



## Report on the employment of disabled people in European countries

**Country: Germany**

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### Background:

The [Academic Network of European Disability experts](#) (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network will support the future development of the EU Disability Action Plan and practical implementation of the United Nations Convention on the Rights of Disabled People.

This country report has been prepared as input for the *Thematic report on the implementation of EU Employment Strategy in European countries with reference to equality for disabled people*. The purpose of the report ([Terms of Reference](#)) is to review national implementation of the European Employment Strategy from a disability equality perspective, and to provide the Commission with useful evidence in support of disability policy mainstreaming. More specifically, the report will review implementation of EU Employment Strategy and the PROGRESS initiative with reference to policy implementation evidence from European countries, including the strategies addressed in the EU Disability Action Plan (such as flexicurity and supported employment).

## PART ONE: GENERAL EVIDENCE

### 1.1 Academic publications and research reports (key points)

A search in "SOFIS", the central database for the German-speaking social sciences, reveals that independent scientific research on the employment situation of disabled people is rather limited in Germany. Of course there are a number of studies, but the majority of them is applied science, concentrates on specific groups of disabled people (for example, the blind) or examines certain regions and specialised areas (see for example Bahlke 2001; Herder 2005; Hillert 2003). What is missing are quantitative and qualitative empirical studies on the national level and the overall situation of people with disabilities at the labour market in comparison with non-disabled people and other problem groups (such as older people, low skilled, migrants etc.). However, there is a recent study on the living conditions of people with disabilities which presents a section of the "Microcensus" 2005, a representative household survey based on interviews of one percent of the German population (Pfaff/et al. 2005). For additional information on the national level one has to refer to official government reports. It is interesting to note, however, that the number of these reports has increased in the last five years.

First of all, the last official report of the federal government on the situation of disabled people in Germany and the development of their participation in society (Deutscher Bundestag 2004c) stems from 1994 and is therefore somewhat outdated. Information on disability can also be found in the official government reports on poverty and wealth: The first (2001) and second (2005) reports on "Living Conditions in Germany" have already been published (Deutsche Bundesregierung 2001, 2005). The third report on poverty and wealth

in Germany (2008) has just been released (Deutsche Bundesregierung 2008). With regard to gender issues the government report on the equalization of women and men in Germany is helpful; it contains a comprehensive chapter on disabled women and men (Bundesministerium für Familie 2005). Besides these general reports one can also find several reports of the federal government dealing more specifically with employment and the labour market with regard to disabled people, for example the report on the employment of people with severe disabilities 2003 (Deutscher Bundestag 2003b), the report on the situation of disabled persons on the job training market (Deutscher Bundestag 2004a), and the report on the employment of people with severe disabilities in public administration and civil service (Deutscher Bundestag 2003a).

All these official publications are helpful; however, they concentrate on statistical data which cannot always be compared as basic populations or data items differ. They also tend to euphemise the real situation. For this reason the results should be regarded critically. For example, in the new draft report on poverty and wealth in Germany the employment situation of disabled people is highlighted as follows: During recent years especially disabled women profited from the general decline of unemployment in Germany; their employment rate increased by 4% (+11.881 females) in 2003-05 (general: +1,2% or 9.351 individuals). This slight improvement of the employment rate is attributed to the federal disability law which puts pressure on the employers to hire more disabled persons but also to state-funded job programmes (Bundesministerium für Arbeit und Soziales 2008b, p. 156). However, the same reports also presents a chart which indicates that despite an economic boom over the last years disabled people have not been better integrated in the general job market: In relation to other groups (such as young people, the long term unemployed etc.) disabled people have remained the segment of the labour force with the smallest decrease of unemployment in 2006-07 (Bundesministerium für Arbeit und Soziales 2008b, p. 76). In summary: The current employment situation of disabled people has improved a little bit when compared with former periods, but it is still worse in comparison with the non-disabled workforce.

## 1.2 Employment statistics and trends (key points)

When looking for data about the employment of disabled people in Germany, one can use the following sources in Germany: The Federal Office of Statistics (Statistisches Bundesamt Deutschland 2008) is the most important source for quantitative data.<sup>1</sup> Additionally, the state-funded Institute for Labour Market and Occupational Research (Institut für Arbeitsmarkt und Berufsforschung (IAB) 2008) offers both quantitative and qualitative data on the employment of disabled persons. The Ministry for Employment and Social Security (Bundesministerium für Arbeit und Soziales) and the Ministry for Health (Bundesministerium für Gesundheit) both provide information about special campaigns and programmes for people with disabilities as well as statistical data and reports. The Ministry for Employment and Social Security offers a website where one can find information and publications on disabled people's participation in the working life (Bundesministerium für Arbeit und Soziales 2008d).

For an overall picture one should first of all know that in Germany there are two national surveys which are undertaken on a regular basis, but differ in their disability concepts. First, the official disability survey only counts *severely* disabled people who are officially

<sup>1</sup> Information about people with disabilities can be found on this website by using the search icon.

registered.<sup>2</sup> According to this data in December 2005 there were 6,765 million persons living in Germany who were registered as severely disabled. They formed roughly 8,2% of the German resident population. Of this officially counted group 3,527 million (52,1%) were male, and 3,237 million (47,9%) were female (Statistisches Bundesamt 2007).

In contrast, in 2005 the already named household survey Microcensus counted the number of 8,6 million people with disabilities of which 1,9 million people were considered as mildly disabled (Pfaff/et al. 2005, p. 1268). The group of disabled people formed roughly 10% of the German resident population. More than half were male (54%). This survey also reveals that in 2005 the vast majority (6,4 million) of disabled persons in Germany did not participate in the working life. The participation quota of disabled men reached about 30% and the rate of disabled women amounted to 23% (Pfaff/et al. 2005, p. 1270). For a comparison a look at the performance of non-disabled people is helpful: Here one finds substantially higher rates (men: 71%, women: 53%). The government report on gender issues also points out that to a large extent disabled women do not participate in the labour force (Bundesministerium für Familie 2005, p. 561-569). The third draft report on poverty and wealth in Germany, however, stresses that employment participation rates have been even lower in the past: In 1999 only 20% of the disabled women and 29% of the disabled men were part of the active labour force (Bundesministerium für Arbeit und Soziales 2008b, p. 152).

The highest rate of participation in the labour force can be found amongst disabled people aged 25 to 45 years (men: 74%; women: 65%), although even these rates are clearly below the ones of non-disabled men and women of the same age. With regard to older age groups one finds gradually decreasing activity rates. The decrease is especially remarkable in the age group 60 to 65 years (men: 21%, women: 14%). It is highly possible that early retirement schemes account for this drop out (Pfaff/et al. 2005, p. 1271). The gender reports stresses that especially in Eastern Germany older disabled women and men have lost their jobs and opted for invalidity benefits instead, although these payments usually imply a significantly reduced living (Bundesministerium für Familie 2005, p. 537).

We could not find data about the employment of people with different kinds of impairments or with disabilities from birth or later in life. What concerns disabled migrants and members of ethnic minorities, the gender reports indicates that these groups have the lowest rate of employment participation. This applies especially to disabled women with migration and ethnic minority backgrounds: A comparison of the 25 to 55 year old age group reveals that only 23% of the women (40% of the men) with severe impairments and migration or ethnic minority status have an employment, whereas this applies to 73% of all women (87% of all men) of this age (Bundesministerium für Familie 2005, p. 536).

It is also important to consider how many disabled men and women are part of the regular labour force, i.e. work at the open job market and not in special institutions. Here we can only present figures for the years 2002 and 2005: In 2002 approximately 840,000 severely disabled people were employed by enterprises and agencies of the private job market or by public administration and civil service (Deutscher Bundestag 2004c, p. 89). In 2005 about 914,000 people with severe disabilities had employment at the regular job market (Bundesministerium für Arbeit und Soziales 2008b, p. 156). (see for sheltered employment 1.4)

<sup>2</sup> So called severely disabled persons are officially registered persons whose degree of disability amounts to at least 50%.

The Microcensus indicates that in general people with disabilities are more often unemployed than the non-disabled: The overall unemployment rate of the non-disabled came to 11,1% in 2005, whereas 14,5% of disabled people were unemployed (Pfaff/et al. 2005, p. 1270). Of course, the general economic situation at the national level needs to be considered when trying to figure out whether disabled people face a higher risk of unemployment. For this aspect, it is enlightening to turn to the late nineties: In 1998 the number of disabled persons who were unemployed in Germany amounted to 189,633. In 1999 this number had risen to 193,236. These high unemployment rates were the reason why the Act on Fighting Unemployment of Disabled Persons was put into force in October 2000 and integrated in the Social Security Code IX in July 2001. It brought some new instruments for a better integration into the working life (Bundesministerium für Justiz 2001). Together with the campaign "50 000 Jobs für Schwerbehinderte" ("50,000 jobs for the severely disabled"), the number of unemployed persons with severe disabilities could in actual fact be reduced to 144,292. From October 1999 to October 2002 there was a decrease of approximately 24% (Deutscher Bundestag 2004c, p. 89). However, a year later (2003) the unemployment rate of severely disabled persons still was 13,9% and thus clearly higher than the general unemployment quota of 11.1% (Bundesarbeitsgemeinschaft der Integrationsämter und Hauptfürsorgestellen (BIH) 2003). In 2002-03 the unemployment of severely disabled persons – in the course of the general rise of unemployment in Germany – increased again. In October 2004 altogether 172,516 severely disabled persons were unemployed and their portion of all unemployed persons amounted to 4.1% (Deutscher Bundestag 2004c, p. 89).

Latest findings of the Microcensus show that this trend could not be stopped; this data also reveals that the problem of unemployment is even bigger when one considers all people with disabilities, regardless of the severity of their impairments: 331,000 disabled persons were unemployed in 2005; 206,000 or 62% of them were male (Pfaff/et al. 2005, p. 1271). As this survey shows: When government reports refer to the official disability survey only and restrict their view on severely disabled people they most likely tend to underestimate the problem of disability related unemployment.

### 1.3 Laws and policies (key points)

In the field of the employment of disabled people the German government mainly relies on traditional instruments. There is a well established, multi-dimensional system of occupational protection and assistance which dates back to the 1920s and has since then at regular times been renovated and re-conceptualized, but the main instruments have remained the same: There is a quota system that requires all private companies and public services with 20 employees or more to have at least 5% severely disabled staff. In the case of non-compliance employers have to pay compensation tax which is collected and used in turn to finance accessible workplaces as well as special employment and job programmes. All employers, who offer jobs and/or training for people with disabilities, can get public funding and information as well as consultation by special advice bureaus, the so called Integration Services (Integrationsämter), which have the task to assist in the employment of disabled persons, for example by financing measures of accessibility and technical adaptations, subsidizing wages and personal assistance at the work place etc. (Bundesarbeitsgemeinschaft der Integrationsämter und Hauptfürsorgestellen (BIH) 2008a, b). The most important actors in the field of creating accessible jobs are local Integration Offices

(Integrationsfachdienste). Their aim is to help people with severe disabilities who have special difficulties finding regular employment by way of applying active promotion measures (For more details see: Bundesarbeitsgemeinschaft der Integrationsämter und Hauptfürsorgestellen (BIH) 2008a; Bundesarbeitsgemeinschaft der Integrationsämter und Hauptfürsorgestellen (BIH) 2008b).

Generally, social legislation obliges all employers to consider if a free job could be given to a severely disabled applicant (see SGB IX, Chap. 2, § 71; Bundesministerium der Justiz 2001). In the case of job terminations employees with severe disabilities have special protection. Private business and civil service both are also obliged to employ ombudspersons who represent the interests of disabled staff as well as applicants. In recent years the following main employment related laws have been put into force:

- Sozialgesetzbuch IX: Teilhabe und Rehabilitation behinderter Menschen (Social Security Code IX: Rehabilitation and Participation of Disabled People): It was established in 2001, brought together different legislation and involved a programmatic transformation in official German disability policy which went from the welfare approach to equal participation (Bundesministerium der Justiz 2001). This comprehensive law provides the basic framework concerning all regulations about the rehabilitation and equal participation of disabled people in Germany.
- Gesetz zur Förderung der Ausbildung und Beschäftigung schwerbehinderter Menschen (Act on the Promotion of Severely Disabled People's Vocational Training and Employment) (Deutscher Bundestag 2004b): This law aims at improving the employment of disabled persons. Its target group are mainly young people with severe disabilities. For example, subsidies are paid to employers who offer vocational training to them. The legislation also requires the Integration Services (Integrationsfachdienste) and the Integration Offices (Integrationsämter) to cooperate more closely.
- Allgemeines Gleichbehandlungsgesetz (General Equality Act (Bundesministerium der Justiz 2006): It was not until August 2006 that Germany could present anti-discrimination legislation and thus implement the European directive 2000/ 78/EC into national law. This law protects disabled persons against discrimination in the working life as well as in public and private law.

In addition to this legislation the German government has in recent years installed several programmes which all aim at improving the employment situation of disabled people. The first campaign was the already named "50 000 Jobs für Schwerbehinderte" ("50,000 jobs for the severely disabled"); additionally these programmes are listed in the German Implementation and Progress Report 2007 of the National Reform Programme:

- The programme "Job – Jobs without Barriers" is an initiative for the training and employment of persons with disabilities as well as for workplace prevention. It aims at governing the integration of persons with disabilities into the general labour market and informing them of possibilities by giving them practical examples. The German government hopes for a sustainable improvement of the employment situation of persons with disabilities (European Commission. Growth and Jobs 2007, p. 73). The programme is conducted by the Ministry for Employment and Social Security (Bundesministerium für Arbeit und Soziales); it has started in 2004 and will run until 2010. During the first phase (2004-2006) 41 projects ranging from training and occupation to prevention were financed. Additionally there were 42 activities or "examples of good practice", which were not funded, but idealistically supported.



Also ten meetings took place in which over 2.500 persons participated (Bundesministerium für Arbeit und Soziales 2008a). Surprisingly, there is no evaluation report of the first project phase available, but there are reports about single projects on the Internet websites of some project partners (see for example Sozialverband VdK Deutschland e. V. 2005). An overview of all projects and activities in 2004-2006 can be found

here: [http://www.bmas.de/coremedia/generator/19064/job\\_projekte\\_aktivitaeten.html](http://www.bmas.de/coremedia/generator/19064/job_projekte_aktivitaeten.html) . Projects financed in 2007-2010 are listed

here: [http://www.bmas.de/coremedia/generator/22174/jobs\\_wir+sind+schon+dabei\\_aktivitaeten\\_2007\\_2010.html](http://www.bmas.de/coremedia/generator/22174/jobs_wir+sind+schon+dabei_aktivitaeten_2007_2010.html)

- The second labour market programme is "Job4000": It aims at creating 1,000 new jobs for persons with severe disabilities who have special difficulties finding employment on the general labour market as well as 500 new training places for young persons with severe disabilities and 2,500 special support measures for persons with severe disabilities who want to find employment on the general labour market. It has been implemented since January 2007 and will run until 2013 (Bundesministerium für Arbeit und Soziales 2008c). So far no reports or evaluations have been made available.

#### 1.4 Type and quality of jobs (summary)

In Germany the civil service is said to be the model for the employment of disabled people: In 2003 the federal ministries and other federal authorities employed 7,1% disabled people as portion of their staff. The number of severely disabled women working in public services and administration altogether rose from 7.107 to 7.400, thus amounting to 4,1%. More than one third of all jobs which were held by disabled persons in the public service were occupied by women (Deutscher Bundestag 2003a, p. 3). As a result the public service clearly exceeded the statutory occupation quota (see 1.3). In the private sector, however, the average occupation quota has remained low and amounted to 3,4% in 2002. This rate applies to the whole country, but there is also a regional gap: In Western federal states (Bundesländer) the occupation quota remained at 3,4 %; in Eastern federal states there was an increase of the occupation of severely disabled persons. However, the overall quota amounted only to 3.1% (Deutscher Bundestag 2003a, p. 4). On the other hand, the third report of poverty and wealth indicates a slight improvement in recent years: From 2002-05 the overall occupation quota has risen from 3,8% to 4,2%; in the private sector it amounted to 3,7%, and the public service had a quota of 5,7%; federal authorities were again the best players with a quota of 7,3%. However, in 2005 there were still about 27% of the employers (38,4% in 2002) who did not have disabled staff at all although they were obliged to do so (Bundesministerium für Arbeit und Soziales 2008b, p. 153).

If one compares the occupational situation between persons with and without disabilities regarding specific employment sectors, the finding is that disabled employees are underrepresented in trade and industry, but they are strongly represented in public administration as well as the service sector, in particular in education and the health service (Pfaff/et al. 2005, p. 1271).

In Germany, sheltered employment is a well established segment of the disability related labour market. It is worthy to note that the third draft report on poverty and wealth does not

mention sheltered employment at all (Bundesministerium für Arbeit und Soziales 2008b), although it is well-known that the majority of people with cognitive or learning disabilities only has access to this type of employment and that sheltered workshops only offer very low remuneration. Sheltered employment is formally open to all people with severe disabilities, irrespective of the nature and severity of their impairments. One precondition is, though, that an individual be capable of doing a minimum amount of economically useful work. In reality, 81% of the disabled people working in sheltered employment have cognitive impairments (APPLICA u.a. 2007, p. 64-69).

The overall number of disabled people in sheltered workshops is remarkably high in Germany, when compared with the number of disabled people being active on the labour market: In 2002, roughly 840,000 people with severe disabilities were employed on the regular job market, but about 227,000 persons worked in sheltered workshops (Deutscher Bundestag 2004c, p. 89). In 2004, there were 245,798 disabled people working in sheltered workshops, in 2005 their number amounted to 256,556. For a comparison: In 2005 about 914,000 people with severe disabilities had employment at the regular job market (Bundesministerium für Arbeit und Soziales 2008b, p. 156). In comparison these figures indicate a tendency towards exclusion from the open labour market, despite an absolute increase in regular employment. The reasons for this worrying development are being analysed in a study sponsored by the Ministry for Employment and Social Security. The results will be published later this year (Bundesministerium für Arbeit und Soziales 2007a, p. 53).

We have been able to provide data on the relation between regular and sheltered employment and the role of the public sector in offering jobs, especially to disabled women. There is also some data about employment sectors. But for this report there was no data available about the distribution between full-time and part-time work, 'training' placements or 'real' (paid) jobs, employment in the social economy / social enterprises nor the relevance of supported employment. Neither can we provide reliable evidence whether employment activation policies for disabled people focus on specific kinds of work or specific types of jobs and whether some groups of disabled people benefit more than others. Having searched current data we have got the impression that finding a job and keeping it is the most easiest for disabled men in Western Germany with less severe impairments, who have been impaired in later life when still being employed. To the contrary, the employment situation is especially problematic for young people, for those with severe disabilities, for migrants and ethnic minorities and for older women in Eastern Germany or in regions in which public administration has been cut down.

## **PART TWO: SPECIFIC EXAMPLES**

### **2.1 Reasonable accommodation in the workplace**

Adaptations of workplaces, provisions of specialist equipment and adaptive technologies at work as well as personal assistance and flexible employment contracts – all these instruments are available for disabled employees and their employers in Germany. The benefits and services are highly individualized, but require formal application, bureaucratic procedures and sometimes also means testing. The funding is available via different rehabilitation services (such as work accident and old age insurances), local government and

the Federal Agency for Employment (Bundesagentur für Arbeit 2008). As the schemes and programmes are very diverse and complicated, we cannot go into detail here.

## 2.2 Other activation policies

As mentioned before, in 2004 the programme "Job – Jobs without barriers" has been launched. The German Government, employers, trade unions, disability associations and organizations, institutions responsible for rehabilitation and other services and authorities at the regional and national level cooperate to promote the training and employment of people with disabilities. The programme's official goal is to "increase investment in human capital through better education and skills" (European Commission. DG Employment 2005). For an overview of all projects and activities see 1.3.

In recent years, the new instruments of "Betriebliches Eingliederungsmanagement" (occupational integration management) (Niehaus u.a. 2008) and "disability management" have been introduced in order to support the reintegration of employees, whose ability to work is threatened due to the onset of a chronic disease or an impairment. Large companies have installed special "disability managers" who offer counselling and assistance as well as organise technical support in these cases. Ideally, disability management at the workplace also involves preventive measures. It aims at reducing health risks right from the start (Die gewerblichen Berufsgenossenschaften (BG) 2008). Of course, these approaches are mainly geared to staff already in employment and seek to prevent the loss of jobs. They focus on job retention and are not so effective when it comes down to those disabled people already unemployed or young people searching for a job after leaving school.

## 2.3 One example of best practice

As part of the programme "Job – Jobs without barriers" the EON company has conducted the following training project: Under the slogan "Equal chances for all" the company offered training and apprenticeships for young persons with severe disabilities. In 2005 the first ten persons have got accepted and started their vocational training; the number of apprenticeships was to be increased to 36 until 2006/2007. After the training, EON has offered regular jobs to the participants (Bundesministerium für Arbeit und Soziales 2007b).

## PART THREE: SUMMARY INFORMATION

### 3.1 Conclusions and recommendations (summary)

In summary, the employment of disabled people in Germany can only be roughly estimated, as reliable evidence is missing on many aspects. More research needs to be done about the overall situation of people with disabilities at the labour market in comparison with non-disabled people and other problem groups (such as older people, the low skilled, migrants etc.). Whereas gender aspects are nowadays more considered than in former years, more information is needed about the employment of people with different kinds of impairments or with disabilities from birth or later in life as well as disabled migrants and members of ethnic minorities. Data about the type and quality of jobs, the distribution between full-time and part-time work, training placements or paid jobs, employment in the social economy and supported employment also needs to be collected. It seems that at least disabled



women have slightly caught up with employment participation, but there are big problems with disabled migrants and ethnic minorities. In addition, the employment perspectives of the low skilled, disabled school leavers and disabled youth without school leaving qualification are gloomy. In general, the German distinction between "severe disability" and "disability" needs reconsideration. As state authorities tend to restrict their view only on severely disabled people who have an official disability status they most likely underestimate the problem of disability related unemployment. Having in mind that Germany has a long-established, comprehensive rehabilitation system in combination with detailed and comprehensive, although sometimes rather bureaucratic instruments in order to secure integration and social protection at the labour market, it is worrying that sheltered employment still plays such a prominent role. It is also remarkable that although policies usually focus on people with severe disabilities, it is them who still have special problems with labour market integration. Of course, there are many activities going on at the local level, and there are Integration Offices that aim at clearing paths to the open job market, but German employers seem to be reluctant to accept new staff with disabilities. In contrast job retention schemes are more successful, although there is also a clear tendency to opt for early retirement schemes in the case of elderly disabled people. Federal government job programmes for severely disabled people are helpful, of course, but they tend to be just a flash in the pan and not to change the general situation in the long run. In summary, German employment activation policies still need to be developed and expanded, and state authorities should be aware that mainstreaming disability issues into general labour market policies is still a task to be tackled in a satisfactory way.

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