



*Legislation in
the Member
States*

BELGIUM

Although medical/functional, vocational and social rehabilitation are included in legislation on social security and compensation, occupational integration of people with disabilities falls mainly to the three communities (Flemish, French and German-speaking).

The communities award a whole range of grants for the vocational training and employment of disabled people:

- reimbursement of the expenditure on adaptation of the workplace (including alteration and access);
- defrayment of additional expenditure on work tools required on account of disability;
- defrayment of additional expenditure resulting from disability and disabled employee's expenditure on transport
- contribution to pay and social charges and contributions for one year maximum for a disabled worker in a new job.

In addition, under collective labour agreement No 26 of 15 October 1975, in accordance with the 'equal pay for equal work' principle, the disabled employee is entitled to the pay laid down under the joint collective agreement and the competent authorities reimburse the employer for the reduced productivity resulting from the disability.

DENMARK

Danish policy on disability is based on the principles of solidarity, normalisation and integration. A 1974 law on social assistance abolished the special legislation on services for disabled people and put them on the same footing as other groups. It lays down that assistance may be granted to anyone in need of support in developing or regaining occupational abilities or of care, special treatment or educational support.

The Employment Ministry is responsible for policy on integrating

people with disabilities into ordinary working life and for vocational training programmes for disabled people. The Social Affairs Ministry is responsible for rehabilitation schemes and sheltered employment, while the Education Ministry is responsible for teaching.

A legal provision introduced in 1990 enables counties and local authorities to introduce measures to combat unemployment among particularly disadvantaged groups of unemployed and uninsured people. They may include recruitment subsidies, placement and training courses.

As for health and social services, the local authorities are responsible for guidance, rehabilitation and the payment of allowances. Responsibility for the provision and organisation of sheltered workshops and for rehabilitation and retraining measures for the uninsured jobless falls to the counties.

GERMANY

The basic principles of German policy on the occupational integration of people with disabilities are laid down in Volume I of the Social Code and in the law on the harmonisation of rehabilitation benefits which applies to sickness insurance, accident insurance and invalidity/old age insurance organisations, bodies responsible for social benefits and the Federal Employment Office.

Under these provisions, medical, vocational and supplementary benefits and measures for the rehabilitation of disabled people must aim above all to integrate them into working life and into society. The measures must be set in train at the earliest stage possible and applied with care. The application of these provisions has led to the establishment of a very large network of institutions and vocational rehabilitation services which aim to

provide the necessary assistance, taking into account the special needs of each disabled individual and meeting their specific requirements through a series of appropriate measures and means.

Furthermore, under the law on severely disabled people all public and private companies with a workforce of 16 or more are required to set aside 6 % of their posts for severely disabled people or pay a compensatory levy for each unfilled compulsory post. The law also provides for special protection for severely disabled people against dismissal, defence of their interests and possible special assistance.

The Federal Employment Office receives payments from the Compensation Fund set up by the Employment and Social Affairs Ministry out of the compensatory levy imposed by the law on severely disabled people in order to pay

subsidies to employers training severely disabled people or finding them permanent jobs.

GREECE

The two principles underlying legislation concerning disabled people are equal opportunities and full integration into society. A law on rehabilitation and vocational training for people with disabilities was adopted in 1979. It introduced compulsory employment in the public sector and assigned to OAED (the Manpower Employment Organisation) the task of overseeing the training and placement of disabled people.

Companies may receive subsidies and grants to help encourage the recruitment of disabled people and adaptation of workplaces. People with disabilities may also receive financial aid to set up their own businesses in craftwork, trade and services.

SPAIN

Law 13 of 7 April 1982 on the social integration of disabled people is based on a constitutional provision which lays down that the public authorities must apply policies on the prevention, treatment, rehabilitation and integration of persons with physical, mental or sensory impairments.

Under the law the first aim of employment policy for disabled people is to integrate them into the open employment system or, where this is not possible, the sheltered employment scheme. The law prohibits any form of discrimination on grounds of disability in recruitment and/or in the course of employment.

Employers of over 50 workers are required to reserve 2 % of their jobs for people registered as disabled with the employment services. For civil service staff the quota is set at 3 %.

Support is also granted to companies to facilitate the employment of disabled people by establishing conditions such that they can take back their own disabled employees at the end of the period of convalescence and tax reductions are granted on the earnings of companies or individuals for any additional recruitment of disabled employees under open-ended contracts.

The public authorities are also required to facilitate the integration of disabled people through the introduction of measures to make the urban environment and transport accessible.

FRANCE

The French disability legislation dating from 1975 set up a system of rights entitling the disabled individual (having regard to their personal situation recognised as a priority) to be directed to a reception structure for

vocational rehabilitation, training or employment and also to receive special benefits where warranted by their situation.

The *Commission Technique d'Orientation et de Reclassement Professionnel* (Cotorep), represented throughout the country, is responsible for dealing with applications from disabled adults for guidance on employment, training and supplementary public assistance.

The law of 1987 imposes a quota obligation on establishments with more than 20 employees, the State and local authorities and their respective establishments, other than those dealing with manufacturing and trade; they are required to employ disabled workers, persons with an occupational injury or disease, persons entitled to an invalidity pension and war veterans and similar so that they proportionately represent 6 % of their total staff.

Private-sector undertakings may also fulfil their statutory obligation:

- by subcontracting to sheltered or adapted workshops for up to half of the quota;
- by concluding and applying company and branch agreements setting out multiannual plans for recruitment, integration,

Firms may also fulfil their obligation by paying a voluntary contribution to the fund for the vocational integration of disabled people. This fund is managed by AGEFIPH and administered by all parties concerned with the employment of people with disabilities (employees, employers, associations and specialists). Through its regional delegations, this body funds a wide range of measures to encourage access to employment and job retention, training, information and awareness-raising campaigns in companies and studies.

Disabled workers also qualify for all public employment assistance and vocational training measures like other groups in difficulty. National policy on the employment of disabled workers and the activities of the public and private bodies and services (*Agence nationale pour emploi, Association pour la formation professionnelle des adultes*, specialised placement bodies) are coordinated by the Ministry of Employment and Solidarity.

At local level this policy is carried through within the framework of the PDITH (*programmes départementaux d'insertion des personnes handicapées*) which bring together all the competent parties concerned.

IRELAND

Under the Health Act 1970, responsibility for the training, guidance and occupational rehabilitation of disabled people is

assumed by the Department of Health, which delegates this task to the National Rehabilitation Board (NRB).

On behalf of the State and in agreement with disabled people, the NRB's role is to help the latter to live the life of their choice enabling them to develop their potential to the full.

The NRB's remit includes:

- identifying the needs of disabled people and contributing towards the measures and support services required to satisfy these needs;
- developing, offering and coordinating appropriate services, and
- promoting the recognition of rights and equal opportunities for disabled people.

The services provided by NRB include:

- vocational guidance to help disabled people in seeking opportunities for general and occupational training;

- job clubs which provide assistance and training to disabled people to improve their chances on the labour market;
- the Employment Support Scheme (ESS) which provides financial aid to encourage employers to recruit disabled people with reduced work productivity;
- personal reader grants for blind or visually impaired persons needing assistance with reading at the workplace;
- workplace/equipment grants awarded in certain cases to employers to help them adapt company premises or equipment to the requirements of disabled employees;
- job interview interpreter grants which help towards the cost of providing an interpreter for people with hearing and speech impairments attending job interviews.

In addition, NRB awards a 'Positive to Disability' symbol to employers

who can demonstrate that they have met the 'Positive to Disability' equal opportunities criteria.

A voluntary 3 % quota system for the employment of disabled people was introduced in the public sector in 1977.

The Employment Equality Act 1998 prohibits discrimination in employment on nine different grounds. It applies to both the public and private sectors, occupational organisations and vocational training bodies.

In July 1998, the Irish Government announced its intention of setting up a new body, the National Disability Authority, to be responsible for providing advice and proposing measures to promote policies for disabled people. In addition, the services of the NRB will be incorporated into the social affairs and employment departments.

ITALY

The general principles of Italian policy relating to disabled people are set out in Law 104 of 5 February 1992: respect for human dignity and fundamental freedoms and the autonomy of the disabled person; prevention and removal of obstacles which hamper the development of the disabled person; attainment of as much autonomy and participation in community life as possible; the fulfilment of civil, political and property rights.

The law also contains special provisions to promote occupational integration, such as measures to make workplaces and transport accessible, extension of compulsory employment to people with psychological impairments and the establishment of funds to ensure fulfilment of the right of disabled people to vocational training.

Italian law also includes a quota system for people with disabilities: Law 482 of 1968 regulates compulsory recruitment by private companies and public authorities of war-disabled civilians and servicemen, persons disabled in service, victims of occupational diseases and accidents at work, deaf and dumb people, orphans, war widows and widows of employees, former victims of tuberculosis and refugees.

Law 104 of 1992 extends the compulsory employment system to disabled people with psychological impairments provided they are suitable for work in appropriate duties.

The law does not apply to persons over 55, to those unable to work or those who, by virtue of the nature or extent of their disability, may constitute a danger to other workers or the safety of installations.

Public and private employers with more than 35 workers (not including apprentices, persons recruited under work and training contracts and managers) are required to recruit 15 % of their staff from people belonging to the above categories.

Public authorities and private companies submit to regional employment committees their proposals or applications for recruitment programmes for disabled people which provide, before actual employment, for vocational training by the authorities themselves. Such training must last at least six months and no more than two years.

Disabled people are placed by the provincial employment offices on the basis of a classification and criteria drawn up by the provincial compulsory placement committees. Special lists for each type of disability are drawn up by these offices.

LUXEMBOURG

The principles of Luxembourg policy in regard to disabled people are laid down in a Law of 12 November 1991 which provides for differentiated employment quotas. Public authorities are required to meet a 5 % quota. Private companies with a staff of at least 25 are required to employ one disabled person; companies with a staff of at least 50 must meet a 2 % quota and those with at least 300 employees, a 4 % quota.

Where these quotas are not attained, in the private sector a levy amounting to 50 % of the minimum monthly wage must be paid for each post not filled. However, firms employing more disabled workers than the quota are entitled to reductions in social security contributions.

Under the 1998 national employment plan, special measures of assistance are to be provided for occupational

integration and reintegration (training, preparation, traineeships and wage support).

NETHERLANDS

Measures to promote the employment of disabled people in the Netherlands were revised substantially in January 1998. The main aim of these recent legislative and policy reforms is to improve procedures for reintegration where necessary and above all to make them more effective so as to improve the chances of disabled people finding work.

The reforms are based on a twofold strategy: firstly, giving greater responsibility to companies to introduce measures for prevention and early reintegration by adapting employers' insurance and invalidity contributions, within certain limits, to the risk of invalidity within each firm, and secondly, a new series of

legislative measures has been prepared to help disabled people find and retain a job.

Any employer recruiting a partially-disabled person now qualifies for a flat-rate placement allowance and a set of 'tailor-made' measures. Disabled people who follow training courses or work under a trial contract may also request 'reintegration benefit'.

In addition to recruitment assistance and the switching of overall 'tailor-made' benefits to employers, the new law introduces pilot schemes for individual assistance with reintegration. This support should encourage persons with disabilities to seek employment.

AUSTRIA

Under the Law of 11 December 1969 on the placement of disabled people, amended on 20 June 1973 and 23 January 1975, all employers with a staff of at least 25 are required to

reserve 4 % of their jobs for disabled people whose earning capacity is reduced by at least 50 %, whatever the cause of their disability. The remuneration of disabled employees may not be reduced on account of their disability. Other special legislative provisions provide protection for disabled employees under this system.

Employers who do not fulfil their obligation to employ a fixed quota of disabled workers are required to pay a compensatory levy. The levy is paid to a compensation fund administered by the Federal Ministry for Social Administration and is used to fund measures of assistance for disabled people, adapt jobs, set up sheltered workshops equipped with special tools to enable disabled people to participate in active life, and establish treatment centres and rest homes.

The Federal Law on Labour Market Promotion (*Arbeitsmarkt-*

förderungsgesetz) of 12 December 1968, amended on 21 March 1973 and 6 March 1974, comprises a series of measures aimed at establishing the best possible labour market conditions, notably assistance for people whose disability compromises their chances of finding employment, including special assistance as follows:

- disabled people qualify for special placement arrangements;
- adaptation of the workplace is charged to the public authority.

Disabled people have greater access to all other assistance provided to help with placement and job security: determination of aptitude for work in vocational training, retraining and further training, subsidies in the event of necessary travel, double household allowances, assistance for the purchase of clothes and work tools.

Subsidies are granted to create new jobs and to safeguard the employment of disabled people.

PORTUGAL

Under Article 71 of the Portuguese Constitution, the State undertakes to develop a national policy for prevention, treatment, rehabilitation and integration of disabled people, to develop education to make society aware of its duties of respect and solidarity vis-à-vis disabled people and to assume responsibility for affording them their rights.

This provision was included in a framework law of 1989 setting forth fundamental principles, including the elimination of all discrimination, notably in employment.

The Employment and Vocational Training Institute is responsible for implementation of the principal vocational training and integration measures for disabled people. In particular, in cooperation with the Education Ministry, it is responsible for a programme designed to help

young disabled people completing their final years of compulsory schooling gain their first contacts with the world of work, to give disabled youngsters over 16 the knowledge and skills required to obtain a vocational qualification and also to help physically disabled people to adapt to work by turning to account their occupational experience.

People with disabilities setting up on their own account qualify for financial assistance in the form of outright grants. Where appropriate they may also be granted interest-free loans.

Companies may receive financial assistance for:

- recruitment of disabled employees under open-ended contracts;
- recruitment of disabled people with reduced work capacity. The aid takes the form of financial compensation during the adaptation or readaptation stage (up to four years);

- elimination of architectural barriers to adapt equipment to the functional needs of disabled people;
- recruitment of disabled people requiring assistance and personalised attendance for integration purposes.

FINLAND

Under the Finnish Constitution no person should be placed at a disadvantage on account of, among other things, disability.

This provision is put into effect through various legal provisions, notably the law on cooperation in rehabilitation, the law on rehabilitation applied by the Social Security Institute, the law on rehabilitation benefits, the law on safety at work and a number of action programmes.

Specific policy on employment is covered by separate legislation and is

implemented by the Employment Ministry; it determines each year the budgets for the district employment offices which draw up local employment policies.

The Labour Protection Authority is concerned with the work environment, including access to workplaces and health and safety. The local authorities are responsible for the social assistance granted to disabled people.

SWEDEN

The aim of Swedish policy is to encourage participation and full equality for all citizens. This task falls to society as a whole, more particularly the State and local authorities. In operational terms, the National Employment Agency is responsible for coordinating and developing labour-market policy in

general, including the employment of disabled people in accordance with guidelines laid down by the Government and Parliament.

Swedish legislation provides for access to employment for disabled people through the adaptation of workplaces and the elimination of architectural barriers. In addition, the employability institutes (AMI) provide assistance and vocational rehabilitation to jobseekers who require more support than that provided by the employment services in order to enter the labour market. The need for support may be due to reduced work capacity on account of disability or other problems of adaptation and special difficulties encountered on the labour market.

In addition, any employer recruiting persons with physical, mental, intellectual or socio-medical disabilities receives wage subsidies.

The subsidies may be paid for four years and may be extended. The amount paid depends on the relevant collective agreement. Subsidies constitute compensation for reduced work capacity on account of disability and may account for up to 80 % of monthly income. Subsidies may cover up to 100 % of wage costs for severely disabled people.

UNITED KINGDOM

In the United Kingdom it is believed that voluntary action is not enough to meet the reasonable aspirations of disabled people or provide sufficient guarantee that unwarranted discrimination can be dealt with satisfactorily. Accordingly, under the Disability Discrimination Act (DDA), any employer with 15 employees or more may not treat a disabled person less favourably than someone else because of their disability, unless there is good reason. Under the Act the employer is required to adapt to a

reasonable extent conditions of employment or the workstation if that helps to overcome the practical consequences of a disability unless there is good reason not to do so.

A number of government programmes have been introduced to encourage vocational integration of disabled people into the ordinary work environment, for example, placement assessment and counselling teams (PACTs) who offer specialist services as regards access to employment and rehabilitation; the disability working allowance (DWA) encourages disabled people to move from invalidity schemes into the world of work; the access to work programme provides financial assistance for overcoming obstacles to employment; the supported employment programme provides appropriate assistance to severely disabled people.

The Department for Education and Employment, in cooperation with the

National Advisory Council for the Employment of People with Disabilities, oversees implementation of the employment aspects of the DDA. The social partners are active at national level through the Confederation of British Industry and the Trades Union Council.

Glossary

GLOSSARY

AGEFIPH	Association de gestion du fonds pour l'insertion professionnelle des personnes handicapées
AMI	Arbetsmarknadsinstitut
AMS	Arbeitsmarktservice
ANPE	Agence nationale pour l'emploi
ARCIL	Associação para a recuperação dos cidadãos inadaptados da Lousã
ASPHI	Associazione per lo Sviluppo di Progetti Informatici per gli Handicappati
CEEP	European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest
CHSCT	Comité d'hygiène, de sécurité et des conditions de travail
Cotorep	Commission technique d'orientation et de reclassement professionnel
DDA	Disability Discrimination Act
DDTEFP	Direction départementale du travail, de l'emploi et de la formation professionnelle
DSB	Danske Statsbaner
DWA	Disability Working Allowance
ESS	Employment Support Scheme
ETUC	European Trade Union Confederation
IEFP	Instituto do Emprego e do Formação Profissional
ILO	International Labour Office
INEM	Institut national pour l'emploi
ITUT	Irish Trade Union Trust
NDA	National Disability Authority
NGO	Non-governmental organisation
NRB	National Rehabilitation Board
NS	Nederlandse Spoorwegen
OAED	Manpower Employment Organisation
PACT	Placement Assessment and Counselling Team
PDITH	Programmes départementaux d'insertion des personnes handicapées
SIL	Servizio inserimento lavorativo
SILH	Servizio inserimento lavoratori handicappati
SIPTU	Services Industrial Professional and Technical Union
SITU	Services Industrial and Technical Union
STTK	Suomen Toimihenkilöjärjestöjen Keskusliitto Ry
TBA	Wet terugdringing beroep op de arbeidsongeschiktheidsregelingen
TIM	Telecom italia mobile
UNICE	Union of Industrial and Employers' Confederations of Europe
USSL	Unità socio-sanitaria locale
WAO	Wet op de arbeidsongeschiktheidsverzekering

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The working group

THE WORKING GROUP

ETUC

Members:	Jean LAPEYRE	(CES)
	Henri LOURDELLE	(CES)
	Flavio COCANARI	(CISL)
	Nina DAITA	(CGIL)
	Werner FELDES	(DGB)
	Canna NIELSSON	(LO-S)
	Dolores ORTIZ	(UGT-E)
	Franco SALVATORI	(CGIL)
	Christian SCHWARL	(ÖGB)
	Gabriel THOLLET	(CFDT)

Expert: Anna RICCIARDI

UNICE/CEEP

Members:	Caroline CROFT	(UNICE)
	Nunzia GAVA	(CEEP)
	Enzo AVANZI	(CEEP)
	Rheinart EBERT	(BDA)
	Soren LINDEMANN	(DA)
	Cristina del MONTE	(Confindustria)
	Raffaele NARDACCHIONE	(Confindustria)
	Niels Christian NIELSEN	(DA)
	Lucia SCORZA	(Confindustria)
	Theresa SNELDERS	(VNO-NCW)
	Anne-Geneviève de ST GERMAIN	(MEDEF)
	Christine WHYTE	(CEEP)

Expert: Mme Régine PRUNZEL

Working Group Secretariat, DG V: Michèle THOZET, . André GUBBELS, Josephine SENIS

For further information

FOR FURTHER INFORMATION

ETUC
UNICE
CEEP

Bd E. Jacqmain 155 - B-1210 Brussels
Rue Joseph II 40 - B-1000 Brussels
Rue de la Charité 15, b^{te}12 - B-1210 Brussels

Tel. (32-2) 224 04 50 Fax (32-2) 224 04 54
Tel. (32-2) 237 65 37 Fax (32-2) 231 14 45
Tel. (32-2) 219 27 98 Fax (32-2) 218 12 13

BELGIQUE/BELGIË

Jean De Lannoy
Avenue du Roi 202/Koningslaan 202
B-1190 Bruxelles/Brussel
Tél. (32-2) 538 43 08
Fax (32-2) 538 08 41
E-mail: jean.de.lannoy@infoboard.be
URL: http://www.jean-de-lannoy.be

La librairie européenne/De Europese Boekhandel
Rue de la Loi 244/Wetstraat 244
B-1040 Bruxelles/Brussel
Tél. (32-2) 295 26 39
Fax (32-2) 735 08 60
E-mail: mail@libeurop.be
URL: http://www.libeurop.be

Monteur belge/Belgisch Staatsblad
Rue de Louvain 40-42/Leuvenseweg 40-42
B-1000 Bruxelles/Brussel
Tél. (32-2) 552 22 11
Fax (32-2) 511 01 84

DANMARK

J. H. Schultz Information A/S
Hansledvej 10-12
DK-2820 Albertslund
Tlf. (45) 43 63 23 00
Fax (45) 43 63 19 89
E-mail: schultz@schultz.dk
URL: http://www.schultz.dk

DEUTSCHLAND

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Fax (352) 49 98 86-444
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URL: http://www.mpk.lu

NEDERLAND

SDU Servicecentrum Uitgevers
Christoffel Plantijnstraat 2
Postbus 20014
2500 EA Den Haag
Tel. (31-70) 378 98 80
Fax (31-70) 378 97 83
E-mail: sdu.nl
URL: http://www.sdu.nl

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SVERIGE

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Fax (357-2) 66 10 44
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SK-81223 Bratislava
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SLOVENIA

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E-mail: royil@netvision.net.il

Sub-agent for the Palestinian Authority:

Index Information Services

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Jerusalem
Tel. (972-2) 627 16 34
Fax (972-2) 627 12 19

JAPAN

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SOUTH KOREA

Information Centre for Europe (ICE)

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121-210 Seoul
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Fax (82-2) 322 53 14
E-mail: euroinfo@shinbio.com

THAILAND

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Ploenchit
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