

# Disability



## People with disabilities in the European Social Fund 2007-2013

More people with disabilities need to join the labour market if the activity rates set out in the Lisbon Agenda are to be achieved. Disability figures explicitly in the new Employment Guidelines, and, in addition to specific measures, there are numerous ways in which a disability perspective can be mainstreamed so as to take the work-related needs of people with disabilities into account.

### 1. POLICY BACKGROUND

**People with disabilities represent at least 16% of the EU's working age population. Only 40% of disabled people are employed, whereas this rate is 64.2% for the non-disabled.** In order to achieve the employment targets set out in the revised Lisbon Agenda, vulnerable groups need to be better integrated into the labour market. **In this context, the European Employment Strategy pays special attention to the needs of people with disabilities. In particular Guideline 18 of the Integrated Guidelines makes specific reference to people with disabilities as part of the aim to "ensure inclusive labour markets for job-seekers and disadvantaged people".**

Promoting the full integration and participation of people with disabilities in all aspects of society is a key element of EU policies. Article 13 of the Treaty provides the legal basis for community action "to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation". Even though the specific needs of people with disabilities are primarily addressed through national policies, the **EU directive against discrimination (EC/2000/78/EC)** constitutes an important step forward in the fight against discrimination which in certain Member States has required major changes to existing rules. This Directive had to be implemented in all Member States by December 2006 at the latest.

The year 2003 was declared the European Year of People with Disabilities. In this context, the Council Resolution on promoting the employment and social integration of people with disabilities sets out a clear line to be followed by the Member States and the Commission. It calls for the **reinforcement of mainstreaming of the disability perspective into all relevant policies at the stages of policy formulation, implementation, monitoring and evaluation.**

In addition, to ensure a coherent policy follow-up to the European Year, the Commission launched an **EU Disability Action Plan (DAP)**

for the period 2004-2010. Three operational objectives are central to the DAP: (1) full implementation of the Employment Equality Directive; (2) successful mainstreaming of disability issues in relevant Community policies; and (3) improving accessibility for all.

### 2. ESF SUPPORT TO PEOPLE WITH DISABILITIES

The issue of disability is addressed in the Structural Funds' General Regulation, which prohibits discrimination in the implementation and access to the funds on the basis of gender, race, or ethnic origin, religion or belief, disability, age or sexual orientation (Article 16 General Regulation). Moreover, it requires that *"accessibility for disabled persons shall be one of the criteria to be observed in defining operations co-financed by the Funds and to be taken into account during the various stages of implementation"*.

Since disabled people constitute a particularly vulnerable group with low employment rates, it is important to pay particular attention to their integration into the labour market. The ESF Regulation therefore emphasises that ESF actions need to take into consideration the relevant priorities and objectives of the Community to combat the social exclusion of disadvantaged groups such as people with disabilities (Article 2.2 ESF Regulation). The Community Strategic Guidelines for Cohesion also highlight the importance of addressing the employment needs of disabled people.

Furthermore, the ESF Regulation provides for specific actions for the social inclusion of disadvantaged people, including disabled persons (Article 3.1.c (i)). In addition the relatively low employment rate of disabled people justifies their being supported under any of





the ESF priorities (in particular the priorities “enhancing access to the labour market” and “increasing adaptability of workers”).

### 3. MAIN DIFFERENCES COMPARED WITH THE FORMER PROGRAMMING PERIOD

Actions aimed at promoting the integration of people with disabilities were also eligible in the 2000-2006 programming period, although no specific mention was made of this target group. The Regulations for the 2007-13 place a greater emphasis on this issue, by

- introducing a specific requirement in the General Regulation as regards accessibility, when it stipulates that “accessibility for disabled persons shall be one of the criteria to be observed in defining operations co-financed by the Funds and to be taken into account during the various stages of implementation” (Art. 16)
- making specific reference to people with disabilities as a target group: “promoting pathways to integration and re-entry into employment of disadvantaged people such as people with disabilities (...)” (Art. 3.1.c(i))
- providing for “acceptance of diversity in the workplace and combating discrimination in accessing and progressing in the labour market” (Art. 3.1.c(ii)).
- requiring that the annual and final implementation report should contain information “on action to strengthen integration in employment and social inclusion of other disadvantaged groups, including people with disabilities” (Art. 10.d)

Another relevant change for the next programming period is that the “flexibility clause” introduced by the General Regulation (Art. 34.2) provides the possibility to finance infrastructure investments within ESF programmes (up to 10% of each priority axis). This flexibility could be used to ensure equal access of people with disabilities to the ESF-funded activities (e.g. training facilities).

Furthermore, from January 2007 at the latest, when establishing national rules, all Member States are bound to **comply with the EU directive against discrimination**. This might imply stronger obligations in certain Member States as regards accommodating the needs of people with disabilities to ensure that they have equal opportunities to compete on the labour market.

### 4. METHODS TO ADDRESS THE ISSUE IN THE OPERATIONAL PROGRAMMES

Specific actions

Specific actions for disabled people can be implemented under the priority “reinforcing social inclusion of people at a disadvantage” by promoting pathways to integration and re-entry into employment and combating discrimination in the workplace for disabled people. In addition, as explained above, disabled people can be specifically targeted under any of the ESF priorities.

Specific actions can cover a wide field, including counselling and training adapted to the specific needs of disabled people, rehabilitation, job creation for disabled people in sectors such as

the social economy, special support to promote entrepreneurship among disabled people, and awareness raising campaigns to combat discrimination. By use of the flexibility clause, the adaptation of premises and equipment to facilitate access (e.g. construction of wheelchair ramps, elevators, etc.) can also be financed under this priority *provided that this is necessary for the successful implementation of the ESF operations*.

### Mainstreaming action – Accessibility for disabled people as a horizontal principle

In line with the requirements of Article 16 of the General Regulation and the Council resolution mentioned above, Member States should address the needs of people with disabilities not only by implementing specific actions but also by following a mainstreaming approach. In particular, Member States should demonstrate how accessibility for disabled people is taken into account in the various stages of implementation. Such information should be included both in the National Strategic Reference Frameworks (general orientation towards the issue) and in the Operational Programmes.

Operational Programmes should contain specific information on how the special needs of people with disabilities are addressed. This could be done either in a separate section or by including this information in the relevant chapters (e.g. description of priority axes, implementing provisions). In any case, Member States must demonstrate that accessibility is one of the criteria that will be observed in defining operations by the ESF (i.e. project selection criteria). Member States should be also encouraged to adopt appropriate measures to ensure the participation of disabled people to all ESF-related activities (e.g. provision of Braille course material, provision of sign-language translation, etc).

### Potential problematic issues

Problems may be encountered concerning compliance with the new requirements resulting from the transposition of the EU Directive against discrimination. Nevertheless, irrespective of the national rules transposing the new Directive, it must be noted that the principles set out in the General Regulation are directly applicable in each Member State.

In relation to the use of the flexibility clause to finance infrastructure related to accessibility, it must be emphasised that these actions can be implemented only on a complementary basis, when they are necessary for the successful implementation of other ESF operations. By no means should infrastructure investments to improve accessibility be standalone activities within ESF programmes.

### 5. THE EMPLOYMENT GUIDELINES 2005-2008 AND THEIR POTENTIAL FOR DISABILITY MAINSTREAMING

#### Three core objectives

Reflecting the revised Lisbon Strategy, the new Employment Guidelines identify three core objectives which Member States’ policies shall foster in a balanced manner: achieving **full**



**employment**, improving **quality and productivity at work** and strengthening **social and territorial cohesion**:

*Guideline 16: Implement employment policies aiming at achieving full employment, improving quality and productivity at work, and strengthening social and territorial cohesion.*

These core objectives are of general relevance with regard to the situation of disabled people in the labour market.

- **Full employment**

As one in six of the EU working-age population has a disability of some sort and given the low employment rate of this group, increasing the employment rate of disabled people contributes significantly to the Lisbon objective of an employment rate of 70% by 2010. People with disabilities are a much-underused source of labour in Europe, which could contribute to overall economic growth. Raising employment and participation rates are vital for economic growth and social inclusion. This requires a good supply of labour and calls for a broad policy mix incorporating both demand and supply side measures.

- **Improving quality and productivity at work**

Both at Lisbon in 2000, and again in Brussels in April 2005, the Council of Ministers called not just for more jobs, but better quality jobs. This includes, in particular, satisfactory pay and working conditions, health and safety at the work place, the availability of flexible work organisation, working time arrangements and the balance between flexibility and security. This is particularly relevant for disabled people as a survey carried out by European and national disability organisations showed that disabled workers are more likely to be in low paid jobs and are often discriminated against in access to training and career promotion.

In 2002, only 15.7% of working-age people with disabilities in the EU 15, and 11.4% of those in the New Member States, who faced work restrictions (as regards the type of work, the amount of work, or mobility to and from work), were provided with some assistance to work. However, 43.7% of non-working persons with disabilities consider that they would need some form of assistance to work.

Most people become disabled during their working lives and yet relatively very few return to work but go instead onto benefits, which constitute a substantial amount in Member States' social budgets. In order to change this practice, employers should support their employees who become disabled in the course of their working career.

- **Strengthening social and territorial cohesion**

Most social expenditure on health and social policies represents an investment in human resources with positive economic effects. Social policies should have the financial resources they need to contribute to increasing the labour supply and to alleviate the difficulties disabled people face in accessing or remaining in the labour market.

Access to a job, ensuring opportunities to gain the skills needed to join or stay in work (reflecting in particular the wide use of ICT and the move towards a knowledge-based society), and the possibility to progress in terms of pay and qualifications are major factors for promoting social inclusion.

Implementing disability mainstreaming in an effective way requires the active participation of employers, trade unions, public authorities, civil society and other relevant actors. The principal factor of success is often a very strong co-operation among public and private health and rehabilitation bodies, training organisations and associations of enterprises.

## Priority areas in the Employment Guidelines

In the Guidelines, three priorities have been identified on which action should concentrate in order to address the policy objectives:

- Attract and retain **more people** in employment, increase labour supply and modernise social protection systems
- Improve **adaptability** of workers and enterprises
- Increase investment in **human capital** through better education and skills

The guidelines corresponding to these priorities have a great potential for introducing the mainstream disability approach in policies and measures that Member States will formulate when they address these guidelines. There follows an analysis of each of the guidelines in this respect.

- **Attract and retain more people in employment, increase labour supply and modernise social protection systems**

*Guideline 17: Promote a lifecycle approach to work*

People with disabilities constitute a group, which could offer **extra labour supply**. It is important that policies target **both people with disabilities looking actively for a job and those who have given up job search**. Disabled women are at risk of double or multiple discriminations and therefore require special attention. Gender policies should take this element into account in order mutually **to reinforce** policies for disability mainstreaming. As regards reconciliation of work and private life, gender neutral **care services for people with disabilities should be available** in order to allow workers having a family member with a disability to continue to work.

*Guideline 18: Ensure inclusive labour markets, enhance work attractiveness, and make work pay for job-seekers, including disadvantaged people, and the inactive*

In many Member States the benefit system provides few incentives for people with disabilities to start working due to the benefit trap and/or the risk of being excluded from the benefit system if they are not able to continue working. Therefore disability benefit systems should be reformed to make work attractive by for example continuing the payment of (reduced) benefits in case of work uptake. In addition, the disability benefit system should allow disabled people to return to disability pensions after a trial work period. People with disabilities should also be able to receive accurate information about the implications for their benefits status if they find a job.

Although the disability perspective should be mainstreamed in employment policy and other relevant policy fields, **complementary disability-specific measures** are still needed to prevent any forms of discrimination and to break down barriers to the regular labour market as well as to provide support for people with disabilities who take part in mainstream programmes.



In addition to the transposition of the **EU directive on equal treatment in employment and training**, Member States should consider the opportunity to introduce more favourable provisions than those imposed by the Directive in order to eradicate discrimination. An example of more favourable provisions is the obligation for large organisations to draft an equality plan.

Awareness raising actions underlining the **benefits of a diversified society and workplace** should be intensively developed in order to reach all relevant actors.

*Guideline 19: Improve matching of labour market needs*

**Employment services** should proactively make themselves accessible to people with disabilities. Their **information and communication** actions should be adapted to disabled jobseekers, and when necessary **personal support** should be available. **Disability awareness training** should be arranged for both staff and managers.

It is also important that employment **measures are regularly assessed** from a disability perspective and that the **impact** of the measure on the situation of disabled workers is evaluated. **Indicators** to assess the impact on disabled people should be put in place.

**Local communities** should be mobilised: local actors best understand local conditions, aspirations and needs, and it is at the local level that most services are provided. The **social economy** is an important generator of employment and can provide many employment opportunities for people with disabilities.

- **Improve adaptability of workers and enterprises**

*Guideline 20: Promote flexibility combined with employment security and reduce labour market segmentation, having due regard to the role of social partners*

*Guideline 21: Ensure employment-friendly labour cost developments and wage-setting mechanisms*

Initiatives at workplace level for flexible, **individual based solutions** in terms of working hours, work place adaptation and access to technological assistance, all facilitate employment for disabled people.

The EU directive on equal treatment in Employment and Training obliges employers to provide **reasonable accommodation**. Taking into account the disability perspective **from the conception of a project** will reduce the need for further adjustments. Training measures on accessibility targeted at architects and engineers would in this perspective be very useful.

The above-mentioned initiatives should be implemented in **co-operation** between the employers and employees. The **social**

**partners** therefore have a crucial role to play in increasing the adaptability of the workplace. **Corporate social responsibility** often includes actions in favour of disabled people. The fight against **accidents** at work should be intensified. Innovative and flexible forms of work organisation can help **retain jobs** for people who become disabled during their working life.

Many disabled people are helped to work by other people in their daily life. Given the tax and benefits structure, these jobs are often not declared. **Tax and benefit systems** should therefore provide incentives to transform these jobs into regular employment.

**Sheltered work** and other employment aids can create more and better job opportunities for disabled people. These should be accompanied by measures to help people move from sheltered to mainstream employment.

Although **entrepreneurship** grants for disadvantaged groups to create their own businesses are available to disabled people in most Member States, these do not always take into account their specific needs, and in particular the extra costs linked to their disability (transport, accessibility of ICT equipment etc.).

- **Increase investment in human capital through better education and skills**

*Guideline 22: Expand and improve investment in human capital*

*Guideline 23: Adapt education and training systems in response to new competence requirements*

People with disabilities should have better access to education and special measures should be taken to enable disabled children to attend **mainstream education**.

Lifelong learning initiatives should **systematically include a special focus on the needs of people with disabilities** and training providers should look proactively for potentially interested disabled people and widely advertise their activities to them. In some cases, greater flexibility in the organisation of training activities should be provided. Furthermore, the EU directive on equal treatment in employment and training is relevant in this context and obliges training providers to foresee **reasonable accommodation** for people with disabilities.

**Distance learning** can be useful for people with disabilities, but should complement and not replace initiatives to **make training accessible**. **Validation of existing skills including non-formal and workplace learning** can also be a good tool to empower people with disabilities and promote their integration into society.

The full version of the above text is available at:

[http://ec.europa.eu/employment\\_social/esf/fields/discrimination\\_en.htm](http://ec.europa.eu/employment_social/esf/fields/discrimination_en.htm)



**For more information:**

Information service of DG Employment, Social Affairs & Equal Opportunities

Communication Unit

B-1049 Brussels

Fax.: +32 2 296 23 93

E-mail: [empl-info@ec.europa.eu](mailto:empl-info@ec.europa.eu)

<http://ec.europa.eu/esf>