

Module I:

Employment&Disability: general framework

Introduction

According to the UN Convention on the Rights of Persons with Disabilities (CRPD), people with disabilities should enjoy equality with others in society, including on the labour market. However, the employment rate of people with disabilities is consistently lower than that of people without a disability.

Better employment inclusion leads to multiple positive outcomes for people with disabilities, such as higher incomes, an improvement in quality of life and an increase in social inclusion.



Purpose

The main goal of this module is designed specifically to begin or enhance your road of awareness on the employment of people with disabilities.



Learning Outcomes

After completing this module you will be able to:

- ✓ understand the situation of PwD on the labor market, at European level and at the level of the 4 partner countries in the project.
- ✓ analyze legislation and different measures that support the employment of PwD.
- ✓ propose specific actions to promote PwD employability.

Keywords

- ❖ **employability**
- ❖ **people with disabilities - PwD**
- ❖ **European&national framework**
- ❖ **PwD Employability legislation**
- ❖ **PwD Employability measure**

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

1. Brief pictures from the European framework

Article 27 of the UN CRPD recognizes the right of persons with disabilities to work on an equal basis with others, in a labour market and work environment that is open, inclusive and accessible.

Across Europe, the labour market participation of persons with disabilities remains lower than that of persons without a disability.

Participation in employment is the best way to ensure economic autonomy and social inclusion. The employment gap between persons with and without disabilities remains high: persons with disabilities have a lower employment rate, are disproportionately affected by unemployment, and leave labour markets earlier¹.

A large number of persons with severe disabilities do not work in the open labour market, but in facilities offering so-called sheltered employment. Such schemes are diverse and not all ensure adequate working conditions or labour-related rights for persons with disabilities, nor pathways to the open labour market²:

The evaluation of Disability Strategy 2010-2020 identified EMPLOYMENT as one of the 5 top priorities for FUTURE actions!

Eurostat statistics:

Employment rate: PwD 50,8%; people without disabilities 75%

¹ Union of Equality Strategy for the Rights of Persons with Disabilities 2021-2030: [KE0221257ENN.en.pdf](#), pag. 13

² ANED, 2018, apud Union of Equality Strategy for the Rights of Persons with Disabilities 2021-2030: [KE0221257ENN.en.pdf](#), pag. 13

³ European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Grammenos, S., *European comparative data on Europe 2020 and persons with disabilities : labour market, education, poverty and health analysis and trends*, Publications Office, 2021, <https://data.europa.eu/doi/10.2767/745317>, pag. 31

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



KEY FINDINGS⁴

- Despite progress at policy level, participation in the labour market remains a major challenge for people with disabilities; this is compounded by the economic and employment uncertainty caused by COVID-19.
- Key obstacles to the employment of people with disabilities include disability-related stereotypes, bureaucratic difficulties in accessing the available services, lack of strategic vision in governance, insufficient monitoring of policy implementation, limited training resources for employers and lack of specialist support.
- EU governments are increasingly focusing on a capacity-based approach that supports the full integration of people with disabilities into the open labour market.
- Although a multi-disciplinary response is needed to improve the labour market situation of people with disabilities, there is room for improvement as regards the involvement of different actors, who often operate in silos.
- Employers play a crucial role in hiring, managing and retaining employees with disabilities. Their attitudes and openness to diversity and flexibility are prerequisites for the successful inclusion of people with disabilities.
- During the pandemic, employment-related responses have played a key role in protecting people with disabilities from becoming unemployed. However, the support provided is often limited and it remains difficult for those who are not working to find a job.

At an organisational level – on the demand side – key barriers relate to several factors⁵, including:

- a lack of awareness of the composition of the workforce, in quantitative and qualitative terms.
- the adoption of approaches based on compliance rather than there being a genuinely inclusive organisational culture and work ethic.
- unfavourable personnel practices, work schedules, intensity and pressure.

⁴ Eurofound (2021), Disability and labour market integration: Policy trends and support in EU Member States, Publications Office of the European Union, Luxembourg, pag. 1, <https://euagenda.eu/upload/publications/ef20013en.pdf>

⁵ Idem, <https://euagenda.eu/upload/publications/ef20013en.pdf>, pag. 1

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

- a lack of or a limited health and safety policy.
- discrimination from colleagues towards people with disabilities.
- ineffective communication between jobseekers and employers.
- resource constraints, such as a lack of resources to provide support to people with disabilities in the workplace, which may hinder their ability to remain in an organisation for an extended period.
- capacity constraints, such as a lack of relevant training provision to support effective career development interventions for people with disabilities.

The drivers of these barriers mainly consist of negative stereotypical beliefs, preconceptions and stigma from both employers and co-workers. These factors can be identified throughout the whole work cycle – **from recruitment to performance management**.⁶

Flagship initiative⁷

In 2022, the Commission will present a package to improve labour market outcomes of persons with disabilities, seeking cooperation with the European Network of Public Employment Services, social partners and organisations of persons with disabilities. The package will support Member States in the implementation of the relevant Employment Guidelines through the European Semester. It will provide guidance and support mutual learning on strengthening capacities of employment and integration services, promoting hiring perspectives through affirmative action and combating stereotypes, ensuring reasonable accommodation, securing health and safety at work and vocational rehabilitation schemes in case of chronic diseases or accidents, exploring quality jobs in sheltered employment, and pathways to the open labour market.

⁶ Apud, Eurofound (2021), Disability and labour market integration: Policy trends and support in EU Member States, Publications Office of the European Union, Luxembourg, pag. 13, <https://euagenda.eu/upload/publications/ef20013en.pdf>

⁷ Union of Equality Strategy for the Rights of Persons with Disabilities 2021-2030: [KE0221257ENN.en.pdf](#), pag. 14

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

2. National current situation

PORTUGAL⁸

Data from EU-SILC indicate an employment rate for PwD of 58.4% in 2018, compared to 77.4% for other persons and approximately 7.6 points above the EU27 average.

- Number of persons with disabilities in search of a new job (which was already on the rise in 2019), reached record values of more than 11,000 people in the first half of 2020 alone.

Some positive changes and policy measures were adopted to promote the employment of persons with disabilities.

- Among these: implementation of quotas for the private sector; revision of legislation to prevent precarious employment contracts and abusive contractual relations; implementation of incentives to employers; establishment of new internship programmes to promote employability of vulnerable groups.

ROMANIA⁹

The rate of employment of people with disabilities is very low, by some definitions as low as 17.97 %. They do access mainly the lowest paid jobs.

- PwD have to face reduced training opportunities, poor infrastructure, and pervasive stigma and discrimination, with employers often not willing to adapt their working conditions and ignorant in relation to how support can be offered.

The employment rate of PwD is clearly lower than that of people without disabilities. Part-time employees with disabilities are more frequent than full-time employees with disabilities.

- Employers have been found not to be willing to adapt their working conditions to the needs of particular individuals, remaining unable to understand how this can benefit all those involved. Moreover, employers remain scared and sceptical in relation to hiring such people and remain rather ignorant in relation to how support can be offered.

⁸ European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Campos Pinto, P., Jimenez, M., Bento, S., *European Semester 2020-2021 country fiche on disability equality : Portugal*, Publications Office, 2021, <https://data.europa.eu/doi/10.2767/950163>, pag. 8-12

⁹ European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Gîrlescu, O., *European Semester 2020-2021 country fiche on disability equality: Romania*, Publications Office, 2021, <https://data.europa.eu/doi/10.2767/877635>, pag. 4, pag.8-9

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

GERMANY¹⁰

The unemployment rate of persons without disabilities was only 3.7 %, the rate of PwD was six times higher, at 22.8 % (with no significant gender differences).

- More than 300.000 PwD are employed in sheltered workshops. They do not have full labour rights. The transition rate to the general Labour market is very low.

A quota system with a levy for non-compliance is in force. However, many enterprises fail to employ 5 % of severely disabled persons as required.

- Poverty risk rate for working age persons with disabilities was 30.5 % in 2018, compared to 13 % for other persons of similar age.

UK¹¹

Around half of disabled people aged 16 to 64 years (53.5%) were in employment compared with around 8 in 10 (81.6%) for non-disabled people; disabled people with severe or specific learning difficulties, autism and mental illness had the lowest employment rates.

- When looking at type of employment, there were more disabled people who were self-employed (13.8%) than non-disabled people (12.5%).

People with disabilities in work were more likely to hold elementary positions at 12.6% compared with 10.2% of working non-disabled people.

- The public is still stereotyping disabled people in all aspects of their daily lives, including how much care disabled people need and how productive they are.

¹⁰ European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Hirschberg, M., Welti, F., *European Semester 2020-2021 country fiche on disability equality: Germany*, Publications Office, 2021, <https://data.europa.eu/doi/10.2767/697428>, pag. 4-14

¹¹ Outcomes for disabled people in the UK: 2021 -

<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/outcomesfordisabledpeopleintheuk/2021> and Project "Awareness4Change" - European Report on attitudes towards disability in employment context <https://www.awareness4change-project.org/library.html>

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

3. National legislation related to PwD employment

PORTUGAL

Portugal lacks¹² a national disability strategy or action plan, which goes against the UNCRPD recommendations. Therefore, disability policies continue to be piecemeal and lack a strategic orientation.

In Portugal, there are 2 type of measures to protect and develop employment for people with disabilities, namely¹³:

The specific measures to employment of people with disability are materialized in:

- Support for integration, maintenance, and reintegration into the labor market;
- Information, assessment and guidance for qualification and employment;
- Post-placement monitoring;
- Granting of financial support;
- Adaptation of jobs and elimination of architectural barriers;
- Supported Employment;
- Mark for Inclusive Employers;
- Financing to support the purchase, adaptation or repair of support products.

The general measures are:

- Employment Contract (Program to support job inclusion for vulnerable people);
- Professional internships (with a rise in the case of interns with disabilities);
- Quota of 5% of vacancies in the public administration for disabled people.

¹² European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Campos Pinto, P., Jimenez, M., Bento, S., *European Semester 2020-2021 country fiche on disability equality : Portugal*, Publications Office, 2021, <https://data.europa.eu/doi/10.2767/950163>, pag. 4

¹³ Project "Awareness4Change" - European Report on attitudes towards disability in employment context <https://www.awareness4change-project.org/library.html>, Portugal section

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

ROMANIA

In Romania there are 2 categories of legislation:

- specific legislation, which refers directly to persons with disabilities
- legislation that regulates different fields, but which has specific provisions regarding persons with disabilities.

Law no. 448/2006¹⁴ on the protection and promotion of the rights of persons with disabilities guarantees the rights of persons with disabilities to employment and to benefit of reasonable accommodation at their workplace, of career guidance and of professional retraining, where necessary.

While the legislation is aligned to international requirements, its practical implementation is deficient, with support being difficult to access and discrimination remaining pervasive.

Romania has been amending its legislation and policies to support the integration on the labour market of people with disabilities and the matter appears to be on the agenda of the National Employment Agency and of other relevant authorities.

The National Strategy on the Rights of Persons with Disabilities 2021-2027¹⁵, currently under draft, in public debate, establishes, through the Operational Plan, concrete actions, including in the employment field.

Concrete measures¹⁶

- vocational training courses;
- reasonable adaptation to the workplace;
- counseling during the period prior to employment and during employment, as well as in trial period, by a specialist labor mediation counselor;
- a probationary period for employment, paid, of at least 45 working days;
- a paid notice, of at least 30 working days, granted at the termination of the individual employment contract at the initiative of the employer for reasons not attributable to him/her;
- the possibility to work less than 8 hours per day, according to the law, if they benefit from the recommendation of the evaluation commission in this regard.

¹⁴ Article 6(c) of the Law No. 448/2006 on the protection and promotion of the rights of persons with disabilities (Legea nr. 448 din 6 decembrie 2006 privind protecția și promovarea drepturilor persoanelor cu handicap).

¹⁵ <http://andpdca.gov.ro/w/strategie-drepturi-persoane-dizabilitati-2021-2027/>

¹⁶ Project "Awareness4Change" - European Report on attitudes towards disability in employment context <https://www.awareness4change-project.org/library.html>, Romania section

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

GERMANY

There are various laws in Germany¹⁷ which are intended to increase the employment rate of people with disabilities, such as:

- ✓ the obligation to employ
- ✓ the obligation to provide care
- ✓ the obligation to provide equal opportunities.

People with disabilities are also entitled to compensation for disadvantages such as special protection against dismissal, more leave, special consideration for new hires, reduced overtime. These are seen as a burden by some employers.

Employers are granted subsidies for the employment of persons with physical and sensory impairments to ensure that their workplaces are equipped for the disabled. Information on subsidies has been disseminated in recent years through increased activity by governmental organisations.

New working models such as part-time training are also becoming more widely known. Special burdens on an employee with severe disabilities are compensated financially.

Employers have an obligation to employ people with disabilities, otherwise they have to make payments that go towards government measures to increase the employment of people with disabilities.

¹⁷ Project "Awareness4Change" - European Report on attitudes towards disability in employment context <https://www.awareness4change-project.org/library.html>, Germany section

UK

The Equality Act came into force in October 2010, bringing together different laws that cover discrimination into one in order to prohibit both direct and indirect disability discrimination in employment and recruitment.¹⁸

Direct disability discrimination occurs where an employer treats a disabled person less favourably because they are disabled. Indirect disability discrimination occurs where an employer applies a policy, criterion or practice which has the effect of putting a disabled person at a particular disadvantage as compared with non-disabled persons. Indirect discrimination may be lawful if it can be shown to be a proportionate means of achieving a legitimate aim.

Discrimination arising from disability occurs where an employer treats a person unfavourably because of something arising in consequence of their disability. It differs from direct discrimination in that the unfavourable treatment is because of something arising from the disability, not the disability itself. Further, unlike indirect discrimination the person does not need to show that the employer was applying a provision that puts (or would put) persons sharing that person's disability at a particular disadvantage. It is sufficient to show that they were treated unfavourably because of something arising from their disability.

Discrimination arising from disability may be lawful if it can be shown to be a proportionate means of achieving a legitimate aim. The Act also prohibits employers from harassing or victimising disabled people.

Reasonable adjustments

As part of the Equality Act 2010, employers must make reasonable adjustments to support disabled job applicants and employees.

Access to Work funding can be applied for towards the cost of making such reasonable adjustments.

The Equality and Human Rights Commission has provided Examples of reasonable adjustments in practice.

¹⁸ Project "Awareness4Change" - European Report on attitudes towards disability in employment context <https://www.awareness4change-project.org/library.html>, UK section

4. Measures to promote the employability of PwD

As a result of the study¹⁹ conducted at the level of the project partnership, here are some different measures to stimulate and support the employment of people with disabilities:

Disability Awareness and information

One of the most common suggestions which emerged in all the countries is related to the lack of information and awareness about people with disabilities.

- **Creation of good practices** and cases studies around the employment of people with disabilities.
- **Promotion of awareness campaigns** and information with different target groups: legislation, policy makers, employers, employees, people, etc.

Services to support the employability of people with disabilities

The emphasis on promoting social change in the area of employment of people with disability was also placed on the organizations and services that support them.

- **Education and training** of different target groups at different levels for example from other employees through to business leaders and legislators.
- **Support and connection** that can support and guide people with disabilities to job search and in the workplace by using the technologies resources.
- **Tailored recruiting where** the information is provided in accessible formats, the H&R have experience in this field, being able to achieve a professional profile for the person with disabilities according to skills, needs, and to support the employer to adapt the workplace/tasks of this person.
- **Partnerships with NGOs.**

Legislation and funding

More support for the promotion of reasonable accommodation and accessibility, funds, internship measures for people with disabilities and awards for inclusive companies.

- **Fiscal facilities** for employment and partial subsidization of costs for infrastructure changes over a certain amount.

¹⁹ Project "Awareness4Change" - European Report on attitudes towards disability in employment context <https://www.awareness4change-project.org/library.html>

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

- **Financial support** for investments and funding to facilitate changes to accommodate disabilities.
- **Grants** available for adaptations to working environments, enabling people with disabilities access to all areas.
- **Adequate legislation.**

Measures proposed at European level:

Information and awareness-raising for mainstream services, employers and trade unions²⁰.

Certain countries run information and awareness raising campaigns aimed at:

- ✓ the population in general - to combat prejudices by means of media campaigns and specific activities such as simulated situations;
- ✓ employers - to highlight the abilities and skills of people with disabilities;
- ✓ trade unions - through training on the induction of people with disabilities into the workplace.

For these activities to be effective, **they must be on-going, regularly repeated and innovative, and must be up-dated**, drawing on examples of good practice.

The new technologies - and particularly the Internet - as well as presenting an opportunity for people with disabilities to promote their skills, should be used to disseminate information about specific support measures.

Proposals to increase the employment rate:

- ✓ assistance for PwD in obtaining vocational and additional education and their subsequent employment.
- ✓ systemic work with different type of employers.
- ✓ increase the motivation of PwD to become officially employed.
- ✓ entrepreneurship for people with disabilities. Support the self-employment of persons with disabilities by making mainstream entrepreneurship development schemes more inclusive of persons with disabilities, eliminating relevant barriers,

²⁰ CoE - EMPLOYMENT STRATEGIES TO PROMOTE EQUAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES ON THE LABOUR MARKET, [TE9900387 \(coe.int\)](#), pag. 14

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

provide required support and increase entrepreneurship awareness among and of people with disabilities.²¹

- ✓ financial support²²: wage subsidies, subsidized training costs, hiring bonuses, subsidies to fund monitoring services, tax credits, reducing social security contributions, combined with total or partial disability social benefits, guaranteed right to benefits in the case of employment loss and subsidies for PD who want to start their own business or a cooperative.
- ✓ technical support and personal examples of employment support measures: transport, sheltered employment, sign language interpretation, devices and auxiliary equipment, development of technology.
- ✓ penalties for non-compliance in public services and/or private sector.

BIBLIOGRAPHY

EC, Union of Equality Strategy for the Rights of Persons with Disabilities 2021-2030, [KE0221257ENN.en.pdf](https://ec.europa.eu/equality/strategy/2021-2030/KE0221257ENN.en.pdf)

https://www.ilo.org/wcmsp5/groups/public/---dgreports/---inst/documents/publication/wcms_646041.pdf

Eurofound (2021), Disability and labour market integration: Policy trends and support in EU Member States, Publications Office of the European Union, Luxembourg

<https://euagenda.eu/upload/publications/ef20013en.pdf>

COMMISSION STAFF WORKING DOCUMENT Progress report on the implementation of the European Disability Strategy (2010-2020)

[VERSION II 20170206 SWD Progress Report EDS EN.pdf](https://ec.europa.eu/equality/strategy/2021-2030/VERSION_II_20170206_SWD_Progress_Report_EDS_EN.pdf)

Practices and attitudes regarding the employment of people with disabilities in Romania Article in Quality - Access to Success · May 2019, [QAS Vol.20 No.170 June.2019 pag 154.159.pdf](https://ec.europa.eu/equality/strategy/2021-2030/QAS_Vol.20_No.170_June.2019_pag_154.159.pdf)

[Raising Employment Levels of People with Disabilities - The Common Challenge | Independent Living Institute](https://ec.europa.eu/equality/strategy/2021-2030/Raising_Employment_Levels_of_People_with_Disabilities_-_The_Common_Challenge_Independent_Living_Institute.pdf)

²¹ ILO&OECD "Labour market inclusion of people with disabilities", 2018, pag. 9,

https://www.ilo.org/wcmsp5/groups/public/---dgreports/---inst/documents/publication/wcms_646041.pdf

²² Practices and attitudes regarding the employment of people with disabilities in Romania Article in Quality - Access to Success · May 2019, [QAS Vol.20 No.170 June.2019 pag 154.159.pdf](https://ec.europa.eu/equality/strategy/2021-2030/QAS_Vol.20_No.170_June.2019_pag_154.159.pdf)

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

CoE - EMPLOYMENT STRATEGIES TO PROMOTE EQUAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES ON THE LABOUR MARKET, [TE9900387 \(coe.int\)](https://te9900387.coe.int/)

European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Campos Pinto, P., Jimenez, M., Bento, S., *European Semester 2020-2021 country fiche on disability equality : Portugal*, Publications Office, 2021, <https://data.europa.eu/doi/10.2767/950163>

European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Gîrlescu, O., *European Semester 2020-2021 country fiche on disability equality: Romania*, Publications Office, 2021, <https://data.europa.eu/doi/10.2767/877635>

European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Hirschberg, M., Welti, F., *European Semester 2020-2021 country fiche on disability equality: Germany*, Publications Office, 2021, <https://data.europa.eu/doi/10.2767/697428>

Outcomes for disabled people in the UK: 2021 - <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/outcomesfordisabledpeopleintheuk/2021>

Project "Awareness4Change" - European Report on attitudes towards disability in employment context <https://www.awareness4change-project.org/library.html>

ADDITIONAL RESOURCES

ILO - Business and disability: [Business and disability \(ilo.org\)](https://businessanddisability.org/)

<http://www.businessanddisability.org/country-profiles/>

http://www.businessanddisability.org/country-detail/?country_code=ROU

http://www.businessanddisability.org/country-detail/?country_code=DEU

http://www.businessanddisability.org/country-detail/?country_code=GBR

Eurofound (2021), *Disability and labour market integration: Policy trends and support in EU Member States*, Publications Office of the European Union, Luxembourg, <https://euagenda.eu/upload/publications/ef20013en.pdf>

Disability Inclusion in the Workplace

<https://www.youtube.com/watch?v=bEJTs3b9g5c>

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Project Partners:



The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.