



Report on the employment of disabled people in European countries

Country: Lithuania

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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)

The most important publications (most in Lithuanian):

1. Baranauskienė I., Juodraitis A. (2008). Participation of the Disabled in the Labour Market: an Interaction between Vocational Training and Adjustment. Šiauliai university Press.
2. Baranauskienė I., Ruškus J. (2004). Participation of disabled people in labor market. Interaction between vocational training and Professional adaptation. Šiauliai university Press.
3. Ruškus J. Mažeikis G. (2007). Disability and social participation. Šiauliai University Press. (in Lithuanian).
4. Ruškus J. , Baranauskienė I. (2003). Innovations of the Vocational Rehabilitation and Psychosocial Environment of the Disabled: What Soil for what Corn? *Socialiniai mokslai (Social Sciences)*, 1 (38), 108-124. (in Lithuanian).
5. Ruškus J. (2008). Professional Career Designing of disabled people: reality and opportunities. *Profesinis rengimas. Tyrimai ir realijos, (Professional education. Research and reality)* 15, 159-166.
6. Baranauskienė, I. (2007). Peculiarities of professional adaptation of people with mild mentally disability. *Pedagogika*. 2007.88. p. 57-62.
7. Germanavičius A. (Ed.). (2006). The service for mental health in the community: employment of disabled people. "Global initiative in psychiatry"
8. Baranauskienė, Gudiničiūtis, B. (2007). Mediation in the process of professional
9. rehabilitation. Šiauliai university press.
10. Baranauskienė, I. Karvelis, V. (2007). Models of professional education for young people with intellectual disability. *Дефектология (Defectologia, in Russian)*.4. 60-69.
11. Baranauskienė, I. Petrauskienė, G. Čepienė, A. (2007). Participation of blind and weak-eyed in professional activities. *Specialusis ugdymas (Special Education)*. 2(17). 165-174.
12. Baranauskienė, I. (2006). Attitudes of Employers and Associates toward professional integration of people with intellectual disabilities. *Specialusis ugdymas, (Special Education)*, 1 (14), 19-27.
13. Baranauskienė, I., Baranauskienė, R. (2006). The Quality of Teaching of the Disabled Persons in a Vocational Education Institution: the Analysis of the Feedback from the Postgraduates. *ATEE Spring University: Teacher of the 21st Century: Quality Education for Quality Teaching* (p. 256-273). Riga.
14. Baranauskienė, I. (2006). Vocational training in Lithuanian special schools: challenge for educators and mild intellectually retarded pupils. *Axiological and psychological aspects of the individual experience* (p. 127-128). Krakow
15. Baranauskienė, I., Elijošius, E. (2006). Professional education for disabled people. Guide for Professions. (p. 177-185). ES Leonard da Vinci programme, Euroguidance Lietuva.
16. Baranauskienė, I., Gudonis, V., Tubutienė, V. (2005). Professional interests and real possibilities of blind people who experienced professional success. *Specialusis ugdymas (Special Education)*, 1 (12), 117-129.
17. Tereškinas, A. Šeporaitytė D. (2007). The opportunities of employment and studies for disabled people. Research report.
18. Ruškus J., Daugėla M., Artūras B., Žukauskas S., Šaparnis G. (2007). Higher Education and Students with Disabilities. Analyze of situation and possibilities. Šiauliai University Press.

There is a deep heritage of segregation in the models of education and integration of the disabled in Lithuania. The research on social conditions and social integration paradigms has developed mainly over the last 15 years.



Most publications analyze these principal topics:

- a) Psychosocial factors of employment of disabled people
- b) Professional education for children with intellectual disability
- c) Mediation in employment
- d) Models of professional education

There is a substantial need for active research with the objective to discover the process of changes of attitudes, law and rules, communication, etc., in practice. There is also a need for emphasis on the good practice, especially regarding the employer. One of the objectives of NGO's and researchers is to help to create situations that lead the employer to be proud of employing disabled persons. Studies of the professional motivation of disabled people, as well as the voices of employed and/or unemployed disabled people are also needed.

See attachment : "Baranauskienė Juodraitis" which presents the last national study.

1.2 Employment statistics and trends (key points)

10,5% of all disabled people have a job. Employment data about disabled people is collected and presented by the Statistics department of the State Government, the Employment Exchange, and the Ministry of Labour and Social Safety. Each year the Ministry edits the Social Report where very general statistics regarding the employment of the disabled are presented. This statistics are considered as objective and reliable. However, their objectivity and reliability is questionable due to the fact that the statistics are very formal and based on very formal criteria (three levels of workability). So if the statistics are more toned or detailed is occasional and situational, not systematic. There are some comparisons of employment rates of disabled and non-disabled people. We observe the slow increase of employment of disabled people, often because of the interests of employers to obtain tax reductions, or to participate in experimental initiatives with EU support. There are negative attitudes of employers towards employment, or some kind of fear of employers about the accommodation of a job place or about some bureaucratic requirements. Sometimes employers, who have employed disabled people, complain about the inflexible system of support when they want to employ more disabled persons or for a longer period of time. The State institutions argue that the quota has been reached, and that there is no room for an increase in the employment of disabled persons.

There ceases to be an efficient system of employment for disabled persons in Lithuania. There is a general legal system of the classification of the disabled based on concepts of workability and needs, or local (regional or institutional) initiatives and project implementations - especially the employment situation of mentally and physically disabled people. Only 1 % of these people have a job and often this job has a very low social value. There is no real discussion about gender, age or nationality of disabled persons in situations of employment. There are a lot of studies and practice for people with mild intellectual disability or blind/visually-impaired people, but studies and practice about other disability/employment variables are rare. We can state that there are an insufficient number of initiatives for discussions or actions in the field of employment of disabled people.

1.3 Laws and policies (key points)

There is the Social Integration of Disabled People Law, the Support for Occupation Law (for disabled people and other socially excluded groups), and the Order of Ministry of Labour and Social Safety for Conditions for Employment subsidy. The employment of disabled people is an objective of political discourse, however there has not been much change. The new law of Social integration addresses the issue of employment in regards to the disabled; however employment of disabled persons remains at a critical low. The assessment of workability and the professional rehabilitation (based on concept of needs) are the nature of the Law.



These and other (regarding accessibility, flexibility, de-stigmatization and so on) legislation regulations, deflect towards the independence, self-expression and opportunities for development of persons with a disability, contradict the same legislation's fourth article, which refers to the determination of the disability level and the workability level.

Here, disability is considered on three levels – severe, moderate and mild, whereas workability¹ is evaluated in percentages, and its level is determined in 3 point intervals². The determination of the workability level is legally linked with work competencies and professional rehabilitation. Furthermore, a unified criteria and instruments system is created in order to evaluate workability. In addition, the Ministry of Social Security and Labour (MSSL) is established, as if prevailing over the disability concept, and there is also the Disability and workability Assessment Office at the MSSL. Thus, the principles of the clinical model are retained and it is understood that the degree of the disorder, regarding level and opportunities, is determined by experts applying pre-determined universal criterion. The question is fundamental: is the workability, as a characteristic, constant and permanent, or is the capacity to work situational, perhaps even constructive, and creative? Thus, the workability concept does not infer the disabled person's breakthrough, participation or self-expression possibilities. Once again, the workability concept just like the disability concept becomes only a mean of receiving benefits and concessions. Thus, the State indirectly, specifically exalting the workability phenomenon and its methods of identification, increases the disabled person's dependence on others and promotes de-motivation, the mentality of being dependent, passiveness, as well as strengthens stigmatization and exclusion. The person with a disability then has to manipulate the workability status in terms of deciding whether to choose the complete incapacity to work level (less than 25% capacity to work) and as such receives a larger state benefit and in fact loses the possibility to be employed, or choose a lower level of workability and get a smaller benefit meanwhile hoping to be employed³. In this way a person having a severe disability legitimately, experiencing pressure not to work or by manipulating the legal acts, is doomed to social exclusion. Also the conclusions of the assessment of workability are obligatory. If the workability is assessed at 40%, the work time is limited and cannot exceed a defined time. This means that the disabled person cannot take more work hours than are predefined despite motivations or possibilities. This contradictory legal circumstance creates illegal work situations. Disabled people are treated as a separate social group where an employment has its own logic and employment procedures.

1.4 Type and quality of jobs (summary)

In Lithuania there is not one dominant method of employment of disabled persons. Sheltered employment was a practice in soviet times; now, open labour market initiatives are promoted (with legal paradoxes and social restraints).

1 Within the legislation, article 4, it is stated that the capacity to work level is determined having evaluated the person's state of health and possibilities to implement tasks based on their qualification, possibilities to acquire new qualifications or implement tasks not requiring professional qualifications after all possible medical and professional rehabilitation and special assistance measures have been used.

2 Article 4 paragraph 20 it is stated that (1) if the person's capacity to work level is determined to be 0-25 percent the person is considered incapable of working (2) if the person's capacity to work level is determined to be 30-55 percent then the person is considered to be partially capable of working (3) if the person's capacity to work level is determined to be 60-100 percent then the person is considered capable of working.

3 The opinion of Juozapas Linartas one windows service senior specialist at the Labour Exchange is that in fact nobody prohibits a person, who has been recognized as incapable of working, to work and seek employment. However, such persons are not registered and are not included in the programs of the Labor Exchange. So in fact, we do not help them to find employment, though theoretically such persons with disability can independently look for employment. The attitude of the State Work Inspection is that the term "incapable of working" as included in the disability document unambiguously states that this person should not work. In the event that the health of the person, who has been recognized as incapable of working, worsens or similarly, according to the legislation the employer will be responsible for the fact that he employed a person who is incapable of working (cannot work). State Social Insurance Fund Board will not cover any costs concerned with this person's health <...> So, theoretically the person who is incapable of working can work, but factually – no (in terms of this quotation and to read more widely about the contradictions of the term capacity to work : Babinskienė A. Legislation hampers persons with disability from working. Bičiulytė, 2005, Nr. 49.



Through the EU fund there are several projects of open market initiatives or so-called Social enterprises initiatives. There are also regional business development centres for disabled people, or Centres for Professional Rehabilitation. So, semi open market initiatives become dominating – emphasizing financing from private, Lithuanian state and EU funds (Equal or Structural) sources. All these initiatives are at the beginning of their existence. They are looking for their identity. There is no focus on specific kinds or types of work, but attention must be paid to the social value of the work being distributed. The fact is that more often than not, initiatives are favourable towards persons with intellectual or physical disabilities. The most problematic field is the employment of the mentally disabled.



PART TWO: SPECIFIC EXAMPLES

2.1 Reasonable accommodation in the workplace

The Social Integration of Disabled People and Support for Occupation laws aim for the support for adaptation of the work place. The employer can receive the financial support of 22% of the average rate of salary for 1 work place but he must contribute no less than 35% of his own finance. Disabled people, who are assessed at a 40% workability level or less, can have access to the financial support of 22% of the average rate of salary for 1 work place, without their own contribution. Education programs can also be supported by the State. However, there is not provision for personal assistance and/or flexible employment contracts.

Support for Occupation law encompasses the monitoring of the labour market, general services of support of occupation (information, consultations, mediation, individual activity planning), active means of labour market policy (supportive employment, rotation of work, support to create new workplaces, education of unemployed). This law is very new (began in June 2006) so the procedures and responsibilities are not available due to the lack of tradition behind this kind of support.

There is also the law of Social Enterprises. This law is oriented more towards social enterprises when 40 % of employers are disabled and an additional 10 % are those which are disabled and have a very low income: more disabled people – more subsidies. So, there remains an interest in enterprises to increase this percentage. The law of Social Enterprises is oriented towards those disabled who want to work in the open market. The main aspects of these laws are the improvement of work conditions, the maintenance of the workplace, and the different type of the material support. Material support for employment is generally the primary motivator in employing disabled people. All these laws plan the following subsidies: arrangement of workplaces, adaptation of workplaces, or work conditions, education of general or specific skills, administrative dispenses for getting and sharing information, subsidies of salaries of disabled people.

The primary intention behind the Support for Occupation law is to have more workplace arrangements, (not at all receiving subsidies for assistance). The intentions of the Law of Social Enterprises are more geared towards the subsidies of salaries, for example, those who have the lowest level of workability can have support of 80% for salary. Also this law subsidizes the help of the assistant.

Employers receive all subsidies from Employment Exchange and they dispose of these subsidies. So, there are instances when the employer uses these subsidies for the production and not for the disabled employee.

Education for the disabled also suffers (see the article of Social enterprise law about social skill education). Also, there are no assistants for disabled people in workplaces; they only formally exist. The subsidies for salaries work very well even when there is no work; the minimal salary is received. The effect of the law depends on how employers manage the subsidy. The arrangement of a workplace depends on a concrete job; the law intends arrangement of the workplace subject to disability.

The flexibility of the employment depends on the decisions of commissions of ascription of workability, because they determine how many hours the disabled person can work. So, this regulation makes the employment of disabled persons difficult due to the fact that the intention of the employer is not just simply to employ someone for several hours. Now these regulations are transformed: the disabled can work more hours than prescribed if he/she agrees with this. In this case the work time can be unlimited.



Some improvement of attitudes and work possibilities is observed: more and more there are announcements inviting disable people to work in concrete enterprise.

In the ministry of labor and social safety there is the department of disabled persons, in which disabled persons are hired employees; they initiate laws and changes to laws.

Also there is The Council of Invalids (yes, invalids, this term is still used!). But the problem is that the NGO's of the disabled (which are near to government) effectuates the role of control and do not really defend the rights of the disabled.

2.2 Other activation policies

There are not a lot of activation policies. Institutions of vocational training services (special schools, labour market education services) are quite developed but other initiatives are more occasional and non-systematic. Some Equal and EU Structural funds' projects are implemented which can be treated as experimental activation.



PART THREE: SUMMARY INFORMATION

3.1 Conclusions and recommendations (summary)

There is the need to make connections between the laws of Support for Occupation, and Social enterprises. The Support for Occupation law discriminates against disabled people who work in open labour markets comparatively to those who work in social enterprises (from the angle of subsidies).

The principle: “money follows person” could be discussed and implemented.

The professional rehabilitation and education of adult disabled people does not really work and must be improved.

Employers must be better informed about these two laws.

NGO's of disabled people are not very active in the policy of employment. There is a real need to help them to empower their capacities to be more autonomous, skilled and most importantly involved in the activities and social actions.