



Mutual Learning Programme

DG Employment, Social Affairs and Inclusion

Peer Country Comments Paper - France

**Towards an interdisciplinary approach
that puts emphasis on providing
medium/long term qualitative support
to both disabled workers and their
employers**

**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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This document has received financial support from the European Union Programme for Employment and Social Innovation "EaSI" (2014-2020). For further information please consult:
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1 Introduction

This paper has been prepared for the Peer Review on “work capacity assessment for persons with disabilities” within the framework of the Mutual Learning Programme. It provides a comparative assessment of the policy example of the host country and the situation in France. For information on the host country policy example, please refer to the Host Country Discussion Paper.

2 Situation of people with disabilities in the peer country

2.1 Key figures regarding persons with disabilities in France

In 2017, people with disabilities are 12 million in France (18% of the population). Of these, 1.5 million are visually impaired, 850 000 are mobility impaired and 9.6 million have an invisible disability (sensorial, cognitive or mental disability).

Disability can have various origins¹: about 20% of disabled people were born with a disability (not always identified at an early stage), less than 20% had been injured in an accident at work and 14% in another type of accident. For the other half, the disability status was bound to a health problem that had increased over time. For a majority of them (85%), the disability has been recognized and/or diagnosed after the age of fifteen.

In general, there are two main categories of disabled people in France. The first group is composed of those who have been assessed by an official commission and have obtained the status of handicapped worker (*Reconnaissance de la Qualité de Travailleur handicapé*), a status that gives access to several employment measures and additional support (including financial). In 2018, this category accounts for about 2.4 million people. The second category includes a large diversity of “other situations” for which the level of impairment and/or work incapacity may have not been assessed or diagnosed by a professional².

2.2 Employment situation of disabled people

In 2015, there were 2.7 million individuals with disabilities of working age (15-64 years old)³. Their labour market situation stands far behind from the national average in terms of activity, employment, and unemployment rates.

Table 1. Labour market situation of people with disability (15-65 y.old)

	Disabled people	France
Number of individuals	2.7 million	40 million
Activity rate	43%	72%
Employment rate	33%	64%
Unemployment rate	19%	9.5%

Source: DARES, Employment Survey, 2017

Of the 900 000 people with disabilities who are in employment, 400 000 are working in regular company subject to the obligation to hire people with disabilities (*Obligation d'Emploi des Travailleurs Handicapés - OETH*), 120 000 are working in specialized

¹ Society Observation Center, 2011

² Actually, a majority of individuals with disabilities do not apply either because of a lack of awareness of their condition, or a reluctance to go through a long process (several months). In this category, there are also people who have been denied the status or the renewal of the status in case the local commission decides that the level of incapacity is below 50%.

³ INSEE and DARES, Handicap situation with regards to employment, 2015

institutions for the employment and support of disabled people (*Etablissements et Services d'Aide par le Travail* - ESAT,) while about 35 000 work in handicap-adapted enterprises (*Entreprises adaptées* - EA).

Individuals with disabilities account for 8.4% of the total of jobseekers, just under 500 000. Despite the existence of numerous programs and initiatives, their employment situation remains challenging for the government. In addition to a high unemployment rate, disabled people are also less educated and less qualified than the general population.

Table 2. Disability gaps in education attainment

	Disabled people	France
No diploma or limited education (levels 1 &2)	29%	16%
CAP-BEP (level 3)	33%	25%
Baccalauréat (level 4)	17%	20%
Graduate and Post graduate (levels 5, 6, 7 and 8)	21%	39%

Source: Dares, Employment survey 2017. ISCED Levels of qualification

If we take the particular case of autism (about 650 000 people in France), with the exception of high-potential autistic adults (Asperger), employment of these individuals remains very limited. Most of them are placed either in a specialized occupational home, in psychiatric hospitals or often with their families, in a context of a lack of available spots in home care institutions. Yet, as shown by several experiences, autistic people do have valuable skills that could be turned into a positive social impact for both the society and the individuals themselves. For instance, the initiative led by ANDROS, a private company that recently transformed the production scheme of one of its plants to be able to hire autistic workers, demonstrates that making adjustments to a working organization is possible and can be beneficial to both companies and employees (beyond the sole individuals with disabilities) (cf. APPENDIX 2).

2.3 Legal framework for people with disabilities

The February 11th, 2015 law on Equal Rights and Opportunities is the main text on the rights of persons with disabilities since the 1975 law that created a public policy on disability. It gives a new definition of disability, in line with the UN Convention definition: "For the purposes of this Act, a disability constitutes any limitation of activity or restriction of participation in society in its environment for a person because of a substantial, permanent or definite alteration of one or more physical, sensorial, mental, cognitive or psychic functions, of multiple impairments or a disabling medical condition."

With regard to employment, this law reaffirms the obligation, for companies with more than 20 employees, to employ a minimum of 6% of people with disabilities in their workforce. It also imposes a more severe sanction (compared to the past) for companies that do not respect this obligation by increasing the amount of the contribution to AGEFIPH, the national public organization created in 1987 and in charge of the professional integration and employment of disabled people. On the other hand, the law recognizes the efforts made by companies that employ people with severe disabilities and improves effective access to employment support.

More recently, the "Labor Law" passed on August 8th, 2016 improved the way disability should be taken into account on the job or while looking for a job. In particular, it broadened the missions of Cap Emploi (job placement organizations specialized in employment of people with disabilities) to help secure and maintain employment. The law also introduced a new program called "supported employment" for disabled workers.

This program allows its beneficiaries⁴ to receive medical and social support, as well as professional and personalized employment integration coaching services for several months. It also includes a comprehensive follow-up and on-the-job support services to increase the chances, for the beneficiaries, to remain in the company. However, what is particularly interesting in this program is the effort made towards employers, who also receive a long-term support to deal with any kind of difficulty they may encounter with their disabled employees. This comprehensive approach is likely to create a more favourable environment to effectively integrate disabled people, in a more sustainable manner, into the labour market.

The program includes four key phases:

- Assessing the candidate's situation that includes: career plan, abilities to work and needs (from the candidate as well as from potential employers perspectives);
- Refining the candidate's professional project;
- Assisting the job search;
- Once the candidate has found a job, providing a multi-dimensional support to secure his/her professional development in the company/organization, including training and skills assessment services, facilitation /coordination services for changes in the work environment, etc..

This program can be mobilized at any time during the disabled persons' working life and is presented as a complement to other existing ALMP measures offered by the PES to disabled workers. The implementation of the program started in 2018 in most French regions. Therefore the effects cannot yet be measured, although the experimentation phase has shown very encouraging results despite substantial costs (between 7 500 and 8 300 euros per person for a minimum of 12 months; for a total annual budget of 7.5 million euros).

3 Assessment of the policy measure

3.1 An extensive toolbox to support the employment of disabled people

Instead of putting in place incentives to employ people with disabilities, France has established a binding legal framework:

Since 1987, all companies with more than 20 employees are required to employ at least 6% of disabled workers in their overall workforce. Different ways exist for companies to fulfill this obligation including: direct employment, payment of a financial contribution, development of internship programs, or outsourcing of services to organizations that employ disabled people.

Since 2015, all companies that are subject to annual negotiations with trade unions are also expected to engage in a specific negotiation on the professional integration and maintenance in employment of workers with disabilities. The objective is to create favorable conditions for the employment of disabled people within the company.

A dedicated Public Employment Service

The *Cap Emploi* network is the Public Employment Service (PES) dedicated to people with disabilities. There is one office in each territorial department (for a total of about 100). They are in charge of supporting sustainable job-placement of disabled workers, in coordination with Pôle emploi, the major national PES stakeholder. Since early 2018 Cap Emploi have changed name and are now known as OPS. They provide specific support and can mobilize various employment and training tools (including sign language translation services, ergotherapy, psychologist, etc.). In 2016, more than 81

⁴ 1 500 people were involved in 2017 during the experimental phase, in selected regions of France.

000 employment contracts were signed with their support, of which 20% were with public employers.

However, because of a lack of geographical accessibility or/and a limited caseload capacity, OPS only support about 23% of the total registered unemployed individuals with disabilities. The majority of the unemployed with disabilities are indeed registered with Pôle emploi although its counsellors have limited expertise to identify potential disabilities and are often lacking appropriate tools to address this population's specific needs, or test real work capacity. As in Latvia, there is no obligation for a jobseeker to share any information related to his mental or physical condition. Consequently, job counsellors may find it challenging to refer them to the right employment measure. A recent evaluation study (2017) has underlined this fragility of the system. As a result, Pôle emploi will start a new initiative in April 2018 in 12 agencies (out of 860) to develop specific services and better serve this target population.

Several measures to encourage regular companies to hire people with disabilities:

** Subsidised employment contracts:*

A worker with disabilities can be hired through different types of contracts. Companies can use a "traditional" work contract, but also a number of subsidised contracts, financially supported by the government (up to 100% of the labour cost), which reduce the hiring costs.

A recent study⁵ shows that 64% of new hires of disabled people in the public and non-profit sectors would not have occurred in the absence of such financial support.

** Financial, technical or human assistance:*

Assistance can be granted by AGEFIPH to help companies recruit or maintain disabled people in their workforce. For instance, a financial aid can be granted to employers in exchange for a progressive reduction of the working hours, targeting elder workers approaching the end of their career (52 years old and over) and showing signs of potential work incapacity (due to illness for instance).

Employers with a special status to boost employment of disabled people

** The role of handicap-adapted enterprises (EA):*

There are 800 handicap-adapted enterprises (EA) in 2018. They are subject to the provisions of the Labor Code, but at least 80% of their workforce has to be composed by disabled workers. EA provide a working environment that accommodates their staff's work-capacity (for example: flexibility of working-hours, office space, desk equipment, etc.).

The EA model also includes support services to enable the completion of individual professional projects. Several objectives are pursued, including enhancing workers' skills and their mobility within the structure itself or towards other companies. The long-term goal is to facilitate access to employment in ordinary environments, given the EA's limited employment capacity compared to regular private companies⁶.

** The role of Specialized institutions (ESAT):*

In 2016, about 1 280 ESATs were officially registered. The ESATs accommodate about 120 000 people with disabilities, for which an official medical and administrative commission has recognized a work (in)capacity that does not allow them, temporarily or permanently, to work (full-time or part-time) in an enterprise nor to engage in an independent professional activity. ESATs offer opportunities for various professional activities (catering, sewing, cleaning, etc.) as well as a full range of support services (medical, social, education) to promote personal and social development.

⁵ Study published in 2015 by DARES, the statistical division of the Ministry of Labour

⁶ PLF 2016, annual performance report – program 102.

3.2 Identified weaknesses of the existing set of measures

Supporting and accompanying people with a high level of disability remains a challenge:

The difficulty in dealing with certain types of disabilities, such as psychic disability or multiple disabilities, is pointed out both by Cap Emploi/OPS (especially due to lack of resources) and other actors (Pôle emploi, non-profit organizations). As mentioned earlier, Cap Emploi's/OPS services remain insufficient in terms of territorial coverage (only one organization per department regardless of population density). Partnerships with the healthcare-social sectors are also underdeveloped. In such context, some weaknesses are pointed out regarding orientation for example, as PES front line services are struggling to identify priority situations that would require an adapted support and/or a transfer towards other types of services (psychological, medical, etc.). There is also a lack of expertise regarding certain complex handicaps (such as psychic disability). Finally, the quality of the services varies significantly from one department to another.⁷

The lack of qualification of people with disabilities is a real barrier to finding and securing a job:

Only 38% of jobseekers with disabilities hold an undergraduate, graduate or post graduate degree (59% on national average). Jobseekers with disabilities are less well-trained and have less work experience than other job-seekers, which is a major obstacle to their hiring. Further, vocational training remains hardly accessible for many people with disabilities due to the complexity of registration and financing processes as well as the lack of practical accommodation to hearing, vision, or mental health impairments (duration of the exam, nature of the tests, etc.).

Suffering from a handicap often comes with other types of difficulties, which calls for a systematic multi-dimensional approach:

Suffering from a handicap is often combined with other psychological (lack of self-confidence, lack of autonomy, communication issues), social (lack of financial resources, lack of social network, mobility issues) and/or cultural difficulties (poor perception/trust of/in public services). For this reason, the labor market integration of this target group should be considered as a policy priority at a cross-ministry and cross-sectoral levels as integration challenges go beyond the sole "employment" situation. The action plan currently under discussion in France is promoting such a transversal approach. As a first step, the Prime Minister has asked every Ministry to identify, within its staff, one senior official in charge of "disability policy". From now on every law project shall include an analysis of the impact of the new legislation on people with disabilities.

3.3 Success factors

Several factors are critical to ensure the success of future policy developments. Many of them relate to a more efficient preventive approach.

Upstream

Develop a more inclusive education system to better integrate people with disabilities as early as possible. In France, many children suffering from a diagnosed disability do not have access to regular schools. For example, up to 80 000 autistic children are either schooled in specialized structure or (for a majority of them) home-schooled. This situation is problematic. Not only because it pushes back the time when they will get an opportunity to feel they belong to our society, but also because they will for long be perceived as "different" by other children, who will, one day, become potential employers and colleagues. If we want to improve their integration into the labor market, we need to work towards this goal at an early stage.

⁷ For more than 96% of people accompanied by Cap Emploi, the employment services provision is contracted out to another professional organization.

Develop vocational training for people with disabilities. It is necessary to develop a more proactive training policy to facilitate access to training programs and to higher qualification for people with disabilities. Valuable tools already exist in France (validation of professional experiences, professional qualification titles) that should be adapted (length of the curriculum, registration process, training materials etc.) to effectively broaden the career opportunities for low-qualified disabled people.

Prevent the professional exclusion of sick or disabled employees. A recent report revealed that one to two million employees are exposed to a risk of losing their job in the next 5 years due to a health problem or disability. In fact, annually, about 160 000 work incapacities are diagnosed in private companies. For more than 90% of these individuals, this change in their health condition will result in a dismissal or a resignation. Several recommendations have been made by the National Social Affairs Inspection services to the government to better anticipate and manage these risks.

Downstream

Reinforce coordination among various stakeholders to ensure that social and health workers, as well as employment counsellors are able to offer a transversal and multi-dimensional support to the target population. Training and information campaigns should be implemented in order to improve public awareness.

Strengthen and better valorize??? the work accomplished by non-profit organizations and social enterprises that have, over time, developed, a unique and solid expertise in several areas related to the integration of disabled people either at an early stage (Learnenjoy, Orange Rouge, Facil'iti) or specifically in relation with job placement (ARES, Vivre et Travailler Autrement).

3.4 Transferability

As shown in this paper, several measures recently implemented in Latvia echo recent changes in the French legislative framework. In particular, interdisciplinary approaches and reinforcement of individual support have been promoted by the French government. The implementation of the Supported Employment program is a tangible proof of this new policy orientation. However, like in Latvia, a cultural change inside companies will be necessary to ensure the long-term success of these programs.

Considering the French situation with regards to the level of qualification of disabled people, there is one particular Latvian measure that might be relevant to investigate: the motivation program that combines individual and collective intensive support for up to 80 hours. Such a program could be particularly interesting for France, as *Pôle emploi* is about to start an experimentation to improve the overall quality and efficiency of the support services provided by its professional counsellors to about 400 000 disabled registered jobseekers.

4 Questions

The motivation programme: how is the program funded? How are the candidates selected for the program? How is it coordinated with the PES and other available measures? Is there any work experience (sort of internship) included in the program (per the "work first" philosophy)?

The transition towards a more social approach to evaluate work capacity/incapacity: in France, the assessment of work (in)capacity is primarily medically oriented even though other services (social, employment, educational) may participate to the commission when it comes to take a decision to grant a pension or a status. Do you already have specific/shared criteria on how to assess handicaps against "social" references? Are there other countries that have promoted such an approach recently?

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Site Web de l'association Vivre et travailler autrement :

<http://www.vivreetravaillerautrement.org/>

Site Web de ARES (programme Log'ins) :

<http://log-ins.fr/#projet>

Annex 1 Summary table

Situation of the disabled people in the peer country

- 2.7 million working age individuals with disabilities (15-65 years old).
- Disadvantaged labour market conditions: 33% employed against a national average of 64%; an unemployment rate twice than the national average; and lower educational attainment (30% with no diploma or limited education against a national average of 16%).
- Numerous barriers exist to employment of disabled people including cultural ones.
- Since the founding law of disability policy in France (1975) several laws have recently (2015 and 2016) modernized the general framework to take better account of the actual support needs of the target population (both disabled workers and potential employers).
- In particular, a new promising program called "Supported Employment" provides long term and qualitative cross-sectoral support to individuals to ensure job-market access as well as better job retention in companies.

Assessment of the policy measure

- Over years, France has developed an extensive toolbox to promote the employment of disabled people: from subsidized contracts to protected environments or employment quotas in private companies.
- The existing dedicated PES have been recently assessed and are to be strengthened (a new experiment started in April 2018).
- These measures produce positive results but are insufficient to significantly impact on the rather low employment rate of the target group.
- Improving the integration conditions of disabled individuals should start at school age. This is the only way to impact mentalities and contribute to change our perceptions on disability as potential colleagues or employers of disabled people.
- Providing medical, social and professional support to disabled people is likely to increase their chances to access the job market, however improving their level of qualification should also be a priority. Hence vocational training should be made more accessible to the target group (cost, information, curriculum, registration process, learning materials: all these different aspects should be reviewed for adjustment).
- Prevention of dismissals/resignations due to changes in health condition needs to be improved and better coordinated between medical and HR services.
- Non-profit organizations and social entrepreneurs that have developed a solid expertise in the area of disabled individuals' integration should be consulted and better included in the reform processes.

Questions

- The motivation program seems particularly interesting for France at a time when PES is rethinking services to be offered to disabled jobseekers. Would it be possible to know more about the funding and implementation conditions of the program?
- In France, our work (in)capacity assessment is also primarily medically oriented. What would be the criteria to use for assessment while transitioning towards a more social approach?

Annex 2 Example of relevant practice

Name of the practice:	ANDROS – Usine Novandie (Eure et Loir) http://www.vivretravaillerautrement.org
Year of implementation:	2014
Coordinating authority:	Groupe ANDROS –CEO, Jean-François Dufresne
Objectives:	<ul style="list-style-type: none"> - Integrate autistic employees into a factory without losing productivity - Prove that professional inclusion can work with any type of autism (and not only with autistic type Asperger. - Enable people with autism gain independence and self-confidence and take active part in society - Promote a positive attitude from everyone (employees, general public, partners, etc.) towards individuals suffering from a handicap
Main activities:	<p>The experiment was set up in a dairy production plant. Autistic employees are assigned to positions where all tasks can be anticipated. They deal in particular with the preparation of recipes or the labeling of products. They can be assigned up to four different tasks.</p> <p>The integration of these employees required some adjustments inside the plant. For example, color codes have been put in place and workstations have been set up so that disabled people can still work from left to right and thus refer to stable benchmarks. These adjustments as well as the support provided on the job have been implemented under the supervision of the Departmental House of the autistic persons of Chartres and the Establishment and Service of Help by the Work of Lèves. Some funding was also provided by the Regional Health Agency.</p> <p>A living space has also been created near the factory to accommodate these new employees. A non-profit organization is in charge of running this place that is both a "home" for the workers and a socio-educational activities center, to promote integration abilities and autonomy of these individuals in their daily life.</p>
Results so far:	<p>The factory has 300 employees including 8 autistic employees. The ambition is to fill in twelve new positions by the end of 2018. After a trial period of six months, each employee signs a regular work contract. Once they become employees of the company, they work 17 hours a week and only in the morning.</p> <p>At the start of this experience, each disabled employee needed a dedicated caregiver. Now one caregiver can take care of several disabled employees at a time.</p> <p>The experiment is a success since these workers have integrated well in the company and are at least as efficient as the other employees. From the point of view of other employees, the experience is also beneficial since it allowed to change their perceptions on autism and disability.</p>

