

# **Implementing the UNCRD within the European Union (EU):**

## **Progress and challenges in the field of employment and return to work,**

IFDM 2010

Wednesday 22<sup>nd</sup> September

GLADNET Seminar

### **Job Retention and Return to Work in the Context of the UNCRPD**

Donal McAnaney, Senior Research Consultant, Work Research Centre, Dublin

## Current situation in EU

- Inactivity rate of PwD is the double of non-disabled
  - ⇒ High public spending on disability benefits
  - ⇒ Increased poverty risk for PwD
- Only 16% of working PwD receives some support/assistance to work while 45% believe they could work if they receiving proper assistance
- Low education levels of PwD
  - ⇒ Lower qualified jobs which easier disappear with crisis

# Increasing importance of work for PwD

## ■ For People with disabilities

- ✓ Independency and control
- ✓ Financial resources / income
- ✓ Active participation / enhance social life
- ✓ Self esteem / identity / social status
- ✓ Use existing skills / acquire new skills / structure

## ■ For society (political level)

- ✓ New concept of „active“ Welfare State
- ✓ Higher employment rates (Lisbon strategy & EU 2020)
- ✓ Key to social inclusion and social cohesion
- ✓ Sustainability of social security systems
- ✓ Less stress on families and carers

## **Articles 27j**

**Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.**

# Article 27 of UN Convention

<b>Equal rights (a – c)</b>	<b>Towards employers (f - i)</b>	<b>Services (d-e / j-k)</b>
<ul style="list-style-type: none"><li>• Prohibit discrimination</li><li>• Equal work conditions</li><li>• Trade Union Rights</li></ul>	<ul style="list-style-type: none"><li>• Self-employment</li><li>• Public sector (quota)</li><li>• Private sector (quota – subsidies)</li><li>• Reasonable accommodation</li></ul>	<ul style="list-style-type: none"><li>• VT / VR</li><li>• Access + retention</li><li>• Work experience</li><li>• Return to work / DM</li></ul>

*Right to work and employment for PwD*

Member State	UN Convention		Optional Protocol	
	Signed	Ratified	Signed	Ratified
AT	30-3-2007	26-9-2008	30-3-2007	26-9-2008
BE	30-3-2007	2-7-2009	30-3-2007	2-7-2009
BG	27-9-2007		18-12-2008	
CY	30-3-2007		30-3-2007	
CZ	30-3-2007	28-9-2009	30-3-2007	
DK	30-3-2007	24-2-2009	30-3-2007	24-2-2009
DE	30-3-2007	24-7-2009		
EE	25-9-2007			
ES	30-3-2007	3-12-2007	30-3-2007	3-12-2007
FI	30-3-2007		30-3-2007	
FR	30-3-2007	18-2-2010	23-9-2008	18-2-2010
GR	30-3-2007			
IE	30-3-2007			
HU	30-3-2007	20-7-2007	30-3-2007	20-7-2007
IT	30-3-2007	15-5-2009	30-3-2007	15-5-2009
LT	30-3-2007		30-3-2007	
LU	30-3-2007		30-3-2007	
LV	18-7-2008	1-3-2010	22-1-2010	
MT	30-3-2007		30-3-2007	
NL	30-3-2007			
PL	30-3-2007			
PT	30-3-2007	23-9-2009	30-3-2007	23-9-2009
RO	26-9-2007		25-9-2008	
SI	30-3-2007	24-4-2008	30-3-2007	24-4-2008
SK	26-9-2007		26-9-2007	
SE	30-3-2007	15-12-2008	30-3-2007	15-12-2008
UK	30-3-2007	8-6-2009	26-2-2009	7-8-2009

# EU Implementation Strategy for the UNCRPD

- Areas of Priority
  - Accessibility
  - Legal Capacity
  - Access to Justice
  - Independent Living
  - Voting Rights
  - Monitoring Mechanisms
  - Empowerment of persons with disabilities
- A special role for the European Disability Forum

# Member State Actions to Implement the UNCRPD

- Member States have agreed to work through a range of common actions.
  - Sharing good practice information exchange on legislation, guidelines and measures through thematic conferences, expert working groups and structured dialogue with civil society,
  - The empowerment of representative organisations of people with disabilities and the preparation of persons with disabilities to play a role at EU level.
  - Developing ways to measure Quality of Life (QOL) outcomes and impacts of these measures

# Common Actions to Implement the UNCRPD

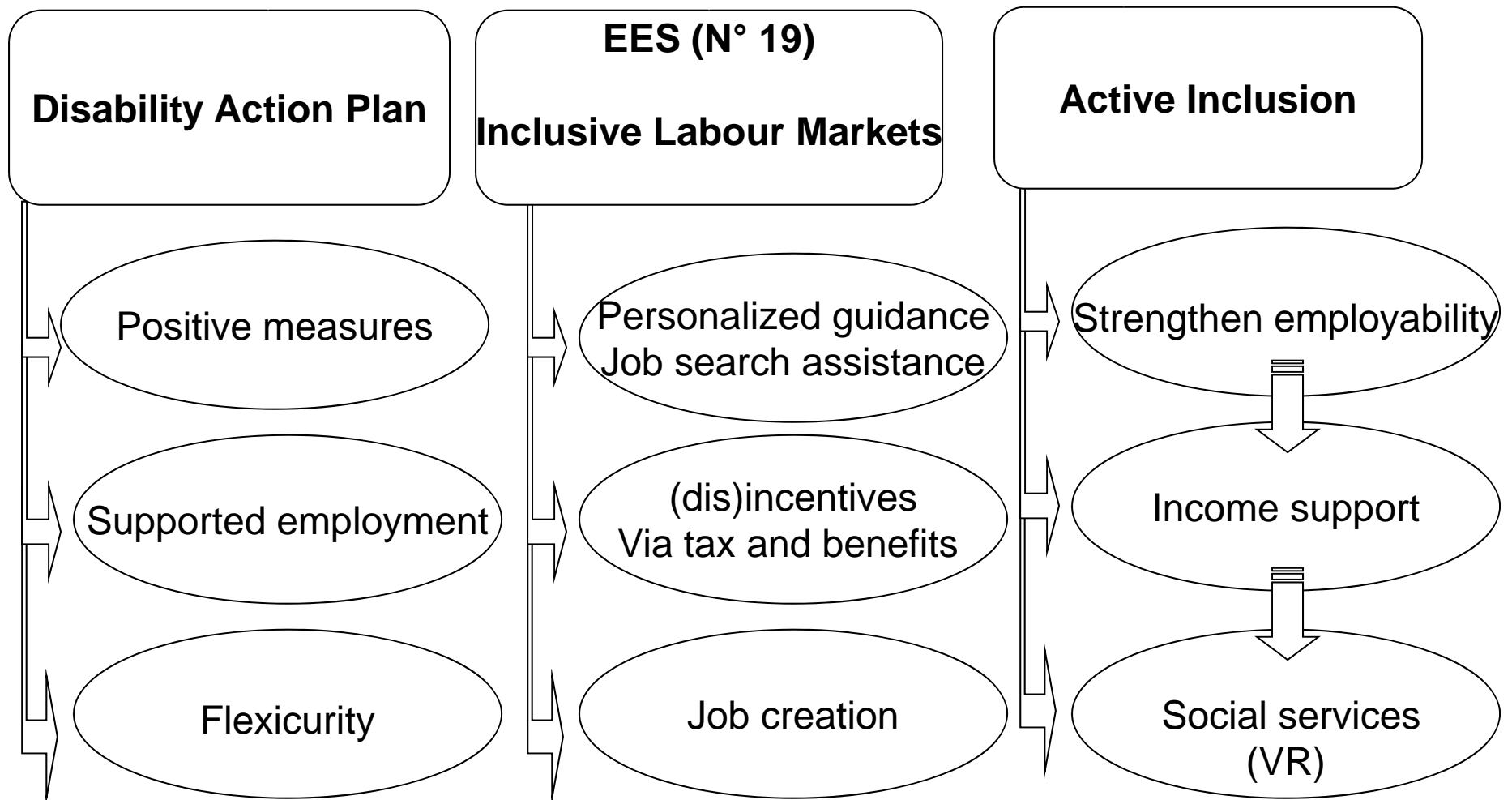
- Member States have agreed to work through a range of common actions.
  - Setting minimum standards,
  - Agreeing common rules and procedures,
  - Developing common reporting formats,
  - Indicators and comparable,
  - Systematic data collection.

# Disability Services to Support the UN Convention

- **Employment Services**
  - General technical and vocational guidance programmes, placement services and vocational and continuing training,
  - Assistance in finding, obtaining, maintaining and returning to employment,
  - Self-employment, entrepreneurship, the development of cooperatives and starting one's own business,
  - Work experience in the open labour market;
  - Vocational and Professional rehabilitation,
  - Job retention and return-to-work programmes

# European Policy Framework

## Employment for PwD



# EU Disability Strategy - Employment

## ***Rationale***

- Economic independence and personal realisation
- Economic growth
- Sustainable social protection systems

## ***Actions at EU level***

- Work with PES
- Work with social partners

## ***Actions at MS level***

- Report on labour market situation of PwD
- Active labour market policies (mainstream)
- Specialised services
  - job placement
  - on the job training
- Move PwD from sheltered work to open labour market
- Awareness raising

# EU Disability Strategy – Education & Training

## ***Definition***

- Provide required support for PwD within general education system
- Effective and individualised support measures

## ***Actions at EU level***

- Promote transition from education to employment
- Promote inclusive education
- Promote accessibility and reasonable accommodation in education
- European Agency for Development in Special Needs Education

## ***Actions at MS level***

- Remove legal and organisational barriers from mainstream education
- Effective and individualised support:
  - Timely support
  - Early identification of special needs
  - Well-coordinated services
- Disability training of teachers/staff
- Ensure availability of (financial) resources for support of teachers

# EU Flexicurity Approach

## Four mutually supportive components of flexicurity

1. flexible work contractual arrangements

4. modern social security systems

2. comprehensive lifelong learning strategies

3. active labour market policies

# Transition to employment: overview of measures

Social orientation	
People with disabilities	Employers
<ul style="list-style-type: none"> <li>▪ <b>Services</b></li> <li>⇒ Training</li> <li>⇒ Vocational reintegration</li> <li>⇒ Supported employment</li> <li>▪ <b>Allowances to compensate Disability</b></li> <li>⇒ Transport allowance</li> <li>⇒ Technical aids</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Anti-discrimination</b></li> <li>▪ <b>Reasonable accommodation</b></li> <li>▪ <b>Trial period (without risk or pay)</b></li> <li>▪ <b>On the job support</b></li> <li>▪ <b>Disability Management</b></li> </ul>
Economic orientation	
People with disabilities	Employers
<ul style="list-style-type: none"> <li>▪ <b>Raising assessment threshold</b></li> <li>⇒ Wider concept of 'suitable' work</li> <li>⇒ Regular re-assessment</li> <li>▪ <b>Obligation to job search or Rehab.</b></li> <li>▪ <b>Flexible employment</b></li> <li>▪ <b>Trial periods / Benefit + earnings</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Grants</b></li> <li>⇒ Compensate lower productivity</li> <li>⇒ Compensate costs</li> <li>▪ <b>Quota</b></li> <li>▪ <b>Flexible labour arrangements</b></li> </ul>

# Quota systems

- ***Application***

- ⇒ In 19 EU Member States
- ⇒ Mostly public + private sector
- ⇒ Between 2% and 8%

- ***Problems***

- ⇒ Difficulties with qualification/definition of 'disabled'
- ⇒ Employers prefer to pay the fines
- ⇒ Labelling / Stigmatization

- ***Complementary positive measures to quota***

- ⇒ Financial incentives to exceed quota
- ⇒ Award for 'good' companies
- ⇒ Facilitate exchange of good practice

# Reasonable accommodation

- ***Technical solutions***

- ⇒ Linked to specific type of disability (sensory / physical)
- ⇒ Structural / AT / office equipment
- ⇒ Individual adaptations and general adaptations

- ***Organisational work arrangements***

- ⇒ Adjust working hours
- ⇒ Tele-working
- ⇒ Periodical rehabilitation / re-distribution of work

- ***Personal assistance / job coaching***

- ⇒ Get accustomed to work situation
- ⇒ More needed in the beginning of the employment
- ⇒ Co-worker often takes over from external job coach

- ***Awareness Raising Measures***

# Re-activation measures in social protection

- Shift financing from compensation *benefits* to rehabilitation/reintegration *services* (active welfare state)
- Disability benefit can be combined with limited employment activities (without cutting benefit)
- ‘Trial’ period after which people can get back their disability pension if the reintegration to work is unsuccessful
- Maintain disability pension during rehabilitation/reintegration activities
- Avoid benefit trap (difference between disability pension and minimum wage should be sufficient)

# Comprehensive Active Inclusion

