**ANED 2016-17 -Task Social Pillar (focus topics)**

**Country report**

Country: Denmark

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# Skills in transition to the labour market

## Main policy reforms or measures in education and training

*What are the main legal and policy frameworks providing for equality of learning opportunity for young people in your country, and have they changed since ANED reported on these issues in 2010? For example:*

* *What significant reforms or policy measures have been introduced in vocational education and training and how are young disabled persons affected by them?*

The education of young people in Denmark consists of a compulsory school of 9 years, a youth education of 3 years, and vocational educations of various kinds. At the compulsory school level there are special schools and special classes, mostly attended by children with intellectual disabilities or behavioural disturbances.

Since 2007, there has at youth education level been a so-called specially adapted education (STU)[[1]](#footnote-2) for young people who do not have the prerequisites for completing an ordinary youth education. Most of them who follow STU are young people with intellectual disability or autism. As the word says STU is specially adapted, that is, the content can be very different. STU generally does not qualify for a job. At vocational level, there are no special education programs for people with disabilities. During the latest years STU has developed and become more job-oriented. Since 2012 around 2.000 young people has started STU every year.[[2]](#footnote-3)

In 2014 a significant reform of vocational education took place, earlier reforms in this area took place in 2001 and 1991. The background for the 2014 reform was that the influx of students on these educations had diminished; the proportion that completed the education was small, and a part of the students did not have the necessary motivation and basic knowledge to fulfil the studies.

The main features in the reform[[3]](#footnote-4) was the following: the structure was simplified into four main areas (care, office, food, technology), clear admission requirements (Danish and mathematics passed from elementary school or youth-education or a training agreement with an employer), a guarantee that the opportunities to make the training done are present, more and better teaching, and initiatives to improve the well-being of the students.

Other features in the reform are that a 10th year may be added to elementary school with the purpose of preparing the pupils for a vocational education, and that the so-called production schools[[4]](#footnote-5) become the setting for a new combined youth education as an “erhvervsassistent” (commercial assistant). Furthermore, people who are 25 years or more and have at least 2 years of experience in a job, now may take a vocational education without the practical training which otherwise is required.

This reform does not directly relate to disability and does not articulate disability. But it is known that among young people who do not receive education there is an overrepresentation of young people with disabilities. Unfortunately, no studies will be conducted that will provide information about whether the efforts to get more young through an education will also benefit young people with disabilities.

* *Are young disabled people in vocational skills programmes covered by disability discrimination legislation beyond compulsory school age?*

There is only legislation against discrimination of people with disabilities in the labour market, not in education or other areas of society. The Social Minister has recently announced that she will prepare a general law against discrimination on grounds of disability.[[5]](#footnote-6) However, there is a law on special aid in vocational education.[[6]](#footnote-7) This law gives a student with disabilities the right to special education support for the education so as to ensure that the students can meet the education objectives based on their specific educational qualifications.

According to the Department of Education, people with special needs in secondary education get necessary support and the necessary aids in the form of special education or special educational assistance from the schools. It is also the schools responsibility that the school and the teaching is accessible, e.g. for a wheelchair, that the school's IT tools are accessible, for example if the pupil uses screen reader or the like, so that he or she can use the website, intranet and other systems on the same conditions as the other students[[7]](#footnote-8). To get the support, it is not necessary to have a diagnosis, but the documentation may for example consist of an opinion from a specialist.

Students in vocational educations do not currently have the right as students in higher education for disability supplement to their study support. There is a proposal in the Parliament from the Danish People's Party to introduce a similar disability supplement in vocational education, but it is still uncertain how much support it will get[[8]](#footnote-9). As the student support is insufficient to survive and the student with disability is unable to earn a little extra, the student with disability may have a problem with financing a vocational education.

## Relevance of the National Youth Guarantee Implementation Plan and assessment report (for EU Member States)

*Are the policy measures described above all covered by the reforms outlined in the national Youth Guarantee Implementation Plan, or the Commission assessment of it? (EU Member States only).*

* *Are the needs of young disabled persons addressed in those documents, what is missing?*

The Danish Youth Guarantee Implementation Plan[[9]](#footnote-10) includes measures for the 15-17-year-old and measures for the 18-29 year old with the aim of motivating them to go into education or work if they are not already active.

The plan does not mention disability explicitly, but since Danish disability policy is based on sector responsibility (which means mainstreaming), and every sector in society is responsible for people with disabilities to participate there, people with disability are also included in the plan. Disability as such does not give any entitlements, but people who are unable to participate in a school or another public activity due to any functional limitation must have the necessary support for this and the individual public institution decides when it is necessary.

## Availability and effectiveness of apprenticeship schemes

*Specifically, and in more detail, what is the current availability of apprenticeship schemes in your country and how beneficial are they for young disabled people? For example:*

* *What training schemes are available, how are they funded, and who is eligible for them?*

In general, disabled young people have the possibility to use the ordinary educations and training schemes and the possibility to use these schemes are made sure by legislation on mainstreaming of education, such as the abovementioned legislation on special aid in vocational education[[10]](#footnote-11) and the legislation on special aid in further education.[[11]](#footnote-12)

As already mentioned there is a youth education, STU,[[12]](#footnote-13) for young people, who are not able to take an ordinary youth education, often because of intellectual disability or autism spectrum disorders. This education is a part of the public educational system and does not cost anything for the user. To enter the STU the citizen has to address the Youth Guidance Centre (UU).

Rehabilitation is a scheme for persons with greater limitations in work ability so that they cannot do their previous work. The municipality can also provide rehabilitation to a person who has never been in the labour market through training in a company or through an education. The municipality can only grant rehabilitation, when other measures or funding opportunities are not sufficient to get a job and become self-supported. Rehabilitation is described in chapter 6 in Act on active employment measures (Lov om en aktiv beskæftigelsesindsats, LBK no 1342 of 21/11/2016).[[13]](#footnote-14)

* *Are young disability people a target group for recruitment and what provisions exist to ensure that apprentices get reasonable adjustment, accessibility and appropriate support during their training?*

According to Danish law it is a duty for the schools (also in vocational education) to provide for adjustment, accessibility and appropriate support during the training of the students, so as to make it possible for students with disabilities to follow the education. The Ministry of Education is in charge of whether the schools meet this requirement, and students may appeal to the Ministry. It is however not possible to test by the court if these measures have been made satisfactorily, as there is no legislation against discrimination of people with disability in this area. Such a law is as already mentioned in preparation.

* *What evidence is there of take-up, or positive job outcomes, among young disabled people on such schemes?*

STU is established as a general youth education, but as mentioned, it has developed into becoming more job-oriented in recent years and, in practice, serves as a kind of vocational education for a group of disabled young people. This has been possible because the individual school may design their own STU, so that the content may be very different.

The use of the youth education, STU,[[14]](#footnote-15) for young people, who are not able to take an ordinary youth education, is described in the home page of the department of education.[[15]](#footnote-16) It states that 5431 students were participating in the education in 2014, 62 per cent of whom were 10-20 years. During the latest five years were around 60 per cent of the students participating because of learning disabilities, and around 35 per cent because of a developmental disorder. 21 per cent had a disability pension, whereas 51 per cent got social assistance. An evaluation from 2012 with a link on the same home page states that the dropout rate is 40 per cent, of which 15 changes to another education. 18 per cent of the students who fulfil the education get a job subsequently.

The use of social pedagogic assistance is described in a report from SU - The Danish students' Grants and Loans Scheme.[[16]](#footnote-17) Between 2007 and 2009 the number of receivers of support grows with 56 per cent to 10,122, and the expenses with 48 per cent to 40 million euro. 79 per cent of the support goes to reading and writing difficulties. The most common forms of support are IT aids with 30 per cent and sign language interpretation with 29 per cent of the expenses.

## Example of good practice to achieve Youth Guarantee objectives

*Can you identify an example of promising policy/practice in your country that might help other countries to achieve the goals of the Youth Guarantee for young disabled persons?*

* *i.e. a policy or practice that might ensure more young disabled people receive a good-quality offer of employment, a continued education, or an apprenticeship or a traineeship.*

As an example of promising policy that helps to achieve the goals of the Youth Guarantee for young disabled persons I shall mention the disability study support[[17]](#footnote-18) for students in higher education. Students with disabilities have a right to a supplement to the ordinary study support.

Disability supplement to educational support in higher education was introduced in 2004 and the scheme has been operating since. The supplement goes in about half of the cases to students with mental health problems. The disability supplement scheme has hitherto applied only for higher education but, as mentioned, this year has appeared a proposal to extend it so that it also applies to vocational education.

# Access to the open labour market

## Relevant active labour market schemes

*What are the main policies or schemes that exist to support people with disabilities in employment and what policy changes have occurred in recent years? This question relates to pillar theme 4.*

15-20 years ago, a number of laws were implemented to strengthen the employment of people with disabilities, including flex job[[18]](#footnote-19) from 1998 and the Act on Compensation for Disabled People in Employment[[19]](#footnote-20) from 2002. These laws still apply with minor changes. A number of projects were also launched in order to strengthen the employment of people with disabilities, and to follow the effects of the effort, it was supplemented with a research on the effects.

Since 2002 the employment of people with disabilities has been surveyed in regular reports from SFI - The Danish National Centre for Social Research, the latest concerning 2002-2014.[[20]](#footnote-21) It finds that 17 per cent (ca. 600.000 persons) of the workforce consider themselves disabled and 43 per cent are in employment, whereas 77 per cent of the persons without disability are employed. The corresponding figures in 2002 were 51 and 81 per cent. As the difference between 43 and 77 per cent is not significantly different from the difference between 51 and 81 per cent, the relative employment rate has not changed over the period. The overall conclusion is that the trends in employment during the period have been parallel for disabled and other persons and followed business cycles for both groups. People with disabilities have on average a lower weekly working hour than others, but in both groups, only about 5 percent want more hours of work. Working hours have been decreasing since 2008, more for persons with disability than for others.

Most of the persons with disability are employed on ordinary terms, but a growing part is employed on special terms. This proportion has been growing steadily from 8.8 per cent in 2002 over 18.1 per cent in 2008 to 25.9 per cent in 2014. As is seen from these numbers, the growth before 2008 was a little faster than it was after 2008. The majority, 78 per cent, of the persons that are employed on special terms are in flex jobs. 9 percent are in sheltered jobs that are agreed between the social partners, and the rest are distributed over different schemes with few per cent in each. 12 per cent of the persons with disabilities in employment have some sort of aid, which may be a special computer, reduced time or other things which may be necessary to keep the job.

* *What measures exist to support people with disabilities to take up employment?*

The measures to support people with disabilities to take up employment on ordinary terms are described in the Act on compensation for disabled employees (Lov om kompensation til handicappede i erhverv m.v., LBK no 727 of 07/07/2009).[[21]](#footnote-22) The law mentions preferential access (chapter 2), personal assistance (chapter 3-4) and temporary wage subsidies (chapter 5).

Preferential access means that people with disabilities should have positions with public employers if they are equally qualified as others. The rule about preferential access means that a person with disability is entitled to be called for an interview if they meet the formal requirements for the job. However, it does not give other concrete rights. This rule has been in force for several decades

Personal assistance for up to 20 hours per week may be granted if it is necessary to cope with a job, whether it is on regular or special terms. Personal assistance can also be provided during training or further education. The original law is from 1998. Wage subsidies for a period of time can be given to persons with limited work capacity or persons who have been unemployed for a longer period. A wage subsidy may have the size from 4 to 20 €/hour, is paid by the authorities to the employer, who pays the wage, which should at least be the minimal wage of the area, to the employed.

Furthermore, the Act on compensation for disabled employees says that the regional employment council at least once a year shall meet with representatives of the Danish Disability Organisations and public employers and discuss the labour market situation in the region for disabled people and they shall prepare an annual analysis of the labour market situation of disabled people in the region.

The measures to support people with disabilities to take up employment on special terms are described in the Act on active employment measures (Lov om en aktiv beskæftigelsesindsats, LBK no 1342 of 21/11/2016).[[22]](#footnote-23) Most important is the flex job scheme, which is described in chapter 13 of this law. According to the flex job scheme a person with limited work capacity can get a job with a permanent wage subsidy of 50% or 65% in relation to an ordinary wage. The flex job scheme is from 1998.

* *Who is responsible for helping them and what help is available?*

The responsibility for helping people with disabilities in the labour market rests with the municipal job centres. A national centre, the Special function Job & Disability (Specialfunktionen Job & Handicap) has been established to assist and guide the municipal job centres in this function.

The schemes are financed by the municipalities and the state with different percentages of state financing, and the municipalities receive state support according to a number of criteria, which are intended to make the conditions of groups in need of support similar in the different parts of the country.

The equalization system is based on the so-called net method. This means that compensation is calculated on the basis of a municipality's estimated structural surplus or deficit. The structural surplus or deficit is the difference between the estimated expenditure requirement and the tax revenues calculated on the basis of an average tax rate.[[23]](#footnote-24)

* *Are these mainstream or disability specific schemes?*

There is no medical assessment in relation to the mentioned labour market schemes but they are disability specific in the sense that they concern people who have difficulties in relation to employment. For some of the schemes the reason must have to do with functional limitations, but it is always as assessed by the municipal authorities themselves, often as a result of rehabilitation courses or experience in work placements, but not with merely medical assessment.

There is no quota scheme for the employment of people with disabilities in Denmark. Instead, the wage support scheme as above mentioned, flex jobs and light jobs for disability pensioners are used. In practice the difference is that with a quota scheme the enterprises have to pay an amount for the places that are not filled out, whereas with a wage support scheme the enterprises will receive an amount for the persons with disabilities, who are employed in the subsidised jobs.

In Denmark, sheltered employment is considered a social provision and not part of the labour market. Around 8-9000 persons are in sheltered employment, 80 per cent of whom with intellectual disability.[[24]](#footnote-25) Most of this group receive disability pension.

## Support for flexible working arrangements

*What measures exist to permit or support flexible working arrangements for persons with disabilities? This question relates to pillar theme 2. For example measures that support:*

* *Working at non-standard times or non-standard hours, working from home etc.*

The word flex in flex jobs has to do with that the subsidy makes out either 50% or 65% and the employer pays either 50% or 35% of the wage that the person gets. The subsidy is related to the working ability, the person is judged to have. The job centre assesses the workload of the flex job, including how many hours the person can work and the work intensity. This assessment forms the basis for the flex job agreement between the employee and the employer. The job centre reassesses the workforce in the flex job if the employer and employee agree on the change and jointly request it.[[25]](#footnote-26)

The labour market agreements contain so-called social chapters, which are rules stating that the various provisions may be waived if it is necessary to employ people with disabilities. The social chapters provide generally no specific instructions on the extent to which the current agreement may be waived. It is left to the local parties to interpret the social chapters in a local agreement.

The local agreement shall specify which provisions of the agreement that are waived and the conditions that are agreed instead. The local agreement must then be approved by the parties. For example, the social chapters can be used to allow an employee to have other duties than ordinarily, to reduced working hours or to avoid that the employee gets overwork or to avoid that she or he has changing working hours, or similar things.

* *Please identify any examples of promising practice*

The Danish Disability Organisations (DH) have a campaign[[26]](#footnote-27) where the organizations’ local branch contacts the municipality in order to design a strategy for social economic enterprises that can offer jobs to people with disabilities. Furthermore, the organization's local branch encourages the city council or its employment committee to establish a partnership project that can work for people with disabilities obtaining jobs at local companies. By entering into a partnership the municipality and the companies commit themselves to make an effort. The methods are dissemination of CVs to the companies in the partnership, new approaches to the job centres’ collaboration with the companies, and meetings in the partnerships. The goal of more people with disabilities into work is thus sought to be achieved by creating local awareness of the problem.

## Support for workplace adaptions

*What support is available for workplace adaptions for workers with disabilities? This question relates to pillar theme 9. For example:*

* *What are the eligibility conditions? What level of funding is provided and who receives it?*

The law prohibiting discrimination in employment (Forskelsbehandlings­loven, LBK no 1349 of 16/12/2008)[[27]](#footnote-28) contains an adaptation obligation of the employer, which means that an employer must determine what reasonable adjustments that are needed in the workplace for an employee with disability to perform the work and make these.

The Social Service Law[[28]](#footnote-29) §112 concerns support to assistive technology, accessibility to and adaptation of the workplace to persons with permanent physical or mental impairment when it is necessary for the exercise of a job. According to this law the expense is paid by the municipality.

* *What is the employer’s responsibility or liability? Does this depend on the size of the business?*

The employer has a responsibility in relation to the law prohibiting discrimination in employment. It may very well depend on the size of the business if an expense is considered reasonable. As this employer's obligation is determined by law, the employee may go to court if she or he is not satisfied with the efforts made by the employer.

## Evidence on non-standard wages

*How are wages set for workers with disabilities outside the open labour market? This question relates to pillar theme 8. For example:*

* *What provisions regulate the wages of people with disabilities employed in sheltered workshops or forms of adapted employment (alternative / segregated / supported …)?*

In a flex job the employer pays for the worth of the job done, i.e. for 30 hours with 50% intensity is paid 15 hours agreed wages. The demands made are set by the job centre. The salary from the employer is complemented by an amount from the municipal job centre of 98% of maximum unemployment benefits. The more the flex jobber earns, the lower the supplement. If the salary is up to 1812 €/month, the supplement reduces the wage by 30%. The part of the salary that exceeds 1812 €/month is deducted by 55%. Salary + flex wage subsidies cannot be more than 37 hours agreed wages in the job.

Light jobs for disability pensioners[[29]](#footnote-30) are jobs in ordinary enterprises with a wage support from the municipality of 3.68 €/hour, or in special cases up to 6.45 €/hour. The persons wage is decided in cooperation with the unions whether the person is a member or not. Normally the wage is 1/3 of the agreed wage on the area and the support makes out 50% of that.[[30]](#footnote-31) The unions are involved to ensure that the wage is not so small that this work functions as an unfair competition to ordinary labour.

Sheltered employment is mainly for persons with disability pension. The wage here is quite low, the minimal wage for sheltered employment in 2017 is 0.72 €/hour. Protected employment is not a right and there may be a waiting list for those who wish to make use of the offer.

* *Are there groups of workers who do not receive the minimum wage?*

There is no general minimum wage in Denmark. Instead wages are regulated by collective agreements, which cover most of the labour market. However, employers who are not members of an employer's organization are not obliged to follow them.

## Employment conditions in sheltered workshops

*What conditions of employment exist for workers in sheltered workshops and how are these regulated? This question relates to pillar theme 7. For example:*

* *Describe the system of sheltered workshops generally: do sheltered workshops exist? Who is eligible to be employed in such workshops? Please indicate if there are different kinds of workshops and eligibility conditions.*

Sheltered employment is for persons with disabilities or serious social problems, who cannot get or maintain regular jobs, and who usually receive disability pension or social assistance. Sheltered employment can take place in sheltered workshops, but can also be established in connection with housing facilities for persons with physical or mental disabilities. Private companies can also organize sheltered employment. This can be done by the posting of a group of people or individuals from a sheltered workshop into an ordinary enterprise. In 2012 there were 8,900 sheltered workplaces, according to a survey from 2009, 80% of the jobs were done by persons with intellectual disabilities.[[31]](#footnote-32)

* *Does standard labour law apply to those employed in sheltered workshops? If not, what justification is given for differences in treatment? Including:*
	+ *Protection from dismissal*
	+ *Right to join a trade union and take industrial action*
	+ *Health and Safety legislation*
	+ *Right to be consulted and receive information from the employer*
	+ *Protection from discrimination*

*If protection for workers employed in sheltered workshops is the same as for all other workers, you only need to indicate this, and not discuss level of protection as such. If workers employed in sheltered workshops have a different level of protection, please indicate this and indicate how this level of protection differs from that available to workers in general.*

Sheltered employment[[32]](#footnote-33) is a social provision and not a job in the ordinary sense of the word, and therefore it is not regulated by employment legislation. So the sheltered workers do not have the same rights as workers on the labour market, e.g. to holiday pay or sick pay. The survey from 2009 showed, however, that 72% of the workshops paid holiday allowance to their citizens, and 63% paid salaries to them during illness.[[33]](#footnote-34)

# Benefit caps and transitions

## Recent law and policy reforms

*How has the legal and policy framework changed for disability benefits for people of working age since the onset of the economic crisis. Have there been changes in the eligibility criteria (making them more difficult to claim or easier to claim)? This question relates to pillar theme 16.*

There have been significant reforms of the schemes for disabled persons without employment since 2010. First the reform of disability pension in 2013 that limited the use of disability pension for people under 40 and introduced the so-called resource process, an intensified type of rehabilitation. The disability pension reform has the consequence that fewer persons are awarded pension.

Second there have been changes in the social assistance scheme. The social assistance reform, which entered into force 1 January 2014, has meant that young people without education cannot receive social assistance. Instead they receive youth education assistance at the level of study support (SU) with the goal that they get started with training.

The so-called social assistance ceiling was introduced in 2016. A similar system was in force earlier, but it was abolished in 2011. The social assistance ceiling means that the persons on social assistance get less support; especially it hits many families with children.

The so-called 225 hours rule from 2016 means that the recipient of social assistance has to work 225 hours during the year to maintain the full help. Only unsupported work counts here, not jobs with wage support or internships. Without 225 hours per year, the support is cut, or for persons that are married and where both spouses receive social assistance, one of the supports may be declined. Persons who the municipality judge cannot work are excepted, but disabled persons who are able to work are hit.

The social assistance ceiling and the 225 hours rule has been criticised by the disabled people organisations for hitting many persons with disabilities. After criticism the original proposal was modified so that persons in special housing for disabled people were excepted, but disabled persons in ordinary housing are still hit by the rules.[[34]](#footnote-35)

## Key changes in eligibility criteria for disability benefits

*What major policy reforms or developments have occurred in relation to out-of-work disability benefits, implemented or now proposed? This question relates to pillar theme 14*

* *Is there evidence of the number of people affected by these changes or the extent of their impact?*

The disability pension reform in 2013 made it much more difficult to get a disability pension before the age of 40, and toughened generally the criteria with the weight on working ability. Regardless of the disability, if a working ability may be obtained, a disability pension now is out of the question. The reform introduced a new form of rehabilitation, termed resource course, which is now used in many cases that earlier would lead to a disability pension.

The official statistics on disability pension[[35]](#footnote-36) shows that the reform in 2013 has cut the number of awards of disability pension to a little less than half the earlier level. In 2011-2012 the number of new disability pensions was 14,000-16,000, in 2014-2015 the corresponding number was 6,000-7,000. So it has become markedly more difficult to get a disability pension. It is not yet clear if the new resource process will have success with rehabilitating the group who cannot get pension.

The so-called social assistance ceiling affects 33,000 persons in October 2016,[[36]](#footnote-37) whereas the so-called 225 hours rule affects 14,000 persons in December 2016.[[37]](#footnote-38)

## Conditionality of out-of-work benefits

*To what extent is eligibility for out-of-work benefits conditional on active participation in job search or work-related activities? This question relates to pillar theme 14*

* *e.g. obligation of to apply for jobs, try out work, attend rehabilitation or training programmes, accept less suitable job offers, etc.)?*

Right to unemployment benefit presupposes that the person has been member of an unemployment fund for at least one year, has been employed for at least 1,924 hours during the last three years (full time insurance) or at least 1,258 hours (part-time insurance), is registered as job seeker in the municipal job centre from the first day of unemployment, has a complete and approved CV no later than two weeks after registering as unemployed at the job centre, at least every 7 days checks job announcements, applies actively for jobs and is willing to take a job with a notice of one working day. It is also necessary to meet for talks the day after receiving a call and attend courses and other offerings that increase the possibility of getting job.[[38]](#footnote-39)

Social assistance[[39]](#footnote-40) (kontanthjælp) is originally the kind of social support that can be obtained if you do not have income or entitlement to other forms of social support. In this century, a number of restrictions has been imposed on the right to social assistance, as already mentioned the ceiling and the 225-hour rule. Another limitation is that people under 30 who do not have education cannot get social assistance but instead receive a so-called education benefit of the size of a study support. The right to social assistance is also restricted for persons who have not lived in the country for 7 of the last 8 years. They receive a lower grant, integration benefit, but with a supplement if they pass a test in Danish.

* *Is there any reasonable accommodation or support for disabled job seekers in these obligatory activities?*

If a person is clearly disabled it is taken into account when an active effort is required. In relation to unemployment benefit a so-called availability assessment is made, and the rules say that a person must not have health problems that prevent from taking over full-time work.[[40]](#footnote-41) In practise that means that a number of persons with disabilities are assessed not to have right to unemployment benefit.

Persons who cannot work due to disability and who do not have right to other benefits have right to social assistance. The job centre must assist the person in obtaining better health and rehabilitate, and eventually the person can go into a resource process that might lead to an ordinary job, a flex job or a disability pension. A disability does not give the person any special rights, but if the municipality judges that the person is not able to work, they do not require 225 hours work a year as precondition, which they do for persons whom they judge are able to work.

## Flexibility of financial support during transition into work

*Is there any financial system of allowance to support transitions from benefits into work for unemployed disabled persons? This question relates to pillar theme 14 and 16:*

* *e.g. financial support to try out work for a trial period without losing benefit entitlements?*

If the recipient of disability pension wants to try if it is possible to have a job, the municipality may decide that the pension is made dormant.[[41]](#footnote-42) That means that the payment ceases, but may be resumed if it turns out that the preconditions do not hold. The rule is a protection measure intending to support the pensioner's attempt to go into work. The scheme gives confidence that there is a stable income base to fall back on in case of failure. The municipality can make the pension resting with or without a time limit.

The municipality may decide to withdraw a disability pension if there has been a significant improvement in working capacity, which results in the pensioner supports him or herself by gainful work. The pension cannot be withdrawn after the pensioner is 60 years unless the pensioner consent to it

* *to subsidise wages, to avoid ‘benefit traps’ or to ‘make work pay’? How does this work?*

Work pays in many ways. Recipients of disability pension have possibility of earning an amount before deductions are made in the pension, 10,000 €/y for a single and 16,000 €/y for a married person. For recipients of social assistance the new limitations of the benefits have been motivated by that work should pay.

## Example of good practice (avoiding ‘benefit traps’ or ‘making work pay’)

*Can you identify an example of promising practice in your country that might help other countries to ease the transition from benefits to work for persons with disabilities, and to avoid benefit traps?*

In a 2-year period from 23 March 2015 to 20 March 2017 it has been possible to volunteer, unpaid in a voluntary organization for up to 15 hours a week without deduction for a daily allowance against the original 4 hours a week. The evaluation[[42]](#footnote-43) of the experiment shows that only 400-1,200 recipients of unemployment benefits - out of a total of 70,000 - made use of the opportunity to work up to 15 hours a week. The evaluation also indicates also that voluntary unpaid work can delay transition into paid work and to a limited extent displace ordinary labour.

# Accessible housing

## Relevant law and policy

*Is there any definition of ‘accessible housing’ in national law or policy?*

* *If so, what is that? It is not necessary to provide us with detailed technical information about the accessibility standards.*

The State Building Research Institute (Statens Byggeforskningsinstitut) has made an instruction or direction (Danish: anvisning, a web page that shows the rules) dealing with accessibility of buildings for persons with disabilities. It encompasses not only buildings but also environment, interior design and indoor climate[[43]](#footnote-44) and specifies the concrete requirements that a building and the environments must live up to, of which some have to do with accessibility. The legal basis is the construction law, LBK no 1178 of 23/09/2016.[[44]](#footnote-45)

Accessibility is not defined, but Danish Standard (Dansk Standard) has the following definition, which specifies the categories of persons who shall be able to use the buildings:[[45]](#footnote-46) Disabled people are wheelchair users, mobility disabled, visually impaired, hearing impaired, people with mental health problems, allergy sufferers and groups such as arm and hand-disabled people, speech impaired, word blind, very small and large persons, people with reduced strength and elderly.

The accessibility rules apply as a point of departure for new built construction, major renovations and significant changes in the use of buildings.

* *Are there any rules / requirements regarding the accessibility of newly built houses?*

There are instructions for accessibility in buildings in general, in care homes for people with dementia, in together-built houses, for detached homes, for group homes and for multi-storey buildings.[[46]](#footnote-47) The building regulations are developed by the government in dialogue with different interest organisations, among them organisations of disabled people. Reference to Danish standards are progressively replaced with reference to European standards in the regulations. The State Building Research Institute informs also about the rules for accessibility, as well as organises courses and provides other information on its website.[[47]](#footnote-48)

The requirements for accessibility must always be observed in new construction. They include level- free access into the building, also for single-family houses, level- free access on the same floor of a building, elevator if there are more than two floors (single-family houses except), on all floors where there is a toilet with public access there must also be an accessible toilet, and there must be guiding lines for blind people in a building area (this last point may be disregarded for single-family houses that are used solely for residential purposes).[[48]](#footnote-49)

* *Are there any rules / requirements regarding newly refurbished houses?*

The building regulations for new construction must generally be followed also by rebuilding.[[49]](#footnote-50) This holds when the rebuilding concerns things where there are accessibility standards for new building, even if it just concerns minor modifications. For example, if you establish new access to an existing building, the rule of level-free access must be observed. If you are rebuilding a toilet, the provision and arrangement of disability toilets must be observed as in new construction, and so on.

However, it is possible to relax in this provision if the conversion cannot be completed without significant change in the building. It may be if an elevator cannot be established without removing load-bearing walls. The municipality must then make a concrete assessment of whether other requirements should be made. For example, in case of exemption from the lift requirement, the municipality may require a stair lift to be installed.

The accessibility requirements must also be observed if changes are made in the use of a building, which means that other requirements are imposed. For example, if a store is replaced by another type of store, no new requirements are imposed, but if a store is transformed into an eatery, the same access conditions must be established as if it were newbuilding.

Economy is not sufficient basis for a dispensation from the requirements for accessibility in rebuilding or altered use of buildings. The same goes for maintaining that people with disabilities never use the building. If the municipality chooses to dispense with accessibility requirements, the Danish national umbrella organisation of disabled people (Danske Handicaporganisationer, DH) and its member organizations have the right to complain.

* *Do these rules / requirements apply to the private sector, to social housing, or both?*

The rules apply equally to the private sector and to social housing.

## Housing in multiple occupation (communal areas)

*In multi-occupied housing (e.g. apartment buildings) is there an obligation to make accessible the communal part of buildings (e.g. entrances and other communal areas)?*

* *Who does this obligation fall on? How is it triggered? Is there funding to support such adaptions?*

The requirements concerning accessibility are more comprehensive when it comes to communal parts of the private as well as public buildings compared to parts that are solely used as private homes. It may be that the toilets can be used by wheelchair users and stairs can be used of people with difficulties of walking or visually impaired persons. Outdoor areas will usually be subject to requirements to access areas with limited slope and secure stairs with handrails and markings for visually impaired persons.[[50]](#footnote-51)

Danish building regulations apply basically for all construction. In reality, there are smaller requirements for single-family houses. This is partly due to the exceptions mentioned above, partly due to the fact that some exemptions are granted from the general rules when one-family houses are being built. There has just been a proposal from the government to abolish the requirement for level-free access to new one-family houses, which DH has protested against.[[51]](#footnote-52)

## Example of promising practice in making accessible housing available

*Can you identify one or more examples of promising practice in your country that might help other countries to increase the accessibility of housing stock to persons with disabilities?*

In February 2015, Gladsaxe municipality launched an architectural competition in which five architect companies participated. The task was to design 78 new homes, common areas and outdoor areas in one area, as well as the modernization of several preservation-worthy buildings. It is located in a green area just up to a protected nature area. There are three different accommodation options, a range of day centres for adults with disabilities, and municipal services.

The winner project consists of six horseshoe-shaped housing groups. For each dwelling there is a small garden and in the middle of each of the horseshoes there is a common outdoor area where you can gather. The mayor states that the proposal fulfils the wishes.[[52]](#footnote-53) These are lovely, bright homes that will be attractive to live in the far future. There is also an overall plan for the area, taking into account that the sensitive road-users can come safely with opportunities for outdoor activity areas.

A good example of promising practice in another field, both in terms of process and outcome, is the office building of the Disability Organisations.[[53]](#footnote-54)

It is built according to the principles: (1) Equality for all, (2) Universal design, (3) Clarity and orientation, (4) Social inclusion, and (5) Respect for difference. The house shows that it is possible to build a fully accessible "State of the art" office without significant additional costs. The starting point and the goal of the house were to optimize basic solutions about accessibility and sustainability, with so-called low-tech solutions. The geometry is designed so that it is easy to orient oneself and with short internal distances.

The elevators in the house are "drive through" elevators where one enters at one end and exits at the other end, and thus does not need to turn around inside the elevator. "Drive through" is also the basis for decor of the house where "dead ends" are avoided and one can go through, instead of having to return. All offices have frontage directly to open air. Combined with the large high-level glass area with high light transmittance, the daylight penetrates deep into the rooms and hits the table surfaces. This means that the need for artificial light is significantly minimized.

The Disability Organisations’ house is an example that shows how well it is possible to solve accessibility problems in a way so that the house not only is accessible to people with disabilities but also stands as beautiful and comfortable to stay in for everyone. It demonstrates how a complete integration of accessibility considerations in modern office buildings san be obtained, and it is referred to as the world's most accessible office building. It inspires a significant increase in accessible buildings, so anyone with disabilities will have much easier access to move freely and actively participate in working and social life.

The building process was designed so as to maximise the influence in Danish construction. The Disability Organisations invited in 2010 to a pre-qualification, where 63 companies gave their views on an office building with equality and accessibility integrated as a DNA in all materials, components, system solutions and architecture. The companies were architectural firms, engineering companies and contractors. The process culminated in a pre-qualification of five competitive teams. In this way they believe to have carried out a process that has had maximum impact on the Danish construction industry generally.

The example shows that a major project may cause development in an area, but if it is to continue, new major projects or increased accessibility requirements in the building regulations are required. Unfortunately, there are no indications of a development in that direction, so DH's construction seems to be a single phenomenon.

1. Law 783 of 15/06/2015, <https://www.retsinformation.dk/forms/r0710.aspx?id=172900>. [↑](#footnote-ref-2)
2. The history is described in <http://www.lev.dk/media/3602/ti-aar-med-stu.pdf>. [↑](#footnote-ref-3)
3. Department of Education: <http://www.uvm.dk/Aktuelt/~/UVM-DK/Content/News/Udd/Erhvervs/2014/Feb/140224-Ambitioes-erhversuddannelsesreform-paa-plads>. An overview: <http://www.3byggetilbud.dk/erhvervsuddannelsesreform/>. [↑](#footnote-ref-4)
4. Production schools are schools for young people under 25 who have primary school, but do not have a youth education and do not have the prerequisites to start a youth education. [↑](#footnote-ref-5)
5. <https://www.regeringen.dk/nyheder/minister-vil-forbyde-diskrimination-paa-grund-af-handicap/>. [↑](#footnote-ref-6)
6. <https://www.retsinformation.dk/forms/r0710.aspx?id=73873>. [↑](#footnote-ref-7)
7. <https://www.ug.dk/6til10klasse/tilgaengelighed-og-saerlig-stoette-paa-ungdomsuddannelserne>. [↑](#footnote-ref-8)
8. <http://www.ft.dk/samling/20161/beslutningsforslag/b62/html_som_fremsat.htm>. [↑](#footnote-ref-9)
9. [http://www.garanziagiovani.gov.it/Documentazione/
Documents/Piano-di-attuazione-Youth-Guarantee-Danimarca.pdf](http://www.garanziagiovani.gov.it/Documentazione/Documents/Piano-di-attuazione-Youth-Guarantee-Danimarca.pdf). [↑](#footnote-ref-10)
10. <https://www.retsinformation.dk/forms/r0710.aspx?id=73873>. [↑](#footnote-ref-11)
11. <https://www.retsinformation.dk/forms/r0710.aspx?id=170468>. [↑](#footnote-ref-12)
12. <https://www.retsinformation.dk/forms/r0710.aspx?id=172900>. [↑](#footnote-ref-13)
13. <https://www.retsinformation.dk/forms/r0710.aspx?id=184891>. [↑](#footnote-ref-14)
14. <https://www.retsinformation.dk/forms/r0710.aspx?id=172900>. [↑](#footnote-ref-15)
15. <https://www.uvm.dk/Uddannelser/Anden-uddannelse-og-undervisning/Ungdomsuddannelse-for-unge-med-saerlige-behov>. [↑](#footnote-ref-16)
16. <https://www.uvm.dk/Service/Statistik/Tvaergaaende-statistik/Stoetteordninger-i-tal/SPS-statistik>. [↑](#footnote-ref-17)
17. <http://www.su.dk/su/saerlig-stoette-til-foraeldre-handicappede-mv/handicaptillaeg/>. [↑](#footnote-ref-18)
18. LBK no 1342 of 21/11/2016 <https://www.retsinformation.dk/forms/r0710.aspx?id=184891>. [↑](#footnote-ref-19)
19. LBK no 727 of 07/07/2009, <https://www.retsinformation.dk/forms/r0710.aspx?id=125905>. [↑](#footnote-ref-20)
20. <http://www.sfi.dk/projekter/handicap-og-beskaeftigelse-2002-2016-11385/>. [↑](#footnote-ref-21)
21. <https://www.retsinformation.dk/forms/r0710.aspx?id=125905>. [↑](#footnote-ref-22)
22. <https://www.retsinformation.dk/forms/r0710.aspx?id=184891>. [↑](#footnote-ref-23)
23. <http://www.oim.dk/media/18443/kommunal-udligning-og-generelle-tilskud-2017.pdf>. [↑](#footnote-ref-24)
24. <http://www.sfi.dk/publikationer/beskyttet-beskaeftigelse-4775/>. [↑](#footnote-ref-25)
25. §70e in the Law, LBK no. 1342 of 21/11/2016, <https://www.retsinformation.dk/forms/r0710.aspx?id=184891#id6f63afe1-8668-49ab-87f1-072013ad641e>. [↑](#footnote-ref-26)
26. <http://www.handicap.dk/lokalafdelinger/afdelingens-politiske-arbejde/5-politiske-temaer/beskaeftigelse/>. [↑](#footnote-ref-27)
27. <https://www.retsinformation.dk/forms/r0710.aspx?id=122522>. [↑](#footnote-ref-28)
28. <https://www.retsinformation.dk/Forms/r0710.aspx?id=183958#id270ea7f2-e724-4f45-9603-f3d79aec0ab7>. [↑](#footnote-ref-29)
29. §2 and chapter 12 in LBK no 1342 of 21/11/2016, <https://www.retsinformation.dk/forms/r0710.aspx?id=184891>. [↑](#footnote-ref-30)
30. [http://www.statensnet.dk/pligtarkiv/...prid=0&filid=5](http://www.statensnet.dk/pligtarkiv/filoriginal.pl?vaerkid=1299&reprid=0&filid=5). [↑](#footnote-ref-31)
31. <http://www.sfi.dk/publikationer/beskyttet-beskaeftigelse-4775/>. [↑](#footnote-ref-32)
32. The Social Service Law, LBK no 369 of 18/04/2017, <https://www.retsinformation.dk/Forms/R0710.aspx?id=186422>. [↑](#footnote-ref-33)
33. <http://www.sfi.dk/publikationer/beskyttet-beskaeftigelse-4775/>. [↑](#footnote-ref-34)
34. Reported by Altinget: <http://www.altinget.dk/artikel/overblik-forstaa-regeringens-nye-kontanthjaelpsloft>. [↑](#footnote-ref-35)
35. <https://ast.dk/publikationer/flere-fortidspensionister-i-2015>. [↑](#footnote-ref-36)
36. <http://star.dk/da/Om-STAR/Nyt-fra-STAR/Nyt-om-reformer/Nyt-om-jobreform-fase-1/2016/09/Antal-personer-beroert-af-loftet.aspx>. [↑](#footnote-ref-37)
37. <https://www.information.dk/telegram/2017/02/flere-ventet-rammes-225-timers-reglen>. [↑](#footnote-ref-38)
38. <https://www.borger.dk/arbejde-dagpenge-ferie/Dagpenge-kontanthjaelp-og-sygedagpenge/Arbejdsloeshedsdagpenge>. [↑](#footnote-ref-39)
39. <https://www.borger.dk/arbejde-dagpenge-ferie/Dagpenge-kontanthjaelp-og-sygedagpenge/Kontanthjaelp/Kontanthjaelp-30-eller-derover>. [↑](#footnote-ref-40)
40. <https://www.retsinformation.dk/Forms/R0710.aspx?id=170569> §35, 7. [↑](#footnote-ref-41)
41. <http://star.dk/da/Ydelser-og-ferie/Pension-og-efterloen/Folkepension-og-foertidspension/Foertidspension-ny-ordning/Frakendelse-og-hvilende-pension.aspx>. [↑](#footnote-ref-42)
42. <http://star.dk/da/Om-STAR/Nyt-fra-STAR/Nyheder/2017/01/Evaluering-frivilligt-arbejde.aspx>. [↑](#footnote-ref-43)
43. [http://anvisninger.dk/anvisninger/Pages/249-Tilgaengelige-boliger-indretning-1.aspx](file:///%5C%5Cdrivemap.bisdrive.nl%5CHEC%24%5CProjects_General%5C82%20-85-%2088%20%20ANED%20follow-up%5CTasks%202016-2017%5CTask%20Policy%20theme%20Social%20Pillar%5C04_National%20reports%5CDK%5C%09http%3A%5Canvisninger.dk%5Canvisninger%5CPages%5C249-Tilgaengelige-boliger-indretning-1.aspx). [↑](#footnote-ref-44)
44. <https://www.retsinformation.dk/forms/R0710.aspx?id=183662>. [↑](#footnote-ref-45)
45. <https://danskhandicapforbund.dk/files/5314/3470/8388/Tilgaengelighed_pjece_ombygning.pdf>. [↑](#footnote-ref-46)
46. <http://www.sbi.dk/tilgaengelighed/tjeklister>. [↑](#footnote-ref-47)
47. <http://www.sbi.dk/tilgaengelighed/generelt>. [↑](#footnote-ref-48)
48. This and the following sections build on <https://www.bygst.dk/om-os/publikationer/bygningsstyrelsens-vejledning-i-tilgaengelighed/?AspxAutoDetectCookieSupport=1>. [↑](#footnote-ref-49)
49. <http://www.sbi.dk/tilgaengelighed/tjeklister/ombygninger>. [↑](#footnote-ref-50)
50. <http://anvisninger.dk/anvisninger/Pages/262-Tilgaengelige-etageboliger-indledende-spoergsmaal-1.aspx#/4-Faellesfaciliteter>. [↑](#footnote-ref-51)
51. <http://www.handicap.dk/nyheder/nyhedsarkiv/nyt-forslag-begraenser-mennesker-med-handicap/> [↑](#footnote-ref-52)
52. <https://molio.dk/bygnet/nyhed/article/ny-arkitektur-til-botilbud/>. [↑](#footnote-ref-53)
53. <http://www.handicap.dk/handicaporganisationernes-hus/>. [↑](#footnote-ref-54)