



Report on the employment of disabled people in European countries

Country: Slovenia
Author(s): Darja Zaviršek, Katarina Gorenc

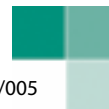
Background:

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).

The first version of the report was published in 2008. This is the second version of the report updated with information available up to November 2009.



Summary of changes since 2008

Data for the 2009 report on disability and employment is mainly based on yearly policy documents such as the:

- National report on the strategies of social protection and social inclusion 2008 – 2010;
- 2008 report of the Fund of the Republic of Slovenia for the Encouragement of the Employment of Disabled People
- 2008 report on Action Programme for Persons with Disabilities 2007-2013 .

Data shows that the employment rate of disabled persons is growing more slowly than for non-disabled persons.

A large issue still remains with the Social Care of Mentally and Physically Disabled Persons Act from 1983. According to this act people with intellectual (moderate, severe and profound) disabilities and severe physical disabilities, whose disability has occurred before they were 18 years old (or 26 if they were still in the educational process), get a disability status. By this status they are marked as “incapable for independent living and work” (Art. 1). They are entitled to disability allowance, care allowance and institutional care, but are not entitled to enter any form of vocational rehabilitation, as they are marked as unemployable. They can only “work” in sheltered workshops, which are often a sort of a day care placement, if they live at home with their families, or a day activity if they are in residential institution. They do not receive salaries, but a small payment which is called “reward”. In 2008 there were 2,653 disabled persons placed in sheltered workshops.

New quantitative data:

The following information is available from the National Strategic Report on social protection and social inclusion 2008-2010 (hereafter NR)¹

There were approx. 34,000 disabled people in employment in 2009; in 2007, 1,746 unemployed disabled people found employment, and 1,628 in 2008 (from January to October). In 2007 there were 1,411 persons in the process of vocational rehabilitation, a rise of 27% compared with the previous year. There are still around 10,500 unemployed disabled persons.

Implementation of the quota system began in January 2006, and employers who employ more than 20 employees have to employ between 2% and 6%, disabled persons, depending on the type of business. Even though the employment of disabled people has increased since introduction of the quota (at the beginning of 2006 there were 31,205 disabled people employed, at the end of 2006 32,682, at the end of 2007 33.058 and in September 2008 33.901), the employment rate is growing more slowly than among non-disabled people. In 2007, for example, the number of employed disabled people had increased by 1.1%, while the general level of the employed had increased by 3.6%.

Registered unemployed persons

2006	9.138
2007	10.346
2008	11.025

Rate of disabled persons among all registered unemployed persons

2006	11,7 %
2007	15,1 %
2008	16,6 %

¹ http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/npsszsv08_10.pdf



Unemployed disabled persons who got employed (Absolute)

2006	1.927
2007	1.746
2008	1.776

Important employers of disabled people in Slovenia are the 'Invalid' companies (formerly workshops). Today they employ almost a fifth of all employed disabled persons (in September 2008, among all workers employed in invalid companies there were 6,412, or 43.6 % disabled persons).²

There were 159 invalid companies in 2007 and 165 Invalid companies in 2008 and they employed 6,400 disabled persons. There were 15 employment centres in 2007 and 17 employment centres in 2008 employed 200 disabled persons.³ The number of invalid companies and the number of disabled people working in them decreased in 2008.

Important new information are coming from the Fund of the Republic of Slovenia for the Encouragement of the Employment of Disabled People reports for 2008⁴ The Fund monitors on average 5,500 employers. About 2,500 of them make payments to the Foundation for not meeting the employment quota, and 3,800 employers receive financial incentives from the Fund. In 2008 the Fund had €19,151,629 in income and €22,971,610 outgoings. According to the Fund, in 2008 there were 9% more disabled people in paid employment, compared to the year, 2006, when the quota system was introduced. The most important task of the Fund in 2008 was to continue paying financial incentives to employers who employ disabled persons. In 2008, the Fund financed 630 new employment positions for disabled persons.

In 2008 More than 600 employers chose, instead of fulfilling the quota, to put in place a business contract with an invalid company. This alternative way of fulfilling the quota makes up to 40% of the Found's income.

New policy changes:

Slovenia ratified the UN convention on the rights of persons with disabilities on the 2nd of April 2008.

Action Programme for Persons with Disabilities 2007-2013: In 2008 the Government of Slovenia decided to implement the suggestion by the NGO-YHD that 16 young persons with disabilities should be enabled to take up apprenticeships in public administration and 20 disabled pupils should do practical placements in public administration positions during high school. In fact in 2008, 11 persons with disabilities started apprenticeships in public administration and 4 pupils undertook practice placements.

New research evidence:

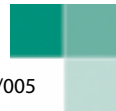
1,165 persons were using vocational rehabilitation services in 2008, which was 17% less than in the previous year.⁵ 1,776 disabled persons found employment in 2008, 2% more than in 2007, but at the end of 2008 there were 11,025 registered unemployed disabled people, (6% more than at the end of 2007).

² http://www.stat.si/novica_prikazi.aspx?id=2034

³ Management Report for 2008; Fund of the Republic of Slovenia for the Encouragement of the Employment of Disabled People , p. 12. (e-mail communication, 31. 12. 2009).

⁴Ministry for Labour, Family and Social Affairs, press release, 09.07.2009, <http://www.mddsz.gov.si/si/splosno/cns/novica/article/1939/6154/8ca89385f9/> (accessed 18.10.2009). Management Report for 2008; Fund of the Republic of Slovenia for the Encouragement of the Employment of Disabled People , p. 12. (e-mail communication, 31. 12. 2009).

⁵ http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/api_07_13_poroc08.pdf (accessed 18.10.2009).



There was a slight increase in the number of disabled people placed in the Public works programme (240 in 2007 and 337 in 2008) but the number of disabled persons employed through all Active Labour Market Policy Programmes remains the same as for previous years.⁶

According to the Fund of the Republic of Slovenia for the Encouragement of the Employment of Disabled People, the number of companies that fulfil the quota is rising, but there are still almost 50% of companies employing more than 20 workers which do not fulfil the quota.

Since 2006 there have been 13 different organisations providing vocational rehabilitation services (one of them is a public institution and 12 are licensed private organisations). The public Institute of the Republic of Slovenia for Rehabilitation is the only organisation that provides vocational rehabilitation for visually impaired and blind persons. Among the licensed private organisations there is RACIO from Celje, which provides vocational rehabilitation for deaf persons.

The Employment service has recommended to the Ministry the expansion of the network of vocational rehabilitation service providers, in order that this service would become more accessible to users from different parts of the country.

The Institute for pension and invalidity insurance has also stated that users are discouraged from entering the vocational rehabilitation service because their financial compensation during rehabilitation is so low. It considers this to be a reason why the number of service users has not increased compared to previous years. The Government made a decision in 2007 to enable 16 disabled graduates to take up apprenticeships in governmental bodies, and 20 disabled pupils to do practical work as part of their schooling. 11 apprenticeships were realised in 2008 and 4 placements of pupils.

There were 2,653 disabled persons placed in sheltered workshops (23 public and 11 private with concession).⁷ These are persons who are, according to Social Care of Physically and Mentally Disabled Persons Act, defined as incapable of independent life and work.⁸ They are not entitled to any vocational rehabilitation services or incentives for employment.

The economic crisis:

At the end of 2008 there were 11,025 unemployed disabled people, this being 6% more than in 2007.⁹ The same report states that the number of invalid companies dropped in 2008 (to 167) compared with 2007 (no figures given).

The number of persons with disabilities within the invalid companies is also reported to have dropped¹⁰.

Details of the Pension and Disability Insurance Act 2004:

Official Gazette [106/1999](#), [72/2000](#), [81/2000](#), [124/2000](#), [109/2001](#), [83/2002](#) (Supreme court order Odl.US: U-I-178/02-14, [108/2002](#), [110/2002](#), [112/2002](#) Skl.US: U-I-307/98-38, [40/2003](#) Odl.US: U-I-273/00-13, [63/2003](#), [63/2003](#) Odl.US: U-I-57/00-51, [133/2003](#) Odl.US: U-I-36/00-52, [135/2003](#), [2/2004](#) ([10/2004](#) - corrected), [136/2004](#) Odl.US: U-I-273/01-21.

⁶ Report of the Ministry of Labour, family and Social Affairs; Monthly News December 2008, Employment Service of the RS; volume 15, No. 12.

<http://www.ess.gov.si/slo/Dejavnost/StatisticniPodatki/MesecneInformacije/2008/M11208.pdf>

⁷ Report on the Realisation of the Action Programme for Persons with Disabilities 2007-2013 in the year 2008. http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/api_07_13_poroc08.pdf (accessed 18. 10. 2009).

⁸ Official Gazette RS, No. 41/1983.

⁹ Action Programme for Persons with Disabilities 2007-2013 (Akcijski Program za invalide).

¹⁰ Action Programme for Persons with Disabilities 2007-2013 (Akcijski Program za invalide).



PART ONE: GENERAL EVIDENCE

1.1 Academic publications and research reports (key points)

There is not a great deal of research in disability, yet the employment of disabled people is the most researched topic in disability studies in Slovenia. A comprehensive research study on employment was published in 2004 (Učšiet al.), coinciding with a change in legislation that introduced major changes in employment for disabled people (e.g. quota systems, supported employment, etc.). The assessment of the situation and possibilities of introducing new arrangements included new assessment procedures, use of IT technologies, quota system, supported employment and analysis of employers' attitudes to employing disabled persons.

In 2006 there was legal study conducted on the relationship between social care and security entitlements and the possibilities to be employed in the open market (Kresal Šoltes et al. 2007). This study was a reaction to the new legislation and the main issue was to tackle the problem that legislative reform left open – the fact that entitlements (pensions), disability status and institutional care prevent people entering the market. The study proposed series of amendments that would not increase the risk in transition from disability pension to employment, enabling people to retain their entitlements and benefits for care when employed and to receive incentives for being employed. Further, it points that the new legislation favours sheltered employment over supported and that the quota can be filled by contracts to sheltered employment enterprises. It also suggests that a shift to social and individual models of assessment and provision is necessary.

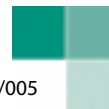
A fairly comprehensive monitoring report was published (OSI-EU Monitoring and Advocacy Program, Zaviršek and Urh, 2005) on access to education and employment for intellectually disabled people. While concentrating more on the integration and inclusion in education, it points to the problems of the majority being unemployed; of receipt of various disablement benefits and social care preventing a person entering the labour market and pointing to the segregative effects of Adult Training Centres (literal translation Care and Work Centres).

In an effort to map the contingencies of everyday life of people with long-term distress (Flaker et al. 2007; Čačinovič – Vogrinčič, 2008) there is a substantial part on work, employment and income. The qualitative analysis of various data sets shows that employment is not only a means of acquiring contractual status and income to support a life in the contemporary society but also a way of organising life experiences, constructing social world and identities. It is also an essential constituent of being active (e.g. dementia) and points to everyday tactics and strategies to deal with work place intricacies (attaining, maintaining and preserving work). It points to many diverse ways of supporting, helping and enabling people in these situations.

A series of small scale studies and evaluations were commissioned by the Ministry for Labour, Family and Social Affairs to evaluate both national programmes (Fatur, Vidmar 2007, Kobal et al. 2006, 2007, Kobal, Dremelj, Nagode 2007) and various forms of employment (Vidmar et al. 2006, Ministry of Labour 2006a, 2006b, Nagode et al. 2008) including a comprehensive study on human resources in sheltered enterprise (Dolinšek et al. 2005). These are designed to set indicators for policy evaluation and give insight into the working of the system being established and, thus, herald more evidence based decision-making in the future, as well as development of research and evaluation in the field of disability and employment.

There were three publications concerning the disability in 2007. One was a legal manual on employment and rehabilitation (Uršič, Destovnik, Kalčič 2007) and another general manual for more popular use – A Guide to Disability Rights (Kresal et al. 2007). The third publication was a by the Statistical Office on Disabled Persons, the Elderly and Other Persons with Special Needs in Slovenia, presenting data, among others, on the employment of disabled people (Statistical Office of Slovenia 2007¹¹).

¹¹ <http://www.stat.si/doc/pub/invalidi-2007-SLO.pdf>



In 2009 two new studies were conducted in regard to people with disabilities, work and human rights. One was conducted by the Social Protection Institute of the Republic of Slovenia and has shown that, despite new legislation on employment, the old laws are still in force and discriminate against disabled people in the labour market (Smolej, Kopal, Nagode, Žiberna, Kresal, Urh, Špela, 2009). The research was financed by the Ministry of Labor, Family and Social Affairs.

During 2008 and 2009 another research study was conducted at the Faculty of Social Work which analyzed the phenomena of the working poor and which included people with disabilities (Leskošek, Vesna et al. 2009). In chapter 6 of the research the focus was on the working poor disabled (done by Natalija Jesenicnik, Darja Zaviršek). The report showed the employment figures since 1991 and the trends that in the last 15 years the number of people with disabilities who become unemployed has increased. While in 1990 there were only 2,167 unemployed persons with disabilities, there were already 24,247 in the year 2005. The research has shown the existence of the phenomena of the working poor in Slovenia but was unable to give statistical data on this group altogether or for the working poor disabled, since neither governmental nor non-governmental organizations were able to provide relevant data. The research has shown that the government exacerbates the phenomena of working poverty with: a very low minimal wage; liberal attitudes towards the work agencies; neoliberal logic within Slovene labour market policies. The research was funded by the National Research Agency of the Republic of Slovenia and the Ministry of Finance from the governmental fund for applied research in Slovenia.

1.2 Employment statistics and trends (key points)

Data on employment are generally provided by Statistical Office of the Republic of Slovenia¹² and by Employment Service of Slovenia¹³.

The latter provides monthly reports on the registered unemployed including the number of disabled people (e.g. June 2008 there were 10,140 disabled people registered as unemployed or 16.7% of total number), under the Occupational Rehabilitation and Employment of Disabled Persons Act (e.g. in April 2008 there were 487 people in the rehabilitation process, 103 of them started in the current month); on the register of the newly employed disabled (April 2008 142, first four months of 2008, 608); and on the number of contracts of various measures of the Active Policy of Employment (Employment Service of Slovenia).

The Statistical Office does not provide much data on disability and employment apart from what is published in the brochure mentioned earlier, i.e. the number of disabled persons employed (30,739 in 2007), number of unemployed (10,415), percentage of employed and unemployed according to age and sex, number of employed in the disability enterprises. The Statistical Office provides also provides some data on the Adult Training Centres (Statistical Office, Rapid Reports 77).

There is also data available from the Institute of Pension and Disability Insurance¹⁴ that has indirect implications for the employment issue – i.e. the number of people on the disability pension (total 93,558 in May 2008).

The available data are administrative; hence they are reliable in expressing the quantities of an administrative nature (registered employed or unemployed disabled people, recipients of disability pensions, included in disability enterprises etc.). However, the conclusions on these data may not be valid or even reliable.

¹² <http://www.stat.si/>

¹³ <http://www.ess.gov.si/>

¹⁴ <http://www.zpiz.si/src/>



For instance, figures reported in the European compilation (Ward, Grammenos, Huber 2007: 54) regarding the share of employed people with disabilities is different to the one that might be calculated from the figures presented by the same source, the difference being substantial – e.g. while the compilation reports that the share of employed disabled people in total employment is less than 1%, the calculation of the data of the Statistical Office (the same body that purveyed the information for the Compilation) give a result of 3.84%. While unable to track the source of this difference, we can have more reason to doubt the reliability of Compilation than the data closer to the ground.

The share of disabled people unemployed is much higher 14.83%, while the unemployment rate is 23.4% compared to the general unemployment rate of 7.3% (calculated on the data of Statistical Office and Employment Service¹⁵). The trends are however encouraging. Until 2001 there was growth of unemployment of disabled (despite the decrease in general unemployment since 1998). Since 2001 there has been a decrease in unemployed disabled and, what is even more encouraging, an increase in new employment since 2004. The new employment of disabled doubled from 987 in 2004 to 1,927 in 2007 (Employment Service). It seems that better economic conditions and new regulations (Occupational Rehabilitation and Employment of Disabled Act) and policies (Active Employment Policy) produced positive trends in employment. The decrease in unemployed disabled people might be also a result of stricter regulations on attaining the disability status. However, there is a great proportion of inactive disabled people (about 70% - Uršič et al. 2004), about half of them in the working age group, many of them prevented from entering the labour market by the virtue of their legal status.

The Action Programme for Persons with Disabilities 2007-2013 states that at the end of 2008 there were 11,025 unemployed disabled people, this being 6% more than in 2007.¹⁶ Data shows that the employment rate of disabled persons has been growing more slowly than for non-disabled persons. There were 33,511 employed disabled people in January 2009, and 32,490 in December 2009. There were 11,418 registered unemployed disabled persons in January 2009 and 13,132 in December 2009. In 2007, 1,746 unemployed disabled people found employment, and 1,629 in 2009 (Employment Service of Slovenia Statistical Information). In 2007 there were 1,411 persons in the process of vocational rehabilitation, a rise of 27% compared with the previous year, but only 969 persons in 2009 which shows quite a big drop.

The most important change in the area of employment has been the introduction of the quota system, under which employers are obliged to employ a certain number of disabled people. Implementation of the quota system started in January 2006, and employers who employ more than 20 employees have to employ between 2% and 6%, depending on the type of business. Even though the employment of disabled people has increased since the introduction of the quota (at the beginning of 2006 there were 31,205 disabled people employed, at the end of 2006 32,682, at the end of 2007 33,058 and in September 2008 33,901), the employment rate is still growing more slowly than among the non-disabled. In 2007, for example, the number of employed disabled people had increased by 1.1%, while the general level of the employed had increased by 3.6%.

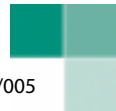
After the Employment and Vocational Rehabilitation Act 2004 new employment centres started to be established for persons with disabilities (article 15 of the Act). There were 15 employment centres in 2007 and 17 employment centres in 2008 employed 200 disabled persons.¹⁷ In 2009 there were 25 employment centres. In January 2010 there are already 27 employment centres across Slovenia. Currently there are 249 persons with disabilities employed in these centres¹⁸.

¹⁵ http://www.ess.gov.si/slo/Dejavnost/StatisticniPodatki/MesecneInformacije/2007/T01_slo07.pdf

¹⁶ Action Programme for Invalids Report, 2008 [Akcijski program za invalide, 2008], pp. 23.

¹⁷ Management Report for 2008; Fund of the Republic of Slovenia for the Encouragement of the Employment of Disabled People, 2009, p. 12.

¹⁸ Data provided by the Directorate of Invalids at the Ministry of Labour, family and Social Affairs of the RS. 08. January 2010.



1.3 Laws and policies (key points)

Disability is not a major theme in political discussion and there are no major differences between the political parties regarding the issue. There have been some actions in the political arena to promote public interest in the issue (e.g. a woman on a wheel-chair running for president, demonstrations and rallies etc.). International treaties and European policies had probably substantial effect on positive changes too.

The most important new legislation in recent years was the Vocational Rehabilitation and Employment of Disabled Act (2004). Alongside it there is in operation an Active Employment Policy 2007-2013 (based on a previous similar policy) and a Disability Action Plan 2007-2013. The Act has introduced many innovations, among them the quota system, supported employment, more opportunities for sheltered employment as well as intensive counselling and individual planning of employment (rehabilitation plan) including the design of the work place, adaptation of the work space and incentives to employers. The Active Employment Policy has special goals and targets regarding the disabled in the Chapters of Social Inclusion and Subventions to hard to employ. The Disability Action Plan has a major set of goals on employment (22 measures) that aim at improving the legal framework as well as actual practice in employment.

The general impression is that there is a framework and measures on the ground that would improve opportunities for disabled people and that there are also monitoring devices that will enable the stakeholders to amend and improve the strategic as well as operational ways of enacting the legislation and policies. On the other hand, from the user perspective, the system is quite complicated and one needs a lot of expertise to enact ones rights, therefore favouring users who are already included and more socially able, and instituting the services as regulators of employment rather than the users themselves.

The already mentioned, the Employment and Vocational Rehabilitation Act¹⁹ from 2004 introduced a quota system for the employment of disabled people, employment companies, protected and supported workplaces. Not much is known about the latter. Companies which employ more than 20 workers are obliged to employ persons with disabilities (the quota varies from 2-6 %, depending on the sort of business). Out of 5,413 employers monitored by the Fund of the Republic of Slovenia for the Encouragement of the Employment of Disabled People in December 2008, 2,476 were paying a 'fine' for not meeting the employment quota, while 1,397 were meeting the quota and 1,540 were entitled for incentives from the Fund for exceeding the quota. According to the Fund, in 2008 there were 9% more disabled people in paid employment, compared to the year, 2006, when the quota system was introduced.

In 2008 the Fund of the Republic of Slovenia for the Encouragement of the Employment of Disabled People had €19,151,629 in income and €22,971,610 outgoings²⁰. The most important task of the Fund in 2008 was to continue paying financial incentives to employers who employ disabled persons. In 2008, the Fund financed 630 new employment positions for disabled persons. More than 600 employers chose, instead of fulfilling the quota, to put in place a business contract with an 'invalid company'. This alternative way of fulfilling the quota makes up to 40% of the Fund's income. The Fund monitors approximately 5,500 employers (employers who employ 20 or more employees). About 45% of them make payments to the Fund for not fulfilling the quota, approximately 1,400 fulfil the quota and 1,540 exceed it and receive financial incentives. The main goal of the Fund is to increase the number of employed disabled people. Statistical data shows that at the end of 2008 there was a 9% increase in employment of disabled people, compared to 2006, when the quota was introduced.

¹⁹ Official Gazette of RS Official Gazette 18/76, 8/90, 63/2004.16/2007; 23. 2. 2007.

²⁰ Ministry for Labour, Family and Social Affairs, press release, 09.07.2009,

<http://www.mdds.gov.si/si/splosno/cns/novica/article/1939/6154/8ca89385f9/> (accessed 18.10.2009). and Management Report for 2008; Fund of the Republic of Slovenia for the Encouragement of the Employment of Disabled People.



According to the Fund the number of companies that fulfil the quota is rising, but there are still almost 55% of companies employing more than 20 workers that do not fulfil the quota.

These data show that the policy of the quota system is slowly being implemented and showing some effects but there is still a long way to go in order for the quota system to become a usual practice within the labour market.

One of the worrying facts is that there still exist conflicting laws in the area of employment, like the Social Care of Mentally and Physically Disabled Persons Act from 1983. According to this act people with intellectual (moderate, severe and profound) disabilities and severe physical disabilities, whose disability occurred before they were 18 years old (or 26 if they were still in the educational process), gain a disability status. According to this status they are marked as 'incapable for independent living and work' (Art. 1). They are entitled to disability allowance, care allowance and institutional care, but are not entitled to enter any form of vocational rehabilitation, as they are marked as unemployable. They can only 'work' in sheltered workshops, which are often a sort of a day care placement, if they live at home with their families, or a day activity if they are in a residential institution. Some professionals call them 'adult kindergartens'²¹ (Zaviršek 2009). They do not receive salaries, but a small payment which is called 'monthly award'.

The Employment and Vocational Rehabilitation Act, from 2004, did not improve this situation in spite of several reports and recommendations provided by researchers and NGOs of people with disabilities. The first comprehensive debate on this issue was opened during the presentation of the interim national report funded by OSI/EU Monitoring and Advocacy Programme, Report on the Access to Education and Employment for people with Intellectual Disabilities in Slovenia (debate was initiated by YHD and Darja Zaviršek), and later on when the report was published in 2005 (Rights of people with intellectual Disabilities. Access to Education and Employment, 2005; Darja Zaviršek and Špela Urh). The report showed that the outdated law which prevented access to employment for some people with disabilities should be changed and the new Employment and Vocational Rehabilitation Act from 2004 which had not come into force yet at that time, had to be improved.

Despite these public and professional debates and documents, which requested change under the 'major recommendations', no changes were implemented. In 2006 the Ministry for Labour, Family and Social Affairs, Directorates for Invalids gave a grant to the Institute of Labour of the Law Faculty Ljubljana in order to explore the labour issues of the people with disabilities. The Institute of Labour completed the research project with the title 'Invalids among social protection and labor market' in November 2006 which has shown the same results than the report from 2005 (project leader: Katarina Šoltes) - namely, that people with disabilities who are labelled by the Social Care of Mentally and Physically Disabled Persons Act from 1983 cannot enter the labour market even though the new Employment and Vocational Rehabilitation Act from 2004 has supposedly opened the vocational rehabilitation, supported work and indiscriminative labour market to all persons with disabilities.

In 2008 the same task from the same Ministry was given to the Social Protection Institute of the Republic of Slovenia which produced the report 'The Overview of the social protection of the mentally and physically disabled persons in the countries of the European Union and the analysis of the situation in the Republic of Slovenia for the needs of the renovation of the Social Care of Mentally and Physically Disabled Persons Act'. In February 2009 the report of the Social Protection Institute came to the same results as the report from 2005. Despite the fact that in all three reports some of the same persons were involved in the research, neither 2006 nor 2009 reports have mentioned that the findings have been known since 2005 and that the proposed changes were discussed with the representatives of the Ministry. In January 2010 no changes are announced in this area, yet.

²¹ Zaviršek, Darja (2009) Critical Commentary: Adults with Disabilities: International Perspective. British Journal of Social Work. October 2009.

People with an 'invalid status' under the Social Care of Mentally and Physically Disabled Persons Act, are not covered by the provisions of the Employment and Vocational Rehabilitation Act. Article 10 of the Act states that 'invalidity status' under the Vocational Rehabilitation Act can only be granted to those who do not already have this status according to other laws (Employment and Vocational Rehabilitation Act, art. 10).

For details of the Pension and Disability Insurance Act 2004:

Official Gazette 106/1999, 72/2000, 81/2000, 124/2000, 109/2001, 83/2002 (Supreme court order Odl.US: U-I-178/02-14, 108/2002, 110/2002, 112/2002 Skl.US: U-I-307/98-38, 40/2003 Odl.US: U-I-273/00-13, 63/2003, 63/2003 Odl.US: U-I-57/00-51, 133/2003 Odl.US: U-I-36/00-52, 135/2003, 2/2004 (10/2004 - corrected), 136/2004 Odl.US: U-I-273/01-21.

1.4 Type and quality of jobs (summary)

Most employed disabled people, about three quarters, are employed in the open market. This is probably the result of good protection in retaining their jobs after the onset of the disability while working and, only recently, also the result of newly-introduced quota system and incentives given to the employers and disabled people.

The major employers of disabled people are the Disability Enterprises. In 2006 there were 165 such enterprises, employing 13,685 workers, 6,441 of them disabled (Statistical Office, Rapid Reports 77: 4-5). These are sheltered places of employment, with a long history (first established in 1950s) that transformed into invalid companies in 1988. After independence, when Slovenia turned to a market economy, the number of such companies drastically increased (mostly in 1993-94). Nowadays, they employ almost a fifth of all employed disabled persons. In September 2008, among all workers employed in invalid companies there were 6,412, or 43.6 % disabled persons.²²

They flourished as a transition phenomenon in 1990s (Ministry of Labour 2006a) being founded by various enterprises in order to increase the productivity of their main enterprises. Hence, the majority (78%) of them are founded by the state-owned economic entities (some also by disability associations), most of them of medium size and some quite big. The employed workers in these establishments are, on average, older and less skilled. This, alongside with the segregative function, produces a de-motivated atmosphere.

Invalid companies (disability enterprises) remain important employers of disabled people in Slovenia. In 2008 there were 167 Invalid companies which employed 6,400 disabled persons. This is a slightly smaller number of invalid companies than in the year 2006, when there were 165 of them. The number of persons with disabilities within the invalid companies is also reported to have dropped.²³ In 2009 there were 166 invalid companies across the country²⁴. At the end of 2009 there were 5,614 persons with disabilities employed in the invalid companies out of their total workforce of 13,161 people²⁵.

New forms of sheltered employment were introduced by new legislation (2004) with the Employment Centres for disabled people. In 2007 there were 15 such centres employing 154 people. The initial findings are positive in terms of social inclusion and support but it is undetermined how productive they could be both in term of economic indexes as well as in terms of helping the employment careers of the users (Vidmar et al. 2006). Recently introduced are also training workshops and enterprises to train people in the workplace. In 2006, there were 263 people included in 21 such programmes, half of them disabled (Ministry of Labour 2006b). There is not much evidence of how successful the introduction of supported employment is.

²² http://www.stat.si/novica_prikazi.aspx?id=2034

²³ Action Programme for Invalids Report, 2008 [Akcijski program za invalide , 2008], pp. 23.

²⁴ Data for 2009 in this section are provided by the director of the Directorate of Invalids at the Ministry of Labour, family and Social Affairs of the RS. 08. January 2010.

²⁵ Data provided by the Directorate of Invalids at the Ministry of Labour, family and Social Affairs of the RS. 08. January 2010.



Certainly, it has not been developed to its potential and is less used by counsellors and rehabilitation workers (Fatur and Vidmar, 2007).

New legislation has also given a substantial emphasis to rehabilitation counselling.

According to evaluation this has not increased the numbers of people entering the rehabilitation process but it is, however, productive in producing a new network of rehabilitation agencies, methods of working, setting professional standards, organising the practitioners and networking with employers.

There are also around 2,700 (Nagode et al. 2008, Rapid Reports, 11) people with intellectual disabilities working in a quasi-employment, i.e. the Adult Training Centres (Centres for Care and Work). These establishments provide 'guidance, care and employment' (sometimes also accommodation), and day care for the people with intellectual disabilities who would supposedly be otherwise excluded from work and employment. These have been criticised for their segregative nature and patronising attitudes of staff, maybe more excluding people from employment than connecting them to it.²⁶

The number of people being placed in sheltered workshops is growing rapidly. In 2007 there were 587 persons working in sheltered workshops. In 2008 there were already 2,621²⁷ (according to another report even 2,653)²⁸ persons with disabilities placed in sheltered workshops. Their number is still growing, as there were 3,016 persons with disabilities placed in sheltered workshops in 2009 (23 public and 11 private with concession).²⁹ These are persons who are, according to Social Care of Physically and Mentally Disabled Persons Act 1983, defined as incapable of independent life and work.³⁰ They are not entitled to any vocational rehabilitation services or incentives for employment.

This is even truer for the occupational therapies in the mental hospitals and social care homes, which provide occupational activities, but in the name of therapy rather than work, thus devaluing not only the price of work but also the experience. There are, however, some initiatives in social care homes to provide paid work to the residents, but facing not only organisational difficulties of acquiring work - other than work within the institution itself - but also legal obstacles due to the illegality of residents' income generating work.

It is obvious that people with intellectual disabilities and long-term mental health problems have a more disadvantaged position among the disabled population, in terms of lack of programmes, methods of work inclusion and incentives and benefits.

In 2008 there were 1,165 persons using vocational rehabilitation services, which was 17% less than in the previous year.³¹ 1,776 disabled persons found employment in 2008, 2% more than in 2007, but at the end of 2008 there were 11,025 registered unemployed disabled people, (6% more than at the end of 2007). There was a slight increase in the number of disabled people placed in the public works programme (240 in 2007 and 337 in 2008) but the number of disabled persons employed through all Active Labour Market Policy Programmes remains the same as for previous years.³²

²⁶ EU Monitoring and Advocacy Program - Open Society Mental Health Initiative, 2005, Završek, D., Urh, Š.: *Rights of people with intellectual disabilities. Access to education and employment : Slovenia*. Budapest, New York, Open Society Institute.

²⁷ http://www.stat.si/novica_prikazi.aspx?ID=2638 (accessed 13. 1. 2010)

²⁸ Action Programme for Invalids Report, 2008 [Akcijski program za invalide , 2008], pp. 23.

²⁹ http://www.stat.si/novica_prikazi.aspx?ID=2638 (accessed 13. 1. 2010)

³⁰ Official Gazette RS, No. 41/1983.

³¹ The figures in this section are from the Action Programme for persons with Disabilities 2007-2013, Report for 2008; http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/api_07_13_poroc08.pdf

³² Report of the Ministry of Labour, family and Social Affairs; Monthly News December 2008, Employment Service of the RS; volume 15, No. 12.

<http://www.ess.gov.si/slo/Dejavnost/StatisticniPodatki/MesecneInformacije/2008/M11208.pdf>



Since 2006 there have been 13 different organisations providing vocational rehabilitation services (one of them is a public institution and 12 are licensed private organisations). The public Institute of the Republic of Slovenia for Rehabilitation is the only organisation that provides vocational rehabilitation for visually impaired and blind persons. Among the licensed private organisations is RACIO from Celje, which provides vocational rehabilitation for deaf persons. The Employment service has recommended to the Ministry the expansion of the network of vocational rehabilitation service providers, in order that this service would become more accessible to users from different parts of the country.

The Institute for Pension and Invalidity Insurance has also stated that users are discouraged from entering the vocational rehabilitation service because their financial compensation during rehabilitation is so low. It considers this to be a reason why the number of service users has not increased compared to previous years. The Government made a decision in 2007 to enable 16 disabled graduates to take up apprenticeships in governmental bodies, and 20 disabled pupils to do practical work as part of their schooling. 11 apprenticeships were realised in 2008 and 4 placements of pupils.

Occupational and vocational rehabilitation

There is a distinction between occupational rehabilitation and vocational rehabilitation. Occupational rehabilitation is a right of persons who became disabled while they were in paid employment and can either be trained to do the same job as they did before accident or illness, under new conditions, or to be re-trained for a different job. According to the Pension and Invalidity Act, a person who became disabled at work is obliged to enter occupational rehabilitation if it is so decided by an expert body, otherwise he/she can lose a job.

Vocational rehabilitation is regulated by the Vocational Rehabilitation and Employment of Disabled Persons Act and is the right of any disabled person. Vocational rehabilitation is most often used by disabled people who have never been in paid employment or are unemployed.

The number of disabled people using the occupational rehabilitation service, as well as the vocational rehabilitation is decreasing, one of the reasons being the low income users are entitled to during rehabilitation. The Institute for Pension and Disability Insurance has suggested that the Ministry for Labour, Family and Social Affairs should raise the amount paid and the Ministry has put this measure into their Action Plan Report as the task for the future. A problem with occupational rehabilitation also relates to the network of providers. People who live in smaller towns and cities do not have access to vocational rehabilitation.



PART TWO: SPECIFIC EXAMPLES

2.1 Reasonable accommodation in the workplace

The Occupational Rehabilitation and Employment of Disabled Persons Act provides practical assistance for people who are employed, self-employed, or about to start a new job. This scheme provides funding towards the additional disability-related costs of special equipment, adaptations to the workplace, personal assistance, travel to work, etc. Eligibility is assessed by the Rehabilitation Commission. The employer normally pays for the additional support required and receives a grant towards these costs. There is no research evidence on how this is put in operation. There is anecdotal evidence of successful implementation of these measures but also the opposite, of people being disappointed by the support they have received. Lack of evaluation might suggest that it is not an issue that authorities have tackled systematically yet.

In 2008 the Fund of the Republic of Slovenia for the Encouragement of the Employment of Disabled People decided to pay the costs for one accommodated work place in the country. The costs were €5,023.20.

The Fund also paid costs for one supported employment work place at a cost of €1,528.32 Euro. There was a request for another supported employment workplace which was rejected.³³ According to the management report €60,000 was budgeted for accommodated and supported work places. There are no explanations as to why the money was not spent or how this budget was spent in 2008.

It is rather surprising that, although supported and protected/accommodated workplaces are part of the 2004 Act, almost none of these novelties were implemented. Many professionals complain that supported workplaces are not put in practice (personal communication 2009). Until the end of 2009 in the official reports and e-mail surveys, no explanation was provided for this fact. In the future it is expected that more of these types of workplaces will be introduced.

2.2 Other activation policies

The two main activation policies are the previously mentioned Action Plan for Disability and the Active Employment Policy. These include measures and programmes such as Disabled to the Disabled, '10,000', etc. However, a more intensive approach is lacking, especially in the areas of supported employment or job coaching and job retention schemes, where there are pilot experiences that need to be brought to more elevated programmes accessible to wider audiences.

The Employment and Vocational Rehabilitation Act from 2004 provided an opportunity for companies to gain an award given by the Ministry of Labour, Family and Social Affairs for best practice in the area of employment of persons with disabilities. Until 2010 the Ministry has not yet given any awards to companies.

2.3 One example of best practice

After 2001 there was a series of projects on employment of disabled people, co-financed by the EU. Out of 20 selected Equal projects there were four for the inclusion of disabled people into the labour market and enhancing the possibilities for their vocational development (Vrečer, 2007).

Inclusion of the People with Hearing Disabilities into Life and Work – A Comprehensive Model was developed by RACIO – Human Capital Development Company, Ltd. on the initiative of the Deaf and Hard-of-hearing Clubs Association of Slovenia and Employment Service of Slovenia.

³³ Management Report for 2008; Fund of the Republic of Slovenia for the Encouragement of the Employment of Disabled People, 2009.



The main goals set were: to *identify* the unemployed people with hearing disability, to *motivate* them for resolving life and work problems, to *develop* new ways of working with unemployed people with hearing disabilities and to find and develop additional *opportunities* for work and social inclusion.

The models consist in connecting existing possibilities, in terms of expertise, premises and equipment; of the regional associations, professional agencies, disability enterprises, successful entrepreneurs, potential employers and others, in specific environments. The role of the disability associations in the model is of central importance. Invaluable are the social networks that they provide, the knowledge and the premises they possess. The use of communication technologies enables people with the hearing disabilities to pass information through informal circles, thus creating a natural support system in the process of gaining employment. This is supported by a multi professional team.

People with hearing disabilities use the occupational rehabilitation services, are included in the programmes of active employment policies such as public works, workplace training, work assessment etc. The role of the programme itself is to direct people to the most adequate services and to find and encourage the training programmes and potential employers to take on new trainees and employees.

The programme provides good practice example also because it is connecting the different agencies from all the sectors in a way that creates synergies, viable also on the financial level and achieving best results in term of inclusion of people with hearing disabilities. This is demonstrated by the data for 2006 and 2007 – 49 people with hearing disabilities (around a quarter of all registered unemployed people with hearing disabilities) used the services of the occupational rehabilitation and 20 of them (40.8%) found employed. The rest are included in numerous activities (public works, training and education, addiction treatment etc.) and therefore being taken out of inactivity at home.

The comparative advantage of this model seems to be more success in employing disabled people in ordinary work places (Fatur, Vidmar 2007) and in pioneering supported employment. Its virtues are also in combining well the individualisation of assessment and planning with the synergies of the natural support networks, as well as formal networks created by the model. It is a model that could be used also with people with other types of disabilities as well as transferred to other countries.

In 2008, the government implemented a decision accepting a suggestion by the NGO YHD and two Ministries that 16 young persons with disabilities should be enabled to take up apprenticeships in public administration and 20 disabled pupils should do practical placements in public administration positions during high school. In fact in 2008, 11 persons with disabilities started apprenticeships in public administration and 4 pupils undertook practice placements.



PART THREE: SUMMARY INFORMATION

3.1 Conclusions and recommendations (summary)

Disabled people are included in employment activation policies and there are also substantial parts of disability policy that are intended to promote employment. There is evidence that these policies and new legislation have had a positive impact on employment of disabled people. However, there is not much evidence of what has worked and what has not. For example, the figures of new employment suggest that the introduction of the quota system has had an impact on the increase in new employment, but we do not know how this was achieved and we do not have empirical evidence of what encouraged the employers, the disabled employees or the brokers.

There is evidence that more emphasis was put on sheltered employment and less on supported employment and adaptation of the workplace etc. Despite the fact that some professionals are looking for inclusive employment of those labelled as intellectual disabled who are under the protection of the sheltered workplaces, only some individuals work in ordinary workplaces, but have no actual working contracts. In future a more systematic approach should be taken in studying and experimenting this group.

An important feature in recent developments is that there is will to monitor and evaluate both new and old features of the employment schemes, programmes as well as policies. No matter what we think about the quality of the reports, which is of variable nature, they provide important insights into the working of individual schemes as well as the policies. There is need for improvement of this research and we would suggest that the evaluation and monitoring reports should be subject to independent reviews. The evaluation being set for monitoring of Action Plan for Disability should be steered by a strategic monitoring group consisting of administrators, scientists and disabled people.

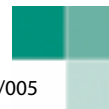
Hitherto research dealt mostly with the legal issues and processing the data collected for other purposes. There is need for basic research in disability and employment - both providing survey data on the issue as well as qualitative data on the contingencies of employment in disabled people's lives (as well as data that would enable us to understand the procedures, decision making and other processes). We suggest that this research is conducted in a participatory manner, including disabled people as well as an element of action research. To increase the viability of research in disability and employment a share of lottery funds could be used for this purpose alongside a more substantial input from the government to disability research.

There is evidence that there is a large portion of disabled people prevented from entering the labour market on legal grounds, due to the 1983 Social Care Act. We do not know how many disabled people in the working age group would be able to work and to what extent. Careful consideration is needed to assess both work potential as well as amenable solutions.

People with intellectual disabilities, and even more so with mental health conditions, are in a different and more disadvantaged position in comparison to people with sensory and physical disabilities. They are more excluded from the work arena, less represented by their associations and advocates, there are fewer incentives available and methods of inclusion are less elaborated.

People living in the long-term institutions are probably the most excluded group from the employment and work arena. Alongside with the de-institutionalisation process there is a need to consider the ways of employment, activation or meaningful activity without employment.

The sources for the years 2008 and 2009 show that many governmental reports still present conflicting data or use an incomprehensive style of descriptive presentation of the facts and figures. It is important to improve the style of the annual reporting and to present data and figures in a form that will be comprehensive for researchers as well as for the general public.



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ANNEX 1: QUANTITATIVE DATA ON THE EMPLOYMENT OF DISABLED PEOPLE

Registered unemployed persons

2006	9.138
2007	10.346
2008	11.025
2009	13.132

Rate of disabled persons among all registered unemployed persons

2006	11,7 %
2007	15,1 %
2008	16,6 %
2009	13,6%

Unemployed disabled persons who got employed (Absolute)

2006	1.927
2007	1.746
2008	1.776
2009	1.629

Year: 2008-december	Absolute? (N)	Percentage (%)	Change (from previous year)
Disability rate	170.000 (number of persons with the official disability status)		
Employment rate of disabled people	33.891 persons with disabilities employed		
Activity rate of disabled people	33.891 (number of all persons with disabilities employed) + 11.025 (registered unemployed disabled according to the Employment Service of the RS)		
Inactivity rate of disabled people	93.389 (these is the number of those who are entitled to get invalidity pension)		
Employment in open labour market	33.891, out of this number 6400 persons work in invalid companies; and 200 in employment centres		
Employment in sheltered workshop	3.016 (in 2009); 2.621 (in 2008); 587 (in 2007) ³⁴ People are not on a work contracts but under social welfare protection.		

³⁴ http://www.stat.si/novica_prikazi.aspx?ID=2638 (accessed 13. 1. 2010)



Reason for leaving the labour market due to disability or long standing health problem	no data		
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Year:	% Permanent	% Temporary
Permanent contracts vs. short term contracts	No data	

Year:	% Full-time	% Part-time
Full time vs. part time jobs	No data	

Year:	Public sector	Private sector	(e.g. comment or give % employers meeting obligations?)
Fulfilment of employment quota (if it exists)	908 disabled persons worked in governmental bodies;		In Slovenia there are altogether 5.413 companies (Dec. 2009) that are obliged to fulfil the quota; more than 50% do not reach quota requirements.

Participation in training of disabled people	1165 persons were enrolled in the vocational rehabilitation.	(e.g. comment or give number of people participating in vocational or work-related employment)
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Sources: Web sites of the Ministry of Labour, Family and Social Affairs of the RS; Statistical Office of the RS; Employment Service of the RS.



ANNEX 2: 2008-9 LAWS AND POLICIES ON THE EMPLOYMENT OF DISABLED PEOPLE

Name of law:	Vocational Rehabilitation and Employment of Disabled Persons Act
Date of entering into force:	(June) 2004
Objective:	<p>This Act gives disabled people rights to vocational rehabilitation, protected and supported employment, protected work places, and subventions and other incentives for employment. Vocational rehabilitation includes variety of services, which aim at increasing employability of disabled persons.</p> <p>A mayor innovation in the Act is a quota system, a positive discrimination measure which means that the employers either have to employ a certain number of disabled people, establish an agreed business co-operation with an »invalid company« or employment centre, or pay money to a special foundation established for the encouragement of employment of the disabled people. The employment quota applies to employers who employ 20 or more employees and varies from 2 to 6 %, depending on the type of industry.</p> <p>Employers who do not fulfil the quota or who do not have a proper contract with employment centres or invalid companies have to pay a sum of 70% of the minimum wage for each disabled person they should have employed to the Foundation for the encouragement of employment of disabled people. The Foundation uses the collected funds for the incentives for employers who employ disabled people or those who exceed the quota.</p>
Impact assessment (positive/negative):	<p>At the end of 2008 unemployment among disabled persons was 9% lower than at the time Act came to force, but the Act encouraged more employment centres, which still provide special employment, and there are not many cases of supported employment in regular companies. The setting of the quota does not seem to have really encouraged much better opportunities for employment of disabled people. Quota rates vary, for example, the quota in public administration is set at 2 %, while in mining industry it is set at 6 %.</p> <p>The Act does not include persons who have 'invalid status' according to the Social Care of Mentally and Physically Disabled persons Act. They are not entitled to any services or benefits from it.</p>



Name of law:	Disability Action Plan 2007 – 2013 – policy paper
Date of entering into force:	
Objective:	One of priorities of the Action plan is enabling disabled people to gain access to work and employment without discrimination, in a working environment which is open, inclusive and accessible.
Impact assessment (positive/negative):	

Name of law:	
Date of entering into force:	
Objective:	
Impact assessment (positive/negative):	



ANNEX 3: 2008-9 RESEARCH/EVALUATION ON THE EMPLOYMENT OF DISABLED PEOPLE

Publication details (author, date, title, etc):	Leskošek, Vesna et al. 'The causes and the extend of the phenomena of the working poor '. Ljubljana, Faculty of Social Work, University of Ljubljana. September 2009. (Number of the project CRP V5-0292). 199 pages. The research was funded by the governmental funds for applicative research in Slovenia.
Key findings from the research:	The part 6 of the research focuses (done by Natalija Jesenicnik, Darja Zavirsek) on the working poor disabled in Slovenia. The report has shown the employment figures since 1991 and the tends of the increased numbers of unemployed people with disabilities during the last 15 years. While in 1990 there were only 2.167 unemployed persons with disabilities, there were already 24.247 in the year 2005.
Comment or assessment:	The research has shown the existence of the phenomena of the working poor in Slovenia but was unable to give statistical data on working poor, since neither governmental nor non-governmental organizations were able to provide relevant data. The research has shown that the government assists the phenomena of the working poor with: <ul style="list-style-type: none"> - a very low minimal wage; - with liberal attitudes towards the work agencies; - through liberal policy towards a neoliberal logic within the Slovene labour market.

Publication details (author, date, title, etc):	Šoltes, Katarina et. al. (2006), »Invalids among social protection and labour market'; Institute of Labour of the Law Faculty, University of Ljubljana.
Key findings from the research:	See: 1.3 Laws and policies (key points)
Comment or assessment:	The research was financed by the Ministry of Labour, Family and Social Affairs.

Publication details (author, date, title, etc):	Smolej, Simona and Kobal, Barbara and Nagode, Mateja and Žiberna, Vid and Kresal, Barbara and Urh, Špela (2009), 'The Overview of the social protection of the mentally and physically disabled persons in the countries of the European Union and the analysis of the situation in the Republic of Slovenia for the needs of the renovation of the Social Care of Mentally and Physically Disabled Persons Act'. Social Protection Institute of the Republic of Slovenia. Ljubljana, February 2009. 73 pages.
Key findings from the research:	See: 1.3 Laws and policies (key points)
Comment or assessment:	The research was financed by the Ministry of Labour, Family and Social Affairs.