme has been set up in three districts on an experimental basis. The experiment concerns only a limited number of persons, but it looks promising.

The public authorities may grant assistance for adaptation of work stations and the purchase of appropriate tools and equipment. Undertakings may also obtain advice from the Directorate for Social Services and the Employment Service.

Finally, persons whose ability to work is permanently impaired may be placed in sheltered employment in respect of which financial aid is provided by the public authorities. Financial assistance may be granted to disabled persons to set up their own businesses after their cases have been studied individually.

On 1 April 1988, Denmark set up a scheme for personal assistance for disabled persons employed on the open labour market. This assistance is financed in part by the public authorities. The assistance consists of placing at the disposal of the disabled worker a person who will help him to do his job.

I.3.4. EMPLOYMENT - UNEMPLOYMENT

Available statistics indicate that there were 8 462 cases in 1985. They were dealt with by the social services (8 175 cases), by the other services (174) and the disabled persons themselves (113). The disabilities involved were mental (868 cases), physical (3 177), social (2 853) and a combination of all these (2 548).

The results obtained were:

- employment after recruitment: 1 686 persons, 1 551 of them in the private sector and 535 in the public sector;
- subsidized employment after:
 - .vocational training/retraining: 1 184 persons;
 - .vocational rehabilitation: 3 922 persons;
 - . preferential treatment: 40 persons;
 - . others (application of paragraph 90 of the law): 381 persons;
- job found by the disabled person himself: 520 persons;
- attempts abandoned: 806 cases;
- referred back to requesting departments: 1 368 persons;
- contact with employment service broken off: 621 cases.

In view of the absence of systematic registering of disabled persons, it is not possible to draw up statistics concerning them.

I.4. GREECE

I.4.1. GENERAL CONTEXT

Definitions and principles: Law 1648 of 1986 refers to "persons with specific needs". This term covers "persons between the ages of 15 and 65 who have a limited capacity for occupational activity deriving from any permanent impairment or deficiency of a physical or mental nature". The law is currently being reviewed with the aim of providing improved coverage for persons with a mental or psychological disability. The wording used avoids the term "disabled person", which is regarded as pejorative. However, to maintain comparisons with the information provided by other Member States, we shall continue to use the term disabled person, pointing out differences wherever necessary.

Articles 4 and 21 of the Constitution lay down that all citizens have the same rights and obligations and that persons with specific needs are entitled to specific care on the part of the State. The policy pursued in respect of disabled persons is indissociable from the principle of equal opportunity.

Coherent policies: The policy pursued in the field of vocational training and employment is linked with two principles: equal opportunities and the promise that disabled persons can and must contribute to the country's social and economic development.

In an endeavour to improve the coordination of private and public initiatives in the field of vocational training, the Ministry of Labour, in cooperation with the institutions and organizations concerned, has drawn up a regulation aimed at coordinating all these initiatives. Finally, the National Employment Office (NEO) has set up a vocational rehabilitation department to promote, monitor and implement related measures.

Consultation: Representatives of disabled persons' organizations take part in the administration of all the public centres for disabled persons. Such representatives are also involved in the work of the committee administering the quota system.

I.4.2. ELIMINATION OF NEGATIVE DISCRIMINATION

Dismissal in connection with a disability: Disabled persons are entitled to the same treatment as non-disabled persons. However, dismissals within the quota system are governed by specific laws.

Exceptions to the principle of fair treatment: Law 1735 of 1987 is concerned with recruitment in the public sector. It lays down that disability may not be regarded as an obstacle if a disabled applicant has the qualifications required for the vacant post. However, an exception is made a regards blind primary and secondary teachers, where their disability constitutes an obstacle to their appointment. So as to guarantee equal treatment, disabled persons are not subject to age limits in relation to employment in the public sector.

Training tests: Persons who are blind, hard of hearing or suffering from Mediterranean anaemia (Thalassaemia) have access to universities without prior examination. 10% of the training places organized by the NEO are reserved for disabled persons.

Recourse to the courts and legal assistance: Same treatment as non-disabled persons.

I.4.3. POSITIVE ACTION

Quota system: Law 1648 of 1986 lays down that there shall be a 3% quota for disabled persons in the public and private sector. The quota is mandatory for undertakings and departments employing no fewer than 50 persons. The quota system is run by committees set up at prefecture level. The disabled persons' organizations are represented on these committees.

Placement is statutory and the undertakings concerned may apply to a committee set up within the Ministry of Labour. There is no right of appeal against this committee's decision. The disabled persons' organizations are represented on this committee.

The law governing the quota system is currently under review with the aim of enabling persons with a mental or psychological disability to enjoy the protection appropriate to their problems.

Law 1648 of 1986 provides for the recruitment of disabled persons as lawyers in public bodies where these employ no fewer than three lawyers. It likewise lays down that 20% of vacant posts for ancillary staff in the public sector shall be reserved for disabled persons.

Law 1735 of 1987, which governs recruitment in the public sector, lays down that 5% of vacant posts in the public sector shall be reserved for disabled persons. In addition, the law reserves all vacant telephonists' posts in the public sector for the blind.

Code of good practice: An information and consciousness-raising campaign, carried out by the NEO, was aimed at employers, disabled persons and the general public. It concentrated on the potential, problems and needs of disabled persons. It involved a campaign in the mass media, documentaries and information pamphlets.

Publication of results: Private and public undertakings subject to the quota system are required to submit an annual report to the prefecture on the staff situation in the undertaking. The committee which runs the quota system may also identify jobs for disabled persons.

OTHER POSITIVE ACTIONS AND RESULTS

Guidance and placement: Guidance and placement activities are in the hands of the NEO, which has set up five occupational rehabilitation offices for this purpose. These offices inform employers and disabled persons about legislative measures, encourage the placement of disabled persons and advise disabled persons about vocational training. In addition, the local offices of the NEO employ officials specifically concerned with programmes relating to disabled persons.

Vocational training: Vocational training endeavours are aimed at preparing disabled persons to find jobs in economic sectors with prospects for the future. To promote training, 10% of training places are reserved for disabled persons in schools for apprentices and in accelerated vocational training courses. In addition, persons who are blind, hard of hearing or suffering from Mediterranean anaemia (Thalassaemia) may enrol at universities without sitting the entrance examination. During their period of studies they receive special attention from their teachers.

The Secretariat General for Public Vocational Training (NELE) provides training courses for disabled adults. Disabled persons are also able to take advantage of vocational training opportunities offered by bodies subsidized by the State.

Where disabled persons are unable to attend schools run by the NEO, the latter organizes specific training courses for them. The Ministry of Health and Social Insurance subsidizes foundations and bodies which provide similar courses.

Sheltered employment: The Ministry of Labour, the Ministry of Health and Social Insurance and the NEO have begun to define the institutional framework governing the functioning of sheltered employment.

Open employment: To promote the integration of disabled persons on the open labour market, the NEO grants subsidies to employers in the private sector who recruit such persons. The subsidy amounts to Dr 1 700 per diem and is granted for one year.

The NEO grants financial aid amounting to Dr 80 000 for the adaptation of work stations. Finally, disabled persons wishing to set up their own businesses may receive financial assistance amounting to Dr 350 000.

I.4.4. EMPLOYMENT - UNEMPLOYMENT

Statistics on disabled persons are limited, but some idea may be obtained from the number of disabled persons registered with the NEO. This amounts to 8 000 persons, 50% of whom were placed in employment.

I.5. SPAIN

I.5.1. GENERAL CONTEXT

Definitions and principles: The law on social integration defines disabled persons as those whose capacity for integration into the education system, working life and social life is diminished by a foreseeably permanent impairment of their physical, psychological or sensory abilities, whether this be congenital or not. Under the Spanish constitution the public authorities are required to implement a policy of social protection, treatment, rehabilitation and integration and to guarantee disabled persons the rights acknowledged for all citizens. Among these rights, the Constitution cites the right to work and to vocational training.

Coherent policies: The law on the social integration of disabled persons ("minusvalidos") aims at dealing with the problem in a comprehensive manner by taking account of all its aspects and replaces the disparate measures which existed previously. It covers prevention, assessment, rehabilitation, guidance, training and employment, and the departments concerned with these matters.

Consultation: The two sides of industry are represented, along with representatives of the administration, on the supervisory bodies of the National Employment Office, the National Social Services Office, the National Health Office and the National Vocational Training Council. In addition, the two sides of industry must be consulted on all measures to promote employment, including those aimed at specific categories of persons. The disabled persons' associations are represented on the Royal Foundation for Preventive Care and Treatment of Disabled Persons alongside representatives of the administrative (advisory body), the Disabled Persons Board of the National Social Services Office and the Council of State of representatives of disabled persons. The latter is made up of disabled persons and hold periodic meetings with representatives of the Ministries of Labour and Social Security.

I.5.2. ELIMINATION OF NEGATIVE DISCRIMINATION

Revision of legislation: The law relating to civil servants has been amended to delete the phrase "sickness or physical defect which prevents the proper exercise of functions". This phrase had given rise to restrictive and discriminatory interpretations.

The new provision guarantees that the principle of equal treatment, merit and ability is applied in selecting staff. By the same token, the terms "abnormality" and "abnormal" in existing provisions have been replaced by "disability" and "persons suffering from a disability". The laws now in force thus contain no kind of negative discrimination.

Dismissal in connection with a disability: Some grounds for dismissal provided for by general legislation have been limited or even excluded as regards special employment centres. For example, the inability of a disabled worker to adapt to the changes made to his work station must be confirmed by teams from the National Social Services Office. By the same token, the rate of absenteeism justifying dismissal is higher for special employment centres. Finally, at these centres the need to amortize a work station on an individual basis is excluded as a reason for dismissal.

Exceptions to the principle of fair treatment: The statute of workers forbids any form of discrimination as regards recruitment or in the course of employment on the grounds of reductions in physical, psychological or sensory capacities where the worker meets the requirements of ability to perform the job in question. As regards access to jobs in the civil service, disabled persons are required to prove their personal ability to perform the functions in question by means of a reasoned opinion by the competent team before the selection examination.

In this context, assessment of a disabled person's capacity for work is reviewed periodically by the competent team. This also applies in the case of special employment centres. The provision relating to employment in the public service lays down that for disabled persons who take part in selection tests, including those for training courses, the time allowed and the equipment required may be adapted.

The law on infringements and penalties of a social nature was approved in April 1988. It classifies as a serious offence action by an employer which is contrary to the right of disabled persons not to be subject to discrimination as regards recruitment or in the course of employment and failure to comply with rules governing reserved jobs and the recruitment obligations imposed on employers. The law provides for fines ranging from Ptas 50 000 to 500 000.

Training tests: The only criterion for admission to vocational training is the worker's ability to perform the job in question if he meets the general conditions for access. It was pointed out above that there is provision for adaptation of the time and equipment required in respect of training courses or the probationary period in public employment.

Recourse to the courts and legal assistance: Access to the courts is the same for all workers. Disabled persons are not entitled to specific public assistance in this field.

I.5.3. POSITIVE ACTION

Quota system: Public and private undertakings employing more than 50 workers on a permanent basis are required to recruit no less than 2% of them from among persons registered as disabled with the employment office. Non-compliance with this obligation constitutes an administrative infringement subject to a fine to be paid to the Treasury if action is taken by the Labour and Social Security Inspectorate. The law on infringements referred to above encourages application of the system by employers.

Code of good practice: The Spanish Government has given preference to the binding legal rules set out in the Constitution and the law on the social integration of disabled persons rather than to a code containing encouragements. Awareness campaigns have included information brochures on programmes for and the abilities of disabled persons.

Publication of results: The Ministry of Labour and Social Security publishes information on recruitment as part of positive actions. In the private sector undertakings employing more than 50 workers must submit to the employment office a detailed report on the jobs held by disabled persons and the kinds of jobs reserved for them. This information is sent to the National Social Security Office. However, undertakings do not usually comply with this information requirement.

Re-integration of those who become disabled: The Government's retraining and rehabilitation policy is supplemented by specific provisions. For example, if a worker suffers a permanent partial disability, he is entitled to be re-employed in the same firm, either in the same job, if his output remains normal, or in a job adapted to his residual capacity. In the latter case, if he regains his full capacity, his employer is required to reinstate him in his original job.

If he leaves the firm because of a permanent total disability (inability to carry out his usual trade) or an absolute disability (inability to perform any kind of work) and regains his full capacity, he is entitled to be re-employed in the first vacant job in his category. If the worker regains only partial capacity, he is entitled to be re-employed in the first vacant job consonant with his capacity. Such re-employment entitles employers to a 50% reduction in their social security contributions for a period of two years.

OTHER POSITIVE ACTION AND RESULTS

Vocational guidance: This aims at steering disabled persons in the direction of training compatible with their disabilities. Applicants receive assistance and their results are analysed. In addition, the National Employment Office keeps a register of unemployed disabled persons in order to march up vacant jobs and the skills of disabled persons.

Vocational training: This falls mainly within the context of the National Vocational Training and Placement Plan, which covers all disadvantaged groups. As regards disabled persons, the aim is to ensure their integration in joint courses with other workers.

Courses reserved for disabled persons who cannot be integrated in normal courses are provided by the National Employment and Social Security Offices. These courses cover such occupations as clerical work, drawing, bookbinding, cutting and ready-made garments, basic data processing, electronics, etc. In 1987, 1 656 disabled trainees were registered. Finally, as regards in-firm training contracts, there are no age limits for disabled persons.

Vocational training courses are free for all participants, who may receive a daily grant if they are under the age of 25 or assistance equivalent to 75% of the minimum wage if they are over the age of 25 and are long-term unemployed. Grants are also awarded to other groups.

Sheltered employment: There are two aspects to this. The special employment centres are meant for those who cannot integrate themselves into normal employment networks. The centres provide productive and paid jobs under an adapted contract of employment. The workers are supervised by a multidisciplinary team. The occupational therapy centres are intended for the personal and social rehabilitation of disabled persons and do not provide employment as such. The special employment centres receive aid to create jobs. Such aid is granted, for example, for the recruitment of unemployed disabled persons and the maintenance of existing jobs in the centres. In the latter case, wage costs are financed by up to 50% of the minimum wage. The special employment centres are totally exempt from paying employer's social security contributions and receive subsidies for adapting work stations. In 1987, 2 908 disabled persons received such aid, the total cost of which amounted to some Ptas 1 000 million. In 1986, 3 314 beneficiaries were recorded.

Open employment: Firms may receive recruitment subsidies amounting to Ptas 500 000 per full-time employment contract of indefinite duration. This is supplemented by a reduction in all types of employer's social security contributions amounting to 70% if the disabled worker recruited is below the age of 45 and 90% in other cases. These aids are co-financed by the European Social Fund.

this measure has had a degree of success. In 1983, when the subsidy amounted to Ptas 300 000, there were 793 beneficiaries, while, when it was raised to Ptas 500 000, the number of beneficiaries rose in 1984, 1985, 1986 and 1987 respectively to 1 651, 2 181, 3 755 and 3 469. The effect of the increase in the recruitment subsidy spread over three years, subsequently experiencing a stabilization, and even reduction, in the number of beneficiaries. However, it has remained at a level four times higher than that recorded in 1983. Some 75% of recruitments are in the services sector and men represent some 80% of the beneficiaries.

Additional subsidies are also granted for adaptation of work stations and the elimination of architectural obstacles.

Aid for self-employed workers include subsidies for investments and interest payments on loans. The number of recipients is on the decrease over the last few years. In 1987, there were 127 beneficiaries.

I.5.4. EMPLOYMENT - UNEMPLOYMENT

In 1986, the National Statistical Office carried out a survey using the definitions of the World Health Organization. The number of disabled persons of working age was estimated at 1 156 965, i.e. 5% of the total population in that age group (14 to 64). There are fewer disabled women and the disability rate increases with age. The rate of participation of disabled persons in the labour market was some 20%, while, according to the survey, the unemployment rate among disabled persons was 37%, whereas the general rate in 1986 was 22%.

If we compare these estimates with the number of disabled persons registered as job seekers, we can see that disabled persons make very limited use of the special register. In December 1987, 9 058 disabled persons were registered. The maintenance of a specific register for disabled job seekers and a general register where no mention is made of disability enables disabled persons to seek employment through the latter.

As regards recruitment for the civil service in 1986, we can see that the number of disabled applicants for all jobs (1 514) was far higher than the number of disabled persons applying for reserved jobs (609). This would seem to show that the reserved jobs represent a limited range of choices for disabled persons. Let us note, finally, that in 1985 and 1986 the number of reserved jobs were 118 and 165 respectively, but only 67 and 45 disabled persons were recruited. The rate of jobs reserved (but not actually filled) in relation to non-reserved jobs was some 2.5% in 1986.

I.6. FRANCE

I.6.1. GENERAL CONTEXT

Definitions and principles: French law on occupational integration regards as a disabled worker any person whose chances of obtaining or holding a job are reduced by an inadequacy or reduction of physical or mental capacities. French law confers certain rights on persons who have themselves recognized as disabled workers. French law does not refer explicitly to "equal opportunities" for disabled persons.

Coherent policies: French law covers a number of different aspects. For example, the law of 1957 deals with reclassification, the law of 1975 with guidance and the law of 1987 with the employment of disabled persons.

Consultation: The two sides of industry and the disabled persons' organizations are represented on the National Council for the Occupational and Social Rehabilitation of Disabled Workers, which must be consulted on all draft laws. Representatives of the two sides of industry and of disabled workers are members of département Boards for Disabled Workers, War Victims and the like. There is also a National Advisory Committee on Disabled Persons.

I.6.2. ELIMINATION OF NEGATIVE DISCRIMINATION

Revision: Policy aimed at promoting employment for disabled persons was redefined by the law of 10 July 1987 on the employment of disabled persons. The expression "débile mental" (feeble-minded), which has a perjorative connotation, will in future have to be replaced in all official texts by "déficient intellectuel" (intellectually deficient), this law lays down.

Dismissal in connection with a disability: There is no reference to disability in the legislation governing dismissals. As regards the protection of disabled workers likely to be dismissed, the law of 10 July 1987 states that an employer subject to the quota system may meet his statutory obligations by concluding a company agreement including a "plan for the retention (of the disabled worker) in the undertaking in case of dismissal".

Exception to the principle of fair treatment: French law does not provide for any jobs to which disabled persons have no access.

Training tests: The general vocational training system does not provide for specific measures for disabled workers. However, it should be noted that a disabled applicant may be allowed more time for a test.

Recourse to the courts and legal assistance: The département Boards for Disabled Workers, War Victims and the like are responsible for taking the first look at any plans to take a grievance to court, establishing in particular whether the person in question is recognized as a disabled worker and giving opinions on company agreements concluded under the quota system. Likewise, some disabled persons' associations may initiate civil proceedings based on non-compliance with the quota system, where this prejudices the collective interests they represent.

I.6.3. POSITIVE ACTION

Quota system: The quota system applies to both the private and public sectors. The minimum size of undertaking concerned is one employing 20 persons. The beneficiaries are:

- workers recognized by the (département) Board for the Guidance and Occupational and Social Rehabilitation of Disabled Workers, whatever the degree of disability;
- persons who have suffered industrial accidents leaving them with a permanent partial disability of no less than 10%;
- recipients of a disability pension provided that the disability reduces by no less than two thirds their ability to work;
- war victims and the like (in particular war widows and orphans).

From 1991 onwards, employers subject to the quota system will be required to employ such persons on a full-time or part-time basis in the proportion of 6% of their total staff. However, for a transitional period the rate is 3%, 4% and 5% for 1988, 1989 and 1990 respectively. Severely disabled persons and those receiving in-firm training are counted one and a half or more times in calculating the quota rate.

Undertakings may acquire exemption from this employment obligation by:

- concluding subcontracting or provision of services agreements with sheltered workshops, homeworking distribution centres or occupational therapy centres;
- concluding sectoral or company agreements providing for disabled workers no fewer than two of the following:
 - . a recruitment plan;
 - . an integration and training plan;
 - . a plan for adaptation to technological change;
 - . a plan for retaining disabled workers in the firm in the event of redundancies;
- paying a voluntary annual contribution to the Development Fund for the Occupational Integration of Disabled Workers. Representatives of the two sides of industry and of disabled persons' associations participate in the management of this Fund. The contribution, which is tailored to the size of the undertaking, may not exceed 500 times the minimum hourly wage per non-employed beneficiary.

If an undertaking fails to comply with the employment obligation or the other measures provided for under the system, it is required to pay to the State an amount equal to the voluntary contribution plus 25% for each missing beneficiary.

Code of good practice: There are several publications, including a guide for the head of an undertaking, a list of the financial aids available and a document summing up the various measures to promote the occupational integration of disabled workers. The guide for the head of an undertaking, which is currently under revision, was issued by the Ministry of Social Affairs and Employment. It contains mainly information and advice.

Publication of results: Employers subject to the quota system must notify the measures they have taken to fulfil their obligations. This information is used by the administrative authority and is not revealed to outsiders.

Reintegration of those who become disabled: The contract of employment of a person who suffers an accident at work is suspended until his capacities have been restored.

OTHER POSITIVE ACTION AND RESULTS

Guidance and placement: Guidance is provided by the (département) Boards for the Guidance and Occupational and Social Rehabilitation of Disabled Workers with the active participation of disabled persons themselves. Teams concerned with preparation for and follow-up of rehabilitation and disabled persons placement officers of the National Employment Office are responsible for placement and support activities.

It is useful to note that two district experiments in the overall occupational and social integration of disabled workers were implemented with the help of the European Social Fund. Assessment of these operations should make it possible to carry out similar endeavours throughout the country.

Training in normal centres is assisted by financial support from the Integration Fund.

Rehabilitation: The Ministry of Social Affairs and Labour has initiated an experiment in training for tele-working for tetraplegics and paraplegics undergoing functional rehabilitation. Furthermore, the social security scheme bears the cost of keeping trainees at specialized occupational rehabilitation centres.

Sheltered employment is evolving constantly. As regards sheltered workshops, a reform involving decentralization of management should promote their development and profitability. Similarly, the opening up of the sheltered employment sector to normal employment by means of secondments was furthered in 1986 by two decrees.

Employment measures: The Development Fund for the Occupational Integration of Disabled Workers finances operations within undertakings, and the Ministry of Social Affairs and Labour provides undertakings with financial aid for the adaptation of jobs and work stations. If the output of disabled persons employed under the quota system is manifestly diminished, wage reductions may be authorized. In such cases, the disabled person in question receives compensatory payment from the State.

An experiment in tele-working, the second phase of which began in 1988, covers six regions and envisages the creation of tele-working jobs for 60 disabled persons over a period of six years. Finally, assistance for the setting up of businesses includes a start-up allowance, which may be combined with the subsidies for unemployed persons setting up their own businesses.

I.6.4. EMPLOYMENT - UNEMPLOYMENT

The number of disabled children and adolescents in 1981 was estimated at some 900 000, of whom 770 000 were suffering from mental and 100 000 from motor and physical disabilities. As regards adults under the age of 65, there are estimated to be 930 000 disabled persons, of whom 120 000 suffer from mental and 700 000 from motor and physical disabilities.

France has no statistics covering the situation of disabled persons on the labour market. The Ministry of Social Affairs and Labour takes the view that the law promoting the employment of disabled workers, which came into force on 1 January 1988, should eventually make it possible to place 120 000 disabled persons. Finally, the application of the new legislation includes an obligation on the undertakings subject to it to provide information on the disabled persons they employ - which will improve statistics.

1.7. IRELAND

1.7.1 GENERAL CONTEXT

Definitions and principles. The Republic of Ireland adopted the definitions used in the World Health Organization International Classification of Impairments, Disabilities and Handicaps (1980) in which a handicap is defined as a disadvantage for a given individual resulting from an impairment or disability which limits or prevents the accomplishment of a role that is normal (depending on the age, sex, and social and cultural factors) for the individual concerned.

There is no specific reference in legislation to a right of disabled people to equal opportunities in training and employment. However, the 1970 Health Act does require health boards to make services available for the training and placement of disabled persons in suitable employment.

Coherent policies. In 1984 a Green Paper on Services for Disabled People was published. It covers a wide range of services and their interrelations. It includes education, vocational training, employment, support services and welfare. It sought to initiate a public debate on the areas requiring further definition and on a strategy to be adopted to meet these objectives.

With regard to the coordination of employment measures with other measures, note should be taken of an interdepartmental review of transport facilities for handicapped persons to and from work.

Consultation. The above-mentioned Green Paper was the subject of public debate and consultation with the organizations for the disabled and the two sides of industry. The National Rehabilitation Board is the central coordinating body in the field of rehabilitation. About half of its members are representatives of organizations for the disabled. Lastly, it should be noted that the Department of Health organizes official meetings two or three times a year with the largest non-governmental organizations.

Account taken of measures taken in other Member States. The participation by Ireland in the first Community action programme and the Network of Rehabilitation Centres provided information concerning the other Member States.

1.7.2 ELIMINATION OF NEGATIVE DISCRIMINATION

Revision of legislation. According to available information there are no laws or regulations discriminating against disabled people. On the contrary, a number of positive measures have been adopted to help disabled people.

Dismissal in connection with a disability. The unfair dismissals legislation does not refer specifically to disability. However, the Code of Good Practice states that newly disabled employees should be retained in employment in the same firm.

Exceptions to the principle of fair treatment. There is no explicit legislation on this point. The Code of Good Practice recommends that disabled applicants should be assessed solely on their ability to do the job.

Training tests. Specialized vocational training centres are established specifically to provide for disabled trainees. The National Rehabilitation Board provides continuous assessment before and during training to ensure that disabled trainees reach their full potential. It is, however, recognized that access of disabled people to mainstream training is limited, mainly on account of the lack of flexibility in the duration of these programmes. The access of disabled people to special and mainstream training is monitored by the National Rehabilitation Board.

Recourse to the law and legal assistance. Disabled people receive the same treatment and the same assistance as the able-bodied. They do not receive specific public assistance in this area.

1.7.3 POSITIVE ACTION

Quota system. A 3% quota has been in operation in the public service since 1977. It was introduced by government decision. The beneficiaries are persons registered with the National Rehabilitation Board as being substantially disadvantaged as regards obtaining or holding employment because of a disability. A review of the quota scheme was undertaken by this Board in 1985. It recommended against extending the quota scheme to the private sector. This view was supported by the disabled people's organizations, who did not wish to deflect attention from the need for a comprehensive package of supportive measures.

In 1985, 162 disabled people were employed under the quota scheme and 362 in 1986. This increase is due to the inclusion of 130 disabled trainees recruited in the context of a special employment programme.

Code of Good Practice. Arising from the EEC Council recommendation, a working party representative of Government, the National Rehabilitation Board, disabled people's organizations, and both sides of industry, established a code on the employment of disabled people. It covers a wide range of problems and contains recommendations, particularly aimed at firms. The practical recommendations for achieving the objectives of the code are set out in another document.

Publication of results. There is no official requirement regarding the publication of initiatives or results obtained under the quota system.

Reintegration in the same firm of newly disabled persons. This question is given prominence in the Code of Good Practice.

OTHER POSITIVE ACTION AND RESULTS

Guidance and placement. The pilot employment scheme seeks to provide employment for disabled people with suitable skills. Accordingly, it increases the awareness of employers and promotes positive action for disabled people.

Since January, 2 775 employers have been canvassed, 594 disabled people were concerned and 168 were placed in employment.

The vocational service operated by the National Rehabilitation Board is an essential element in the vocational rehabilitation of disabled persons. It provides assessment, counselling, placement, and follow-up service for disabled persons. The follow-up may commence at pre-school-leaving age and continue for some time after placement. It carries out periodic reviews of trainees' progress.

The vocational service also organizes pre-vocational programmes in special schools and classes, ensuring early identification and vocational planning for disabled school leavers.

In 1986 the National Rehabilitation Board vocational service handled 3 906 cases, including 1 745 physically disabled persons, 980 psychologically disabled, and 1 181 suffering from mental disabilities. Among the cases dealt with in 1986, 1 178 were placed in open employment, 467 in sheltered work, and 1 856 in training/education.

Between 1981 and 1986 some 22 150 disabled persons were assessed. Of this number, 6 535 were placed in open employment and 2 345 in sheltered work or day care.

It is estimated that the annual placement of 1 000 disabled persons represents a direct annual benefit to the State of IRL 1.5 million.

Training in special centres. The Rehabilitation Institute is the principal voluntary organization providing vocational rehabilitation services for disabled persons. It operates a network of 40 training centres and community workshops throughout the country. These centres provide a wide variety of training skills, including business and computer studies, electronics, mechanical and architectural drawing, secretarial work, upholstery, assembly, packaging, horticulture and many more. Each centre can also cater for a wide range of physical and mental impairments.

The Job Clubs use specialist techniques to impart job-seeking skills. Since 1982, 200 disabled persons have participated in these programmes, with a high rate of placement success. In 1986 and 1987, specialized techniques were introduced to facilitate the participation of those suffering from hearing disabilities. A special club for persons who have suffered mental illness is being piloted at the present time.

Most of the organizations providing services for the mentally disabled operate workshops and training centres. Many smaller organizations provide training/workshop services for mentally disabled people on a localized basis.

Sheltered employment. As stated above, the Rehabilitation Institute operates a network of community workshops throughout the country. In 1987 the Workshop Standards Committee drew up revised workshop standards to improve the level.

Mainstream training. Disabled people are directed as far as possible to mainstream training programmes. In 1986 AnCO, the industrial training authority, provided training for over 200 disabled persons. For many of them, however, the specialist training programmes, being more flexible, have been found to be more appropriate to their needs.

A case in point is the personal development course for disabled persons run by Aer Lingus and sponsored by AnCO. The courses proved effective and popular with 160 young people, disabled and non-disabled taking part. The placement rate is 70%.

Since 1985 Employer Advisory Groups have been in operation. Their task is to build effective links between training agencies and employers in a local area. An evaluation report on these groups is in preparation.

Open employment. Since January 1986 a pilot employment scheme has been concentrating on securing job opportunities for suitably qualified disabled persons. It takes initiatives aimed at increasing employer awareness and promoting positive policies. Since its inception, the scheme has canvassed 2 775 employers, has dealt with 594 disabled people, and has secured 168 jobs.

The on-the-job assessment scheme supported by the Youth Employment Agency invited employers to offer short periods of work assessment. The project has been highly successful, but its potential is limited by the capacity of the National Rehabilitation Board to fund additional places. Since September 1984, 187 disabled persons have used the assessment scheme and 57 disabled persons have been placed as a result.

The National Rehabilitation Board also gives employers financial aid to adapt the workpost and provide technical assistance.

A feasibility study of "distance work" was undertaken in October 1987 by the Board in association with two private companies. The study will be funded under the Community STAR Programme (Special Telecommunications-Related Action for the Regions).

1.7.4 EMPLOYMENT - UNEMPLOYMENT

Available statistics are partial and based on those covered by the social security system.

Some 68 000 people are in receipt of disability benefit. After twelve months, the beneficiary receives an invalidity pension. At present there are 21 000 persons in receipt of this pension. In both cases the beneficiary must have been in insurable employment.

Some 9 800 persons are in receipt of disablement benefit as a result of an occupational accident or disease.

Pilot studies are under way in preparation for a census of the disabled population.

1.8. ITALY

1.8.1 GENERAL CONTEXT

Definition and principles. The definition covers all persons whose capacity for work is diminished as a result of physical, mental or sensory impairment. This includes persons who become disabled and those with a congenital disability.

The Italian Constitution explicitly establishes that disabled persons are entitled to education and integration at work. Occupational integration, however, of the mentally disabled is not compulsory but is subject to the system of recruitment "by name".

Coherent policies. The central component of Italian policy is laid down by the Law of 2 April 1968 establishing compulsory recruitment of disabled persons. It is supplemented by training operations carried out by the Regions.

Consultation. Associations of disabled persons and the two sides of industry participate in the administration of compulsory recruitment through their presence on provincial committees for the compulsory recruitment procedure.

Account taken of measures in other Member States. In connection with the updating of the compulsory recruitment procedure, the competent services are examining other countries' experience in this field.

1.8.2 ELIMINATION OF NEGATIVE DISCRIMINATION

Revision of the legislation. According to available information, there are no legislative or administrative provisions that groundlessly discriminate against disabled people at work. This is the result of the constitutional provisions in favour of disabled persons.

Dismissals in connection with a disability. A worker may be dismissed on just grounds when he is unable to carry out his duties adequately as a result of a disability. In connection with compulsory recruitment, dismissal on health grounds is permitted only if the disability endangers co-workers' health and the safety of the installation. In connection with the reform of the compulsory recruitment system, a check will be made to determine whether the rule can also be applied to persons newly disabled in the course of work.

Exceptions to the principle of fair treatment. No regulation limits access to vocational training or employment. Limits on access to employment derive solely from the difficulty of employing a disabled person on health grounds testified to by a medical committee.

Training tests. Vocational training is within the Regions' competence, and the Ministry of Employment and Social Security does not yet have any significant information on this question.

Recourse to the courts and legal assistance. Disabled persons can claim their rights in the same way as other workers. In addition, they can have recourse to a special medical committee to establish whether the duties entrusted to them are compatible with their state of health.

1.8.3 POSITIVE ACTION

Quota system. Employers - public and private - with a workforce of less than 36 able workers are required to engage 15% of "sheltered" workers. This category includes disabled persons, widows, orphans and refugees. About 12% of the quota is for disabled persons.

The beneficiaries are divided into five categories:

- (a) the war disabled,
- (b) disabled civil servants,
- (c) occupationally disabled persons with up to one-third incapacity for work,
- (d) civil disabled persons with up to one-third incapacity for work,
- (e) deaf mutes.

There is a specific rate for each category. Provision is made to transfer posts not taken up in one category to another category.

Employers with special difficulties in integrating the disabled into production are partly exempt from the requirement, but in such cases they must recruit widows and orphans. Disabled persons are registered. The compulsory recruitment system is administered by the provincial labour offices and the provincial compulsory recruitment committees. Provincial labour inspectorates are responsible for inspection. Fines are imposed in cases of infringement of legislation and the money thus collected used for vocational training. Places are reserved for the blind in employment as telephonists, masseurs and masseur-physiotherapists.

Code of good practice. The Ministry for Employment and Social Security believes that such a guide is useful but not essential. It considers that the objectives of the guide are largely achieved through the compulsory recruitment procedure.

Publication of results. Firms are required to send a statement every six months on the recruitment of disabled persons.

Reintegration of newly disabled workers. At present there are no rules guaranteeing that newly disabled persons will be retained in employment in the same firm. There are various proposals modifying the current law to this effect.

OTHER POSITIVE ACTION AND RESULTS

Occupational guidance. It is proposed to improve occupational guidance services.

Vocational training. This is decentralized and organized by the Regions. Training activities include special classes or integration in ordinary classes.

Sheltered employment. Provision is made for sheltered employment by law but it is little used. The organizations for disabled persons prefer to integrate, even the severely disabled, in open employment.

Employment measures. The Italian system - mandatory - provides for no specific incentives for employers. Some Regions, however, grant financial aid for the adaptation of workstations, contribute to the wage and social costs, and to the creation of cooperatives. The Ministry for Employment and Social Security considers that incentives should mainly be provided to encourage the employment of severely disabled persons.

1.8.4 EMPLOYMENT - UNEMPLOYMENT

In 1986 some 6 700 000 disabled persons received financial aid. This measure does not give any idea of the scale of the phenomenon for the population at large. With regard to the labour market, the compulsory recruitment system gives an indication of the situation of registered disabled persons. The total number of employed and unemployed disabled persons rose from 448 085 in 1980 to 615 885 in 1986. This indicates the increase in the use of the compulsory recruitment system to obtain employment. With regard to the degree of disability, 74% of the registered disabled persons had a disability of between 33% and 50%, 20% of between 51% and 70%, and 6% of between 71% and 100%. This shows that severely disabled persons make little use of the compulsory recruitment system.

Of the disabled persons registered in 1986, there were 325 281 unemployed and 290 604 in work. Both categories showed a tendency to increase with a growing number of registrations as indicated earlier.

Lastly, it should be noted that a number of disabled persons receive financial aid for a very slight degree of disability and continue to work for the same employer without having to use the compulsory placement services.

1.9. LUXEMBOURG

1.9.1 GENERAL CONTEXT

Definition and principles. Disabled workers are the victims of industrial accidents, those disabled in the war, and persons who are physically, mentally or psychologically impaired. The reduction in the capacity to work must be at least 30% to be eligible for the measures. The capacity refers to the aptitude to obtain or retain an employment, and the assessment takes account of previous work experience. Legislation does not explicitly refer to equal opportunities for disabled persons, but there is an implicit requirement in the provisions to employ this group .

Coherence of measures. Interministerial committees are carrying out a study to draw up a coherent training and employment policy. Likewise, a coordination committee with consultative powers seeks to ensure interministerial and interadministrative coordination and the effectiveness of activities undertaken by associations concerned with the training and employment of disabled persons.

Consultation. The Office for Placement and Occupational Rehabilitation of Disabled Workers (OTH) is the main institution. It is under the authority of the Ministry for Labour, and includes on its steering committee representatives of the two sides of industry and of private associations. Representatives of disabled persons participate in various consultative committees dealing with training and employment.

Account taken of measures in other Member States. The District Projects and "Interact News" are the main sources of information.

1.9.2 ELIMINATION OF NEGATIVE DISCRIMINATION

Revision of the legislation. The Government has set up an interministerial committee to examine the reform of the OTH and to redefine the principles underlying assistance for disabled persons. The Government considers that it is not sufficient to reaffirm the principles and that accompanying measures are needed to eliminate discriminatory practices. Along the same lines, the Ministry for Education proposes to review the system of upper secondary technical schools, which in their present form discourage vocational training for the mentally disabled.

Dismissals in connection with a disability. Legislation does not explicitly refer to disabilities. A recent reform sought to reinforce protection of all workers against unfair dismissal.

Exceptions to the principle of fair treatment. In the case of registered disabled persons, the OTH delivers an opinion on occupational guidance and reclassification measures to the Department of Employment.

Training tests. Practical tests are adapted by a multidisciplinary team in accordance with the needs of disabled persons, while the occupational guidance section of the Employment Department carries out guidance and placement functions.

Recourse to the law and legal assistance. Disabled persons receive the same treatment as the non-disabled.

1.9.3 POSITIVE ACTION

Quota system. In the private sector only, firms regularly employing at least 50 workers are required to reserve 2% of total jobs. Firms employing between 25 and 50 workers must give priority to disabled persons for a post for which they are suited. The posts to be reserved are designated by the OTH after consultation with the heads of firms.

The public sector must reserve at least 2% of total jobs for disabled workers who meet the statutory training and admission requirements.

The beneficiaries are registered disabled persons with a reduction in working capacity of at least 30%. Heads of firms who do not observe these provisions may be liable to a maximum fine of LFR 10 000.

A code of good practice is currently in preparation by the Luxembourg District Project, and a folder on accessibility has been produced. The main instrument here is the monitoring service. The latter canvasses firms, gives advice, and informs employers about the recruitment of disabled people.

Publication of results. The public services and firms are required to publish their results.

Reintegration of newly disabled workers. Victims of accidents at work in the public or private sectors are accorded priority for access to available posts in the same service or enterprise. The rehabilitation services cooperate with the employers in achieving this, and the Government considers that in most cases reintegration has been achieved without problems. If a worker refuses an allotted post or retraining measures, then he loses his entitlement to one of the posts provided for under Article 6 of the law (quotas).

OTHER POSITIVE ACTION AND RESULTS

Occupational guidance and placement. Guidance and preparatory occupational training are organized and can include work experience. In the case of severely disabled persons, the programme includes a support structure. The monitoring service is organized by the Employment Department, the District Project and the rehabilitation centres. Useful lessons have been learned concerning placement methods.

Financial incentives are provided for disabled persons participating in preparatory training for up to three years.

Vocational training and placement are selective and personalized. Training seeks to develop more advanced skills. The system is not limited to the mentally disabled. The latter benefit from a pilot project leading to social and economic integration. Other training systems provide limited skills related to the individual's motivation, and often aim at local opportunities. In cases where the OTH considers occupational rehabilitation is necessary, the cost is supported by the State or by accident insurance. In this case the beneficiary receives the income and allowances laid down for apprentices.

Sheltered employment. The legislation does not refer to the classification of workers who cannot enter the labour market. Sheltered workshops are the product of private initiatives. However, they receive public aid and the State covers the cost of a disabled person's wages. At present the workshops employ 100 persons, and many are integrated into rehabilitation and vocational training structures.

Open employment. Employers receive financial incentives to adapt workstations and ease wage costs. Participation in wages is degressive and may cover three years. In principle it is not renewable. It amounts to 50%, 40% and 30% of the minimum statutory wage for the first, second and third years respectively. Financial assistance has been granted to employers in 40 cases.

Lastly, the wage paid by the employer depends on individual productivity and is established without regard to accident allowances.

1.9.4 EMPLOYMENT - UNEMPLOYMENT

On average, 15 persons a year are placed in the public sector, while some 141 trainees attended specialized training centres in 1986.

The beneficiaries of the quota system number 3 000 and there are 800 registered unemployed disabled persons. For purposes of comparison,

it should be noted that the total number of unemployed stood at about 2 850 in December 1987. The share of unemployed disabled workers aged under 25 is 7.7% of the total number of young unemployed workers.

The Government considers that the favourable trend since 1986 has facilitated the integration of disabled persons into open employment.

I.10 NETHERLANDS

I.10.1 GENERAL CONTEXT

Definitions and principles. Two instruments constitute the main basis of the Dutch system. The first is the 1986 law on the employment of disabled people. It concerns persons in receipt of disability benefit or pensions and those who benefit from special measures for carrying out their work. In the future the group of persons covered by this law may be enlarged. The law concerns training, employment, rehabilitation and reintegration. The second law concerns social action measures. This applies to all those who, as a result of their particular circumstances, cannot be integrated in the normal working environment. The right to equal opportunities is the basis of both laws and it is explicitly referred to in the law on the employment of disabled people.

Coherent policies. The coherent policies relating to the Council recommendation were given effect by measures taken following the law on the employment of disabled people. Two district projects have made a contribution in this field. The first focused on the coordination of employment services and the second on training and work experience.

Consultation. The two sides of industry were consulted in drawing up and implementing the law on the employment of disabled people. Similarly, for the social action measures, concertation was carried out on a regular basis with, for example, workers' organizations. The Netherlands considers that the two sides of industry protect the interests of disabled people and it is therefore unnecessary to consult their organizations.

Account taken of measures in other Member States. The Dutch system established in the law on the employment of disabled people is in some ways similar to the German system.

I.10.2 ELIMINATION OF NEGATIVE DISCRIMINATION

Revision of the legislation. The law on the employment of disabled people provides that the latter can aim at integration on exactly the same footing as a non-disabled person carrying out a similar function. The law on disability insurance - general scheme - has been amended. Thus an employer may be obliged to cooperate in adapting the work post and the equipment. The law on health insurance has been amended to ensure that a disabled person has a job which is in line with his disability from the year in which it was covered by the health insurance law. A disabled unemployed worker may accumulate unemployment benefit and allowances for incapacity for work from 1 January 1987.

Dismissal in connection with a disability. The legislation states that a worker cannot be dismissed on the grounds of illness if it lasts for two years or more. Exceptions aside, the employer cannot dismiss a worker who has been ill for over two years without the agreement of the regional employment office. It is, however, possible to derogate from this by collective agreement or a regulation issued by the competent public body. The head of the regional employment office must take into consideration possible adjustments at the workplace and the possibility of employing the worker in another job in the firm.

Two decisions by the High Court of 1978 and 1985 clarify the conditions for dismissal. A worker with a partial incapacity for work must prove that he is able to accomplish the work given him in accordance with his capacities in order not to be dismissed. In such cases the conditions imposed on the employer must be reasonable and the wage must correspond to the work. If the worker is unable to accomplish the agreed work on the grounds of illness, he may volunteer for other tasks consonant with his disability. The employer is required to offer other tasks unless he can show that this obligation is unreasonable. If the employer fails to propose other tasks without good reason, the disabled person is entitled to all or part of the wages depending on whether the proposed services were full or partial.

Exceptions to the principle of fair treatment. The law on the employment of disabled people is silent as regards situations where such exceptions are possible. In connection with the proposed new measures, it is provided that an employer can invoke safety or health requirements releasing him from the minimum recruitment provisions imposed on his firm.

Lastly, in principle all persons in the target group are entitled to social action measures. The law distinguishes between two groups: the first is subject to a quantitative work standard, in the case of the second the only criterion is that the work performed should have a beneficial effect on the individual.

Training tests. The legislation contains no specific provisions relating to the conditions for the tests giving access to training.

Recourse to the law and legal assistance. Disabled people receive the same treatment as the non-disabled.

I.10.3 POSITIVE ACTION

Quota system. Under the law on the employment of disabled people, employers and trade unions are required, if possible through concertation, to adopt measures to promote occupational reintegration. The aim is to ensure that each firm employs 5% disabled people. If they have not, or have not fully satisfied these provisions, from 1 July 1989 employers will be required to employ a certain percentage of disabled people. The rate will range from 3% to 7% and could vary from one sector, industry or public service department to another. Before fixing the quotas, opinions must be obtained from the Social Insurance Council (Socialeverzekeringsraad) for the private sector, and from the Pension Funds Councils for the public sector.

Initially, the draft law imposed a uniform quota, but the Government has abandoned this following deregulation. It was felt that primary responsibility for the reintegration of disabled workers devolved upon employers and trade unions. This means that the authorities and the law as far as possible limit their role to providing a policy framework. For their part, industry pointed out that an obligation diminished freedom of personnel management and affected the quality of the relationship between the disabled workers and their working environment.

Employers failing to observe the quota will be subject to the payment of periodic cash contributions. Those employing more than the quota will receive financial aid. The contributions will be paid to a fund to finance the adaptation of work posts.

Code of Good Practice. There is no guide and the Government does not plan to produce one. Information brochures concerning employment measures have been published by the public services.

Publication of results. The quota system requires employers to keep a register of disabled people which serves as a basis for monitoring observance of the system.

Reintegration of newly disabled workers. This aspect was partly covered in the paragraph concerning dismissals. The labour inspectorate is empowered to oblige employers to adapt the work content, production methods, tools and work arrangements to disabled workers' needs.

OTHER POSITIVE ACTION AND RESULTS

With regard to occupational or educational guidance, there are no specific services for disabled persons. The public health service, during consultations, provides information on occupational guidance and assesses the skills of the disabled person. This service, and the public service pension funds, ensure special placement for disabled persons.

Disabled persons are being integrated into ordinary schools, particularly by measures designed to provide suitable training for instructors, grants for the adaptation of school buildings, the adaptation of teaching materials, and transport measures.

Occupational training is provided in special centres and prepares trainees for fine metalworking, electronics, technical drawing, draughtmanship, administration and horticulture.

Other training initiatives are undertaken by rehabilitation centres, local authorities and private centres. Recent efforts favour the use of new technologies and a reduction in the use of special networks for disabled people. To this end, efforts are being made to double the number of new apprenticeships and increase the range of personal choice. It should be noted that apprenticeships combine training and practical experience.

Sheltered employment has increased rapidly in recent years. It is considered undesirable for social and budgetary reasons. Accordingly, the local authorities who implement the law have been obliged to reduce the number of such jobs. The present system does not leave the local authorities any room for manoeuvre. Accordingly, and to achieve the aim of cutting back on sheltered employment, the Government is preparing a new system under which the local authorities will be allocated a fixed amount, to take effect from 1989. Currently, persons employed under this system receive wages comparable to the wage they would have received for similar functions on the ordinary labour market. The wages and social security contributions for workers employed under social action measures are fully borne by the State. Additional costs are largely covered by the State. At the end of 1987, 77 755 persons were in sheltered employment, a number of whom could be placed in open employment.

Open employment. No public contribution is made towards the wages paid by the employer. The Ministry for Social Affairs and Employment can authorize the employer to pay wages proportional to the productivity of the disabled worker. This task will be transferred to sectoral employers' associations. It will be possible for disabled workers to obtain an increase in their incapacity for work allowance for up to two years. Employers are required to adapt the content of the work, the organization of work posts, the tools used, and the work arrangements of the firm. Employers failing to meet this requirement may be obliged to do so. Grants are given to employers for the adaptation of a work post. Additional costs incurred and regarded as necessary on account of disability are fully reimbursed. At the time of the reintegration the medical service checks whether the adaptations are necessary.

Projects to reintegrate disabled people into the labour market may receive financial assistance in their launch phase. Projects to train and prepare disabled people to set up their own firms are handled by private organizations. For this purpose, the social and occupational association AVO-Nederland receives a State subsidy.

IV. EMPLOYMENT - UNEMPLOYMENT

In 1986, 765 000 persons of working age received a disability pension. In 1986, 78 484 disabled people were in sheltered employment. Following the measures to reduce the number of sheltered jobs, this number fell to 77 755 in 1987. In 1986 there were 12 000 registered unemployed disabled people.

I.11. PORTUGAL

I.11.1 GENERAL CONTEXT

Definitions and principles. The framework law on rehabilitation applies to individuals who, as a result of an injury, deformity or infirmity, whether congenital or acquired, are permanently impaired as regards their occupation. The Institute for Employment and Vocational Training considers that assistance and encouragement are justified only in cases where, on account of their disability, individuals find it difficult to obtain or hold down suitable employment.

The rights of the disabled are spelt out in the Constitution of the Republic with the reservation "except where their disability precludes the exercise of such rights". This applies to certain mentally disabled persons who are wards of court. The Constitution requires the State to pursue a policy for disabled people. Equal rights are given effect by various sectoral agreements and through the tasks assigned to the Institute for Employment and Vocational Training (IEFP) in the field of occupational rehabilitation.

Coherent policies. The framework law on rehabilitation seeks to organize the various stages of rehabilitation in sequence. This action is supplemented by the National Rehabilitation Secretariat (SNR), which carries out an interministerial and interinstitutional dialogue in its field. The National Rehabilitation Council (CNR) has drawn up general guidelines for sectoral policies and urgent measures.

Consultation. The National Rehabilitation Council (CNR), the consultative body of the SNR, brings together the services of the State, the organizations for the disabled, and the two sides of industry. The latter also participate on the Council of the IEFP.

Account taken of measures in other Member States. Assessment and information about measures implemented in other Member States are given due weight when considering this matter and in national policy decision-making. International cooperation on this subject is well-developed, and Portugal takes part in the main private and official rehabilitation organizations.

I.11.2 ELIMINATION OF NEGATIVE DISCRIMINATION

Revision of legislation. The main areas in which legislation has been revised concern compulsory education and the law establishing a minimum wage. It should also be noted that the framework law on rehabilitation is currently being revised.

Dismissals in connection with a disability. Portuguese law prohibits dismissal without due cause. In the case of collective redundancies, disabled workers are given preferential treatment for remaining in employment. In the case of victims of accidents at work, the law provides that, if the firm employs more than ten workers and if the temporary incapacity is less than 50%, the firm is required to retain the services of the victim of the accident.

Exceptions to the principle of fair treatment. The legislation does not specify employment that is not open to disabled people. Legislation concerning individual employment contracts provides for the possibility of adopting special protection measures for workers with a diminished capacity for work as regards recruitment and the conditions in which they work. This provision is of a general nature and seeks to increase awareness.

Training tests. There are no specific measures adapting tests to the needs of disabled people. The IEFP, however, provides that on each training course three places should be set aside for disabled persons assuming an average of 15 trainees per course. To make this measure more effective it is planned to make the programmes more flexible, to adapt the evaluation tests and reinforce technicians' training.

Recourse to the law and legal assistance. The SNR has a reception office which assists disabled people to obtain their rights. It also ensures the initiation of procedures and provides technical and legal assistance.

I.11.3 POSITIVE ACTION

Quota system. There is no quota system. The State has favoured the adoption of positive measures to stimulate the employment of disabled people, such as the flat-rate allowance for firms recruiting disabled people during the period of adaptation to work, grants to remove architectural barriers and adapt work posts, allowances to enable disabled persons to set up on their own account and reductions in social security contributions for employers recruiting disabled people. The two sides of industry in the banking and insurance sectors have taken the initiative and established a 2% quota for each of their sectors.

Code of Good Practice. A code is being drawn up by the Ministry for Employment and Social Security. The SNR has published a handbook on the legal rights of disabled people in all areas of rehabilitation, and a handbook on the resources available for the disabled. Both are of a general nature and do not contain specific and practical details with regard to employment and vocational training.

Publication of results. Firms are not required to publish their policies. Existing information concerns the beneficiaries of measures.

Reintegration of newly disabled persons. Firms employing over 20 persons are required at the time of recruitment to give priority to workers who have acquired a permanent incapacity due to an accident when in their employ and deploy them in activities compatible with their disability.

The law on industrial accidents stipulates that occupational rehabilitation and placement services should be made available to workers and provides for liaison between public and private services. In recent years the number of firms requesting technical aid to maintain or retrain disabled workers has risen.

OTHER POSITIVE ACTION AND RESULTS

Guidance. Vocational guidance is provided by various bodies: the ordinary employment offices, the specific assessment/guidance unit operating at national level, and private non-profitmaking institutions with rehabilitation programmes that include assessment and guidance.

Integration into mainstream vocational and technical training. During the 1986/87 school year, these measures benefited 109 persons with motor, physical and sensory handicaps. This represents 0.9% of pupils attending technical and vocational courses in ordinary education.

Preparatory vocational training. Private non-profitmaking special education institutions implement preparatory vocational and vocational training with technical and financial support from the State. Since 1986, training and rehabilitation activities have increased in separate structures. In 1987, 3 240 persons benefited from rehabilitation operations which were supported by the European Social Fund.

Sheltered employment. This provides paid employment with the aim of personal and occupational satisfaction and facilitates integration in open employment. In 1987 there were 309 beneficiaries. Current resources are inadequate but new initiatives are springing up throughout the country in diverse forms, ranging from production workshops to groups of mentally disabled persons integrated into enterprises. These experiments promoting the integration of the mentally disabled are of particular interest.

Employment measures include:

- compensatory payments to offset the cost to firms during the phase of adaptation to work of disabled persons. The assistance is in proportion to the reduction in productivity of the disabled worker and the basic wage of a worker in the same category;
- grants for the removal of architectural barriers and the adaptation of work stations given to employers who need to adapt their equipment or installations to cater for the functional problems of disabled workers;

- grants to assist disabled people to set up on their own account. They cover equipment, the adaptation of installations, or payment of the deed of transfer of the establishment;
- from 1982 to 1987, 1 279 persons received employment aid. Of this total, 86.5% related to aid for setting up on their own account, which suggests there is a need to increase the awareness of employers and improve the training of officers concerned with the placement of disabled persons in firms. Most aids go to physically disabled people, particularly for employment as tradesmen, tailors, farmers, cobblers and knitters;
- reductions in employers' social security contributions in respect of disabled workers with an indefinite employment contract. This measure came into effect in 1987. In that year, 34 persons were affected by these reductions;
- disabled people and young people are given priority for the grant of aid in the crafts sector. This financial aid is provided for the creation and maintenance of employment and vocational training places;
- lastly, the Ministry for Employment and Social Security plans to harmonize the programmes for disabled people, regional development and the promotion of cooperatives.

I.11.4 EMPLOYMENT - UNEMPLOYMENT

The Ministry for Employment and Social Security estimates that about 49 000 disabled people are unemployed. This represents 20% and is double the general unemployment rate. The Ministry believes there is a positive trend in the employment of disabled people and that the gradual development of rehabilitation and employment services will be reflected in a higher level of employment of disabled persons in the short term.

I.12. UNITED KINGDOM

In general, the detailed information concerning provisions and services applies to Great Britain. Unless there is a statement to the contrary, similar arrangements also apply in Northern Ireland.

I.12.1 GENERAL CONTEXT

Definitions and principles. The Disabled Persons (Employment) Act 1944 (1945 Act in Northern Ireland) defines a "disabled person" as a "person who, on account of injury, disease or congenital deformity, is substantially disabled in obtaining or keeping employment, or in undertaking work on his own account of a kind which, apart from that injury, disease or deformity, would be suited to his age, experience and qualifications". This definition places the emphasis directly on the relationship of the impairment to the disability and the actual effect on employment.

The legislation does not include an explicit "right" to equal opportunities. However, the principle of equal opportunity underlies a number of statutory and positive measures. A Code of Good Practice has been published as a guide on the employment and training of disabled people.

Coherent policies. The Department of Employment (DE) has overall responsibility for the arrangements for the employment and training of people with disabilities. It aims to deliver a coherent service through the Employment Service (ES) and the Manpower Services Commission (MSC).

Consultation. The National Advisory Council on Employment of Disabled People (NACEDP) advises Ministers on matters relating to employment and training. Its members include representatives of national associations of employers and workers. At local level there are 86 committees for the employment of disabled people and three in Northern Ireland. Local employers' and workers' associations are represented on these committees.

The Sheltered Employment Consultative Group is a national advisory body which covers all aspects of the sheltered employment programme. It has a wide-ranging membership including trade unions and voluntary organizations.

Consideration of action in other Member States. The Department of Employment and the Manpower Services Commission receive information through the EEC Liaison Group and the EEC Network of Employment Rehabilitation Centres, which has organized a number of exchanges. There have also been bilateral exchanges of information. In general, however, there are considerable difficulties in making use of information about practices in other countries.

I.12.2 ELIMINATION OF NEGATIVE DISCRIMINATION

Revision of the legislation. A NACEDP working party undertook in 1986/87 a review of the principles underlying employment provision for people with disabilities, and formulated recommendations for the departments concerned. The Department of Education, in connection with its research on the effectiveness of the quota system, has assessed the Code of Good Practice. The results have not yet been presented to the Department of Employment. The latter is reviewing its policies and programmes for people with disabilities.

Dismissal in connection with a disability. Under the Employment Protection Act, a worker has the right to seek redress for unfair dismissal by appeal to an industrial tribunal after being employed for two years (one year if recruited before 1 June 1985). This period is reduced to four weeks where an employee is dismissed on medical grounds.

Under the Disabled Persons (Employment) Act, Committees for the Employment of Disabled People may be required to report on an allegation of dismissal of a "registered disabled person without reasonable cause".

The Code of Good Practice encourages employers to seek alternative solutions other than dismissal, with the assistance of public programmes.

Exceptions to the fair treatment principle. Persons with particular impairments are excluded from certain types of employment (for example, airline pilot for people with epilepsy).

Training tests. The Code of Good Practice describes the methods employers can use to establish non-discriminatory selection procedures for applicants with disabilities. This includes the content of application forms and the organization of selection interviews.

Recourse to law and legal assistance. As stated in connection with dismissal, the conditions giving rise to the ability to lodge an appeal with an industrial tribunal are more favourable if dismissal is on health grounds. Otherwise, disabled persons receive the same treatment and the same assistance as the non-disabled.

I.12.3 POSITIVE ACTION

Quota system. The scheme was established by the Disabled Persons (Employment) Act 1944 (1945 Act in Northern Ireland). The Act places a duty on employers who have 20 or more workers to employ 3% of disabled people. However, it is not an offence to be below quota. Employers below the quota are required to engage suitable registered disabled people, otherwise they must obtain a permit to engage a non-disabled person. Failure to comply with these requirements is an offence. The quota system is administered by the Employment Service, whose aim is to enforce the scheme's provisions by making employers aware of their duties and persuading them to comply with the law.

Registration is voluntary and the numbers registering have been falling for some years. It is now estimated that there are fewer people on the register than there are places provided for by the system. It is agreed that the quota scheme is not working as originally intended.

Although the quota scheme is not binding on the public sector, the Departments and the National Health Service have agreed to accept the same responsibilities as the private sector.

The Government has initiated a research programme including a study of the characteristics and attitudes of people with disabilities and a survey of employers. In 1987, there were 106 743 persons under the quota system. This figure represents an average of 1% of registered disabled people employed under the quota scheme.

Code of Good Practice. The Code was introduced in 1984 and in Northern Ireland in 1985. It encourages employers to adopt constructive policies on all aspects of the employment of people with disabilities, including recruitment, training, promotion and retention. Some 44 000 copies of the Code have been distributed. The subject has been given wide mass-media coverage. Finally, actions to increase awareness and information have taken place at local level.

Publication of results. The Companies Act 1985 requires firms employing over 250 persons to include in their annual report a statement describing the policy applied towards the recruitment, training and career development of disabled people.

Reintegration of newly disabled people in the same firm. The Disablement Resettlement Office (Northern Ireland) advises and arranges for assessment in the Employment Service's Jobcentres. The Manpower Services Commission can help with the provision of technical aids and the adaptation of work posts. The Code of Good Practice notes the opportunities created for people with disabilities through adapting work posts. Lastly, financial aid may be given.

OTHER POSITIVE ACTION AND RESULTS

Information and placement. The Disablement Advisory Service (DAS) is the specialized branch of the employment service and has 71 local teams. Its specific purpose is to encourage the recommendations set out in the Code of Good Practice to provide advice and assistance to employers, identify opportunities for developing sheltered employment, and assist employers to implement the various employment programmes for disabled persons.

The disablement resettlement officers are attached to the employment service Jobcentres. They provide services to people with disabilities, including those in employment. They are particularly concerned with advising and placing those with severe disabilities. Other disabled persons are covered by the non-specialized services of the Jobcentres, provided the disability is not a major obstacle to placement.

The Employment Assessment and Rehabilitation Services of the MSC provide assessment of the occupational capabilities of the disabled and also give them vocational guidance.

In 1986-1987 a total of 84 424 disabled persons benefited from the placement service.

It should also be noted that the employment service has established a data bank including details of 400 employment aids (technical).

Vocational training. Policy is designed to integrate the disabled into mainstream programmes. Accordingly, the majority of the training programmes, such as the Youth Training Scheme, have special arrangements for facilitating access for the disabled, for example more relaxed entry requirements, extension of the training period, technical aids, etc. In 1986-87 there was a total of 9 439 disabled persons involved.

There are also special training courses designed for the disabled. The ITTWE (Individual Total Training With Employer) allows for a period of training and work experience with an employer lasting from one to twelve months. Following training, a period of at least six months' employment is guaranteed.

The rehabilitation of adults who become disabled may take place on a mainstream or a specialized course. There are also facilities for young persons suffering from sickness or the result of accidents leading to disablement in order to maintain their training rights. The number of new participants in 1986-87 on residential retraining courses was 1 223. The number of disabled adults on mainstream training courses in 1986-87 was 3 097.

When training programmes are being planned, account is taken of the following:

- the requirements of the local employment market: the authorities which approve the programmes include in particular representatives of local industry and the CEDPs;
- training in the use of new technologies: residential training offers a wide range of courses;
- flexible programmes which allow for individualized arrangements: the YTS provides for a preparatory assessment course for disabled young people.

Those responsible for administering these programmes are required, under the terms of their contracts, to promote equal opportunity as regards recruitment and training of the disabled, among others.

In September 1988 the MSC will introduce a new employment/training programme. This programme is aimed at the long-term unemployed and devotes special attention to the specific requirements of the disabled.

Employment rehabilitation. The employment rehabilitation service (ERS) is to apply a strategy for employment rehabilitation providing in particular for assessment, rehabilitation courses, the introduction of mobile teams able to operate outside the retraining centres, and the use of charitable organizations to organize employment rehabilitation. A similar scheme is under consideration in Northern Ireland. In 1987-88, the number of participants on the assessment and rehabilitation courses was 14 943.

Sheltered employment. The sheltered employment programme is designed for those who, because of their disablement, cannot realize their full potential on the open labour market. By the end of the 1987/88 financial year, about 18 900 severely disabled people were in sheltered employment and the number has been increasing over recent years.

The sheltered placement scheme allows people with severe disabilities to work in ordinary surroundings in selected jobs. They receive the same wage and the same working conditions as other workers carrying out similar work.

The employer receives financial assistance to compensate for the loss of productivity involved in the worker's disablement. The programme has been particularly successful among disabled young people.

Employment in normal surroundings. The Community Programme provides a job, normally for one year, for the long-term unemployed. The disabled benefit from relaxed entry criteria and the number of disabled persons involved in 1986/87 was 17 900.

Incentives to employers include:

- The job introduction scheme: short-term financial assistance designed to overcome employers' reservations concerning the disablement. The number of new participants in 1986/87 amounted to 1 636 persons.
- Adaptations to premises and equipment - grants of up to UKL 6 000 with the employer not required to pay more than half of the cost. The number of new beneficiaries in 1986/87 was 257 persons.
- Special aids to employment scheme - special equipment can be provided on loan to help the disabled at work, for example special chairs, Braille communication aids, telephone aids, etc. In 1986/87 there were 2 651 new beneficiaries under this scheme.
- Personal reader service for the visually disabled: financial assistance towards the cost of employing a sighted reader. In 1986/87 a total of 63 persons benefited from this scheme for the first time.

There are a number of programmes designed to assist the disabled to create their own employment:

- The Enterprise (Creation) Allowance Scheme: a person who is unemployed and who wishes to create his own employment receives an allowance for a maximum of 52 weeks which is intended to help compensate for loss of State benefits during the difficult early stages of the new business. People with disabilities are fully integrated into the general scheme.
- The Business (Creation) On Own Account Scheme: this helps people with severe disabilities who are unable to take up open or sheltered employment. It provides a grant to purchase equipment, etc. This scheme is not available in Northern Ireland.
- The Blind Homeworkers' Scheme: this scheme helps the visually disabled who run their own business by guaranteeing them a minimum income. Financial assistance is granted for purposes of establishing the initial capital and for the cost of training.

1.12.4 EMPLOYMENT - UNEMPLOYMENT

Existing statistics originate from various sources and are based on varying definitions.

In 1987 the number of registered disabled persons was 383 439 in Great Britain and 7 844 in Northern Ireland. It should be noticed that the numbers registered have been falling steadily over recent years.

Labour force surveys suggest that in 1987 the number of members of the working population with a disability or health problem amounted to 7 542 000, of which 4 411 000 were men and 3 131 000 were women. The age breakdown was as follows:

From 16 to 24: 1 167 000, from 25 to 49: 4 157 000, and from 50 to 64: 2 218 000.

However, a disability or a health problem does not necessarily restrict the kind of work a person can do. Hence the survey shows that people of working age whose disability or health problem restricts the kind of work they can do amount to 3 987 000. This figure can be taken as the number of disabled people either in or out of work on the labour market.

Using this definition, the number of disabled people in work on the labour market is 2 012 000, which amounts to 7.4% of the total working population.

The number of unemployed disabled persons amounts to 470 000 and the unemployment rate for the disabled working population is 23.4%. The unemployment rate for the non-disabled population in 1987 was 10.3%.

The number of long-term unemployed disabled people (for one year or more) was 228 000 in 1987. This represented 48.5% of the number of unemployed disabled persons. The corresponding figure for the non-disabled population was 39.4%.

Finally, the age breakdown of the unemployed disabled population was as follows:

16 to 24: 76 000, 25 to 49: 238 000, and 50 to 64: 153 000.

PART II

II.1. DEFINITION OF DISABLED PERSONS

The definition of disabled persons poses various problems which may affect the efficiency of the measures adopted. The definition is an instrument used to define the target group. The definitions adopted in the Member States are listed in Table 1.

It should be noted that within each Member State the various competent departments use differing definitions. Because of this, the statistical data relating to the group in question are limited, and the statistics are not comparable. To these differences are added the differences between the Member States.

II.1.1 DEGREE OF DISABILITY

Some countries (Belgium, Luxembourg, United Kingdom) base their definitions, and hence their objectives, on people with a certain degree of disability, while others refer to a wider group. However, this statement should be qualified to the extent that the Member States may require a specific degree of disability within the framework of different measures. It should be noted that the degree of disability required may function as a quantitative indicator (Belgium, Luxembourg) or as a qualitative assessment (United Kingdom).

The advantage of a restricted definition is that it directs the measures towards the group of disabled persons which is in the least favourable situation. The inconvenience of this approach is in the choice of a limit which may be arbitrary and based solely on the criterion of the degree of disability, without taking into account the fact that the social and economic implications may be the same whatever the degree of disability. From this point of view, a definition which relates to equal opportunities should be wide, but as regards the application of the various measures the degree of disability should be a variable which has to be examined in each case.

In the definitions set out in Table 1, all the Member States, with the exception of the Netherlands, Portugal and the United Kingdom, make an explicit distinction between physical and non-physical disabilities.

As regards the nature of the latter it is useful to note that six Member States (Federal Republic of Germany, Belgium, Denmark, Greece, France and Luxembourg) make explicit reference to mental disabilities, and six Member States refer explicitly to mental or psychological disabilities (Federal Republic of Germany, Denmark, Spain, Ireland, Italy and Luxembourg).

II.1.2 NATURE OF THE DISABILITY

This differentiation results from the fact that the disabled population is not a homogeneous group. If the whole of the disabled population exhibits certain social and economic problems in common, each type of disability may have specific occupational consequences. To the extent where differentiation sets out to alleviate these consequences and promote equal opportunities, it is to be welcomed.

Finally, the Council of the European Communities in its decision on the "Helios" Programme (of 18 April 1988) adopted the following definition: "By disabled persons are meant all those persons who show serious disabilities resulting from physical or mental impairment". It should be pointed out here that the Council and the Commission noted in a declaration that the term "mental" also covers the term "psychological". Thus, according to the terms of the declaration, the shortened expression "physical or mental impairment" does not imply any restriction of the field of application of the Helios Programme in relation to the field of application of the Council recommendation which states that "'Disabled people' includes all people with serious disabilities which result from physical, mental or psychological impairment".

II.1.3 ORIGIN OF THE DISABILITY

In the Member States, the origin of a disability tends to lose its importance as a criterion for the definition of the beneficiaries of the various measures. Thus is it gradually becoming recognized policy to consider that all disabled persons should be treated equally, independent of the origin of their disability. This approach allows the Member States to concentrate on formulating policies which emphasize the social and occupational consequences of the disability.

II.1.4 PERMANENT NATURE OF THE DISABILITY

In Table 1 some countries limit their definition to those suffering from a permanent disability. Such a restriction may exclude people with a temporary disability from benefiting from certain measures. At the same time, this can create problems as regards working life which will continue to have a permanent effect. In addition, the notion of permanent disability may lead a certain number of disabled persons not to register since it runs counter to their own view of the disability and its likely outcome.

II.1.5 CONSEQUENCES OF THE DISABILITY

The consequences of a disability vary over a period of time, either as a result of the development of the disability itself, or as a result of technological development (new technical aids, changes at the work station, etc.). As a consequence, although the notion of permanence has a meaning in the medical sense, in the occupational context its consequences can change. This has led most Member States to provide for periodic assessment of the disability. Also, in order to determine the consequences, a number of Member States call on multidisciplinary teams and on occasion collaborate with the representatives of the working world to evaluate the occupational consequences of the disability. This collaboration means that positive measures can be devised which face up to the actual problems identified at the place of work.

It is interesting to note that France, Portugal and the United Kingdom make explicit reference to the capacity of a disabled person to "maintain" his employment. In the other countries, too, this aspect is taken into account. The reason for this explicit reference is to bring out the changing relationship between the disability and work. Indeed, the disability may appear as a limitation following organizational changes at the place of work.

A further problem encountered in several Member States is the reduction in the number of disabled persons registering and consequently of those who benefit from existing measures.

It should be noted that most Member States do not include social disabilities in the definition. This is because the requirements of this group and the ways of dealing with them are different. In the same way, the inclusion of this group in the definition would mean that there was a danger of excluding from positive measures disabled persons who have serious integration problems.

Finally, the differences between the national definitions are often compounded by the methods used for assessing disabilities, which vary between Member States.

TABLE 1: DEFINITION

| | |
|----------------|---|
| GERMANY (F.R.) | Those who, as a result of Irregular physical, mental or psychological circumstances, suffer from a functional impairment (permanent or temporary) which at the same time affects their capacity for integration into society. |
| BELGIUM | Any person whose effective employment capacity is reduced by at least 30% as a result of a physical disability or by 20% as a result of a mental disability. |
| DENMARK | No definition. Aid may be granted to any person needing specific support to develop or redevelop his vocational capacity, needing care or needing special treatment. This includes physical, mental, psychological and social disabilities. |
| GREECE | People with specific needs, i.e. those aged between 15 and 65 who have limited scope for vocational activity as a result of some permanent problem or impairment of a physical or mental nature. The law is being reviewed in order to take better account of mental and psychological disabilities. |
| SPAIN | Any person whose possibilities of integration into the education system, working life and social life are reduced as a result of an impairment which seems likely to be permanent in relation to his physical, psychological or sensorial capacities, whether or not congenital. |
| FRANCE | Any person whose possibility of obtaining or keeping employment is effectively reduced as a result of an impairment or a reduction in his physical or mental capacities. |
| IRELAND | A disability is a disadvantage which in the case of a given individual results from an impairment or an invalidity which restricts or prevents the assumption of the role which is normal for such an individual. Such impairment covers psychological or physical functions. |
| ITALY | Those persons whose working capacity is permanently reduced as a result of infirmity (physical, psychological or sensorial). |
| LUXEMBOURG | People who have suffered industrial accidents, those Invalided as a result of war service and those who are physically, mentally or psychologically impaired. The reduction in capacity for work must be at least 30%. |
| NETHERLANDS | Those who receive an invalidity pension and those who benefit from special measures in order to carry out their work (law on the employment of disabled persons). Another law concerns those who are unable to integrate into normal working life. |
| PORTUGAL | Those who, as a result of damage, deformity or sickness, congenital or acquired, are impaired permanently as regards the exercise of their occupational activities. Those who as a result of their disability have difficulties in obtaining and/or retaining suitable employment (IEPF). |
| UNITED KINGDOM | A person who, as a result of damage, sickness or congenital infirmity, is substantially impaired as regards obtaining or maintaining employment, which, if the person concerned did not suffer from such damage, sickness or infirmity, would be appropriate to his age, experience and qualifications. |

II.2. EQUAL TREATMENT

The affirmation of the right to equal treatment as regards training and employment is a reference instrument for disabled people against discriminatory measures and practices. As Table 2 shows, the majority of the Member States refer in their legislation to the right to equal treatment or refer explicitly to the rights of disabled persons (Federal Republic of Germany, Belgium, Greece, Spain, Italy, Netherlands and Portugal). Some back up this right by stipulating that the State must assert this right. It should however be noted that the guiding principle underlying positive measures in all the Member States is equal treatment.

The explicit affirmation of the right to equal treatment is necessary to balance existing policies which place all the effort on the individual and present the elimination of the disability (or of its implications) as the solution to the problem of occupational integration. The right to equal treatment puts these policies on a new track and establishes a balance between personal effort and adaptation of the social and vocational environment. It prevents the disabled person from being excluded from certain rights and benefits solely on grounds of his disability, and implies a right to facilities to prevent the disability from becoming an obstacle to occupational integration. Affirmation of the right to equal treatment thus reverses the current underlying philosophy, which is one of assistance.

Affirmation in legislation of the right to equal treatment does not always guarantee the actual application of equal treatment to disabled people in their working life. Accordingly, the Member States have tried to guarantee fair treatment as regards training and employment by means of legal provisions and specific measures.

TABLE 2: RIGHT TO EQUAL TREATMENT

| | |
|----------------|---|
| GERMANY (F.R.) | Legal right to aids needed to establish equal treatment. |
| BELGIUM | The Law of 16 April 1963 establishes the principle of equal treatment in the area of vocational and social integration. |
| DENMARK | No explicit reference in legislation. Policy sets out to ensure everyone a level of existence as close as possible to normal. |
| GREECE | The Constitution lays down that people with special needs have a right to specific care from the State. |
| SPAIN | Under the Constitution, the public authorities are required to implement a policy of rehabilitation and integration ... to guarantee them ... the rights extended to all citizens (the right to work, training and occupational rehabilitation). |
| FRANCE | No explicit reference in legislation. |
| IRELAND | No explicit reference in legislation. The Health Act requires the health committees to provide services to ensure the training and placement of the disabled. |
| ITALY | The Constitution lays down the right of the disabled to training and occupational integration. |
| LUXEMBOURG | No explicit reference. Legal provisions include a right to employment as a group but no individual right. |
| NETHERLANDS | Under the law on the employment of the disabled, employers and trade unions must encourage equal opportunities for everyone (whether or not disabled), as regards occupational (re)integration. |
| PORTUGAL | Under the Constitution, those citizens who are physically or mentally disabled enjoy full rights as laid down in the Constitution, with the exception of certain persons with mental disabilities who are subject to legal wardship. The State undertakes to ensure the transposition of these rights in practical terms. |
| UNITED KINGDOM | No explicit reference in the legislation. Those responsible for administering training courses are required, under the terms of their contracts, to encourage equal treatment, including for those who are disabled. |

II.3. FAIR TREATMENT AS REGARDS ACCESS TO TRAINING AND EMPLOYMENT

Education and vocational training constitute the basis for occupational success. Integration into the school system is also an important element for occupational reintegration at a later date. However, this aspect is outside the scope of this report and will be dealt with only in relation to vocational training.

All the Member States set themselves the objective of integrating disabled people into mainstream vocational training programmes where possible.

Mainstream vocational training programmes are an extension of ordinary teaching. In the Member States the special education networks for the disabled do not always guarantee such continuity with public vocational training programmes or in-service training. With this in view, the Member States organize preparatory courses intended especially for the disabled. In addition, the way in which entrance is organized does not always take account of the problems involved in the disability concerned, and there is often an absence of facilities during the period of training.

II.3.1 ACCESS TO TRAINING PROGRAMMES

The problem of continuity between special training and mainstream training will be dealt with later under positive action. As regards entrance selection criteria for mainstream training courses, the German Federal Republic has drawn up legislative provisions which require the responsible authorities to take account of the problems and the requirements of the disabled when organizing entrance tests for training courses. These provisions concern facilities as regards the time required for the test and the testing methods. Other Member States have adopted measures of this kind, for example Spain provides for some reorganization as regards the time taken for tests and the equipment available. Belgium and Luxembourg provide for some adaptation of the tests, while Portugal guarantees priority admission for a fixed number of disabled persons. Greece provides for admission without tests, and France arranges for some variation in the time allowed for the test.

II.3.2 ACCESS TO EMPLOYMENT

As regards access to employment, the Member States prohibit any discrimination on recruitment or during employment based solely on the disability, provided the worker fulfils the necessary conditions as regards aptitude for the employment concerned. Problems arise here as regards the assessment of the aptitudes of the disabled person. In order to guarantee fair treatment of the disabled persons concerned and avoid discrimination in connection with the disability, certain Member States have adopted specific measures. In Italy, for example, restriction on access to employment of disabled persons for health reasons must be justified by reference to a medical commission. In Belgium, entrance to the public service requires an examination to determine physical aptitude. Where the candidate is rejected, the reasons must be communicated to the National Fund for Rehabilitation of the Disabled. In Portugal, legislation concerning individual labour contracts provides for the possibility of taking special measures to protect workers whose capacity for work is reduced. However, these provisions in Portugal are designed rather to make people aware of the problems involved. Finally, in Greece the age limit as regards access to employment in the public service is higher for the disabled.

As regards civil service posts, two approaches should be noted. In the first case, the disabled persons concerned have to prove their personal aptitude to carry out the activities concerned on the basis of a reasoned opinion issued by the appropriate team before the selection tests. This measure is intended to avoid the situation where the disabled person is disqualified solely on grounds of his disability. It also has the advantage of allowing the candidate to obtain information from the competent authorities concerning the details of the post concerned and the technical aids available. At the same time, this procedure may discourage a disabled candidate if the time needed to complete the formalities and make the necessary enquiries is excessive. According to the second approach, the civil service department concerned must inform the competent body of the reasons for rejecting the candidate, and this body can then go on to examine the reasons for rejection and, where appropriate, review its policy in accordance with actual problems.

II.3.3 MAIN FACILITIES GRANTED

On the basis of the above, the initiatives as regards facilities granted by some Member States can be summarized as follows:

A. Selective entry tests for mainstream vocational training programmes:

- Adaptation of the methods of assessment. For example, replacement of oral examination by suitable examinations for those with hearing disabilities;
- Aids justified by the disability concerned; for example the possibility of calling in an interpreter in sign language for the deaf;
- Elimination of questions which are not connected with the occupation concerned, but which might put candidates at a disadvantage solely on grounds of their disability;
- Reorganization of the time allowed for an examination;
- Priority or reservation of training places;
- Improved conditions concerned age limits for entrance to a training course.

B. During training at an ordinary centre:

- Specially adapted teaching materials, for example, manuals in Braille for the blind;
- Teaching aids justified by the disability concerned and monitoring of the trainee;
- Flexibility of training periods, where this is required as a result of the disability;
- Accessibility of buildings and adaptation of the training premises in order to eliminate obstacles in connection with the disability concerned.

As regards access to open employment, the facilities which are granted or recommended in some Member States are similar to those provided in relation to access to training. It should be noted that, in particular in the United Kingdom, there is a service which lends out technical aids. This allows a disabled candidate to familiarize himself with his equipment and present himself for the selection test well-equipped and well-prepared.

TABLE 3: TESTS RELATING TO VOCATIONAL TRAINING

| | |
|----------------|--|
| GERMANY (F.R.) | Legislation requires the responsible authorities to take account of the problems and the requirements of the disabled in the area of training and related tests. Technical assistance in the organization of tests to eliminate obstacles in connection with the disability concerned. |
| BELGIUM | The vocational guidance system uses testing materials adapted in accordance with the disability concerned. |
| DENMARK | The Government sets out to eliminate any physical obstacles to participation in tests. |
| GREECE | The blind, those with impaired hearing and those suffering from Thalassaemia (Mediterranean anaemia) can enter university without taking tests. 10% of training places organized by the OAED are reserved for the disabled. |
| SPAIN | Reorganization of the time allowed and the equipment used in relation to training courses and selection tests for posts in the public service. |
| FRANCE | Possibility of increasing the time allowed for tests. |
| IRELAND | The National Rehabilitation Office assesses continually before and during training in order to guarantee that the disabled trainee can realize his full potential. |
| ITALY | No special provisions concerning disabled people. |
| LUXEMBOURG | Tests adapted by a multidisciplinary team according to the requirements of the disabled. |
| NETHERLANDS | No specific provisions concerning the disabled. |
| PORTUGAL | Priority admission of three disabled persons per course organized by the Employment and Vocational Training Institute. |
| UNITED KINGDOM | The Code of Good Practice gives alternatives in order to avoid discriminatory practices, for example concerning the organization of selection tests. |

II.4. DISMISSALS IN CONNECTION WITH A DISABILITY

Dismissals in connection with a disability generally concern two main categories of disabled persons:

- those whose disability was apparent before recruitment,
- those whose disability occurs or appears during employment.

The most frequent cases concern accidents in connection with work or other causes. There are however cases where a disability reveals itself to be a problem following reorganization of work: There are a large number of workers with a disability which does not affect their capacity for work within a specific production process. However, because of restructuring or reorganization, duties may be redefined. In the new circumstances the disability can become an obstacle to continued employment. This may be the case, for example, for a dyslexia sufferer affected by the introduction of new technology where oral communication is replaced by written communication. We might also add those disabled persons who use technical aids which, once the production system is modernized, are no longer compatible with the new equipment. These new situations may lead to unfair dismissals.

All the Member States apply a system whereby a worker may be dismissed for just cause or for a legitimate reason. Some countries, however, consider that this principle is inadequate to guarantee fair treatment of the disabled, and have supplemented their legislation by special provisions connected with disability or by additional administrative measures (see Table 4).

The legislative provisions in the Netherlands are applied generally to all disabled persons. Although the reference to "sickness" constitutes a limiting factor in the case of the Netherlands, the interpretation of this term in practice includes the various types of disability. German legislative provisions set out to protect those with severe disabilities, while in Italy and Greece the legislation sets out to protect the beneficiaries of the quota system. In Portugal, legislation sets out to protect only those employees who are victims of industrial accidents. In Portugal protection is limited in so far as a beneficiary must have a temporary incapacity of less than 50%.

Spain takes explicit account of an interesting aspect, that of dismissal related to inability to adapt to changes made to the work station. Its area of application is limited to sheltered workshops.

An examination of the measures set out in Table 5 shows different lines of action, as follows:

- legal protection, which may take the form of a special authorization to proceed to the dismissal of a disabled person. This relates in general to the severely disabled, and disabled persons employed within the quota system or by a sheltered workshop;
- assistance to the employer for reorganizing the work station or examining other opportunities of employment within the firm for a disabled worker;
- the desire not to endanger the competitiveness of the firm. Thus, for example, in the Netherlands the conditions under which the job is retained must be reasonable from the employer's point of view, while in Portugal account is taken of the size of the firm.

With a view to guaranteeing fair treatment of disabled workers and hence the elimination of unfair dismissals, the development of legal and technical aids specialized in line with the disability is a system used particularly in Portugal. It is also useful to note the role of the associations for the disabled in the Federal Republic of Germany, which are able to represent, and consequently advise and aid, the disabled. In Belgium and the Netherlands, too, the role of the disabled persons' organizations and the contribution which they can make in defending the interests of the disabled is also worthy of note. These services are free to disabled persons and are very important in the case of those disabled persons who are unable to defend their own interests (for example, those suffering from mental disabilities).

According to the information set out in Table 5, this special supplementary assistance is limited in the other Member States. Thus, in most of the Member States disabled persons benefit from aid structures which are open to all.

TABLE 4: DISMISSAL IN CONNECTION WITH DISABILITIES

| | |
|----------------|--|
| GERMANY (F.R.) | Those suffering from serious disabilities may be dismissed only after authorization from the competent institution which examines the various possibilities of maintaining employment. |
| BELGIUM | No explicit reference to disabilities in the legislation. |
| DENMARK | No explicit reference to disability in the legislation. Same treatment as for the non-disabled. |
| GREECE | Special laws require a quota system as regards dismissals. |
| SPAIN | Dismissal from a sheltered workshop: inability to adapt to changes made at the workplace must be confirmed by the National Social Services Institute. |
| FRANCE | No explicit reference in the legislation. Measures to help the worker keep his job where he is threatened with dismissal. |
| IRELAND | No explicit reference to disability in the legislation. |
| ITALY | Under the quota system, dismissal is permitted only if the disability endangers health or safety, or if there are no other possibilities of employment. |
| LUXEMBOURG | No explicit reference to disability in the legislation. |
| NETHERLANDS | Without exception, an employer may not dismiss a worker who has been sick for more than two years without agreement of the Regional Employment Office. A worker suffering from partial incapacity must prove that he can carry out part of the work required under his contract if he is not to be dismissed. If he is unable to carry out the work agreed, he may agree to assume other duties in line with his disability and on conditions which are reasonable for the employer. |
| PORTUGAL | There is an obligation to keep on an employee who suffers an industrial accident if the firm employs more than ten persons and if the incapacity is temporary and less than 50%. In case of a collective dismissal, disabled workers are given preference as regards keeping their jobs. |
| UNITED KINGDOM | The Disabled Persons (Employment) Act provides that committees for the employment of the disabled can be required to report on any allegation of the dismissal of a registered disabled person without reasonable grounds. |

TABLE 5: RECOURSE AND LEGAL ASSISTANCE FOR THE DISABLED

| | |
|----------------|--|
| GERMANY (F.R.) | Same treatment as for the non-disabled. In cases of litigation under social legislation, the disabled can be represented by a representative of the disabled persons' organizations. |
| BELGIUM | Same treatment as for the non-disabled. In case of problems regarding relocation, disabled persons can call on the assistance of the associations approved by the National Social Rehabilitation Fund for the Disabled. |
| DENMARK | Same treatment as for the non-disabled. |
| GREECE | Same treatment as for the non-disabled. |
| SPAIN | Same treatment as for the non-disabled. |
| FRANCE | Same treatment as for the non-disabled. The departmental commission on disabled workers and disabled war victims is responsible for examining initial claims and giving an opinion on agreements in firms subject to the quota system. |
| IRELAND | Same treatment as for the non-disabled. |
| ITALY | Same treatment as for the non-disabled. Disabled persons can appeal to a special medical commission to determine the compatibility between their employment and their state of health. In addition, they can appeal to the competent authorities in the same way as other workers. |
| LUXEMBOURG | Same treatment as for the non-disabled. |
| NETHERLANDS | Same treatment as for the non-disabled. Assistance may be provided by disabled persons' organizations. |
| PORTUGAL | Same treatment as for the non-disabled. The SNR grants technical and legal assistance to the disabled and takes care of processing procedures. |
| UNITED KINGDOM | Same treatment as for the non-disabled. The Employment Protection Act provides more favourable conditions for appeals to an Industrial Tribunal if the dismissal is connected with medical reasons. |

II.5. REINTEGRATION OF PEOPLE WHO BECOME DISABLED WITHIN THE SAME FIRM

The necessary counterweight to dismissal on grounds of disability takes the form of measures to encourage the reintegration of the worker. Thus, countries such as Germany and the Netherlands, under measures to avoid dismissal, make explicit reference to efforts to keep the disabled person on in the same job or in some other capacity within the same firm.

Policies designed to keep a disabled worker on within the same firm, either in the same job or in a job adapted in line with his capacities, are based on experience already acquired within the firm. This accumulated experience allows the worker concerned to face up to a social and technical environment which he knows well. This "qualification" is specific to each firm or job. The worker who is relocated in a new activity or a new sector is unable to exploit this practical experience to the full, neither is vocational training in a position to impart these skills to the worker concerned.

Policies in the Member States as regards reintegrating people who become disabled within the same firm are set out in Table 6. This table should be read in conjunction with Table 4. It shows that there is a fully developed policy in place in Spain, Luxembourg, the Netherlands, Portugal and the German Federal Republic. Spanish legislation as set out in the table lays down the right of a permanent partially disabled worker to rejoin the same company, either in the same job, if his productivity continues normal, or in a job adapted to his residual capacity. Spanish provisions also stipulate that, if the worker recovers his full capacity following rehabilitation, he shall be given back his original job if he is occupied in another job within the same firm. Otherwise, if he has left the firm because of total or absolute permanent incapacity, he has a right to the first vacant post in the same category. In the same way, if he recovers only a partial capacity after rehabilitation, he has the right to be taken on again in the first vacant job corresponding to his capacity. Such reintegration gives eligibility for a reduction of 50% in the employer's contributions to social security for a two-year period.

Some Member States, specifically Luxembourg and Portugal, limit protection to victims of industrial accidents only. Such victims are given priority for jobs available within the firm. This is based on the principle that a firm must participate in efforts to ensure reintegration where the victim's disability is the result of his work. The question of joint responsibility of employers and working conditions supports this approach.

Another area of action common to all the Member States takes the form of recommendations and advice to employers to encourage them to keep on workers who become disabled. In the case of Ireland and the United Kingdom, these recommendations form part of the Code of Good Practice.

The main reintegration policies in the Member States thus take the following forms:

- binding legislative measures, for example the obligation to keep on a disabled worker within the firm;
- technical and financial aid, for example adaptation of work stations, granting of technical aids and the payment of financial compensation;
- measures to promote the awareness of the employers and the social partners in general.

As regards the contribution of the social partners to efforts to keep on disabled workers, it should be noted that there is an agreement between the management and unions in the Belgian steel sector.

TABLE 6: REINTEGRATION WITHIN THE SAME FIRM OR INDUSTRY OF PERSONS WHO BECOME DISABLED
(LEGAL PROVISIONS)

| | |
|----------------|---|
| GERMANY (F.R.) | In the occurrence of a severe disability, protection under the law on severe disabilities applies. |
| BELGIUM | Steel industry: agreement between management and labour with a view to keeping on the worker in the same firm. |
| DENMARK | No obligation on firms to keep on disabled workers. |
| GREECE | |
| SPAIN | If a worker acquires a permanent partial disability he has the right to reintegration within the same firm, whether in the same job or in a job adapted in line with his capacities. If he recovers full capacity, he may return to the original job or the first job which comes free in his category where he has left the firm because of his disability. In the latter case, if he recovers only partial capacity he has the right to be taken on in the first vacant post corresponding to his capacity. |
| FRANCE | A victim of an industrial accident is entitled to have his employment contract suspended until his capacities have consolidated. |
| IRELAND | The Code of Good Practice contains recommendations. |
| ITALY | Draft laws are designed to facilitate the reintegration within the firm of disabled persons who have been dismissed. There are plans to guarantee employment during a long period of absence because of sickness or accident. |
| LUXEMBOURG | Victims of industrial accidents have a right of priority to jobs which come free within the same firm. |
| NETHERLANDS | See Table 4. In certain cases an employer must give suitable work in line with the capacities of the employee during the first year of sickness. |
| PORTUGAL | Firms employing at least 20 people are required to give priority as regards recruitment to a worker who has suffered an industrial accident within their firm for activities in line with the disability. |
| UNITED KINGDOM | The Code of Good Practice contains recommendations. |

II.6. VOCATIONAL TRAINING

II.6.1 TRAINING IN A SPECIALIZED ESTABLISHMENT

Specialized training centres for the disabled are an important stage in the process of integration within the Member States. In practice, they are a compulsory step for:

- persons who would be unable to follow mainstream training courses;
- persons who need medical and vocational rehabilitation which cannot be provided within the framework of mainstream training programmes.

The specialized centres prepare the disabled for the following:

- obtaining a job;
- entering a mainstream training programme;
- obtaining qualifications or experience;
- exercising a useful or broadening activity.

The special centres for the disabled represent an experiment which is indispensable as regards any integration policy in the Member States. They are places where the specific requirements of the disabled are analysed and special training methods developed.

Training given in specialized centres in the Member States is summarized in Table 7. It appears that some specialized centres have taken initiatives in relation to the following:

- innovative training methods (for example, training on a modular basis, use of new technologies in relation to teaching methods and content of courses); this applies particularly in the United Kingdom and Ireland. In Ireland, experimental work has been carried out concerning the mentally disabled and those with hearing difficulties;
- integration of training and employment (for example, training in tandem with employment, sheltered or otherwise), in particular in Denmark and the Federal Republic of Germany. In the United Kingdom and Ireland, training is combined with practical experience;

- training in new skills (for example electronics) in Spain, the Netherlands, the Federal Republic of Germany and Ireland;
- establishment of links between specialized training centres and ordinary training centres. These links take the form, in most Member States, of preparatory courses for ordinary programmes;
- alignment of training on regional and local requirements, particularly in the United Kingdom and in Luxembourg.

The development of specialized training centres in the Member States is at various stages of development. It should be noted that, in Greece, Portugal and Ireland, private initiatives play an important role.

The initiatives set out above concerning training are still restricted, and specialized centres providing training in traditional occupations where there are no significant job prospects often exist side by side with innovatory schemes.

The specialized centres in the Member States are facing several challenges. They have to align the content of their training on new occupations, introduce an innovatory dimension into their methods by using new technology, and satisfy the requirements of firms which call for more and more multiskilled workers. In order to deal with these challenges, some centres attempt to establish systematic relations with firms. However, this policy is often not applied and the people taking training courses are headed in some cases towards sheltered workshops rather than firms.

Finally, it should be noted that the requirements of those with mental disabilities are rarely the subject of systematic policy in the Member States.

II.6.2 TRAINING IN AN ORDINARY CENTRE OR IN A FIRM

The participation of the disabled on mainstream training courses is the principal way of guaranteeing a choice for these disabled persons.

The policies pursued in this area by the Member States are set out in Table 8.

The main facilities for access to mainstream programmes granted to disabled persons in the Member States are as follows:

- training in preparation for a mainstream training course, a measure adopted in most Member States;
- reservation of training places, for example in Greece;
- special arrangements requiring less strict entry conditions (for example as regards age limits), particularly in the United Kingdom, Spain and Portugal;
- flexibility of training periods (for example extension of the training period), particularly in the United Kingdom;
- technical aids for training institutes or for firms.

These facilities are developed to varying degrees in the Member States, where the trend is to stress one kind of facility rather than a coordinated range. The result is that there is a limited number of disabled trainees on mainstream training programmes.

Seven Member States have notified measures to encourage the in-firm training of the disabled (Federal Republic of Germany, Belgium, Spain, France, Italy, Luxembourg and the United Kingdom). These measures include trial traineeships, special training contracts and the encouragement of agreements between management and workers to this end. According to available information, these measures concern in most cases a limited number of disabled persons. The facilities granted to firms also generally aim at eliminating certain obstacles, although these obstacles can vary greatly, depending on individual cases.

Distance training is the only way of training for certain persons suffering from motor disabilities or those who have to follow medical treatment which restricts their movements. This approach is still in the embryo stage in the Member States. Finally, it is useful to note an experimental remote work training system in France for tetraplegics and paraplegics who are undergoing functional rehabilitation.

II.6.3 FINANCIAL INCENTIVES

The financial aids granted in the Member States to encourage vocational training are presented in Table 9. They are designed in particular to encourage:

- the integration of the disabled in ordinary education, on a mainstream training programme or within a firm;
- rehabilitation and retraining in a specialized centre;
- the establishment of new training courses at specialized centres;
- the acquisition of new skills.

Aid may be granted to the trainee in order to guarantee his income, and to the centre or the firm to cover the organizational costs. The kind of expenditure which is subsidized concerns principally teaching equipment and adaptation of school buildings. All the Member States also help with the cost of transporting the disabled.

TABLE 7: INSTRUCTION AND TRAINING IN A SPECIAL ESTABLISHMENT

| | |
|----------------|---|
| GERMANY (F.R.) | The occupational assistance centres organize the vocational rehabilitation of the disabled, particularly as regards commercial and administrative activities, electronics, precision engineering, and other engineering techniques. Preference is given to measures organized at firm level. |
| BELGIUM | Instruction is designed to ensure the physical and intellectual development of the disabled person, his social adjustment and his exercise of an occupation or trade in a sheltered context. |
| DENMARK | Training at a special centre is often organized in tandem with sheltered employment. |
| GREECE | The OAED encourages the establishment of specialized programmes for those who are unable to fit into the ordinary network. Independent foundations and bodies organize specialized courses. |
| SPAIN | Training as clerk, designer, dressmaker, in basic informatics and electronics, or as office boy, etc. |
| FRANCE | - |
| IRELAND | The centres of the Rehabilitation Institute provide courses in electronics, business, mechanical and architectural design, etc. The employment clubs use specialized training techniques according to the disability concerned. There are special clubs for the mentally disabled and those with hearing difficulties. There are also training/workshop services. |
| ITALY | The regions organize vocational training courses for the disabled. These courses are either integrated or reserved for the disabled. |
| LUXEMBOURG | Vocational training course stressing the social value of work and social relations. Practical training course in line with local employment opportunities. |
| NETHERLANDS | Centres give a training in fine metalworking, draughtsmanship, electronics, administration, graphics, and horticulture. |
| PORTUGAL | Private non-profitmaking institutions participate in the pre-vocational and vocational preparation measures alongside the official rehabilitation centres and private State-subsidized centres. |
| UNITED KINGDOM | The vocational training programmes take account of local requirements, new technologies, training/work experience in combination, modular courses, etc. |

TABLE 8: MAIN FACILITIES FOR VOCATIONAL TRAINING IN FIRMS OR AT ORDINARY CENTRES

| | |
|----------------|---|
| GERMANY (F.R.) | Legal provisions require account to be taken of the problems and specific needs of the disabled. A disabled person has the right to rehabilitation measures in line with his requirements. Incentives are given for in-firm training. Preparatory vocational training exists for young disabled people. |
| BELGIUM | Special in-firm apprenticeship contracts for vocational rehabilitation. Vocational training or rehabilitation contracts in an accelerated adult vocational training centre. |
| DENMARK | Programme to encourage training in an ordinary environment. |
| GREECE | 10% of training places are reserved for the disabled, in apprenticeship schools and in accelerated training programmes. |
| SPAIN | The national training plan promotes the integration of the disabled in programmes along with other groups. No age limit for in-firm training. |
| FRANCE | Company agreements to encourage training in an ordinary environment. Experiments in distance working training. |
| IRELAND | Training programme integrating disabled and non-disabled unemployed workers. Advisory groups composed of employers to encourage the link between companies and training bodies. |
| ITALY | The regions, in agreement with the firms, organize training courses in the same firms or in ordinary training centres. |
| LUXEMBOURG | Vocational introduction and guidance courses in firms. Experimental occupational traineeships in firms (agreement). The Employment Fund encourages practical training in firms. |
| NETHERLANDS | |
| PORTUGAL | A number of mainstream training programmes have special arrangements to encourage access for the disabled. |
| UNITED KINGDOM | A number of mainstream training courses have special arrangements to encourage access for the disabled (for example, as regards entrance requirements and training period). Special in-firm training contract. |

TABLE 9: FINANCIAL INCENTIVES FOR VOCATIONAL TRAINING OF THE DISABLED

| | |
|----------------|--|
| GERMANY (F.R.) | Financial aid is granted to encourage the vocational training of the disabled. |
| BELGIUM | Takeover of all costs of residential centre, observation centre or host family. Financial aid to encourage integration into ordinary education and help with cost of teaching aids in advanced courses. Cover of the cost of training and granting of allowances to replace wages during training. |
| DENMARK | Wage subsidies for the disabled taking part in training in jobs on the normal employment market. Training as part of a rehabilitation course may be paid from public funds. |
| GREECE | Subsidies for the establishment of specialized training programmes and financial aid for foundations and bodies establishing similar programmes. |
| SPAIN | Daily allowances for young people aged under 25 engaged on training courses. Aid amounting to 75% of the minimum wage for those over 25 who are long-term unemployed persons. Allowances for other collective courses. |
| FRANCE | Credits to encourage training in ordinary centres. Financial aid for the vocational rehabilitation of the disabled in specialized centres. |
| IRELAND | - |
| ITALY | The vocational training of the disabled is carried out on an institutional basis by the regional authorities. In addition, provision has been made for financial aid for firms which organize training themselves. |
| LUXEMBOURG | Financial incentives for young disabled persons to participate in training and introductory vocational courses. Duration: 3 years. If rehabilitation is judged necessary by the OPRTH, the cost is borne by the State or the Accident Insurance Fund. |
| NETHERLANDS | Allowances to cover adaptation of school buildings and for teaching aids. |
| PORTUGAL | Subsidies for private occupational rehabilitation institutions and firms organizing vocational training measures for the disabled. |
| UNITED KINGDOM | - |

II.7. AID FOR THE EMPLOYMENT OF DISABLED PERSONS

Employment promotion measures for the disabled can be divided into two categories. The first covers broad measures, such as quota systems, while the second deals with more individualized measures. We shall deal with the latter category first; the quota system will be discussed in the next chapter.

II.7.1 WAGES AND SOCIAL CHARGES

All Member States have opted for a system based essentially on public support to reduce the burden of wage costs and social charges. There are two ways of doing this: one, which is favoured by France, Belgium and the Netherlands, authorizes the employer to pay a wage in proportion to the work done, which may be less than the wage set by collective agreement. In that case the public authorities intervene to guarantee the disabled worker a minimum income (see Table 10); with the other approach, subsidies are granted to employers for a limited period. In return, they are generally bound to pay the worker concerned the agreed minimum wage. These subsidies may go towards wages or to social security contributions. In the latter case, measures adopted by Spain have shown some success in terms of more employment. In other Member States results have been disappointing due to the low level of subsidies or the fact that they apply only for a limited period.

The first approach we mentioned works as follows. As far as the undertaking is concerned, the authorized wage is set in proportion to productivity; once it has been approved, the system requires no further administrative input. The result is that disabled persons with a low level of productivity do not find their job opportunities restricted on the one hand, while the assistance from the public authorities guarantees them a minimum income on the other. This system does not necessarily cost the State more than granting subsidies for a limited period, as the limited success of the latter approach implies that a number of disabled workers remain unemployed. This actually costs the taxpayer more, at least where unemployment benefit guarantees a minimum level of income. A wage based on productivity, however, has the disadvantage of creating two categories of wage-earners: one to whom collective agreements apply, and another which does not benefit from those agreements. The two sides of industry moreover, might each from their own point of view, see such exceptional arrangements as models which might be extended to other categories of workers.

Consequently, the way minimum wage levels are fixed by the two sides of industry rarely leaves enough room to take into account the severely disabled or those disabled people who, due to the medical treatment they have to undergo, cannot be fully productive.

Social security systems can have a major effect on the employment of disabled persons. Inflexible invalidity benefit legislation tends to inhibit disabled people from experimenting with jobs or taking part-time jobs, in particular where there is a (perceived) risk of losing certain rights in the event of failure. Simplified procedures and a reward for the efforts (and risks) taken by the disabled on the labour market would act as a boost for equal opportunities.

II.7.2 PLANNING THE WORKSTATION

The second measure applied by all the Member States is aimed at adapting the workstation and developing technical aids (see Table 11). Employers' views on these measures are that the amounts granted are too small and, above all, that they need to be informed about existing technical aids and assistance available for adapting such aids to the workplace.

The elimination of physical barriers (i.e. inaccessible premises) is a particular concern in Spain and Portugal. For the other Member States this aspect is part of the problem covered by the terms 'workplace' and 'workstation', but its scope is actually more limited. Eliminating physical barriers makes it possible for the disabled to accept jobs or training; it is a necessary complement to employment-enhancing measures.

With regard to technical aids, we should point out that practices in the Member States tend to aim at either subsidizing the purchase of such aids, or lending them to the employers concerned. The latter system, particularly widespread in the United Kingdom, has the advantage that the sort of technical aids needed for a disabled person may well depend on other equipment already installed in the firm. This applies where different types of non-standardized aids exist. Where there is a choice of technical aids, a disabled person can apply for a job, knowing that his/her compatible and familiar equipment is available.

The mentally disabled are the most disadvantaged group, and few of the measures reported concern their integration into ordinary working life. Support services for the mentally disabled tend to take the form sheltered workshops. Similar services aimed at integrating these people into industry are rare. Supervision and assistance by a non-disabled person could be considered as a form of technical assistance and, as such, benefit from the same advantages as other types of technical assistance. Firms employing people with a mental disability would thus receive a financial contribution for the additional support such a person would require on the same basis as the extra cost that would be incurred for adapting the workplace or installing specific equipment. Such a measure would not involve additional public expenditure in those Member States where the cost of support staff in sheltered workshops is borne by the State.

The two sides of industry - and the disabled themselves - feel that priority should be given to subsidies adapting work stations and making available technical aids. There is growing acceptance in the Member States that the cost of taking on a disabled person, specifically those costs that arise as a direct result of his/her disability, should be financed from public funds.

II.7.3 ACCESS TO ORDINARY JOBS

Since access to mainstream programmes is a priority for the social and occupational integration of the disabled, the Member States have taken steps to facilitate access to employment in both public programmes and private industry. These facilities are set out in Table 12. They exclude financial assistance and assistance in terms of adaptation of work stations, which have been covered in the preceding chapters.

The principal measures and facilities to encourage access to ordinary jobs take the following forms:

- a regular review of occupational tasks, to eliminate obstacles linked to specific disabilities (e.g. in the Federal Republic);
- less stringent conditions for qualifying for certain public employment programmes (e.g. in the United Kingdom within the framework of youth employment schemes);

- experiments on the usefulness of personal assistance to the disabled to help them keep their ordinary jobs (e.g. in Denmark).

It should be noted that Ireland, the Netherlands and Luxembourg favour a system whereby disabled persons are offered trial periods and exploratory traineeships in firms. This enables employers to find out where their abilities lie. The best way of disseminating information and awareness among employers is by bringing them into direct contact with disabled persons; such reservations as employers might have will only be removed by showing them concrete results in a practical work situation.

Exploratory traineeships in firms give disabled people practical experience and provide industry with information on how to adapt work stations. Trial periods should be long enough to enable the person concerned to adapt to the work and organize his/her work station.

II.7.4. DISTANCE WORKING

Working from home remains the only job opportunity for many people with severe motor disabilities, as well as for those whose freedom of movement is curtailed by medical treatment. Craft-related work at home holds out little prospect for disabled people, in view of the structural decline of this sector. Tele-working on the other hand is opening up new opportunities in the services sector.

Distance working experiments are taking place in particular in France, Ireland and the United Kingdom. The results are not yet known. It is interesting to note that the study undertaken in Ireland by the Rehabilitation Institute in association with two private firms is part of the "STAR" programme (Social Telecommunication Action for Regional Development).

In an economy where the development of telecommunications, the expansion of new information technologies and the growth in the subcontracting sector play a significant part, tele-working offers new opportunities for the disabled. Efforts in this field are sometimes accompanied by distance

training programmes or by measures to ensure that technical aids are compatible with new standards.

II.7.5. HELPING THE DISABLED TO CREATE THEIR OWN EMPLOYMENT

Most Member States give financial assistance to disabled persons who want to create their own employment (Table 13). In the United Kingdom disabled persons may also qualify for financial assistance for the vocational training required, and a guaranteed level of income.

Financial assistance available in the Member States applies to technical aids, equipment and loans. It is useful for creating employment for disabled people, particularly in disadvantaged areas, where training opportunities are often limited and economic activity tends to be based on family firms.

II.7.6. INFORMATION AND TECHNICAL ASSISTANCE FOR FIRMS

Policies promoting occupational integration are based primarily on a voluntary approach and a dialogue with the people concerned. This is why the Member States have made efforts to inform people and create greater awareness in the various sectors of the economy and among the public at large, as well as among the disabled themselves. Table 14 shows the actions undertaken by the Member States. Only Belgium, Ireland and the United Kingdom have decided to draw up a code of good practice, although Luxembourg is preparing one. The Federal Republic of Germany, Denmark and France have drawn up similar documents.

The other Member States have opted for mandatory arrangements. Other channels of information and awareness campaigns include information brochures, the media, contacts with employers, etc.

The advantage of a code of good practice is that the full range of existing measures is set out in one single document: facilities available to employers, useful advice and recommendations concerning the employment of disabled people, etc.

It contains comprehensive information to guide employers in their efforts. Its effectiveness, however, is limited where an employer requires practical assistance specific to his situation. Information and awareness campaigns then, should be backed by technical support services for employers and disabled workers alike. This type of support is provided in the Member States by placement services or specialized bodies.

Experience in the Member States shows that the services providing assistance to industry are more effective when they are decentralized, as is the case in Britain.

Decentralization makes it easier to set up mobile teams which go out to find opportunities in industry. These teams are often multi-disciplinary and provide follow-up for disabled workers during their introductory period. This makes it possible to help with the adaptation of work stations and solve any problems that might arise. This system of prospecting placement officers who take care of placement as well as other supporting activities is found in France, Ireland, Luxembourg and the United Kingdom.

A number of organizations representing the disabled provide advice and assistance to those of their members who are looking for training or work. Subsidizing the services of these organizations enables the Member States to reach and help disabled persons who are no longer playing any meaningful part in society.

TABLE 10: PUBLIC SUPPORT FOR WAGE COSTS AND SOCIAL CHARGES

| | |
|----------------|---|
| GERMANY (F.R.) | Financial support for employers for the recruitment, on-going employment and occupational promotion of the severely disabled. |
| BELGIUM | Subsidies for wages and employers' social charges (max. duration: 1 year). Compensation for the difference between actual productivity and wage set out in the collective agreement (duration: 1 year - renewable). |
| DENMARK | Wage support measures for employers who take on elderly, slightly disabled persons (experimental stage). Wage support (up to 40%) for those who are not entitled to early retirement on social grounds. For retired persons, support amounting to one-third of minimum wage. |
| GREECE | An employer who takes on a disabled person receives DR 1 700 per day for one year. |
| SPAIN | Recruitment subsidies (max. 500 000) for stable employment. Reduction of employers' contributions to social security (70% for persons aged under 45, 90% for the others). Special employment centres: support for preserving jobs (up to 50% of minimum wage) and total exemption from payment of employers' social charges. |
| FRANCE | The employer may be authorized to pay a wage below the wage laid down in the collective agreement. In that case the disabled person is guaranteed other resources. |
| IRELAND | Subsidies are granted to employers within the framework of the employment assessment project. |
| ITALY | Certain regions provide employers with a contribution towards wage costs or social charges. Disabled workers are entitled to the same wage as other workers. |
| LUXEMBOURG | Reduction of wage costs. Contributions to compensate for loss of production and to ensure a minimum level of pay. |
| NETHERLANDS | Employers can be authorized to pay a wage in proportion to the productivity of the disabled worker; in that case the latter is entitled to an increase in his disability allowance during a period not exceeding 2 years. |
| PORTUGAL | Payments in proportion to the shortfall in productivity during the adaptation phase. Reduction in employers' social security contribution in return for stable employment. Financial aid for employment in the crafts sector. |
| UNITED KINGDOM | Weekly wage subsidies during the introductory phase. |

TABLE 11: ADAPTATION OF WORK STATIONS

| | |
|----------------|--|
| GERMANY (F.R.) | Employers are required to provide severely disabled persons with the necessary technical aids unless this involves disproportionate and unreasonable expenditure. In that case, technical aids are provided for all disabled persons by the appropriate authorities. |
| BELGIUM | 100% cover of costs involved in adapting work station and equipment. |
| DENMARK | Financial support for adaptation of work station and acquisition of tools and equipment. |
| GREECE | Financial support of DR 80 000 for adaptation of the work place. |
| SPAIN | Subsidies for adapting work stations and removing physical barriers on and around the premises. |
| FRANCE | Financial support for adapting work stations and premises. |
| IRELAND | Financial support towards cost of technical and equipment-related aid. |
| ITALY | Certain regions provide financial support towards the cost of adapting work stations. |
| LUXEMBOURG | Financial incentives for reorganizing work stations. |
| NETHERLANDS | Financial support for adapting work stations and equipment. |
| PORTUGAL | Subsidies for adapting work stations and removing physical barriers on and around the premises. |
| UNITED KINGDOM | Subsidy (max. UKL 6 000) for adapting equipment and premises. Loans for equipment and technical support services. |

TABLE 12: MEANS OF ACCESS TO OPEN EMPLOYMENT
(other than financial support or measures related to the
adaptation of work stations) AND TELE WORKING

| | |
|----------------|--|
| GERMANY (F.R.) | Occupational duties are regularly reviewed to eliminate restrictions linked to the disability. |
| BELGIUM | The National Fund draws up an individual programme of social and occupational readaptation for each disabled person who so requests. |
| DENMARK | A study as to whether finance should be made available for personal assistance to disabled persons employed on the open labour market. |
| GREECE | - |
| SPAIN | - |
| FRANCE | Prospector-placement officers for the disabled are responsible for placement and support. Tele working experiment over 6 regions and tele work training experiment involving paraplegics and tetraplegics. |
| IRELAND | At-work assessment programme - invites employers to take on disabled persons for trial periods. Support and follow-up before and after placement. Feasibility study on distance working. |
| ITALY | - |
| LUXEMBOURG | Vocational training trials in firms (collective agreement). Follow-up service to sustain placement. |
| NETHERLANDS | Part-time or short-term trial employment is authorized. |
| PORTUGAL | - |
| UNITED KINGDOM | Favourable conditions for access to community programmes for long-term unemployed disabled persons. Support and follow-up before and after placement. Local teams specialized in assisting employers. Distance working project. |

TABLE 13: HELPING DISABLED PEOPLE TO CREATE THEIR OWN EMPLOYMENT

| | |
|----------------|--|
| GERMANY (F.R.) | Severely disabled persons can obtain loans to start up and sustain an occupational activity which will enable them to live an independent life. |
| BELGIUM | Loans and loan guarantees to set up one's own business. |
| DENMARK | Financial assistance to disabled persons who wish to create their own employment following a case by case assessment. |
| GREECE | DR 350 000 in financial aid for those who wish to create their own employment. |
| SPAIN | Subsidies towards investment and interests on loans. |
| FRANCE | Tele-working experiment covering 6 regions. The objective is to create 60 jobs in three years. Subsidy which may be combined with other forms of support. |
| IRELAND | - |
| ITALY | - |
| LUXEMBOURG | - |
| NETHERLANDS | Financial support for associations which help disabled people to create their own jobs. |
| PORTUGAL | Subsidies for equipment, adaptation of equipment and the cost of purchasing and adapting premises. |
| UNITED KINGDOM | Subsidies for the severely disabled to enable them to buy the necessary equipment. Loans to buy equipment. Financial support towards the cost of vocational training and capital formation. Financial guarantees concerning a certain level of remuneration. |

TABLE 14: CODE OF GOOD PRACTICE AND OTHER SOURCES OF INFORMATION

| | |
|----------------|---|
| GERMANY (F.R.) | The Federal Ministry of Labour has published a guide for disabled persons. The Federal Labour Office has published information on the occupational integration of disabled people. Other sources of information include various brochures. |
| BELGIUM | In 1970 the National Fund drew up a guide setting out the various possibilities available to employers. It also contains a joint declaration by the two sides of industry. A code of good practice has been drawn up and will soon be circulated to workers' and employers' federations. |
| DENMARK | The Arhus district project has prepared a practical guide on readaptation and integration of the disabled in social and working life. |
| GREECE | No code of good practice or other guide. Other information available: information and awareness programmes on the potential and problems of the disabled through brochures, documentaries and spots on radio and television. |
| SPAIN | No guide or code; none planned. Other information available: information brochures on ongoing programmes and awareness campaigns relating to measures concerning, and the abilities of, disabled people. |
| FRANCE | The Ministry for Social Affairs and Employment has drawn up a guide containing information and advice. Other sources of information: list of financial support available; brochure with existing measures; meetings with employers and disabled people. |
| IRELAND | A working party including representatives of government, the two sides of industry and associations representing the disabled has drawn up a code covering all aspects of employment. |
| ITALY | In view of the system of mandatory recruitment, a guide is considered useful rather than necessary. |
| LUXEMBOURG | A practical guide is being prepared within the context of a district scheme. It is aimed at the public authorities and the disabled. Other sources of information: brochures on accessibility for people with reduced mobility. |
| NETHERLANDS | There is no guide or code and none is planned. Other sources of information: brochures on employment - related measures. |
| PORTUGAL | There is no guide or code and none is planned. Other sources of information: brochures on measures adopted; legislative guide for the disabled person, with an inventory of the relevant measures; guide to available resources for rehabilitation. |
| UNITED KINGDOM | The guide aims to encourage employers to adopt policies which favour employment for the disabled. It covers recruitment, training, promotion and sustaining employment. |

II.8 SHELTERED EMPLOYMENT

The objective pursued by sheltered workshops in all the Member States is to provide an occupation for handicapped persons who cannot be integrated into the open labour market. The number of jobs in sheltered workshops is given in Table 15 below.

TABLE 15: SHELTERED JOBS

| | | | | | |
|-------------------|------------------|-----------------|------------------|--|-------------------|
| GERMANY (F.R.) | BELGIUM | DENMARK | GREECE | SPAIN | FRANCE |
| 95 000 (1987) | 17 429 (1987) | 7 750 (1987) | - | 2 908 bene- ficiaries of financial aid (1987) | - |
| IRELAND | ITALY | LUXEMBURG | NETHER- LANDS | PORTUGAL | UNITED KINGDOM |
| - | | 100 (1987) | 77 755 (1987) | 309 (1987) | 17 510 (1987) |

The development of sheltered workshops and the number of people who benefit from them varies considerably from one Member State to another. Thus, there are relatively few such workshops in Greece, Portugal, Italy, Spain and Ireland, whereas the number of protected jobs in the Netherlands is relatively high, although there is a downward trend.

Experience shows that the number of disabled people in the Member States who leave sheltered employment for a job on the open labour market is limited. This would suggest that the extent to which sheltered workshops prepare disabled people for transition to jobs on the open labour market is also limited. It should be pointed out here that this particular aspect of sheltered workshop is inhibited by the fact that they have targets to meet and therefore have an interest in keeping disabled people in their jobs.

Another reason is the fact that workshop populations often include a wide range of people, engaged in activities ranging from what one might call medical exercises to work leading up to a job on the open labour market.

Within this wide range of needs and characteristics the relative number of mentally disabled persons is high.

Finally, the transition can be hampered because a disabled person wishes to remain in the workshop. This is due to the fact that he/she runs the risk of losing certain benefits acquired within the workshop if he/she fails in an ordinary job.

In a number of Member States, such as Spain, the United Kingdom, France and Ireland sheltered workshops are organized at two levels. In Spain for instance, the specialized centres are intended for those people who cannot integrate into the open labour market. They carry out a productive activity which is remunerated according to the terms of a special contract. The support-through-work centres, on the other hand, are in effect a social service for the personal and social adaptation of the disabled and are in no way occupational or vocational.

Sheltered workshops tend to have few outlets towards the open labour market. It is therefore interesting to note the efforts made in this regard in France, which can take two forms:

- the placement of disabled persons in firms;
- subcontracting or service contracts with sheltered workshop within the framework of the quota system.

Experiments with sheltered employment in industry have taken place in Denmark, Portugal and the United Kingdom. The advantage of this method is that it brings the disabled in closer contact with industry. Efforts in this regard have taken into account the fact that it would not be desirable to create two categories of workers within a firm, since this would be incompatible with genuine integration. Initiatives of this kind are still at an exploratory stage.

II.9 REHABILITATION AND OCCUPATIONAL INTEGRATION

The trend observed in the Member States is a gradual change from a policy geared to rehabilitation to one aimed at occupational integration.

Rehabilitation policy is an extension of a medical and functional approach to disability. Its characteristics are the following:

- it sets out to eliminate the disability and its functional effects. The medical aspects are not the concern of this report. However, from an occupational point of view the medical approach can amount to discrimination in respect of a disabled person. A disability is sometimes perceived as the main obstacle to integration. Success or failure then depends essentially on purely individual factors. Successful occupational integration is based on a correct balance between personal efforts and social efforts to adapt to the environment;
- identification of medical and occupational approach: a specific disability can cause problems as regards some but not necessarily all occupational activities. Thus (medical) rehabilitation does not necessarily amount to a policy aimed at occupational integration. In so far as this distinction applies, the optimal solution would seem to be functional rehabilitation while remaining in one's own social environment.
Policies sometimes tend to consider a disability as an obstacle to any kind of activity; the disabled person is then forced into a parallel training system (special centres) and employment market (sheltered workshop), which isolate him/her from society. Long-term training or employment in this special environment rarely leads to integration into the ordinary working environment. This is particularly true where the special environment is a hospital.

There is a growing trend in the Member States to take occupational integration as a starting point, and to develop measures aimed at reintegration into ordinary working life, while reserving the more specialized training and employment sector to provide people who cannot integrate with the necessary help. In the latter case the specialized sector serves either to prepare the disabled person for an ordinary job, or to find him an activity in which he can express his abilities.

II.10 THE QUOTA SYSTEM

The objective of legal provisions and training activities is to guarantee effectively equal opportunities. These measures are aimed at both the medium and the long-term. The quota system is based on the principle of sharing employment and on the need to provide a short-term answer to the problem of occupational integration of the disabled.

At the moment, the Federal Republic, Spain, France, Greece, Italy and Luxembourg are applying a quota system in the private and public sectors (see Table 16). In the United Kingdom, mandatory quotas apply to the private sector alone, although the civil service has followed the same pattern. The Netherlands may introduce the system in 1989, while Ireland applies it in the public sector alone. Belgium has introduced a number of measures similar to a quota system in the public sector. Denmark, finally, gives priority to disabled persons for certain jobs in the public and private sectors.

The possibility of a common quota system at European level would require a study of the minimum quota required, the size of the undertakings that would be subject to the scheme, and a definition of the beneficiaries. Even then, harmonizing those three variables would not in itself be an adequate basis for establishing identical objectives for all the Member States.

In all countries the level of the quota represents an objective rather than a reality. Setting the level too high is counter-productive because firms know that the quota cannot be fulfilled; they make less of an effort to do so and the system loses credibility. This is why the Italian government is studying ways of reorganizing its system. For the same reason the French government, in 1987, reduced its quota for the private sector from 10% to 6%, but increased the public sector quota from 3% to 6%.

The way in which the quota is calculated is important in that it can yield a real figure which is less than the nominal rate given in Table 14. In France, for instance, certain categories of beneficiaries, such as the severely disabled, are counted more than once.

The size of the firms to which the quota system applies ranges from a minimum of 15 employees in the Federal Republic to 50 in Spain. Setting a minimum size has two major implications:

1. it is easier for disabled persons to integrate socially in small firms;
2. in certain countries small firms are a major source of employment. Setting the minimum size at a high level would exclude a major sector of the economy from the quota obligation.

This suggests that the minimum size of firms should be set at a fairly low level. On the other hand it would be difficult to apply such a mandatory system to small firms in rural or disadvantaged regions, since it would jeopardize their economic viability by increasing overheads. Applying the quota system to small firms furthermore requires a simple system without excessive red tape.

The way in which the workforce of a firm is defined (which is the basis on which the quota is calculated) has major implications for a firm's capacity to adjust to market fluctuations. Some countries (Luxembourg and Spain) take the number of regular or permanent jobs as a base line. This gives firms some leeway to change the number of employees without also having to make similar adjustments in the number of disabled employees. It is therefore preferable not to restrict industry's capacity to react to changing economic situations, and apply the quota to the number of permanent employees.

The way in which beneficiaries are defined in Luxembourg, Ireland and the Federal Republic, and the way in which the quota is calculated in France, favour severely disabled persons. In the other countries low quotas combined with a broad definition of beneficiaries often has little impact on the severely disabled.

The French have recently introduced an interesting innovation: disabled persons who receive training in a firm are counted more than once for the purpose of calculating the quota. This tends to favour the training of

disabled people by industry and is a way of avoiding a plethora of parallel training programmes.

In this age of technological change, industrial reorganization and the emergence of new skill structures, in-house training by industry is the best way of preparing disabled people for working life. It is also a way of preventing the disabled from being systematically guided towards low-skill or low-status jobs. A number of Member States have therefore extended the concept of quota to include not only employment but also training opportunities in industry.

Quota schemes have met with only limited success in the past because they tend to place the emphasis on the quantity rather than the quality of the work produced. As a result, some disabled people have been led to question the efficiency of the system and its ability to fulfil their aspirations. This has led to a low participation rate, which in turn restricts the number of candidates that firms can choose from and makes the implementation of the whole system more difficult. The situation in the United Kingdom is a typical example: the number of disabled persons registered is actually lower than the number of places provided for under the scheme.

If the quota system is to operate satisfactorily, the choice available to both industry and the disabled must be increased. A study of the French system suggests a number of options. One could, for instance, include in the quota of a particular firm, tele-work or home-work sent out by that firm. Also, a firm which subcontracts to sheltered workshops could have this taken into account where the contract involves transfers of disabled people from the sheltered workshops to the firm in question.

The application of the quota system is subject to administrative penalties or checks. In the United Kingdom, for instance, preliminary authorization for taking on new staff is required for firms which have not yet fulfilled their quota. This can lead to administrative delays for those firms, which may inhibit their ability to adjust to market trends. Sanctions or various payments are the solution adopted in France, Luxembourg,

the Federal Republic and Spain. High payments are avoided for although national authorities believe that stiff penalties are a sure way of encouraging industry to make a real effort to employ disabled persons, they also believe that this does not take account of the very real problems certain firms encounter with regard to taking on disabled labour in view of the nature of their activities. Sanctions or financial contributions nonetheless remain one way of ensuring full participation by industry in efforts to integrate the disabled. To encourage firms to make at least a minimal effort, the amounts of sanctions or contributions are set in accordance with the shortfall in terms of disabled employees and the size of the firm concerned. The proceeds go towards a fund (in France, the Federal Republic and shortly also the Netherlands) which subsidizes action in favour of the disabled. In cases where failure to meet the quota is interpreted as an infringement of the law, penalties paid are credited to the national budget (France) or the treasury (Spain).

In order to build a greater incentive into the quota system, certain Member States are considering directing state aid measures towards those firms which reach a satisfactory quota. Thus, in France, the system favours dialogue between the two sides of industry at plant level. This voluntary and consultative approach which has due support of the competent authorities, places the emphasis on results rather than constraints.

Applying the quota system raises the problem of checking on firms and public services subject to the scheme. Data concerning results obtained or efforts undertaken by the relevant firms are collected in the Federal Republic, Greece, Spain, France, Italy and the United Kingdom. Some data are collected in Luxembourg and similar action is being considered in the Netherlands.

Any evaluation of the results obtained within the context of the quota scheme should bear in mind that it represents only part of a wider range of measures. Thus, satisfactory results in terms of quota may well hide less satisfactory results in other respects and vice versa.

The results obtained through the quota system, however, are closely monitored in most Member States because available statistics on the employment of disabled people are usually based on this system.

As regards reserved jobs, the most common example of this is the job of telephonist reserved for the sightless. Other examples tend to be low or unskilled jobs. Reserved jobs represent a job opportunity for long-term unemployed disabled persons, who would indeed have little chance of occupational integration by any other means.

TABLE 16a

| | GERMANY (F.R.) | BELGIUM | DENMARK | GREECE | SPAIN | FRANCE |
|---|--|--|---|---|---|--|
| I. PRIVATE SECTOR | | | | | | |
| Legal status of the system | Law on the severely disabled | The provisions of the law of 1969 have never been applied | No quota scheme. A decree from the Minister of Labour gives priority to disabled persons for certain jobs in the public and private sectors | Law 1648 of 1986 | Law on the social integration of the disabled of 7/4/87 | Law promoting employment for the disabled of 10/7/87 |
| Percentage | 6% | Has not been established | | 3% | 2% | In 1991: 6%; 1988: 3%; 1989: 4%; 1990: 5% |
| Minimum size | 15 employees | 20 persons | | 50 employees | 50 permanent workers | 20 wage earners |
| Definition of beneficiaries | Severely disabled persons | | | Persons with specific needs | Registered disabled persons | Favours the severely disabled and those who are trained by firms |
| Sanctions | DM 150 per month per job not filled | | | The decision of the Appeals Committee automatically binding | Possibility of financial sanctions | A number of alternatives based on discussion between the two sides of industry |
| II. PUBLIC SECTOR | | | | | | |
| Idem | | 1 200 places reserved in the civil service 90 places reserved in certain semi-State organizations. One for each 55 full-time jobs in local and regional authorities | | Same obligations as private sector plus 5% of vacancies reserved for disabled persons | Same obligation for publicly owned undertakings. A certain number of posts in public administration is reserved | as well as a voluntary contribution Same as private sector |
| III. EMPLOYMENT UNDER THE QUOTA SYSTEM | | | | | | |
| | 974 268 places planned in October 86, of which 266 299 remain unfilled | 1 705 in 1987 in the public sector | | Data not available | Data not available | Data not available |

TABLE 16b

| | IRELAND | ITALY | LUXEMBOURG | NETHERLANDS | PORTUGAL | UNITED KINGDOM |
|--|--|--|--|---|--|---|
| I.PRIVATE SECTOR | | | | | | |
| Legal status of the system | The quota system does not apply to the private sector. | Law of 2 April 1968 on compulsory recruitment. | Law. | May be applied from 1 July 1989 (Law of 1 July 1986). | Informal proposal awaiting Government decision. | 1944 Act (1945 Act in Northern Ireland). |
| Percentage | | 15%. | 2%. | 3% to 7% depending on industry. | 5%. | 3%. |
| Minimum size | | 36 workers. | 50 regular employees. Priority for between 20-50 disabled people. | | 50 employees. | 20 employees. |
| Definition of beneficiaries | | Disabled people, widows, orphans and refugees. | Registered disabled people. Reduction of at least 30%. | Persons receiving an invalidity allowance or other measure related to handicap. | | Registered disabled people. |
| Penalties | | Fines used to train disabled people. | Maximum possible fine: LFR 10 000. | Employers under the quota pay a contribution, employers over the quota receive aid. | | System of fines, but employers under the quota can obtain a permit. |
| II.PUBLIC SECTOR | | | | | | |
| | 3% applied since 1977 for registered seriously disabled persons. | As for the private sector. | 2% of the work force, provided there are suitable applicants for vacancies. 3 000 in 1987. | Subject to same requirements as the private sector. | Informal proposal provides for a 10% quota for public enterprises. | The Crown and NHS have accepted the same responsibilities. |
| III.EMPLOYMENT UNDER THE QUOTA SYSTEM | | | | | | |
| | 362 in 1986. | 290 604 in 1986 (disabled). | | Proposal. | Proposal. | 106 743 in 1987. |

II.11. PUBLICATION OF RESULTS

As shown in Table 17, Member States operating a quota system require the firms covered by it to present a periodic report on the results obtained or the efforts made.

The report may contain confidential information relating to the firm's organization and production. Therefore, firms are not required to publish their policies. The United Kingdom is the only country requiring inclusion in the report of a statement on company policy with regard to people with disabilities.

Firms often ask if they may include all disabled persons in their reports, whether or not they are registered with the authorities. This has created a problem for workers with a disability who do not wish to be recognized as such. This problem was avoided by restricting the various quota schemes to registered disabled persons. Thus, the freedom of choice of persons with a disability was protected, but firms consider that this procedure underestimates their efforts.

Reports forwarded by firms to monitoring institutions contain some information on the nature of jobs held by disabled workers, their promotion and training, and company staff policy. The information enables the Member States to have a clearer idea of the problems facing firms in their efforts and as regards employment prospects for people with disabilities. The Member States possess a source of information which could be used to guide them in drawing up an occupational integration policy and promoting social dialogue on disabled people's problems.

TABLE 17: COLLECTION AND PUBLICATION OF RESULTS

| | |
|----------------|---|
| GERMANY (F.R.) | Private sector: Employers subject to a quota system transmit information, mainly to the Federal Labour Office. Public sector: The Federal Government publishes a report on the situation of disabled people and rehabilitation for each new parliament. |
| BELGIUM | Private sector: Firms are not required to publish their results. Public sector: The Permanent Civil Service Secretariat includes the results from each department in its annual report. |
| DENMARK | Private sector: Firms are not required to publish their results. Public sector: Idem. |
| GREECE | Private sector: Firms subject to the quota system annually forward a statement on the work force to the committees in the préfecture. Public sector: Same requirement. |
| SPAIN | Private sector: Firms employing more than 50 workers must present a report on posts held by or reserved for disabled people to the employment office. Public sector: The Ministry for Labour and Social Security collects information on workers recruited in connection with positive action. |
| FRANCE | Private sector: Employers subject to the quota must make an annual statement to the authorities concerning the means used to attain the quota. Public sector: Idem. |
| IRELAND | Private sector: Firms are not required to publish their results. Public sector: Idem. |
| ITALY | Private sector: Firms are required to send a six-monthly statement on the recruitment of disabled people. Public sector: Idem. |
| LUXEMBOURG | Private sector: Firms are not required to publish their results. Public sector: Services and enterprises must publish their results. |
| NETHERLANDS | Private sector: Firms subject to the quota system must keep a register of disabled workers. Public sector: Idem. |
| PORTUGAL | Private sector: Firms are not required to publish their results. Public sector: Idem. |
| UNITED KINGDOM | Private sector: Firms with over 250 employees must include in their annual report a statement on their employment policy for disabled people. |

II.12. SITUATION OF DISABLED PEOPLE ON THE LABOUR MARKET

Statistics on the disabled and their labour market situation are rather inadequate. Only the Federal Republic of Germany, the United Kingdom and Spain have data which could make it possible to assess the employment problems of the disabled. The definitions used are different and comparisons between the countries difficult (See Table 18). These data are based on different methods of assessment and are not kept up to date. The estimates in the tables relate to different years.

In the other countries, the data provided is very approximate. They concern invalidity allowances and the number of registered disabled people.

The number of persons in receipt of a disability allowance is not a good indication of the number of disabled people on the labour market. It does not distinguish between the employed and the unemployed. This number can be affected by the level of unemployment and may vary depending on whether the system of aid is well-developed or not. Lastly, a disability allowance does not in all cases imply a limitation on employment opportunities.

Two comments should be made with regard to disabled people in employment:

- First, the number of registered disabled people in employment underestimates the real number, given that some are not registered. The data supplied generally refer to employment under the quota system;

- Secondly, the number of registered disabled people without employment represents the minimum, given that a number seek employment without registering. This applies in particular in Spain and the United Kingdom, where estimates have been produced as a result of a survey can be compared with the number of registered disabled people.

These statistics give an approximate idea of the unemployment rate of disabled workers in countries where information is inadequate. The unemployment rate for disabled people varies from one-and-a-half times to double the general unemployment rate.

The participation rate of the disabled on the labour market is relatively low. An improvement in job opportunities will probably improve the rate for the group concerned.

According to the available information social research on the occupational problems of the disabled is limited in the Member States. The particular initiatives reported relate to the following:

- in the Netherlands: a survey into the links between disabilities and jobs in relation to technology;
- in the United Kingdom: a study of the social security system and its impact on the employment of the disabled, and also a study on the characteristics of the disabled population and its impact on employment;
- in France: the establishment of a National Centre for Technical Research into disabilities.

The combination of limited statistics and limited knowledge of the social and economic characteristics of the group concerned acts as a brake on the development of likely policies to facilitate the employment of the disabled.

TABLE 18: SITUATION OF THE DISABLED ON THE EMPLOYMENT MARKET

A. Number of disabled persons; B. Number with a sheltered job; C. Number with an ordinary job;
D. Number employed.

| | |
|----------------|--|
| GERMANY (F.R.) | A. 1 640 000 (1985): estimated number of severely disabled persons aged between 16 and 60. 1 017 000 (1985): severely disabled persons in employment. B. 95 000 (1987). C. 811 725 (1985): beneficiaries of the quota system. 69 500 (1985): disabled persons employed outside quota. D. 136 216 (1985): disabled persons registered. |
| BELGIUM | A. 546 024 (1987): registered by the FRNSH. 179 459 (1986): wage-earners who are invalids or registered disabled. B. 17 429 (1987). C. 1 705 (1987): disabled persons employed in the public sector. D. 32 107 (1986): registered wage-earners. |
| DENMARK | A. — B. 7 750 (1987) C. — D. — |
| GREECE | A. 8 000 (1988): disabled persons registered with the QAED. B. C. D. |
| SPAIN | A. 1 156 965 (1986): estimated number of disabled persons aged between 14 and 65. 222 137 (1986): estimated number of disabled persons in work. B. and C. 138 836 (1986): estimated. D. 9 058 (1987): registered disabled persons. 83 301 (1986): estimate. |
| FRANCE | A. 930 000 (1981): disabled adults aged under 65. |
| IRELAND | A. B. C. 362 (1986) benefiting under the quota system in the public sector. D. |
| ITALY | A. C. 290 604 (1986): beneficiaries under the quota. D. 325 281 (1986): registered disabled. |
| LUXEMBOURG | B. 100 (1987). C. 3 000 (1987): beneficiaries under the quota. D. 800 (1987): registered disabled. |
| NETHERLANDS | A. 765 000 (1986): recipients of invalidity pensions while of working age. B. 77 755 (1987). C. D. 12 000 (1986): registered disabled. |
| PORTUGAL | A. 719 000: estimated number of disabled (working population). B. 309 (1987). D. 49 000 (1987): estimate. |
| UNITED KINGDOM | A. 2 012 000 (1987): estimated number of working disabled persons whose disability restricts the work that they can do. 391 283 registered disabled. B. 18 900 (1987/88). C. 1 542 000 (1987): estimate. D. 470 000 (1987): estimate. |

The statistics set out here are not comparable one set with another. The methods of assessment and the definitions used vary.

II.13. PARTICIPATION OF THE DISABLED

The employers and the trade unions, as emerges from Table 19, participate on the main bodies responsible for planning and implementing policy concerning the disabled.

The extent to which the disabled themselves are consulted and allowed to participate varies according to Member State. France, Greece, Italy and Luxembourg have the most favourable systems to allow disabled persons' organizations to participate. The representatives of these organizations participate in the institutions administering the quota system. In Belgium and Ireland, too, participation by the disabled persons' organizations is significant. In Spain, Denmark, the German Federal Republic and Portugal, these organizations participate on advisory bodies. In other countries there is no significant level of consultation of the disabled as regards employment and training.

Disabled persons are well able to assess their own needs, use their experience and contribute to defining and implementing policies concerning them. Participation by the disabled in the work of institutions which define and implement specific policies for the disabled may contribute to the success of the policies proposed. Such participation also ensures a wider dissemination of information within the disabled population and contributes towards their social integration.

TABLE 19: CONSULTATION AS REGARDS THE EMPLOYERS' AND WORKERS' ORGANIZATIONS
AND THE DISABLED

| | |
|----------------|---|
| GERMANY (F.R.) | Employers' and workers' organizations participate in the work of the Federal Labour Office, and the Advisory Committee for the Rehabilitation of Disabled Persons includes representatives of the two sides of industry and disabled persons' organizations. Similar committees exist within the social assistance centres and the Federal Labour Office. |
| BELGIUM | The two sides of industry and the disabled persons' organizations take part in the work of the Management Committee of the National Fund for the Social Rehabilitation of the Disabled. |
| DENMARK | The two sides of industry take part in the National Joint Committee for Placement and in the Labour Market Committees. The Central Council of Disabled Persons is consulted. |
| GREECE | Disabled persons' organizations participate in the work of the committees which administer the quota system and in the administration of the all the public centres for the disabled. |
| SPAIN | The two sides of industry participate in the management of the National Employment and Social Services Institutes. Disabled persons' organizations participate on various advisory bodies relating to prevention of unemployment and to social services. |
| FRANCE | The two sides of industry and the disabled persons' associations take part in the work of the Council for Vocational and Social Rehabilitation of Disabled Workers and on the departmental commissions for disabled workers. |
| IRELAND | The disabled persons' organizations take part in the work of the National Rehabilitation Board and have official contacts with the Health Department. |
| ITALY | The two sides of industry and the disabled persons' associations take part in the work of the provincial committees which administer the system of compulsory recruitment. |
| LUXEMBOURG | The two sides of industry and the disabled persons' organizations take part in the governing committee of the Placement and Vocational Rehabilitation of Disabled Workers Board. |
| NETHERLANDS | The two sides of industry are consulted for the purposes of implementing the law on the employment of the disabled and for social action measures. The disabled persons' organizations are not consulted. |
| PORTUGAL | The two sides of industry and the disabled persons' organizations take part in the work of the National Council for Rehabilitation (an advisory body). The two sides of industry take part also in the work of the Administrative Board. |
| UNITED KINGDOM | The two sides of industry and disabled persons take part in the work of the National Advisory Council on Employment of Disabled People and on the local committees for the employment of the disabled. |

II.14. COORDINATION OF NATIONAL POLICIES

The Council recommendation of 24 July 1986 specifies that "(national) policies should take account of measures and specific activities implemented in the other Member States which have proved effective and worthwhile."

On this point the national reports suggest that measures taken in other Member States are taken into account. Italy and Denmark, for instance, state that they have studied the experience acquired with the quota system in other Member States; Belgium has followed the UK code of good practice; Ireland has used the network of rehabilitation centres, while Luxembourg has been drawing on the experience of area projects and "Interact News". The United Kingdom alone reveals a more systematic approach through the European Community's Liaison Group, the network of employment rehabilitation centres, and visits. However, the United Kingdom and certain Member States affirm that there are problems when it comes to applying existing information to national policies.

We may conclude from the above that the Community's action programme for the handicapped has been the instrument primarily chosen by the Member States.

CONCLUSIONS

In the first part of this report we set out the main lines of national policies in relation to the Council's recommendation on employment for the disabled. The second part contained a comparative analysis of national measures. We have established that the Council's recommendation on employment for the handicapped has had the following effects:

- it has contributed to a review of national measures, which have been brought more into line with the common objectives set out in the Council's recommendation;
- it provided a reference framework for national measures which were being prepared when it was adopted;
- it has encouraged the Member States to introduce new measures which are closer to the spirit of the recommendation.

Consequently, a number of measures have been adopted in recent months, while others are being prepared. This report does not claim to give an assessment of national policies on employment for the disabled. Its purpose is to identify the outline of a European policy on the basis of a critical analysis.

COUNCIL RECOMMENDATION
of 24 July 1986
on the employment of disabled people in the Community

(86/379/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the draft recommendation submitted by the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Whereas the Council Resolution of 21 January 1974 concerning a social action programme⁽³⁾ provides for, *inter alia*, the implementation of a programme for the vocational and social integration of handicapped persons;

Whereas the Council Resolution of 27 June 1974⁽⁴⁾ established the initial Community action programme for the vocational rehabilitation of handicapped persons;

Whereas the Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, of 21 December 1981 on the social integration of handicapped people⁽⁵⁾ invites Member States to ensure that handicapped people do not shoulder an unfair burden of the effects, in particular from the point of view of employment, of economic difficulties and to promote measures to prepare handicapped people for an active life, but does not provide for a concerted or concentrated Community effort in this regard;

Whereas, for the purpose of this Recommendation, 'disabled people' includes all people with serious disabilities which result from physical, mental or psychological impairments;

Whereas disabled people have the same right as all other workers to equal opportunity in training and employment;

Whereas, in a period of economic crisis, action at European and Community levels should be not only continued but also intensified in order to promote the achieve-

ment of equal opportunity by means of positive and coherent policies;

Whereas these policies should take account of the aspirations of disabled people for a fully active and independent life;

Whereas the European Parliament, in its resolution of 11 March 1981⁽⁶⁾, stressed the need to promote at Community level the economic, social and vocational integration of disabled people;

Whereas the provision of fair opportunities for disabled people in the field of employment and vocational training appears necessary for the achievement of one of the objectives of the Community; whereas the Treaty has not provided for the powers of action required for the adoption of this Recommendation, other than those of Article 235,

I. HEREBY RECOMMENDS MEMBER STATES:

1. To take all appropriate measures to promote fair opportunities for disabled people in the field of employment and vocational training, including initial training and employment as well as rehabilitation and resettlement.

The principle of fair opportunity for disabled people should be applied in respect of:

- (a) access to employment and vocational training, whether normal or special, including guidance, placement and follow-up services;
- (b) retention in that employment or vocational training and protection from unfair dismissal;
- (c) opportunities for promotion and in-service training.

2. To this end, to continue and, if necessary, intensify and re-examine their policies to help disabled people, where appropriate after consulting disabled people's organizations and both sides of industry; such policies should take account of measures and specific activities implemented in the other Member States which have proved effective and worthwhile.

These policies should provide in particular for:

- (a) *Elimination of negative discrimination by:*
 - (i) reviewing laws, regulations and administrative provisions to ensure that they are not contrary to the principle of fair opportunity for disabled people;

⁽¹⁾ OJ No C 148, 16. 6. 1986, p. 84.

⁽²⁾ OJ No C 189, 28. 7. 1986, p. 10.

⁽³⁾ OJ No C 13, 12. 2. 1974, p. 1.

⁽⁴⁾ OJ No C 80, 9. 7. 1974, p. 30.

⁽⁵⁾ OJ No C 347, 31. 12. 1981, p. 1.

⁽⁶⁾ OJ No C 77, 6. 4. 1981, p. 27.

- (ii) taking appropriate measures to avoid as far as possible dismissals linked to a disability;
 - (iii) limiting exceptions to the principle of equal treatment in access to training or employment to the cases justified on the ground of a specific incompatibility between a particular activity forming part of a job or course of training and a particular disability; if necessary, it should be possible to have this incompatibility confirmed by a medical certificate; any such exception should be reviewed periodically in order to establish whether it continues to be justified;
 - (iv) seeking to ensure that any tests required for access to vocational training courses and any tests required during or at the end of such courses are designed in such a way that candidates with disabilities are not thereby disadvantaged;
 - (v) seeking to ensure that disabled people can go before the competent bodies to establish their rights and can receive the necessary assistance to do so in accordance with national law and practice.
- (b) *Positive action for disabled people, including:*

- (i) bearing in mind differences in sectors and enterprises, the fixing by Member States, where appropriate and after consultation of disabled people's organization and both sides of industry, of realistic percentage targets for the employment of disabled people in public or private enterprises having a minimum number of employees; such a minimum might be set at between 15 and 50. Measures should also be adopted for making these targets public and achieving them;
 - (ii) the making available, in each Member State, of a guide or code of good practice for the employment of disabled people, incorporating positive measures already adopted in the Member State concerned and corresponding in spirit with the provisions of this Recommendation; the Annex comprises a guideline framework for such a guide or code, setting out examples of positive action;
- the guide or code of good practice should be circulated as widely as possible and refer to the public and private sectors;

it should describe clearly the contribution which the recipients of the guide or code can and should make in putting into practice the national policy on disabled people; it should include information and advice on the support that is available from public services;

- (iii) provision whereby the Member States encourage the public and private enterprises to take all appropriate measures for the employment of disabled people which correspond in spirit with the guide or code of good practice; Member States should establish the means for making these policies, and the annual progress made in their implementation, known to the public, according to existing procedures for disseminating information in the social field;
 - (iv) provision whereby the employer and the rehabilitation services cooperate in the resettlement, with the same enterprise as far as possible, of any employee who becomes disabled.
3. To report to the Commission on the measures they have taken to implement this Recommendation with a view to enabling the Commission to present the report referred to in II.3.

II. INVITES THE COMMISSION:

1. To co-ordinate the exchange of information and experience on the rehabilitation and employment of disabled people between national authorities; agencies designated for the purpose by the Member States will also be involved in this exchange.
2. To maintain appropriate aid from the European Social Fund to assist disabled people of whatever age.
3. To report to the Council on the application of this Recommendation within two years of its adoption.

Done at Brussels, 24 July 1986.

For the Council
The President
 A. CLARK