



**EMPLOYMENT STRATEGIES TO PROMOTE
EQUAL OPPORTUNITIES FOR PERSONS
WITH DISABILITIES ON THE LABOUR MARKET**

Integration of people with disabilities

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CONTENTS

PREFACE	5
INTRODUCTION	7
1. COLLECTION AND COMPARATIVE ANALYSIS OF STRATEGIES AIMED AT ENHANCING EMPLOYMENT OF PERSONS WITH DISABILITIES IN AN ORDINARY WORKING ENVIRONMENT	9
1.1 Comparison of systems	9
1.2 Analysis of innovative measures	10
a. Transition from sheltered to ordinary employment	10
b. Social economy	11
c. New technologies	12
d. Co-ordination with mainstream placement services	13
e. Information and awareness-raising for mainstream services, employers and trade unions	14
f. Anti-discriminatory measures	15
g. Quotas	16
h. Requirement to employ people on public contracts	17
i. Insertion process	17
j. Anti-redundancy provisions	18
k. Work-station analysis	19
l. Employment plans	20
m. Temporary and part-time work	20
1.3 Ageing among workers with disabilities	21
1.4 Accessibility	21
1.5 Vocational guidance directly linked to employment	22
1.6 Vocational training measures directly linked to employment	22
1.7 Relationship between allowances/benefit systems and employment strategies	23
1.7.1 Systems	23
1.7.2 Interaction between the awarding of benefits and their withdrawal when claimants obtain work	23
2. SUPPORTED EMPLOYMENT	25
2.1 Definition	25
2.2 Examples of good practice	25
2.3 Developments	26
2.4 Conclusions	27

3. RESPONSIBILITIES OF PUBLIC AUTHORITIES, EMPLOYERS, TRADE UNIONS AND ASSOCIATIONS OF AND FOR PEOPLE WITH DISABILITIES ...	28
3.1 Responsibilities of public authorities	28
3.2 Point of view of management and labour and non-governmental organisations	28
3.3 Examples of good practice	29
CONCLUSIONS	31
APPENDIX: MEMBERS OF THE WORKING GROUP	33

PREFACE

The Council of Europe, a political intergovernmental organisation founded in 1949, currently has 41 member states with a total population of 750 million. It has its headquarters at the Palais de l'Europe in Strasbourg (France). Its principal aims are to:

- * achieve greater European unity;
- * reinforce pluralist democracy;
- * promote the rule of law;
- * protect human rights;
- * improve living conditions;
- * seek solutions to the social challenges of today.

The scope of the Council of Europe activities is extensive since only defence questions are excluded from its competence. Where, however, only certain members states wish to undertake specific action, they may conclude a *partial agreement* that is binding only on themselves alone.

It was on this basis that the Partial Agreement in the social and public health field was concluded under Resolution (59) 23 adopted on 16 November 1959 by the Council of Europe Committee of Ministers and revised by Resolution (96) 35 adopted by the Committee of Ministers on 2 October 1996 with effect from 1 January 1997. The following States are Members of the Partial Agreement: Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland.

In the sphere of rehabilitation, co-operation between states is ensured by the Committee on the Rehabilitation and Integration of People with Disabilities.

Various studies have been carried out and resolutions drawn up. This work has been a continual source of inspiration for member states in connection with their legislative and administrative arrangements.

The present report results from the work undertaken by the Working Group on employment strategies for persons with disabilities, which was set up by the above-mentioned Committee. This Working Group was chaired successively by Mr Eric MANNEBACK (Belgium) and Mr Philippe ROCHAT (Switzerland).

The report was drafted by Mr Eric MANNEBACK and the Belgian delegation as a whole, with the co-operation of Mr Jean-Philippe COQUARD (France).

INTRODUCTION

At its 19th session (Strasbourg, 11-14 June 1996), the Committee on the Rehabilitation and Integration of People with Disabilities (CD-P-RR) decided, on a proposal by the Netherlands delegation and following the excellent work done by the Committee of Experts on questions arising from the transition from sheltered to ordinary employment, to instruct a new group to study employment strategies for persons with disabilities, and adopted the terms of reference for the Group.

Under its terms of reference, the Working Group on employment strategies for persons with disabilities was given responsibility for the collection and comparative analysis of strategies aimed at enhancing employment of persons with disabilities in an ordinary working environment; analysis of the concept of "supported employment" and of ways and means of implementing this concept in action programmes of member States; study of the role and responsibilities of, among others, employers' organisations, trade unions and associations of persons with disabilities in employment strategies, including ways and means of implementing these strategies; and the possible drawing-up of proposals.

The Working Group interpreted its terms of reference in the light of the main points of Recommendation No. R (92) 6 on a coherent policy for people with disabilities, adopted by the Council of Europe's Committee of Ministers on 9 April 1992. It would point out that the approach taken by the Council of Europe in the recommendation is based on the abilities of people and not on their disabilities.

The general principle contained in the recommendation is that of ensuring that people with disabilities have genuine equality of opportunity, through the application of a whole series of measures aimed at individuals or groups and designed to facilitate the employment of people with disabilities, wherever possible, in the ordinary working environment.

These measures should be applied within the general framework of mainstreaming, which means that all policies should not only be devised but also implemented as part of an integral approach to people with disabilities. The application of this principle does not, however, preclude the introduction of specific measures where this proves necessary.

Given the problems on the labour market generally, the Group considered that it was particularly important to concentrate on innovative measures, based on practical steps that have been taken in a number of member States.

In its conclusions, therefore, this report will seek to highlight, in relation to each point of the terms of reference, examples of good practice developed in the member States. These member States are usually mentioned. But this does not necessarily mean that the countries, which are not mentioned, do not implement the described provisions. Examples are highlighted in italics.

The Working Group also considered the positions of the International Labour Organisation (ILO) and the European Union regarding the employment of people with disabilities.

In the ILO's case, it noted the main conclusions of the "World Employment Report 1998-99", which stressed that priority should be given to basic and lifelong training, and dealt with the following topics:

- * training in the informal sector;
- * women in training and globalisation;
- * increasing the employability of vulnerable groups of people on the job market, e.g. young people, the long-term unemployed, older workers who have lost their jobs and workers with disabilities.

As far as people with disabilities are concerned, the report states that "the principle of equality of opportunity and treatment of persons with disabilities in training needs to be seen as a human rights issue."

It concludes that "the skills constraint is only one of the problems facing vulnerable groups of workers" and that training programmes designed for them are only effective if macroeconomic policy encourages higher employment.

In the case of the Commission of the European Communities, the Working Group noted the four priorities adopted by the Heads of State and Government in the employment field following the Luxembourg Summit in November 1997, namely:

- * employability (increasing people's potential for employment);
- * entrepreneurship;
- * the adaptability of workplaces and workers;
- * equality of opportunity.

Given the Commission's finding that the rate of employment among people with disabilities is 20 % to 30 % lower than among the able-bodied, the Working Group noted that the Commission's new strategy was aimed at preventing long-term unemployment and encouraging measures to keep people in employment, in particular by asking the member States to:

- * develop quantified objectives for translation into measures that can be evaluated;
- * make provisions to enable young people and older unemployed people to get off to a new start;
- * take more active measures for the employment of people with disabilities;
- * make benefit systems more employment-friendly.

1. COLLECTION AND COMPARATIVE ANALYSIS OF STRATEGIES AIMED AT ENHANCING EMPLOYMENT OF PERSONS WITH DISABILITIES IN AN ORDINARY WORKING ENVIRONMENT

The Group's working methodology was that of preparing a questionnaire based on Recommendation No. R (92) 6 on a coherent policy for people with disabilities.

The questionnaire, which sought to obtain both qualitative and quantitative information, was in several sections, the first two of which covered basic general data (the definition of a person with a disability, statistical information on the socio-economic context, and legislative aspects) and the employment strategies developed in the various member States (the overall implementation strategy, existing employment measures and new measures being applied).

Sections 3 and 4 of the questionnaire concerned the collection of information on other aspects of the terms of reference (supported employment and respective responsibilities).

At its 2nd session, the Working Group decided to engage an outside consultant to draw up a synthesis of the replies to Section 1 (basic general information) and Point 2.1 of Section 2 (introduction describing the overall implementation strategy).

It was left to the Working Group to consider the sections on innovative and qualitative measures.

1.1 Comparison of systems

It is clear from the synthesis of comparisons between the national systems that, when it comes to defining a "person with a disability", most countries use more than one definition - typically at least one for employment purposes and one for "insurance" purposes.

In his synthesis of the delegations' replies in relation to this point, the consultant, Mr John Clark, notes that much of the statistical information on people with disabilities requested in the questionnaire is not regularly gathered in the various countries that completed it. The Working Group recommends that arrangements be made for government departments/agencies to gather this information, both to inform the management of services within their respective countries and to enable comparison with results in other countries.

Legislative aspects:

Not surprisingly, the analysis highlighted some of the main legislative approaches: employment quotas; anti-discrimination measures; support for employers; rehabilitation, training and guidance - both specialised and within mainstream provision; financial support for people with disabilities whether employed or

unemployed; and sheltered/supported employment. Most countries reported a range of legislation, covering both allowances for people with disabilities and provision for helping them to prepare for, obtain or retain employment.

The questionnaire differentiated between legislative measures concerning employment and those relating to “guidance and vocational training systems directly linked to employment”. In practice the distinction is not clear-cut. In many cases, this reflects the inextricable links between training and employment, and the possible overlap - for example, when a person receives on-the-job training. Certain legislation is explicitly framed to cover both areas. In the United Kingdom, the Disability Discrimination Act applies to both employment and related issues, including training.

A common feature of the replies was the way that they highlighted the continually changing pattern of provision in many countries. The Finnish reply, for example, included a long list of Acts to be added to or deleted from the list of legislation consulted in the preparation of the first section of the report: on the role of employers. The report from Slovenia indicated that all legislation was being amended. This very dynamic situation represents an opportunity to ensure, within the context of wider national policies, that all relevant policies and practices take account of the views of people with disabilities as expressed in documents such as the UN Standard Rules and, for European Union countries, the European Disability Forum’s Position Paper on Disabled People and Employment in the EU.

1.2 Analysis of innovative measures

Given the continually changing pattern of provision in many countries - indicating the purposeful nature of the policies currently being pursued - the Working Group felt that it was important to highlight a range of new approaches:

a. Transition from sheltered to ordinary employment

The Working Group acknowledged that this is a difficult transition and referred to the measures, for individuals and groups, proposed by the Committee of Experts on Questions Arising from the Transition from Sheltered to Ordinary Employment and set out in the 1996 publication “The transition from sheltered to ordinary employment”.

Although the conclusions advanced by the Committee of experts in 1996 were based on a study carried out in 1992, the replies to the 1997 questionnaire did not throw up any significant new approaches to promoting the transition. Interesting initiatives were reported, however, in the areas of increased financial incentives for employers to adjust workplace arrangements and take on people with disabilities; the introduction, of placement services whose clientele may include people in sheltered employment who are deemed to be capable of working in a mainstream environment; and the provision of mentors for such people (supported employment).

While the results of measures to transfer people from sheltered to ordinary employment may appear inconclusive, the option of improving the status of workers with disabilities by putting them on a par with other workers seems to be an interesting approach to the occupational integration of people with disabilities who cannot work in a mainstream environment.

It is nonetheless a fact that transition from sheltered to ordinary employment is still rare. One potential means of improving the status of people in sheltered employment would be to follow the Belgian example of making their income equivalent to the guaranteed minimum wage in industry, with the same socio-occupational cover as mainstream workers. Canada is studying the possibility of adopting a similar approach.

In Sweden, a target is given to organisers of sheltered employment in order to raise the level of transition to the ordinary labour market. To encourage and stimulate persons with disabilities employed in sheltered workplaces to try entering the ordinary labour market, it is essential to give all the support they need in the new job but also to allow their return to sheltered employment. A trial period could be one way of doing this.

b. Social economy

This heading covers support for the establishment of mainstream companies that are not solely profit-orientated but have a social purpose such as job-creation for disabled or disadvantaged people.

Belgium

Belgium, for example, passed a law in 1995 recognising the existence of companies with a social purpose. This constituted an important change in legal thinking, acknowledging that profit was no longer the only basis on which companies could be set up, but that they might well have a social aim: that of providing employment for people with disabilities or the disadvantaged.

Although Italy did not participate in the Working Group's project, it is important to mention the Italian model of job-creation in the social economy field.

Italian co-operatives have a legal basis in the law of 8 November 1991 on social co-operatives whose purpose is the community's general interest in its members' human development and social integration, through:

- * the management of social and health services and educational services;
- * a range of agricultural, industrial and commercial activities and services that aim to integrate disadvantaged people into the world of work.

It should be noted that, as part of the European Commission's HELIOS II programme, a series of recommendations was produced for the establishment of companies with a social purpose, and definitions of such companies were drawn up.

As part of the Community initiatives put in place by the European Social Fund, a number of pilot projects have been developed. Slovenia is also considering the possibility of introducing co-operative firms.

The Working Group regarded this as an important avenue to pursue in the field of job-creation for people with disabilities, and one that deserves not only further consideration but also legislative changes to pave the way for projects of this type in the member States.

c. New technologies

The Working Group believed that the development of new technologies, and particularly of tele-working, offers a potential opportunity with regard to vocational training and employment for people with disabilities, especially those whose mobility is reduced. New technologies also offer a means of overcoming problems of access to information experienced by blind and partially sighted people (through the use of computers with Braille or vocal output modifications to access the Internet and reference works on CD ROM) or people with hearing difficulties (using faxes and modems etc). An inquiry in the United Kingdom, for example, showed that, within the working population, 5 % of people with a long-term illness or disability worked at home, while the figure fell to 2.5 % among the able-bodied.

However, technological developments also constitute a threat, particularly to the least well qualified, including people with mental disabilities.

It is recommended that the member States pay particular attention to this aspect and ensure that as many people with disabilities as possible have access to the new technologies, so that they do not find themselves made redundant because of an inability to adapt to them, or barred from employment through failure to master their use. It is therefore urgent that new technologies should be integrated into education and training programmes, and that life-long access to information about them should be improved.

The Working Group was pleased to note that the Committee on the Rehabilitation and Integration of People with disabilities (CD-P-RR) had decided to set up a new Committee of experts to consider the impact of new technologies on the quality of life of people with disabilities.

With regard to tele-working, the Group recommended that, in order to avoid severing workers' social links to companies, partial tele-working should be developed for all employees, including people with disabilities, both at home and within the

company; and tele-centres should be set up to pool the services offered by employers, thus reducing employees' administrative tasks.

The Working Group believed that companies should regard the advent of tele-working as an opportunity to re-organise and to streamline their communications.

It is also important to mention the particular potential of new technologies and, especially, the Internet for job-seekers - for example, through the creation of databases that enable people to match their skills and experience to employers' needs (examples exist in Belgium, Canada, France).

Finally, technological developments in the field of technical support to help people overcome disabilities have significantly increased the independence of people with disabilities and made them better able to integrate into the labour market.

d. Co-ordination with mainstream placement services

The replies from all the countries that provided information on this subject stated that "ordinary" employment services had the primary responsibility for supporting the occupational integration of people with disabilities. As a rule, there were also specialised services, operating either within the mainstream services or independently.

The Working Group was aware that mainstream services do not have the necessary expertise to cater for certain categories of people with disabilities, either because of the nature of their disability (and this applies particularly to sensory disabilities) or its extent. It is therefore vital that these people should be able to rely on specialised services.

The Group therefore makes the following recommendations:

- * that priority should be given to co-ordination in allocating employment-related resources;
- * that specific arrangements for groups of people with difficulties (immigrants, the unemployed and socially excluded, for example) should be co-ordinated, rather than juxtaposed as a range of competing measures;
- * that effective collaboration between mainstream and specialised agencies should be established by developing partnership instruments, introducing real complementarity between services, with all sides assuming responsibility for the integration of people with disabilities, and by circulating all information among the bodies concerned;
- * that a part of the activity of mainstream services should be reserved for people with disabilities (in the United Kingdom, for example, they have priority access to training).

e. Information and awareness-raising for mainstream services, employers and trade unions

The Working Group noted that certain countries run information and awareness-raising campaigns aimed at:

- * the population in general - to combat prejudices by means of media campaigns and specific activities such as simulated situations;
- * employers - to highlight the abilities and skills of people with disabilities;
- * trade unions - through training on the induction of people with disabilities into the workplace.

For these activities to be effective, they must be on-going, regularly repeated and innovative, and must be up-dated, drawing on examples of good practice.

The new technologies - and particularly the Internet - as well as presenting an opportunity for people with disabilities to promote their skills, should be used to disseminate information about specific support measures.

Canada

In Canada, a project sponsored by Human Resources Development Canada recently received a Gemini Award for an eight-part TV series showcasing successful life stories. The series helped raise public awareness and thus promote the employment of people with disabilities.

Ireland

A new and interesting initiative in Ireland was the introduction of "positive to disability" awards for employers who meet a list of criteria in relation to the recruitment and employment of people with disabilities. Employers who have received the "positive to disability" award are entitled to use it in their publicity and communications.

Sweden

In Sweden, the Ministry for Labour has a Vocational Rehabilitation Advisory Committee which includes representatives from organisations of and for people with disabilities, trade unions, employers' organisations, local government, the prison service, the national social welfare board and Samhall (sheltered employment in Sweden). The role of the committee is to follow and support the development of job-creation measures, to ensure effective co-ordination between departments with regard to support for people with disabilities and to provide information services.

f. Anti-discriminatory measures

The Working Group was aware of the work done in this area by the Working Group on Legislation against Discrimination of Persons with Disabilities and took into account of its conclusions and recommendations.

It noted, however, that several countries (Austria, Canada, Finland, Germany, Portugal and Slovenia, for example) have clauses in their constitutions forbidding all forms of negative discrimination on grounds of disability.

Other countries (such as France, Hungary, Ireland, Poland and Sweden) include similar provisions in their employment legislation or (in the case of Switzerland) are in the process of including them.

The Working Group considered it useful to cite the example of the United Kingdom, where the Disability Discrimination Act (DDA) of 8 November 1995 came into force on 2 December 1996. It applies in all employment matters.

United Kingdom

The Act makes it illegal to discriminate against people with disabilities in:

- * *recruitment and retention of employees;*
- * *promotion and transfers;*
- * *training and development;*
- * *the dismissal process.*

Discrimination occurs when a person with disabilities is treated less favourably than someone else for a reason related to their disability and that reason does not apply to the other person and this treatment cannot be justified.

Reasonable adjustment

The Act provides that one form of discrimination by an employer against a person with disabilities is the failure, without good grounds, to make a “reasonable adjustment”. The requirement that employers should make “reasonable adjustments” applies when the premises that they occupy, or the working arrangements made by them or on their behalf, place a person with disabilities at a substantial disadvantage compared to a person without a disability. Employers must take all reasonable measures available to avoid treating people with disabilities less favourably than others - i.e. they must make “reasonable adjustments”. The Act offers various examples of reasonable adjustments.

People with disabilities who feel that they have been discriminated against can take their case to an employment tribunal.

The Advisory, Conciliation and Arbitration Service offers practical information about the law, and advice on industrial relations, as well as a conciliation service at the stage before complaints reach the employment tribunal.

The United Kingdom Government regards the DDA generally as a “step in the right direction” rather than the last word in legislation in this area. It has established a Disability Rights Task Force to consider how best to secure comprehensive, enforceable civil rights for people with disabilities within the context of wider society. A full report of its recommendation was scheduled for November 1999.

g. Quotas

Opinion in the Working Group was split on the effectiveness of quota schemes.

Certain countries operate them, while others have dropped, or never used, them. It is difficult to take a clear-cut stance on the question: everything depends on national cultures, the way in which a country co-ordinates social action, and how its quota scheme is organised, etc.

Those who advocate quota schemes claim that they offer the following advantages:

- * they generate employment, directly or indirectly (through works’ agreements or sub-contracting agreements with sheltered workshops);
- * the system of paying financial contributions for failure to observe quotas generates additional resources, which must be earmarked for programmes to integrate people with disabilities into employment;
- * quotas alone are not enough: if they are to be effective, they must be accompanied by a range of other measures (financial incentives, the provision of expertise and human resources to assist companies, etc), and it is essential that meaningful sanctions should be applied if quotas are not observed;
- * a quota scheme offers an opportunity for awareness-raising among companies, whether or not they are required to apply an employment quota;
- * through the existence of such schemes and the process of monitoring them, more detailed statistics on people with disabilities’ employment become available;
- * general public awareness is increased through such measures.

Opponents of the quota approach cite the following disadvantages:

- * quotas are contrary to the principle of non-discrimination: they have the effect of labelling, and thus stigmatising, people with disabilities;
- * their contribution to job creation has yet to be proved: do companies take on new workers or simply register existing staff?
- * the compulsory nature of a quota does not make for the smooth integration of workers with disabilities into a company;

- * the obligation to register people with disabilities imposes an administrative burden;
- * is such an obligation compatible with the market economy?

Belgium: Walloon Region

As private firms in the Walloon Region of Belgium are not under any obligation to employ people with disabilities, the Walloon Government issued an order on 5 November 1998 aimed at promoting equal opportunities for people with disabilities in the employment market. The new legislation is designed to combine the whole range of financial, technical and human assistance measures in a single text, while simplifying administrative procedures and introducing new arrangements (tutoring, aid for the self-employed, etc.).

h. Requirement to employ people with disabilities on public contracts

Although there is no explicit provision along such lines in the regulations of any of the participating countries, the inclusion of social clauses in contract specifications drawn up by public bodies may be an interesting approach to the stimulation of employment for people with disabilities.

Certain countries (such as Italy) have arrangements for giving preference to sheltered workshops, or co-operatives with a social purpose, when awarding contracts; in others (such as Belgium) clients can include social clauses in their specifications.

In the United Kingdom, the Special Contracts Arrangement (SCA) was adopted in November 1994, allowing designated employers of people with severe disabilities (working in sheltered workshops and “Remploy” establishments) to tender for contracts from United Kingdom ministries and their subsidiary agencies.

i. Insertion process

It would seem that the concept of an “insertion process” is not current in every country, and, among those that use it, the term apparently covers very different things.

Nonetheless, it would appear essential:

- * to develop an *integrated approach*, taking account of the various stages in the process of occupational integration in the medium or long term;
- * to develop *links* or *networking* between the different bodies involved;
- * to provide people with disabilities with one person to whom they can refer at all the various stages of integration.

Belgium: Flemish Community

Following a two-year trial period, the Flemish Government decided on 18 December 1998 to set up “insertion process agencies” on a permanent basis. Five such agencies (one per province) are to be set up as legal entities in their own right.

The agencies are based on partnership between services, organisations and bodies aimed at providing guidance, training and employment for at-risk groups.

In the territory covered by each agency, at least one sheltered workshop and all of the specialised vocational training centres and specialised guidance centres approved by the Flemish Fund are required to take part in the partnership.

The objectives of each agency must be set out clearly in an agreement concluded by the partners.

Each approved insertion process agency receives an annual grant based on the population living within its territory.

Each agency is required to meet a quantified target in terms of the number of people assisted and percentage employment rates. If the target is not met within two years, the grant is reduced proportionately the following year.

j. Anti-redundancy provisions

A number of countries (including Austria, Germany, Hungary, Slovenia and the United Kingdom) have introduced specific employment protection measures. The Working Group had doubts about the usefulness of such regulations: surely the fact that a worker with a disability cannot be made redundant in the same way as an able-bodied employee constitutes a barrier to recruitment?

Austria

Employers cannot dismiss employees who are officially recognised as having disabilities, except by prior agreement with a special body comprising representatives of both sides of industry and of people with disabilities. This body is appointed by the Federal Ministry of Labour, Health and Social Affairs.

Germany

Regional offices are responsible for a special system of protection against unfair dismissal, which comes into effect six months after recruitment. The requirement that employers obtain the approval of their regional employment insurance fund before issuing a redundancy notice is intended to facilitate consideration of all possible

support options for maintaining the job, and to allow the interests of both parties to be balanced; if it is not feasible to retain the job, the redundancy will be approved.

Slovenia

Slovenia has draconian anti-redundancy laws: the employment of a worker with a disability cannot be terminated except with his or her agreement or if a new and appropriate permanent post is offered in another organisation or with the same employer (labour law).

k. Work-station analysis

Many countries have provision for subsidising the costs of work-station design. But a readiness to examine ways of tailoring work-stations to suit employees with disabilities is not always apparent. In a number of countries, this task is regarded as the responsibility of the company and not as something requiring special support.

However, other countries have developed specific measures:

Belgium and France

Belgium and France have specialised services that can advise on, or carry out, work-station analyses at the request of employers, workers with disabilities or the authorities.

Canada

In Canada, workplace accommodation is considered fundamental to supporting the employment prospects of people with disabilities. Employers hiring people with disabilities may obtain assistance for work-station analysis and design from the federal authorities or from specialised agencies.

Germany

In Germany, a methodology is designed to compare the skills profile persons with disabilities with the job requirements. This means that workers with disabilities can be placed in appropriate jobs, inappropriate jobs can be adapted and training measures taken, etc.

Ireland

In Ireland, the analysis and adaptation of workplaces are included in the measures to support employment.

Switzerland

In Switzerland, the national accident insurance fund systematically identifies jobs potentially suitable for workers with disabilities.

l. Employment plans

Most employment plans target the long-term or young unemployed. No innovative or particularly noteworthy projects emerged from the replies to the questionnaire. The Working Group suggests that member States take the necessary steps to make these wide-ranging plans work for people with disabilities, who should also have the support of special services.

Within the European Union, all the member States have drawn up employment plans that address the problems of employment of people with disabilities.

The plans submitted in 1998 were assessed by the Commission of the European Communities and will be supplemented by member States in 1999 with a view to implementing a medium-term policy for 2000-2006 corresponding to the readjustment of European Social Policy through the Structural Funds. The Group noted that in certain countries (Germany and Luxembourg, for example) the plans submitted in 1998 contained very concrete measures. The measures proposed in Luxembourg were already the subject of legislation (law of 12 February 1999 on the application of the 1998 employment action plan).

m. Temporary and part-time work

Part-time employment may be a solution for those people with disabilities who tire more easily than others or need time for treatment or therapy. In Poland, for example, 45.5 % of workers with disabilities have part-time jobs.

In some countries, employers are legally required to allow people with disabilities to work part-time if they express the wish to do so. The Group considered that people with disabilities ought to have this option, and that, in all cases, the decision ought to be based on the wish of the individual.

The Group also considered that arrangements should be made to supplement the income of part-time workers.

Temporary work can offer an opportunity for people with disabilities to demonstrate their skills to employers who may be reluctant to recruit them on longer contracts. In some countries, agencies that supply temporary staff have proposed people with disabilities as candidates for certain jobs.

Ireland

In Ireland, the Employment Equality Act provides that it is not illegal for employers to pay workers with disabilities a particular rate of pay if their disabilities mean that they cannot work the same hours as able-bodied workers employed in the same posts.

Switzerland

In the French-speaking region of Switzerland, the association “Intégration pour tous” (Integration for everyone, IPT), whose aim is to integrate people with disabilities into ordinary working environments, has for several years been placing people with disabilities in temporary employment on the same basis as able-bodied people are placed by private agencies.

According to IPT, this approach often leads to people with disabilities being offered firm employment contracts after spending a few months in temporary employment. The government (invalidity insurance) encourages this type of activity by providing a grant that covers 80 % of the salaries of the association’s non-disabled permanent staff under section 74 of the Invalidity Insurance Act (LAI).

1.3 Ageing among workers with disabilities

Noting that there is a sharp drop in the proportion of people with disabilities in the working population over the age of 50, and that workers with disabilities are twice as likely to withdraw gradually from the labour market, the Group stressed the need for measures to sustain employment (anti-redundancy provisions, part-time working, etc.), while taking into account the views of workers with disabilities. Incentives to employers who take on people with disabilities should also be adjusted regularly to reflect the development of the worker’s disability over time.

1.4 Accessibility

The Working Group believed that accessibility (elimination of barriers, transport, etc.) was a precondition for the integration of people with disabilities into working life.

As far as any remaining points are concerned, reference is made to the recommendations in section VIII (2) of Recommendation No. R (92) 6 on a coherent policy for people with disabilities.

Example from Germany: REHADAT Database available on CD-ROM or on the Internet (<http://www.rehadat.de>) containing examples of good practice.

1.5 Vocational guidance directly linked to employment

In most countries, people with disabilities obtain vocational guidance partly through mainstream systems that are open to the public generally, as well as through dedicated systems for people with disabilities. The latter are either special services provided by mainstream agencies or independent services.

Practical vocational guidance should not be confined to the period before people take up their first jobs, but should start with co-operation between schools and the bodies responsible for occupational integration. It should cover the following:

- * preparation for work, by means of:
 - ◇ assessing the individual's abilities, interests, skills, resources and prospects for development;
 - ◇ providing information about trades and professions;
 - ◇ validating occupational choices (in Sweden and Switzerland, for example, on-the-job aptitude tests are carried out, and in the Walloon Region of Belgium "get-to-know-the-job" placements are offered);
 - ◇ directing people with disabilities to training that will extend their abilities;
 - ◇ implementing an insertion process.

- * support in job-seeking, by means of:
 - ◇ informing job-seekers about the support available to them;
 - ◇ informing companies about the support available to them;
 - ◇ raising awareness in companies (among both employers and workers) on the question of employment for people with disabilities.

- * career development, including action to tackle problems that arise in the course of a person's working life, by means of:
 - ◇ adapting work stations;
 - ◇ continuing training;
 - ◇ supported-employment measures.

As far as any remaining points are concerned, the Working Group refers to the recommendations in section VI (2) of Recommendation No. R (92) 6 on a coherent policy for people with disabilities.

1.6 Vocational training measures directly linked to employment

The Working Group referred to the publication *Vocational training and rehabilitation of people with disabilities: a comparative analysis (1997)*.

Most countries regard a good vocational qualification as a key factor in the sustainable occupational integration of people with disabilities.

Accordingly, they all offer mainstream educational and/or vocational training provision. Most of the countries represented also provide special training for people with disabilities whose disability prevents them from taking mainstream courses. The ultimate aim of most such courses is to place people in a mainstream job. There are also a number of vocational training initiatives for people with disabilities whose work options are limited and who are subsequently steered towards sheltered employment.

Some countries have systems of individual support for people with disabilities in training and they receive technical and financial assistance. The use of new technologies, particularly information technology, is increasingly widespread.

Among EU member countries, the implementation of the guidelines agreed at the extraordinary meeting held in Luxembourg in November 1997 can be expected to further reinforce member States' efforts in the field of vocational training, including the training of people with disabilities.

The Working Group stresses the important role which on-the-job and sandwich-course training systems (company training centres) can play in increasing the employment opportunities of people with disabilities. Lifelong training is also an approach that should be adopted to help workers with disabilities hold down jobs and progress in their careers.

1.7 Relationship between allowances/benefit systems and employment strategies

1.7.1 Systems

The benefit systems of all the countries represented are comparable. As a rule, people who lose their jobs are eligible for unemployment benefit.

In most countries, benefits or allowances are designed to replace or supplement the income of people with disabilities whose disability prevents them from earning an adequate income, or who have additional expenses.

As well as benefits, a number of countries offer social support.

1.7.2 Interaction between the awarding of benefits and their withdrawal when claimants obtain work

The general rule in all the countries (except the Netherlands) is that benefits are reduced or withdrawn if claimants obtain work.

Several countries (including Belgium, Ireland, Poland and Switzerland) undertake to continue paying part or all of a benefit if the claimant's earnings from work are insufficient.

As a rule, a person with a disability who is subsequently made redundant must re-embark on the whole claims procedure in order to obtain benefit again.

The Working Group believed it important to introduce flexible systems that allow people with disabilities to move towards occupational integration without being de-motivated by the prospect of losing their benefits. It also recommended simplifying the process of re-admitting people to the benefit system if they subsequently lose their jobs.

2. SUPPORTED EMPLOYMENT

2.1 Definition

The Working Group believed that supported employment should be defined as "the whole range of human support provided inside or outside companies and designed to ensure that people with disabilities are integrated as successfully as possible into ordinary employment".

Supported employment therefore involves paid employment under normal working conditions on the open labour market, with continuous support being provided if necessary.

The type, scope and duration of the support depend on the individual's needs and wishes.

2.2 Examples of good practice

Supported employment is a concept that originated in the United States. In Europe, it has developed particularly successfully in Ireland and the United Kingdom. Canada also has considerable experience in this area.

Canada

In Canada, the Canadian Association for Community Living (CACL) provides supported employment opportunities for intellectually disabled persons.

Ireland

In Ireland, supported employment involves a person with a disability working in ordinary employment but being assisted by another individual.

It should be noted that a distinction is made in Ireland between the term "work", which refers to people capable of working but who receive welfare benefits, and the term "employment", where those concerned are fully-fledged paid workers and the government may provide financial assistance to their employers.

Supported employment concerns people with disabilities who are in paid employment in the open labour market. If they so desire, they are entitled to personal assistance and assistance at work.

The supported employment approach is in the process of development in Ireland. The authorities intend making it an integral part of the process for integrating people with disabilities into ordinary employment.

United Kingdom

In the United Kingdom, supported employment programmes have been providing employment for people with disabilities for 50 years. In this case, a distinction needs to be made between “supported employment”, which is more like sheltered employment, and “supported placement”, which involves direct employment in ordinary firms. The programmes are delivered in partnership with around 230 local authorities and voluntary organisations, as well as Remploy Ltd, which is a government-sponsored private company aimed at integrating people with disabilities into working life.

Supported placements in businesses now account for around 50 % of the places in the programme, compared with 20 % ten years ago.

2.3 Developments

In several Council of Europe member States, trials are under way, although no legislation has been passed (Austria, Belgium, Spain and Sweden, for example). The Walloon Region of Belgium has, however, included provisions on tutoring in its legislation on the promotion of equal employment opportunities for people with disabilities.

Although various programmes and projects in these countries recognise the concept of “tutors”, the latter is mainly used in connection with on-the-job training of people with disabilities within companies.

The programmes of initiatives developed within the European Union have enabled many trial projects to be carried out in the member States, focusing, for instance, on the establishment of “mediation services” between people with disabilities and employers (France, Italy, the Netherlands and Spain, for example) and the identification both of natural support mechanisms within companies and of support structures outside companies.

Some of the promoters of these projects have set up national or regional associations for supported employment, which have joined together in the European Union of Supported Employment (EUSE) and the World Association of Supported Employment (WASE), founded in 1995.

The aim of these associations is to promote the employment of people with disabilities in general and to collect data and the results of research and trial projects from throughout the world in order to develop and implement the concept of supported employment.

The success of the supported employment method lies in the fact that it is individually tailored to the needs of the person concerned. The positive results achieved with this individually oriented approach have led certain countries to introduce specific

new legislation on supported employment (e.g. the legislation on “Begeleid Werken” in the Netherlands) or to carry out specific action programmes in the field of supported employment (Norway, Sweden).

The Netherlands

In the Netherlands, the “Start Kans” foundation has developed various supported employment programmes under which its offices act as interfaces between employers and people with disabilities, both of which are regarded as clients, with Start Kans approaching employers to offer them a “service”. If necessary, once a person has been placed in employment, he or she is offered intensive support and training by specially trained tutors so that he or she is able to hold down the job.

Norway

In Norway, specific supported employment programmes have been operated since 1997. The support provided is individually tailored to the needs of the people with disabilities concerned. Assistants take care of 5 people, and their work is subsidised (pay and expenses). An average of 800 people are supported every year. The programme is primarily aimed at reducing the number of people on benefit and priority is given to open employment.

2.4 Conclusions

In conclusion, the Working Group believed that

- * it was very difficult to assess the impact of supported employment because the systems developed in certain countries had not yet been evaluated in detail and are too recent for it to be possible to assess them sufficiently objectively;
- * the trials under way seemed to show promising results in terms of placement in ordinary employment;
- * the development of projects and systems of this type should be encouraged;
- * they are useful tools and methods, which should be made available alongside the financial and technical support that usually exist, and that people with disabilities who need and wish such employment support should have access to it;
- * supported employment offered an alternative to sheltered employment and may help to reduce the number of people with disabilities on benefit; however, it stressed the importance of not setting the two systems against each other but instead making them complementary and ensuring that they are tailored to the individual needs and wishes of all people with disabilities.

3. RESPONSIBILITIES OF PUBLIC AUTHORITIES, EMPLOYERS, TRADE UNION AND ASSOCIATIONS OF AND FOR PEOPLE WITH DISABILITIES

3.1 Responsibilities of public authorities

As far as the responsibilities of public authorities are concerned, each country has a specific policy designed to promote the employment of people with disabilities (quotas, financial assistance, anti-discriminatory measures, awareness-raising for employers and the general public, etc). It is important for management and labour and organisations of and for people with disabilities to be consulted systematically when the relevant measures are put in place (cf. Austria and Belgium, for example). In a market economy, the role of the authorities is to ensure that employing workers with disabilities is attractive for employers.

Public authorities have a particular role to play here as employers themselves and should be the first to take on employees with disabilities.

3.2 The point of view of management and labour and non-governmental organisations

The Working Group also held a hearing with representatives of management and labour; i.e. the Union of Industrial and Employers' Confederation of Europe (UNICE) and the European Trade Unions Confederation (ETUC) as well as non-governmental organisations (European Blind Union, Inclusion International and Rehabilitation International).

The various organisations confirmed their commitment to the principles of non-discrimination, optimising the skills of people with disabilities, and equality of opportunity. They also agreed on most of the strategies proposed, which are often complementary:

- * the vital role of education;
- * the importance of training, including further training;
- * putting in place of concerted local action plans and multidisciplinary teams;
- * awareness-raising;
- * incentive measures.

However, the employers' representatives were against quotas and the idea of having a European strategy. UNICE believes that strategies should be left to the individual member States.

It should be noted that the European Trade Union Confederation (ETUC) wishes to mobilise its European members in this area, and organised a colloquy to this end in Rome in April 1998. The conference highlighted the fact that people with disabilities were rarely members of trade unions.

The main ideas put forward by the speakers were as follows:

- * people with disabilities should be perceived as fully-fledged human beings;
- * greater attention should be paid to women with disabilities;
- * the concept of mainstreaming should be developed;
- * disability costs are rising significantly and are mostly caused by people being excluded and not by their being included.

Lastly, in the field of good practice, attention was drawn to the joint publication by UNICE and ETUC of a compendium of good practices.

3.3 Examples of good practice

A number of examples of good practice should be mentioned:

- with regard to the role of employers:

Ireland

The Irish Business and Employers Confederation (IBEC) has set up an internal advisory committee on disability, which deals with the employment of people with disabilities. Its functions are to hold discussions with employers, to establish a network of employers with a view to pooling information and experiences, to provide a framework for constructive debate on the issue and to draw up strategies on disability.

United Kingdom

In the United Kingdom, employers who give a particular series of undertakings on the recruitment of workers with disabilities are allowed to use a special symbol indicating their positive attitude towards people with disabilities. When this symbol appears in job advertisements, applicants with disabilities know that they have every chance of being successful, providing they have the necessary qualifications for the vacant post. The Employers' Forum on Disability is a forum of 200 companies whose aim it is to promote the employment of people with disabilities by making it easier for employers to recruit them and help them to hold jobs.

- with regard to trade unions:

Ireland

The Irish Congress of Trade Unions (ICTU) has published several documents aimed at trade unions, which have been circulated in companies. They set out a series of practical recommendations and four-year strategies, whose aim is to get people with disabilities working in companies and to help them hold down jobs. The ICTU also

stresses the vital role trade unions play in ensuring that people with disabilities have equal opportunities at work.

- with regard to associations of and for people with disabilities:

Hungary

In Hungary, organisations of and for people with disabilities run an employment exchange, provide legal advice and create sheltered employment opportunities.

CONCLUSIONS

With regard to the collection and comparative analysis of strategies aimed at enhancing employment of persons with disabilities in an ordinary working environment, the Working Group:

- * noted that much of the statistical information requested was not regularly gathered in the various countries that completed the questionnaire;
- * recommended that arrangements be made for government departments/agencies to gather this information, both to inform the management of services within their respective countries and to enable comparison with results in other countries;
- * recommended that member States follow the example of the innovative measures listed in section 1.2 of this report and apply a purposeful and dynamic policy in the field of employment;
- * particularly recommended that member States take the necessary steps to make wide-ranging employment plans work for people with disabilities, who should also have the support of special services;
- * believed that accessibility (elimination of barriers, transport, etc.) was a precondition for the integration of people with disabilities into working life;
- * believed it was important to introduce flexible systems that allow people with disabilities to move towards occupational integration without being demotivated by the prospect of losing their benefits. It also recommended simplifying the process of re-admitting people to the benefit system if they subsequently lose their jobs;
- * recommended that member States pay special attention to the importance of raising the level of education among people with disabilities.

With regard to analysis of the concept of "supported employment" and of ways and means of implementing it in the action programmes of member States, the Working Group believed that:

- * it was very difficult to assess the impact of supported employment because the systems developed in certain countries had not yet been evaluated in detail and were too recent for it to be possible to assess them sufficiently objectively;
- * they were useful tools and methods, which should be made available alongside the financial and technical support that usually exist, and that people with disabilities who need and wish such employment support should have access thereto;

- * supported employment offered an alternative to sheltered employment and may help to reduce the number of people with disabilities on benefit, but stressed the importance of not setting the two systems against each other but instead to make them complementary and ensure that they were tailored to the individual needs and wishes of all people with disabilities.

With regard to the study of the respective role and responsibilities of employers' organisations, trade unions and associations of people with disabilities in employment strategies, the Working Group:

- * recommended that management and labour as well as organisations of and for people with disabilities should be consulted systematically when measures concerning the employment integration of people with disabilities were being put in place;
- * believed that the authorities had a particular role to play as employers themselves and should be the first to take on employees with disabilities;
- * noted that employers' representatives were against quotas and the idea of having a European strategy. UNICE believes that strategies should be left to the individual member States;
- * considered that greater efforts should be made to raise awareness among social partners with a view to their greater involvement. Trade unions should be encouraged to strengthen their defence of the interests of people with disabilities.

Lastly, in the field of good practice, attention is drawn to the joint publication by the UNICE and the ETUC of a compendium of good practices.

APPENDIX

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