



# **Mutual Learning Programme**

DG Employment, Social Affairs and Inclusion

**Peer Country Comments Paper – Republic of Cyprus**

## **Making hay while it rains**

*Disability reform in the time of crisis*

**Peer Review on “Work-capacity assessment and  
employment of persons with disabilities”**

**Riga, (Latvia), 26-27 April 2018**



**EUROPEAN COMMISSION**

Directorate-General for Employment, Social Affairs and Inclusion

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## **Table of Contents**

|   |   |   |
|---|---|---|
| 1 | Introduction .....  | 1 |
| 2 | Situation of people with disabilities in the peer country ..... | 1 |
| 3 | Assessment of the policy measures .....                         | 2 |
| 4 | Questions .....   | 5 |
| 5 | List of references .....  | 6 |
|   | Annex 1 Summary table .....                                     | 7 |
|   | Annex 2 Example of relevant practice.....                       | 9 |

## 1 Introduction

This paper has been prepared for the Peer Review on “Work-capacity assessment and employment of persons with disabilities” within the framework of the Mutual Learning Programme in Riga, April 26-27, 2018. It provides a comparative assessment of the policy example of the host country and the situation in The Republic of Cyprus (Cyprus). For information on the host country policy example, please refer to the Host Country Discussion Paper written by Podzina (2018).

A major impetus for the development of policies regarding disabilities has been the 2011 ratification of the UN Convention on the Rights of Persons with Disabilities along with its optional Protocol. Since then, a national strategy and two action plans have been developed.<sup>1</sup> On the other hand, the Cyprus crisis, which came into sharp focus in 2012, has limited the capacity to pursue reform. These overriding forces are examined below.

## 2 Situation of people with disabilities in the peer country

In the decades prior to the policy developments just mentioned, the situation for people with disabilities was difficult. To begin with, the urban environment presented many accessibility challenges to automobiles (narrow urban streets with a lot of traffic and no parking for the disabled) and to pedestrians (rudimentary pavements for pedestrians with no provision for wheelchair access and very few disability ramps in buildings).<sup>2</sup> Society was less sensitised to the needs of the disabled and the participation of individuals with special needs in the labour market was more unusual. Disabled individuals tended to be looked after by family members, with some exceptional charitable efforts ameliorating the situation for a small number of persons with disabilities (PWD). Government programmes addressing the needs of the disabled did not fall into an overall strategy. In 2011, the activity rate for individuals with ‘Limitations to work’ was 46.7% while that for those with no such limitations was 77.3% (Eurostat, 22/03/2018 update, tepsr\_wc160). Also in 2011, the LFS unemployment rate for individuals with ‘Limitations to work’ was 11.3% while that for individuals with no such limitations was 7.1% (Eurostat, 09/07/2014 update, hith\_dim030). That is, the disabled were much less likely to be active in the labour market and, if they were, they were much more likely to be unemployed.

The situation has been improving rapidly. Cyprus ratified (Law (N8(III)/2011) the 2006 UN Convention on the Rights of Persons with Disabilities and its optional Protocol in 2011. The Pancyprian Council for Persons with Disabilities (PCPD) has been the coordinating mechanism for the provisions of this Convention. The Department for the Social Integration of Persons with Disabilities (DSIPD), in the Ministry of Labour, Welfare, and Social Insurance (MLWSI), spearheads the implementation of actions relating to disability policy. The DSIPD orchestrated an earlier decision of the PCPD to set up technical committees to study several aspects of disability policy<sup>3</sup> and energised organisations dealing with disabilities to develop the *First National Action Plan for Disabilities (2013-2015)*. This was approved by the Council of Ministers (No. 75.537) on July 26, 2013. It constituted a significant first step towards the development of a national *strategy* on disabilities.

The *First National Strategy for Disabilities (2018-2028)* and the accompanying *Second National Action Plan for Disabilities (2018-2020)* appeared in 2018 – see MLWSI (2018) in the References. This joint document is in line with the *European Disability Strategy*

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<sup>1</sup> I am grateful to Mr. Marios Evgeniou, in the Department of Labour, Ministry of Labour, Welfare, and Social Insurance for helpful discussions and information. Any remaining errors are my own.

<sup>2</sup> A recent article in the Cyprus Times (2018) claims that Nicosia is still ‘inhospitable’ to pedestrians and people with disabilities.

<sup>3</sup> Eight technical committees dealt with various issues relating to the life of PWD: These ranged from societal values and inclusion, to various forms of accessibility, to health care, independent living, education and professional life, and to employment.

2010-2020 and the Council of Europe Disability Strategy 2017-2023. Seven ministries are involved in executing the National Action Plan.<sup>4</sup>

The implementation of the *National Strategy* and the *Second Action Plan* have required modifications to existing legislation as well as new legislation, administrative decisions, budgetary provision for certain measures and actions, and the commitment of personnel to particular units. Three specific programmes within the new strategy will be co-funded by the ESF. The DSIPD is the focal point in the public service for matters dealing with disability. The implementation of the *National Strategy* and the *Action Plan* is monitored by the PCPD, which is also charged with the co-ordination of the implementation of the UN Convention. It is also monitored by the Public Administration and Human Rights Commissioner who is charged with ensuring the implementation of the UN Convention, and by a three-member ministerial committee.

These developments are major changes in the architecture of disability policies and of the facilities made available for PWD. MLWSI (2018) lists actions already implemented and provided for in various budgets and those still pending, so it is possible to form an impression of where particular initiatives stand. DSIPD (2018b) has just produced the *Annual Report 2017* which surveys the actions and programmes implemented so far. These are too extensive to cover exhaustively in this brief peer country report.

However, of particular interest given the concerns in the host country paper are (i) a new system of assessing disability based on the World Health Organisation's International Classification of Functioning, Disability and Health (ICF), (ii) the 2009 law establishing a quota of 10% for suitably qualified, disabled, applicants for jobs in the wider public service<sup>5</sup>, and (iii) the complex pattern of help provided to PWD generally and those who wish to obtain employment in particular; the challenges faced by the Public Employment Services (PES) in the two countries are noted. A comparative discussion of these three areas and mention of other relevant points appears below, after a review of the economic circumstances prevailing in Cyprus since the onset of its major crisis.

### **3 Assessment of the policy measures**

A long period of sustained growth came to an abrupt end in June 2012, when the government was forced to seek financial support from the EC, the ECB and the IMF (the 'Troika'). A formal Memorandum of Understanding (MoU) was signed in March 2013. Considering that Cyprus was then at the brink of bankruptcy, the provisions of the MoU were drastic. They included a bail-in of deposits, closure of one commercial bank, capital controls, substantial interventions in the collective bargaining system, and fiscal austerity. In the years 2012, 2013 and 2014, GDP growth was negative (-3.1%, -5.9% and -1.4%, respectively) and the LFS Unemployment Rate increased from 6.3% in 2010 to 16.1% in 2014.

Given that the main concern of the Troika was to restore the health of the banking system, to reform the economy and return it to positive growth, and to re-establish fiscal and debt management order, the MoU was not focussed on social policy issues. Despite these difficulties, a Guaranteed Minimum Income (GMI) programme, which recognises the special needs of the disabled,<sup>6</sup> was introduced in 2015 and the aforementioned national strategy and action plans for disabilities were implemented.

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<sup>4</sup> Beyond MLWSI, these include the Ministry of Education and Culture, the Ministry of Health, the Ministry of Transport, Communications and Public Works, the Ministry of the Interior, and the Ministry of Energy, Industry and Commerce.

<sup>5</sup> Law N.146(I)/2009. See DSIPD (2018a) in the references, where this law is currently available.

<sup>6</sup> See also MLWSI (2018, points 9 and 15). It should be noted that Phase III of the GMI will force all recipients to participate in the labour market to the extent possible.

The national strategy and action plans for disabilities integrate existing and new policy initiatives under coherent umbrellas and place them under the direct supervision of a single administrative entity, namely the DSIPD within the DLWSI. It is not clear if a similar rationalisation has occurred in Latvia. One of the lessons taught to Cypriot policy makers by the Troika is the desirability of avoiding policy fragmentation: This, because a unified approach takes stock of all related programmes, rationalises them, makes targeting those in need easier, avoids abuses, may produce financial economies, and generally enhances the efficiency of policy efforts. It is perhaps too early to make bold claims about the national strategy and action plans; however, the DSIPD (2018b) report is impressive in the scope and depth of disability policy improvements that have occurred, despite the crisis and the MoU.

The disability evaluation process in Cyprus appears to establish both the extent of disability and the remaining capacity to work – see MLWSI (2018, point 1) and DSIPD (2018b, p. 2). This new approach is based on the ICF system and was developed in Nicosia over the 2007-2013 programme period with co-funding from the European Social Fund. It involves 'polythematic committees' which utilize not only medical expertise but also that of ergonomists, speech and occupational therapists and psychologists. It resides in a special unit of the DSIPD (Τομέας Διαχείρισης του Συστήματος Αξιολόγησης της Αναπηρίας) and now also operates in two new units in Limassol and Larnaca, as well as in its original home in Nicosia. Its evaluations provide a cardinal measure of work capacity which is accepted by all government units and is used in the placement of PWD throughout the many existing programmes. The host country paper places a lot of stress on features of the disability assessment system in Latvia that render it not 'transparent' and not 'understandable'.<sup>7</sup> It might seem that once a medical team establishes the extent of disability, it is a short step to also establish the remaining capacity to work. Perhaps other specialists such as those used in the polythematic Cypriot approach should also be involved in Latvia's Medical Commission.

Data for Latvia in Annex 2 suggest that the percentage of 'Persons with disabilities' (column 2) to 'The number of people' (column 1) has increased over time from 6.95% in 2010, to 8.04% in 2013 and 9.56% (100(186,362/1,950,100)) in 2017. Could this nearly 3 percentage point increase over seven years reflect a genuine increase in the incidence of disability (perhaps through a rapidly ageing population), or is it the result of the application of current procedures?<sup>8</sup> It should be noted that, while pensions are modest, the disability label carries an increase in pension entitlements of over 50% - Podzina (2018, Annex 3). While these concerns should always be given some credence, it should be added that a similar increase in the number of PWD has also occurred in Cyprus; based on estimates from the DSIPD, the proportion of the disabled in the population is currently between 10% and 12%, depending on the definition and source of data. Over time, the number of recipients of disability allowances has increased as new programmes have been included. For instance, the 2011 extension of the monthly allowance to the blind added 2,804 recipients to the number of beneficiaries of this allowance in 2010; then, they were only 2,352 (data from the DSIPD, 2018b). Thus, the increase in the number of PWD supported and of the cost involved is a natural consequence of extending the safety net for PWD. What is important as this is done is to ensure that scientifically sound procedures for establishing the degree of disability and remaining capacity to work are followed.

Another issue which is raised in the host paper is the possibility of establishing quotas for the employment of the disabled in public administration – see Podzina (2018, p. 1 and bullet 4, p. 13) and DSIPD (2018b, p. 10). As noted earlier, a quota of 10% of qualified new hires in the wider public sector has been established in Cyprus. The

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<sup>7</sup> Podzina (2018, pp. 10-11 and bullet 1, p. 13).

<sup>8</sup> Note also that the proportion of the unemployed who are classified as disabled has increased from 5.8% in 2010 to 13.4% in October 2017 – Podzina (2018, Annex 1).

DSIPD is supposed to be monitoring the application of this 2009 law: Units appointing disabled persons are supposed to be reporting to the DSIPD on their experience, so that the executive and legislative branches of government as well as organisations for the disabled should be kept informed on experience with this law.

Between 2010 and 2016, 215 PWD were hired under this quota policy. In 2017, 210 cases were examined and 46 PWD were hired under the quota system in the public and semi-public sectors and in the education service. The performance of these individuals is monitored but no mention is made in DSIPD (2018b) of the overall experience with this system. The upward time trend in the numbers hired may suggest that the system is working satisfactorily.

Employment support for the disabled is well-established in Latvia. Podzina (2018, p.3) provides extensive details on the degree of employment subsidies paid to employers. This support also includes payments to help modify the physical environment in order to make the employment of a PWD more functional and productive. It would appear that such subsidies are not of finite duration; this needs to be confirmed. In this respect, the Latvian system is more established and ongoing than comparable efforts in Cyprus: For instance, one recent programme, aimed for 100 registered unemployed PWD, subsidises their employment for a finite period of 24 months. The subsidy can reach up to 75% of the payroll cost to the employer to a maximum of €20,000. A number of restrictions apply, including the requirement that the employment of PWD must be additional to the current workforce and not a mechanism for replacing existing workers with subsidised labour.

One impediment to hiring a disabled individual mentioned for Latvia is the difficulty of firing, should the match prove unsuitable. Employment protection legislation is looser in Cyprus and the suggestion by employers in Latvia to make firing easier would undoubtedly help reduce their reluctance to hire PWD. This would be particularly the case if employment subsidies are ongoing, as they appear to be in Latvia: In that case, the main reason for a layoff would be if the PWD hired proves unequal to the task, unsuitable, or if he or she misbehaves; this could in principle happen, despite efforts to screen applicants prior to hiring.

In other respects, Cyprus and Latvia face some generic challenges in their efforts to help the disabled. In Latvia, the Medical Commission assessing disability does not specify the remaining functionality of an individual and the disabled individual need not to disclose his or her disability when registering as unemployed. This can make life at the PES more difficult in that individual assessments and personalised action plans become more difficult to produce and be made effective. As noted, the situation in Cyprus may be somewhat better regarding the first issue and there is probably enough administrative information through the many programmes<sup>9</sup> for which a PWD may qualify to identify an individual as disabled. In Cyprus, the crisis quadrupled the number of the unemployed, placing tremendous strain on the PES, even without the complexities that disability adds to the process of individualised assessments and efforts to secure employment. This pressure is now easing as the unemployment rate declines. Moreover, 30 new officers, some with education and expertise helpful in dealing with the needs of PWD, are about to be hired a development that will help all individuals registered. In general, all PES offices are accessible, disabled-friendly, and have employment counsellors with training in psychology and sociology who can help PWD to develop their own profiling and individual action plans. Special programmes to aid unemployed PWD to secure employment are also available. Thus, PES are well-prepared to cater to the needs of PWD. Data from the Candidate Placement System suggests that of the 34,204 individuals registered with the PES in February 2018 (not seasonally adjusted), 979 or

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<sup>9</sup> For instance, programmes exist to help PWD to either buy or rent a wheelchair. Another programme supports GMI recipients to secure employment. Beneficiaries of these and other programmes are recorded in a central register.

2.86% are PWD. This number appears to be manageable. There is no information on the number of individuals who may be looking for work but do not seek help.

The host country paper refers to the 2017 changes in legislation which will provide further support for individuals with mental disabilities as well as motivation programmes and mentor services to disabled individuals who aspire to enter the labour market. These services, which are not available in this explicit form to the Cypriot disabled have only just started in Latvia and their efficacy and cost/benefit value have not been assessed.

MLWSI (2018) and DSIPD (2018b) note many other initiatives that are under way to cater for PWD generally and to help the disabled unemployed find work. These are too numerous to mention individually in this short peer country report.<sup>10</sup>

No doubt further challenges will surface as the ambitious strategy and action plans generated in Cyprus unfold. Fortunately, GDP growth has returned and the crisis seems to have morphed into one of dealing with the mass of non-performing loans and of completing the structural reforms planned during the MoU. These (health and public sector reforms) would benefit all members of society but particularly PWD who rely on the infrastructure of public services to a great extent.

#### 4 Questions

1. Data for Latvia in Annex 2 suggest that the percentage of 'Persons with disabilities' (column 2) to 'The number of people' (column 1) has increased over time from 6.95% in 2010 to 9.6% in 2017. Does this increase reflect strategic behaviour, given that the basic pension is augmented by over 50% in the event of certified disability – (Podzina, 2018, Annex 3)? Or is it the natural consequence of expanding the safety net for PWD?
2. If strategic behaviour is at play, does the structure of disability assessment in Latvia, which seems to rely entirely on medical issues, contribute to the increasing number of individuals classified as disabled – given that the marginal cost of classifying someone as disabled is not borne by the Medical Commission?
3. Would restructuring the Medical Commission to include professionals trained in ergonomics, speech and occupational therapy, and psychology, and renaming it to "Commission for the Assessment of Disability and Remaining Work Capacity" lead to more accurate assessments of disability and remaining work capacity?
4. What would be the view in Latvia regarding hiring quotas? How would such a policy be rated, relative to other alternatives of helping the disabled to work, such as hiring subsidies, training, or assistance in securing employment?
5. How should the targeting of further disability services be structured, given that, in Latvia, a very large proportion of the disabled is over 60 and/or in poor health and only 1 in 4 of the disabled work? Are further efforts to increase PWD employment likely to produce encouraging or meagre results?
6. Does this low percentage of employment among the disabled reflect a low employer 'demand' for labour (perhaps due to the difficulty of firing a PWD) or labour 'supply' behaviour (perhaps reflecting the fact that most disabled are elderly or sick)? What is the vacancy rate for disability jobs posted by employers? What is the unemployment rate among the disabled?

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<sup>10</sup> Examples include but are not limited to several avenues of financial support to PWD and to NGOs that support them, schemes to rent or buy wheel chairs and other mechanical means of support, and the issuance of special parking permits,

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## Annex 1 Summary table

The main points covered by the paper are summarised below.

### Labour market situation in the peer country

- The disabled have traditionally had to function in a physical environment which limited mobility and a policy context which was fragmented. In 2011, the activity rate for individuals with 'Limitations to work' was 46.7% while that for those with no limitations was 77.3%. Also in 2011, the LFS unemployment rate for individuals with 'Limitations to work' was 11.3% while that for individuals with no limitations was 7.1%.
- Since the 2011 ratification of the UN Convention on the Rights of Persons with Disabilities and its optional Protocol, a momentum has developed which has improved both the physical accessibility and the architecture of disability policies.
- The *First National Strategy for Disabilities (2018-2018)* and the accompanying *Second National Action Plan for Disabilities (2018-2020)* provide an integrated philosophy and action plan that better meets the needs of the disabled, take special note of the needs of those disabled who are also recipients of the Guaranteed Minimum Income (noting the programme's requirement for active search and employment if one can work), and helps individuals with disabilities who wish to work to enter the labour market.
- Measures range from an employment quota in the wider public sector, to personalised counselling by the PES, training, and finite-duration employment subsidies.
- These developments have occurred during crisis years, limiting the fiscal capacity of the country to improve the lives of the disabled even further.

### Assessment of the policy measure

- The new, integrated, approach has only recently come into effect. Much will depend on the way in which the many programmes contained in it are implemented and on the capacity of the PES and other agencies to rise to the needs of these new challenges. Early results are very encouraging.

### Assessment of future progression policy development

- As these new approaches and programmes unfold, the macro economy is recovering, improving the capacity of the government to build further on these reforms. At the same time, structural reforms (e.g. to the national health system and the public service itself) are still pending and remain important challenges which will impact on the capacity of the efforts noted above to enhance the lives of the disabled – as well as those in the rest of society.

### Questions

1. Data for Latvia in Annex 2 suggest that the percentage of 'Persons with disabilities' (column 2) to 'The number of people' (column 1) has increased over time from 6.95% in 2010 to 9.6% in 2017. Does this increase reflect strategic behaviour, given that the basic pension is augmented by over 50% in the event of certified disability – (Podzina, 2018, Annex 3)? Or is it the natural consequence of expanding the safety net for PWD?
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5. How should the targeting of further disability services be structured, given that, in Latvia, a very large proportion of the disabled is over 60 and/or in poor health and only 1 in 4 of the disabled work? Are further efforts to increase PWD employment likely to produce encouraging or meagre results?
6. Does this low percentage of employment among the disabled reflect a low employer ‘demand’ for labour (perhaps due to the difficulty of firing a PWD) or labour ‘supply’ behaviour (perhaps reflecting the fact that most disabled are elderly or sick)? What is the vacancy rate for disability jobs posted by employers? What is the unemployment rate among the disabled?

## Annex 2 Example of relevant practice

|                         |  |
|-------------------------|--|
| Name of the practice:   | Development of the <i>First National Strategy for Disabilities 2018-2028, and Second National Action Plan for Disabilities 2018-2020</i> and their implementation.   |
| Year of implementation: | 2018   |
| Coordinating authority: | The Department for the Social Integration of Persons with Disabilities (DSIPD), in the Ministry of Labour, Welfare, and Social Insurance (MLWSI).  |
| Objectives:             | <p>To integrate strengthen existing legal and other measures, and to make mutually reinforcing and more effective all policies which support the disabled in their daily lives and needs. Special attention is given to disabled recipients of the Guaranteed Minimum Income. Home help is provided and, in extreme cases of disability, specialised homes are available.</p> <p>A 'disability trap' is to be avoided by helping those among the disabled who are willing and capable to work to enter the labour market and to obtain suitable employment. Disabled recipients of the Guaranteed Minimum Income are eligible for special programmes to help them obtain employment.</p>   |
| Main activities:        | <p>It is recognised that any employment must be consistent with the capabilities and qualifications of the disabled individual. Efforts are made by the Public Employment Services to achieve this objective. They rely on disability assessments and estimates of the remaining work capacity made by polythematic committees utilizing expertise from a variety of disciplines additional to medicine.</p> <p>A quota system (10% of new hires) in the wider public service is meant to provide suitable and productive employment to qualified individuals but to also serve as an example to employers in the private sector.</p> <p>Training and employment subsidies for positions in the private sector re-inforce the objectives of the quota system.</p> <p>Cooperation among seven ministries is involved and programmes and actions span a large number of areas ranging from training, to education, health, and transportation. Budgetary provision for a number of actions has been made but, in other cases, implementation lies ahead.</p> |
| Results so far:         | The Strategy and Second Action Plan have only just been released. They are an outgrowth of the UN Convention on the Rights of Persons with Disabilities and its optional Protocol, ratified by Cyprus in 2011. Because of this earlier commitment, a number of institutions involving organisations for the disabled have been involved in an extensive dialogue that has, hopefully, established the needs of the disabled and led to a sound architecture for their satisfaction. A report by the responsible department on experience so far documents very encouraging progress.   |

