AnDiW
Distance Education Course
Ability not Disability in Workplace
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The distance education course

Ability not Disability in Workplace

AnDiW

Ability not Disability in Workplace
Dear reader!

The authors of this distance education course “Ability not disability in Workplace” are concerned with how developing disability management in the workplace could open the possibilities for work for people with disability and can be matched with the opportunities of increasing the employment rate according to the European Disability Strategy (2010-2020) objectives as well as fighting against social exclusion and practical implementation of the United Convention on the rights of this group of people.

As the statistical facts and figures show, there is a problem of inadequate employment among people with disabilities and there is a negative tendency in it. A study on the employment people with disabilities in workplace in Germany, Italy, Latvia, and Lithuania shows that, overall, the inactivity rate of people with disabilities is twice that of non-disabled people, and the disabled people are more difficult to get a job than those without disabilities. In particular, in the current worldwide economic crisis and depression the Employment people with disabilities get critical by the reduction their employment opportunities because employers dismiss the first disabled people.

With in this context, the authors analyse the disability management in the workplace and, opportunities from employers’ side, improvements in further is a very insignificant input towards, because people with disabilities carry great potential, are usually very flexible and bring added value to the labour market.

The objective of the distance education course is to provide employers, human resources managers, recruitment companies, trainers and students with the modern flexible innovated useful support methodical materials as insufficient grounding for development competences of entrepreneurs/managers to employ social groups with specific needs, and will contribute in awareness of important factor of the labour market -people with disabilities in all Member States.

There are many unanswered questions about employers, disabled employees and employment.

Reviewer Assoc. Professor, PhD

Mariana Petrova
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Partners

Project Coordinator ISMA

Information Systems Management Institute (ISMA) is a private higher education institution that was founded in 1994 on the former Riga Aviation University base. ISMA is well known both in Latvia and abroad and possesses the permanent accreditation. ISMA offer the opportunity of education for Bachelor’s, Master’s and Doctor’s degree and Lifelong Learning programs in the sphere of business administration, entrepreneurship, information technologies and tourism management. Every year ISMA organizes international conferences on Open Learning and Distance Education, Information Technologies and Management and conferences on Student Practice. ISMA take part and also was the coordinator in some EU projects where the basic theme was job opportunities for disadvantage people groups.

www.isma.lv

Verein Niedersaechsischer
Bildungsinitiativen e.V

The VNB is an officially acknowledged state-wide adult educational institution in Lower Saxony (Niedersachsen), and as well an umbrella organisation with a network of more than 200 adult educational member organisations and cooperation partners.

www.vnb.de
Latvian Umbrella Body For Disability Organisation SUSTENTO

The Latvian Umbrella Body for Disability Organisations SUSTENTO was founded 2002. At the moment it has 23 national member organisations representing about 20 000 people with disabilities.

www.sustento.lv

Klaipeda State College

Klaipeda State College is the third College in Lithuania and the largest modern state higher educational institution in the region. College graduates are granted with Degree of professional Bachelor qualification and Diploma of Higher Education.

www.kvk.lt

STUDIO TAF s.a.s.

Since 1998 Studio Taf has written, developed and managed transnational projects co funded by the European Union in the following fields: education and training of social/health workers, anti discrimination, gender issues, training for the voluntary sector, etc.

www.studiotaf.it
Foreword

Dr.oec. Marga Živitere/ISMA

The distance education course “Ability not Disability in Workplace” is the main outcome of the Leonardo da Vinci (LdV) Transfer of Innovation Project (2009-2011) with the same title. This course is based on the result of the previous pilot project “Ability not Disability in Employment” (AnDE, 2003-2005) - the distance education course “Employment of People with Disabilities” (http://www.ande.isma.lv), which has been successfully implemented in four different EU countries – United Kingdom, Greece, Luxembourg and Latvia.

The conclusions from studies on the current situation in the countries involved before (available in the domain) show that it is very necessary to increase the professional managerial skills and competencies of employers for recruitment, employment and management of people with disabilities, and it delivered positive results. This is the rationale of the course in choosing the LdV pilot project’s AnDE distance education course “Ability not Disability in Workplace” as the basis for adopting in other EU countries, such as Germany, Italy, Latvia and Lithuania. The promoter of this new project is Information Systems Management Institute (Latvia), which was the coordinator and promoter of the AnDE project, too; the project partners include Verein Niedersaechsischer Bildungsinitiativen (Germany), Latvian Umbrella Body for Disability Organisation (Latvia), Klaipčda State College (Lithuania) and STUDIO TAF s.a.s. (Italy).

The reason for choosing the course mentioned above as the basis for the course “Ability not Disability in Workplace” is that the discrimination of people with disabilities in employment is still present. European Statistics show that people with disabilities form at least 17% of the EU working age population; only 40% of them are employed, whereas this rate is 64.2% for the non-

1 This publication has been produced with the financial support of the European Union. The opinions expressed in this document do by no means reflect the official opinion of the European Union or its representatives.
disabled. It does not meet the new European Employment Strategy objectives of reducing unemployment, fighting against social exclusion, EU Disability Action Plan and practical implementation of the United Convention on the rights of Disabled People. Within this context, one of the more important barriers is employers’ wrong opinion on disabilities and abilities, lack of experience, information and motivation, existing model: "Why I must hire disabled if I can hire non disabled?"

Taking these arguments as a basis, the project’s “Ability not disability in Workplace” (AnDiW) aim is to develop the competence and skills of managers, coaches and students providing them with a modern and innovative distance education course.

The new course “Ability not Disability in Workplace” covers a broad spectrum of problems connected with the legislation in this field, raising awareness of the need to solve the existing problems, creating a working environment for people with special needs, changing the attitudes of people, different institutions towards people with disabilities, obtaining a wider knowledge on disabilities. Studying of this course provides a possibility to increase the professional managerial skills and competence necessary to employ and manage people with disabilities at a workplace.

The new distance education course “Ability not Disability in Workplace” differs from the previous course “Ability not Disability in Workplace” by adopting the previous course to the new European Commission’s strategy in tackling the obstacles to a barrier-free Europe, different geographical regions and other countries with peculiar legislation and financing, culture, traditions, etc.

As a result, the new distance education course “Ability not Disability in Workplace” implements an elaboration of the contents and methodology of the previous course, contributes to updating of the knowledge and competencies of the target users: employers and coaches in the workplace, as well as to increasing the employment rate of the disabled persons.

Riga, September 2011
Rector, Professor, Academician,
Dr.oec. Marga Živitere
Summary

*Dr.oec. Marga Živitere/ISMA*

The distance education course “*Ability not Disability in Workplace*” is designed and developed within the framework of the LLP Project “*Ability not Disability in Workplace*” (Project number 2009-1-LV1-LEO05-00370) and has been produced with financial support of the European Union.

The authors of the course’s contents come from five project partners’ institutions: Information Systems Management Institute (Latvia), Verein Niedersaechsischer Bildungsinitiativen (Germany), Latvian Umbrella Body for Disability Organization (Latvia), Klaipeda State College (Lithuania) and STUDIO TAF s.a.s. (Italy).

The course is created to be a contribution for existing entrepreneurs and managers in different sectors of an economy, as well as for students of the professional study programs “*Business Administration*” and “*Human resources management*” who directly or indirectly participate in the recruitment and employment of people with disabilities. This course may be of use to staff, the specialists of state and municipal institutions, mass media and for those working in the field of social inclusion.

**The aim** of the course is to improve professional managerial skills and knowledge necessary to employ and manage people with disabilities and, therefore, to help with inclusion of this group of people into society.

**The methodology and methods** of distance learning are used in the course instruction. The course offers the possibility to study the problems of employing people with disabilities according to individual selection and interests of the student. Considering that it is a distance learning tool, the course allows studying at a place where students/audience has the best learning environment at the most appropriate time. The distance learning method gives the possibility to combine studies and work. To master the course, a computer is necessary with access to the Internet, an electronic mailing address and great
willingness to participate. During the course instruction, students will have the opportunity to do self-assessments on the knowledge already acquired to determine what aspects need repetition in order to master required knowledge and practice.

The course is composed of five modules addressing relevant aspects of the recruitment and employment of people with disability in workplace:

- European policies to promote employment and social inclusion of people with disabilities, psychological factors in the recruitment of people with disability (*Tino Boubaris / VNB*);
- Psychological factors and disability (*Dziuginta Valeckiene and Salomeja / KVK*);
- The development of appropriate conditions in the workplace for people with disabilities (*Rita Bencivenga / Studio Taf*);
- People with Disabilities in the Web of Business-Government-Society: Equality, Diversity and the World of Work (*Aija Laura Živitere / ISMA*);
- Identifying good practices in the recruitment and employment of people with disabilities (*Tino Boubaris / VNB*).

The course includes a set of case studies, bibliography, and glossary and self-assessment questions. Therefore, it is possible to take the whole course or separate modules and to study them in a more detailed way.

**Module 1. European Policies to Promote Employment and Social Inclusion of People with Disabilities.**

This module aims to present the context within which employment and social inclusion policies throughout the European Union are taking place, with a specific focus on people with disabilities. The module is basing on official publications of the European Union and the outcomes of the LEONARDO DA VINCI project "Ability not Disability in Employment" (AnDE). All documents, links and bibliographical sources have been published until spring 2011 and the analysis of this module refers to the period until then.

This module will help:
• To understand and estimate the latest developments in the field of Employment and Social Inclusion Policy in the European Union as regards people with disabilities;
• To develop skills to work with different policy strategies and information sources in general;
• To raise awareness for international and national debates on employment and social inclusion of people with disabilities.

Module 2. Psychological Factors and Disability.

This module aims to reveal the major barriers to achievement by people with disabilities in our society continue to be attitudinal barriers, stereotypical thinking, and assumptions about what people can and can't do. The research about psychological factors intervening in the relationship between people with disability led person and his (future) employer, led to the listing of an impressive range of issues. In order to have a better overview, we decided to classify them in different categories:

• The conception of disability;
• The historical point of view toward disabled people;
• The factors and stereotypes that deter employers from employing people with disabilities;
• The factors that can change the attitude of potential employers and staff towards disabilities.

This module will develop the following skills:

• ability to analyse real situations;
• ability to understand different people;
• ability to handle objectives, different problems.

Module 3. The development of appropriate conditions in the workplace for people with disabilities.

The process of inclusion in the workplace involves various different figures:

• The person with a disability who is seeking his/her first job or returning to the labour market following an accident or illness which has affected his ability to work;
• The employer, the person’s direct superiors and colleagues in the company which will employ him/her;
• The public (sometimes private) structures which provide “targeted employment” services.

As regards the new services available to people with disabilities or chronic illnesses and their potential employers, there is no reason to give out information on an individual’s medical conditions and assistive devices. People who are interviewed by an employer will have the skills and abilities needed to carry out the job concerned. If they require support or assistive devices to carry out their job, it is the candidates themselves or the employment services who tell the employer which aids they use. Any modifications required to the workplace will be carried out in agreement with the employer who will get all the practical assistance he/she needs to carry them out from the employment services.

In the rare cases where specific information is required in order to interact with an individual, it is once again the employment services and the person him/herself who passes it on beforehand to the potential employer and, where necessary, his/her colleagues.


After 2007, when EU and all EU member states signed the United Nations Convention on the Rights of Persons with Disabilities (hereafter CRPD), the majority, including the Convention’s Optional Protocol, half of the states, have ratified the Convention and almost half have also ratified the Optional Protocol.²

In this chapter, we discuss how the changes in disability policy at different levels – global (for example, initiated by the United Nations) and local, national and supranational (the European Union) – affect interrelationships between business, government and society by focusing on the issues of employing peo-

² The EU Disability High Level Group produces annual reports On Implementation of the UN Convention on the Rights of Persons with Disabilities since 2008. Here, the source of the data is the Draft Third Disability High Level Group Report (March 2010), p. 104.
people with disabilities in the private sector. First, main business-government-society models are explored. Second, disability policies in relation to the main categories of welfare states as well as main models of disability are discussed. Third, major issues relating to mainstreaming disability are examined around the concept of equality: the equality and diversity approaches in diversity management, on the one hand, and the development of the concept of equality in the legal discourse, on the other. Finally, people with disabilities are positioned within the context of the changing world of work.

Module 5. Identifying good practices in the recruitment and employment of people with disabilities

The identification and sharing of good practice can be a promising approach to improve the employment situation of people with disabilities as regards recruitment procedure and access to work places. By exchanging, discussing and sharing good practice approaches, employers and human resource managers will be able to implement new strategies to recruit and employ staff that is best meeting the expectations of the company, as regards improving skills and work quality as well as managing diversity.

This module aims to present the idea of identifying and sharing good practices in the employment of people with disabilities, and how you can discover and validate good practices in your country, region, company and/or economical sector.

This module will help:

- To learn about the terminology, definitions and background of good practice identification and sharing;
- To identify examples of good practice;
- To discuss and exchange about their usability and transferability.

All products will be adopted by the Good Practices of partners' countries, located in new innovative learning environment and available in German, Italian, Latvian, Lithuanian and English.

As a result, the Distance education course “Ability not Disability in Workplace” is expected to contribute to the updating of the knowledge and competencies
of the target employers and coaches, as well as to increase the employment rate of the disabled people.

Chapter 1

**European Policies to Promote Employment and Social Inclusion of People with Disabilities**

*Tino Boubaris / VNB*

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1.1. Introduction

This module aims to present the context within which employment and social inclusion policies throughout the European Union are taking place, with a specific focus on people with disabilities. The module is based on official publications of the European Union and the outcomes of the LEONARDO DA VINCI project "Ability not Disability in Employment" (AnDe)³. All documents, links, and bibliographical sources have been published until spring 2011 and the analysis of this module refers to the period until then.

This module will help you to:

- understand and evaluate the latest developments in the field of Employment and Social Inclusion Policy in the European Union as regards people with disabilities;
- develop skills to work with different policy strategies and information sources in general;
- raise awareness for international and national debates on employment and social inclusion of people with disabilities.

1.2. Terminology

Accessibility: a general term used to describe the degree to which a product, device, service, or environment is available to as many people as possible. The UN Convention on the Rights of Persons with Disabilities stresses that persons with disabilities should be able to live independently and participate fully in all aspects of life.

³ See AnDe website: http://ande.isma.lv
**Disability Action Plan (DAP):** the objective of the Commission’s disability strategy since 2003 has been to make equal opportunities for disabled people a reality. The EU Disability Action Plan (DAP) 2003-2010 provides the means to make this happen in practice. It is used to ensure that disability issues are integrated within all relevant EU policies.

**Employability:** the concept of employability covers the whole life cycle starting with the prevention of early school leaving, prevention of unemployment, and increasing access to inclusive labour market, enhancing the capacity of workers to remain active, and promoting continuous updating of skills.

**Employment Guidelines:** the Council, following a proposal by the Commission, agrees on a number of Employment Guidelines within the context of the European Employment Strategy (EES) each year. These Guidelines have to be taken into account in the National Action Plans for Employment.

**Equal opportunities between women and men:** it aims to enable women and men to share equal opportunities and responsibility. This pillar also advocates a gender mainstreaming approach, the tackling of gender gaps, and the reconciliation of work and family life.

**EU 2020:** is the current 10-year strategy proposed by the European Commission in March 2010 for reviving the economy of the European Union. It aims at smart, sustainable, and inclusive growth with greater coordination of national and European policies.

**European Employment Strategy (EES):** Article 145 of the Treaty on the Functioning of the European Union (TFEU) declares that Member States and the European Community shall work towards the development of a coordinated strategy for employment and particularly for promoting a skilled, trained, and adaptable workforce and labour markets responsive to economic change.

**National Action Plans for Employment:** drawn annually by each member state. All National Action Plans are evaluated with a view to set the next annual Employment Guidelines.
Open Method of Coordination (OMC): a voluntary process for political cooperation based on agreeing on common objectives and indicators, which show how progress towards these goals can be measured. National governments translate the common objectives into national plans submitted as national strategic reports.

Social exclusion: a process whereby an individual because of poverty, insufficient education, discrimination, or other reasons is fully or partly excluded from society and cannot participate in its economic, social, and cultural life. Socially excluded persons have difficulties in realising their potential to obtain sufficient income and receive different goods and services essential for living.

Social inclusion: a process which ensures that persons at risk of poverty and social exclusion gain the opportunities and resources necessary to fully participate in society’s economic, social, and cultural life, and to ensure a standard of living and well-being that is considered normal in the society in which they live, as well as participation in decision making and access to a person’s fundamental rights.

Treaty of Lisbon: an agreement by the member states amending the two treaties which form the constitutional basis of the European Union. The Lisbon Treaty was signed by the EU member states on 13 December 2007 and entered into force on 1 December 2009 after the ratification in all member states. It consists of the Treaty on the European Union (TEU; also known as the Maastricht Treaty) and the Treaty on the Functioning of the European Union (TFEU).

Treaty on the Functioning of the European Union (TFEU): one of the two main treaties forming the EU is setting out organisational and functional details of the European Union. Articles 145-161 of the TFEU build the framework for the EU employment policy.

1.3. Learning Module

1.3.1. Strategies for Employment and Social Inclusion in Europe – the Policy Framework

The European Union does not oblige member states to adopt specific measures and policies in order to achieve specific objectives in the employment sector. In other words, there is no common European policy for employment as in other policy fields. This approach, where soft law mechanisms such as guidelines and indicators, benchmarking, and sharing of best practice are used to emphasise differences between member states as well as to help measuring progress in cohesive development, is called the Open Method of Co-ordination (OMC). It is a relatively new and intergovernmental method of governance in the European Union based on voluntary cooperation of its member states, and it was mainly introduced for policy areas where the European Union is not entitled to create legal action.

The European Union adopted the European Employment Strategy (EES) as one of the first activities within the framework of the OMC. It states that member states and the Community shall work towards developing a coordinated strategy for employment and particularly for promoting a skilled, trained, and adaptable workforce and labour markets responsive to economic change. The Council agrees on a number of employment guidelines in the context of EES each year. These guidelines have to be taken into account in the National Action Plans for Employment drawn up annually by each member state. All National Action Plans for Employment are evaluated with a view to setting the next annual guidelines.

The Council issues specific recommendations to Member States since 2000 in order to complement the Employment Guidelines. The Council considers the European Employment Strategy, the decisions in employment of the past Councils, the broad economic policy guidelines, the employment guidelines, and the implementation by the national policies of the last years Councils guidelines and recommendations. With the Open Method of Coordination in

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mind, the Council’s recommendations respect the power of member states and acknowledge the efforts already undertaken by member states. They concentrate on priority issues and are based on sound and accurate analysis. This approach is also supported by the setting of measurable targets at EU or national level in a number of areas as well as by the progressive development of statistical indicators to measure progress and relevant benchmarks.

The European Council set a very ambitious strategic goal for the European Union in Lisbon in March 2000 to become the most competitive and dynamic knowledge based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion (known as the “Lisbon Strategy”). Towards its end, the Council agreed on specific employment targets to be achieved by 2010. However, for different reasons, the goals set in this strategy turned out to be far from being obtainable due to the actual economic developments in Europe. Therefore, the European Commission decided on “Integrated Guidelines for Growth and Jobs (2005-2008)” in April 2005. This new start for the Lisbon strategy as reflected in these integrated guidelines is characterised by the aim to connect economic growth policy with the European Employment Strategy. The idea behind it was that achieving higher growth potential and more jobs would provide essential contribution to sustainable development and social cohesion in the EU.

As regards Social Inclusion, the European Council of Lisbon agreed on the need to take steps to make a decisive impact on the eradication of poverty by 2010. The Council agreed that, based on the OMC, member states’ policies for combating social exclusion should be based on common objectives, National Action Plans for Social Inclusion, and a programme presented by the Commission to encourage co-operation in this field. The aim was to contribute to a better integration of social objectives in the already existing processes towards achieving the ambitious strategic goal for the Union set out in the above Lisbon strategy. In particular, it should contribute to ensuring a positive and dynamic interaction of economic, employment, and social policies to mobilise all players to attain such a strategic objective. All member states committed themselves to developing their policy priorities in fighting poverty and social exclusion in the framework of four commonly agreed objectives to:
• facilitate participation in employment and access by all to the resources, rights, goods, and services;
• prevent the risks of exclusion;
• help the most vulnerable;
• mobilise all relevant bodies.

The Council agreed that these objectives should be brought forward by the Member States in the context of the two-year **National Action Plans against poverty and social exclusion (NAPIncl)** from 2001 onwards to underline this commitment. The action plans and the development of comparable indicators provide a framework for promoting exchange of good practice and natural learning at Community level. The member states also emphasised the importance of mainstreaming equality between men and women in all actions aimed at achieving those objectives.

The current legal framework for EU policies is the **Treaty of Lisbon**. The Treaty contains a number of provisions which are very positive from a disability perspective. It makes specific references to the respect of human dignity, human rights, and equality. These values must be shared and respected by all member states as the Union forms a “society in which pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men prevail”. It is important to state that the treaty of Lisbon provides an **extended European democracy model** in Article 11 strengthening participatory approaches, i.e. civil dialogue, consultation opportunities, and the EU Citizens’ Initiative.

The European Council adopted the European Commission’s proposal for a **Europe 2020** economic strategy at the EU summit in March 2010. The main objective of the Europe 2020 strategy is to bring together the economic, social, and environmental agendas of the EU in a more structured and coherent way. The 2020 strategy aims at enhancing policy synergies and, at the same time,

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reinforcing the European integration process by offering a stronger vision and governance model\(^6\).

Europe 2020 is subtitiled “\textbf{A European strategy for smart, green and inclusive growth}”. The proposal is to continue to promote the EU growth based on knowledge and innovation, aiming at high-employment but still delivering social cohesion in a sustainable perspective (both in competitive and environmental terms). The strategy lays out five measurable targets to be achieved by the European Union by 2020:

- a minimum of 75% employment rate for the 20-64 age group;
- a minimum of 3% investment rate in Research and Development;
- fixed climate and energy targets (reduction of greenhouse gas emissions by at least 20%, a share of final energy consumption coming from renewable energy sources increased to 20%, and an energy sufficiency of 20%);
- a significant improvement of education levels (reduction in school dropout rates and an increased share of the population having completed tertiary or equivalent education);
- the promotion of social inclusion including a reduction in poverty.

In addition to measurable targets, the 2020 strategy also introduces a series of actions and policies grouped under the three main headings (smart growth, green growth, inclusive growth). These so called EU flagship initiatives proposed by the Commission are the following:

- smart growth: digital agenda for Europe / Innovation Union / Youth on the move.
- sustainable growth: resource efficient Europe / Industrial policy for the globalisation era.
- inclusive growth: agenda for new skills and jobs / European platform against poverty.

Concerning people with disabilities, the initiatives for inclusive growth give the platform for further actions and financing on the EU level towards better employment opportunities.

1.3.2. The UN Convention on the Rights of Persons with Disabilities in the European Union

The Convention on the Rights of Persons with Disabilities is an international human rights instrument of the United Nations intended to protect the rights and dignity of persons with disabilities. Parties to the Convention are required to promote, protect, and ensure the full enjoyment of human rights by persons with disabilities and ensure that they fully enjoy equality under law. The text was adopted by the United Nations General Assembly on December 13, 2006 and came into force on May 3, 2008.

As of January 2011, it had 147 signatories and 98 parties, and the European Union collectively ratified it on December 23, 2010.

The convention adopts the social model of disability and defines disability as including “those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”. The adoption of the Convention shows the shift of paradigm from charity to rights, from a medical model to a social/Human Rights model. People with disabilities are no longer considered victims or patients; they are persons with rights and a full role to play in their society.

The Convention binds parties to a revision of all existing legislation, policies, and programmes to ensure they are in compliance with its provisions. Specifically, actions in many areas are required such as access to education, employment, transport, infrastructures, and buildings open to the public, granting right to vote and political participation, ensuring full legal capacity of all persons with disabilities, and a shift from institutions where persons with disabilities live separated from society into community and home-based services promoting independent living.
All the institutions of the European Union will now have to endorse the values of the Convention in all policies under their competence: from transport to employment and from information and communication technologies to development cooperation. It also means that they have to adjust the accessibility of their own buildings, their own employment, and communications policy.

The progress made in the EU Member States in the implementation of the UN Convention will be monitored by the EU Disability High Level Group. The High Level Group was set up in 1996 by a conclusion of the European Council in order to monitor the policies and priorities of the governments regarding disability. Composed of one representative per Member State of the European Union and with its information and experience, it advises the European Commission on methods for reporting in future on the EU-wide situation with regards to disability.

The High Level Group reports annually on the ratification progress since 2008 and on the implementation of the Convention since 2010.

1.3.3. Main Emphases of the European Policies for People with Disabilities

At the European level and with the legal and political framework described above, the institutions intend to help the member states to create societies that are accessible to all by strengthening cooperation, promoting the collection, exchange and processing of comparable data, statistics, and good practice in the following areas:

Equal rights

People with disabilities have equal rights and are entitled to dignity, equal treatment, independent living, and full participation in society. Enabling people with disabilities to enjoy these rights is the main purpose of the EU's long-

7 A new European Community Disability Strategy: Communication of the Commission on Equality of Opportunity for People with Disabilities. COM(96) 406 final
term strategy for their active inclusion (European Disability Strategy). The European Commission wanted to reach particular improvements in employment opportunities, accessibility, and independent living by 2010. It was planned to involve people with disabilities in the process on the basis of the so-called European principle “Nothing about disabled people without disabled people”. The EU is as well promoting active inclusion and full participation of disabled people in society following the EU social and human rights approach to disability issues. This approach is also at the core of the UN Convention on the Rights of People with Disabilities to which the European Community is a signatory since its ratification in 2010 as outlined above.

The main piece of the recent European Disability Strategy (2004-2010) is the Disability Action Plan (DAP). Accessibility was the main focus of the 2008-2009 DAP. The aim was to stimulate inclusive participation of people with disabilities and to work towards full enjoyment of fundamental rights.

Independent Living

The European Union is aiming at providing people with disabilities with the same individual choices and control in their daily lives as non-disabled people. Care and support services shall therefore be more tailored to the specific needs of people with disabilities. The European Commission intends to promote affordable, accessible, and quality social services and support through consolidated social and inclusion provisions. The European Commission also supports studies on the delivery of community-based services needed by people with disabilities to attain the right levels of security, freedom, and independence for community living.

Education

The equal access to quality education and lifelong learning enables people with disabilities to fully participate in society and improve their quality of life. A special focus of the European Commission is on the improvement of the inclusion of children with disabilities in mainstream education. It has launched

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several educational initiatives for people with disabilities including the establishment of the European Agency for Development in Special Needs Education as well as a specific study group on disability and lifelong learning. Community Programmes like the Lifelong Learning programme⁹ are bringing the education and training of people with disabilities into the mainstream. People with disabilities who want to participate in the mobility activities of the Lifelong Learning Programme are supported through extra funding, i.e. for accompanying persons or special travel and accommodation requirements.

**Employment**

People with disabilities represent around 17% of the overall EU working age population, but their employment rate is comparatively low. People with disabilities are almost twice as often unemployed compared to non-disabled people according to the European Commission."¹⁰ The EU Lisbon Strategy for Growth and Jobs in particular aimed to improve these comparatively low work participation rates of people with disabilities in Europe.

Member states set their own employment policies on the basis of the European Employment Strategy (EES) guidelines. They report back to the European Commission on national employment initiatives yearly, including those dealing with disability issues. The EU policy work on Social Protection and Social Inclusion intends to support member states in developing national policy for social inclusion, healthcare, and social services in order to increase the chances for people with disabilities to find an appropriate and sustainable workplace.

**1.3.4. The European Disability Strategy 2010-2020**

The European Commission adopted a new European Disability Strategy in November 2010 to promote equal participation of persons with disabilities in society.¹¹ The strategy’s aim is to outline how the EU and national govern-

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⁹ The Decision establishing the Lifelong Learning Programme was published in the Official Journal of the European Union L327/45 on 24 November 2006
ments can empower people with disabilities in order to allow them to enjoy their rights. Specific measures range from the study on mutual recognition of national disability cards, the promotion of standardisation to a more targeted use of public procurement and state aid rules.

The main actions of this new initiative are:

- **Accessibility initiative**: considering how to use standardisation, public procurement, or state aid rules to make all goods and services accessible to people with disabilities while fostering an EU market for assistive devices ("European Accessibility Act");

- **Participation**: people with disabilities and their families shall exercise their EU citizenship rights on an equal footing through facilitating the use of sign language and Braille when exercising EU citizens' electoral rights or dealing with EU institutions; an accessible format of websites andcopyrighted works shall be promoted; the possibility of mutual recognition of disability cards and related entitlements shall be studied.

- **Funding**: EU programmes and funds in policy areas relevant to people with disabilities should be used to promote sound working conditions for professional and informal care providers and develop personal-assistance schemes.

- **More cooperation between Member States and civil society**: a forum for the exchange of data and policy coordination shall be provided, in particular on the portability of rights, such as the right to personal assistance.

- **Awareness-raising measures**, i.e. European Award for accessibility.

- **Data collection and monitoring**, as well as identifying and promoting of successful support structures implemented by the Member States.

The strategy includes a list of concrete actions and a timetable. The Commission is planning to report regularly on the strategy’s achievements and progress complying with its obligations under the UN Convention on the Rights of People with Disabilities.

1.3.5. **Participation of People with Disabilities on the EU-level: The European Disability Forum**

There should be no European policy about people with disabilities without including them in the policy process as outlined above. Therefore, strong rep-
representation of people with disabilities on both the national and the European level is needed in order to ensure that policy initiatives are reported back as early as possible or new necessary initiatives are prepared by those who understand them best. The largest of several interest groups for people with disabilities is the **European Disability Forum (EDF)**.

It is an independent European non-governmental organization (NGO) that represents the interests of people with disabilities in the European Union. They work as self-advocates since the EDF is run by people with disabilities or their families in case they are unable to represent themselves. The mission of the EDF is to promote equal opportunities for people with disabilities and to protect their Human Rights making sure that “no decisions concerning disabled people are taken without disabled people”.

The EDF was created in 1996 with the aim of defending issues of common concern to all disability groups and being an independent voice for citizens with disabilities towards the EU institutions and authorities. The forum is not representing any specific interest and is not a European institution or body.

The EDF plays an important role in the European policy making, for example, through commenting on communications of the European Commission in the process of strategy planning, i.e. during the implementation of the Disability Action Plan (DAP). It has a strong ability to assess and monitor developments on both the national and the European level with its national member organisations. \[12\]

The Disability Forum is promoting several campaigns on the European level to promote equal rights and access for people with disabilities, e.g. the 2011 “Freedom of Movement” campaign to improve accessibility for all at all stages.

\[12\] A list of member organisations included in the implementation of EU policy on national level can be found at the European Disability Forum website www.edf-feph.org.
1.4. Self – assessment tasks

- Make yourself familiar with the terminology used on the EU policy level and with the different ways to access data from the EU databases and websites.
- What is the “Open Method for Coordination”? Do you find it sufficient to promote employment and social inclusion throughout Europe?
- Which are the four commonly agreed objectives that form the basic framework for the developing of each Member State policy priorities in fighting poverty and social exclusion? Where do you find examples for these objectives in your respective national legislation?
- Search for legal documents in your country the obligations of which derive from the European policies to promote employment and social inclusion. What are the target groups?
- Describe the main issues of the EU policies concerning the EU 2020 initiative as far as people with disabilities are concerned.
- Please explore the current situation with respect to the targets laid out in the EU 2020 strategy:
  - What is the employment rate of people with disabilities a) throughout Europe, b) in your country?
  - Do you think that the goal of the 75% employment rate is realistic for the age group of 20-64 in Europe? What do you think could be a realistic goal for the group of people with disabilities?
- State the specific points of the current European Employment Strategy that directly influence people with disabilities and their employability. Make proposals for national activities in your country needed in the near future in terms of promoting employment opportunities for people with disabilities.
- Compare the main emphases of the 2010-2020 EU Disability Strategy with the national situation in your country. Describe the similarities and differences with respect to the legal and political state-of-the-art.
- Compare the UN Convention on the Rights of Persons with Disabilities with the provisions from the current Disability Action Plan (DAP). Does the plan cover all the relevant issues?
• What does accessibility mean? In terms of workplace issues, what do you consider to be important for persons with disabilities?

• What are the objectives of the European Disability Forum (EDF)? Who is representing the EDF in your country and what are the current issues for the national representative in the respective member state?

• Compare the medical model of disability with the social/human rights model. What are the main differences? Why is the use of the social/human rights model so important, especially from the point of view of persons with disabilities?

1.5. Bibliography & Links

• EU legislative documents can mostly be found as electronic files on the websites of the European Union and its institutions. The central access point is the Europe server: http://www.europa.eu

• EUR-LEX: Legal documents, e.g. Communications from the European Commission (COM) or the Official Journal of the European Union, can be downloaded through the database of the European Law: http://eur-lex.europa.eu

• EU Bookshop: Managed by the Publications Office of the European Union, EU Bookshop gives online access to the European Union’s official publications: http://bookshop.europa.eu

• Summaries of EU legislation: main aspects of European legislation in a concise and easy-to-read manner. You can search for policy areas and find documents related to these items (not yet available in all EU languages): http://europa.eu/legislation_summaries/index_en.htm

• A new European Community Disability Strategy. Communication of the Commission on Equality of Opportunity for People with Disabilities. COM(96) 406 final


- **European Disability Strategy 2010-2020: a Renewed Commitment to a Barrier-Free Europe.** Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions. COM/2010/636 final


- **EUROPE 2020: A strategy for smart, sustainable and inclusive growth.** Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions. COM/2010/2020 final

- **A Shared Commitment for Employment.** Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions. COM/2009/0257 final

- **An Agenda for new skills and jobs: a European contribution towards full employment.** Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions. COM/2010/0682 final


• **The ABC of European Law** by Prof. Klaus-Dieter Borchardt. This book is intended for people with no specialist legal knowledge who wish to understand the implications of European law on their daily lives. Available for free at the EU bookshop in English, German, and French language. ISBN 978-92-78-40525-0 / Brussels, 2010
Chapter 2

Psychological Factors and Disability

Džiuginta Baraldsnes /KVK

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2.1. Introduction

Disability is a broad term used to describe the consequences of injury, causes of disability, degree that affect people capabilities and lifestyle so that their everyday life becomes very difficult. In general, disability can be described as a psycho-social phenomenon, which refers to the social and family constraints that occur in the result of person’s potential disruption or weakening. The task of the society is to compensate these constraints and to improve disabled person's life quality. Disabled person must experience his life value, despite the fact that he is different.

In Lithuania and other EU countries, disabled people are identified as persons with congenital or acquired physical or mental disabilities, that constrain them from taking care of their personal and social life as well as from implementing their rights and exercising responsibilities completely either partially. Nonetheless, disabled persons, irrespective of the cause, character or expression degree of a disability, have the same rights as any other persons. People with disabilities present an inseparable part of the society and have equal rights with healthy people.

There are only some disabilities that push people to stay at home and seek medical cures or permanent help from other people. Only some of them are permanently disabled, without the possibility of a cure or at least to make considerable improvement. And even then life is a strange thing, starting with small improvements great things may happen.

People need to be effective and competent in order to move forward in life. Those with disabilities also want to achieve these feelings if their communities allow them to grow and to make many of their own choices.

According to Ruškus, Mazeikis (2007), work in the life of a disabled person takes a very important place, because it allows him or her feel better both psychologically and spiritually. Participation of disabled people in the labour
market has always been a social problem. The inability to fulfill the need of self-realization in professional activities, restrains people with disabilities from becoming active in a social life of the country. Even though the laws promote and ensure work and vocational education opportunities for disabled people, in reality they are not so effective, so that discrimination against disabled individuals in society still exists. Absence of a clear strategy, targeted on activating and empowering of disabled individuals as well as absence of conducive assistance system make a disabled person lose motivation and become a passive unemployed citizen, for whom integrating into a labor market becomes even more difficult.

Some are likely to work at home, because working at home is convenient and flexible and can be less stressful than daily commuting, but it requires enough initiative, independence and self-confidence to work without supervision (Papalia, Olds, 1998). Some home workers feel isolated or have trouble concentrating in the presence of such distractions as television, the refrigerator, and young children. Also, employees who work at home may lose fringe benefits, such as health insurance, and the protection of the laws guaranteeing fair labour standards and working conditions (Berthoud, 2006).

Employers must recognize that people with disabilities have aspirations and career goals. They have to discuss career expectations with each employee, including an evaluation of an employee's interests, talents and skills in relation to the requirements of available jobs.

An employee with disability also must take responsibility for his or her career development. Employees should continually seek out new education, training and information. They should keep up on the latest information in the field, network and volunteer for new assignments.

Employers, who incorporate persons with disabilities in their staff, enrich and enhance workplace benefits in the new economy.

The major barriers to achievement by people with disabilities in our society continue to be attitudinal barriers, stereotypical thinking, and assumptions about what people can and can't do.
Our research about psychological factors intervening in the relationship between people with disability led person and his (future) employer, led to the listing of an impressive range of issues. In order to have a better overview, we decided to classify them in different categories:

- The conception of disability;
- The historical point of view toward disabled people;
- Factors and stereotypes that deter employers from employing people with disabilities;
- Factors that can change the attitude of potential employers and staff towards disabilities;
- Hereafter, we will have closer look on those categories.

Then you will know

- terminology;
- historical aspects of disability;
- employer's perception;
- the business benefits when employing disabled people.

You will develop the skills

- to analyze the real situation,
- to understand different people,
- to handle objectives, different problems.

2.2. Terminology

**Attitude:** a mental position with regard to a fact or state.

**Assumption:** a fact or statement (as a proposition, axiom, postulate, or notion) taken for granted.

**Employer:** a person who provides a job to at least one employee on a basis of a mutual agreement (contract) and the existing labour relations (Kučinskas V., Kučinskienė R. Socialinis darbas švietimo sistemoje. Klaipėda: KU leidykla, 2000).
**Employability**: physical and mental ability to perform a job of a certain volume and duration at certain intensity. Employability is determined by physical development, health, age, level of tiredness and monotony, the duration of the rest needed etc. (Kučinskas V., Kučinskienė R. Socialinis darbas švietimo sistemoje. Klaipėda: KU leidykla, 2000).

**Labour market**: a whole complex of labour (job) supply and demand relations, in which the employer’s and employee’s individual vocational objectives and interests are met. (Kučinskas V., Kučinskienė R. Socialinis darbas švietimo sistemoje. Klaipėda: KU leidykla, 2000).

**Employment**: it is a means of social security to assist disabled people in taking part in useful working activity, taking into consideration their mental and physical condition and securing their working skills and inclination to work. (Žvikaitė D. Neįgaliųjų socialinės integracijos klausimai. Vilnius: Mokslo aidai, 2000).

**Integration**: (in Latin the word means restoration, renovation, joining some parts to form a whole) it is defined as disabled people joining in society. The use of this term implies that disabled people are excluded from society and by overcoming psychological, material, social and other obstacles they are able to become full-fledged members of society in spite of the fact that the personal, marital and social statuses of people with disabilities are not ordinary and demand complex ways of addressing them. (Žvikaitė D. Neįgaliųjų socialinės integracijos klausimai. Vilnius: Mokslo aidai, 2000).

**Competence**: it is demonstration of effective activity, ability to carry out tasks in an actual or simulated working situation. It is an ability to perform an activity in accordance with one’s qualification, knowledge and skills and authorization to do something. (Kučinskas V., Kučinskienė R. Socialinis darbas švietimo sistemoje. Klaipėda: KU leidykla, 2000).

**Qualification**: a whole complex of specific knowledge, abilities, skills and experience acquisition of which allows an individual to carry out certain type and complexity of work (Kučinskas V., Kučinskienė R. Socialinis darbas švietimo sistemoje. Klaipėda: KU leidykla, 2000).
Disability: An individual’s condition, which has been identified by competent institutions, and which due to some congenital or acquired physical or mental defects prevents the individual from partially or fully taking care of one’s own personal and social life, exercising one’s rights and fulfilling duties. (Baranauskienë I., Elijošius E., Pauliukonis A. J. Neįgaliųjų profesinio rengimo Lietuvoje mokslinė studija. – Šiauliai: ŠU leidykla, 2004).

An individual with a disability: an individual who has a disability statement or a statement of under 55- per cent- employability or a special needs statement issued in accordance with the law (1991) (Kučinskas V., Kučinskienė R. Socialinis darbas švietimo sistemoje. Klaipėda: KU leidykla, 2000).

Stereotype - something conforming to a fixed or general pattern; especially: a standardized mental picture that is held in common by members of a group and that represents an oversimplified opinion, prejudiced attitude, or uncritical judgment.

2.3. Learning module
2.3.1. Change in the understanding of disability in the course of history and the attitude to an individual with a disability in modern society

In different periods of history a disability was regarded differently - with fear, respect or hatred- and considered a disaster, a sin, a misery or a disease. The rights of people with disabilities were not protected in all societies. In ancient societies the human ideal was oriented to both the mind and the body. Therefore there were hostile attitudes towards an individual with physical defects. Intolerance of disability was a sign of fear and lack of security of that social group. There was a common belief that people with disabilities are different and they could bring the wrath of gods. It was considered a bad omen. Both in Ancient Athens and Rome, disabled children were left in the woods to die. The council of wise men would carry out a thorough examination of newly born babies and decide whether they should live or be taken to an uninhabited place and left to die. (Bakk, Grunewald, 1998). Ancient societies adopted differing approaches to disability: on the one hand, they made attempts to com-
pensate for it by various means (e.g. artificial limbs), but on the other hand, an individual with a disability was an outcast from society.

As pointed out by Ruškus (1997), in different sources we can find different attitudes to disability in the Middle Ages. In that period disability was considered a stigma. People with disabilities were humiliated and made up an integral part of society. People with disabilities joined the poor. However, poverty and disability were not considered the same. Disability was regarded as something extraterrestrial, non-social, devilish and frightening. Disability was related to social conditions and people with disabilities were somehow integrated in the labour market. People with disabilities (pygmies, people having a hunchback or a squint) lived as jesters in royal courts where they would amuse the ruler.

As noted by Pivorienė (2001), in the period from 17\textsuperscript{th} to 18\textsuperscript{th} centuries, there were differing approaches to disability. On the one hand, there were efforts made to introduce legislation which would establish certain rights for people with disabilities, to take care of hearing impaired people and to develop artificial limbs. On the other hand, some disabled people were still regarded as outcasts who were to be isolated from society by all possible means.

In the early 19\textsuperscript{th} century the first movements for the rights of the disabled started, which stimulated establishment of schools for people with different disabilities and working with disabled people in prisons and homes for the poor. In this period the wheelchair was invented and Braille script was introduced. The living conditions for people with disabilities significantly improved in West European countries and the USA where there were both intense debates and actions taken to improve life for the disabled. In the late 20\textsuperscript{th} century the rights of the disabled became an issue of concern on all continents (Lukoševičienė, 1996).

In the early 20\textsuperscript{th} century there was a new approach adopted regarding disability as a problem of society. In social terms, the main factor of the integration of disabled people is the attitude of the society towards a disabled individual. Research has proved that disabled people suffer from a double disability:

- the first one is congenital or acquired;
• the second one is caused by the attitude of able-bodied people towards disability, which is more harmful than the biological disability.

Very often the wheelchair happens to be at the centre of the public attention instead of the disabled individual and personality attributes. Aiming at the development of a positive attitude of society towards an individual with a disability there is a need for comprehensive approach to educating society, which will reinforce the positive belief that there are no outcasts in civil society (Matilionis, Razbadauskas, Istomina, 2003).

In the recent decades there has been a change in the attitude towards an individual with a disability and towards disability in general. There has been a shift from the orientation to meeting the basic needs of disabled people, giving attention to their physical health and medical rehabilitation to providing vocational training in the system of education. The process of integration of disabled individuals has started. (Baranauskienė, Gudinavičius, 2008).

The concept of ‘integration’ (in Latin the word means restoration, renovation, joining some parts to form a whole) it is defined as disabled people joining in society. The use of this term implies that disabled people are excluded from society and by overcoming psychological, material, social and other obstacles they are able to become full-fledged members of society in spite of the fact that the personal, marital and social statuses of people with disabilities are not ordinary and demand complex ways of addressing them (Žvikaitė, 2000).

As noted by Ruškus (2002), you cannot either learn or insist on integration as genuine integration is in the hearts of people. When the able-bodied people come to understand the value of life of disabled people and the joy of being with them, the miracle will happen - integration will become a common goal of society.

Summing up the development of the concept of disability and the attitude to an individual with a disability in modern society, we are able to suggest that the attitude to an individual with a disability has been negative since ancient times. In some periods in history people with disabilities were outcasts from
society and they were feared, shied away from and isolated. However, the rejection of people with disabilities varied throughout different periods in history. Since ancient times the attitude to disability has remained of two kinds: on the one hand, people with disabilities are not welcome in society; on the other hand, we can see concern and care about people with disabilities and improvement of their living conditions. Throughout all historical periods improvement of the living conditions for people with disabilities has been going along with rejection and repressions.

2.3.2 Disability concept. General characteristics of disability

Thorough analysis of the employment opportunities for people with disabilities requires adequate understanding of the issue of disability and its types. As noted by Ruškus (1997), the very word ‘disability’ corresponds another word ‘handicap’. This concept goes back to the 18th century games, which were based on a random distribution of objects to the players in the game. The origin of the word ‘handicap’ shows the mechanism how different initial contributions of the participants in the game make the game socially equal. Such a category of disability is an expression of both disability and origination and development of readaptation; the change of the image from ‘decided by destiny, which means nothing can be changed’ to ‘possible regulation and management’. In the second part of the 20th century an essential reconceptualization of understanding of disability occurred. Since then, as noted by Vaičėkauskaitė (2004), disability is regarded not only as one’s personal problem but also as a phenomenon subject to social development.

Thus the word ‘disability’ successfully entered both academic and colloquial language, first of all replacing the outdated term of ‘invalidity’. As pointed out by Bagdonas et.al. (2007), this concept has been completely replaced with the more neutral notions of employability, disability, special needs and participation. Some other words with a negative connotation like anomalous, abnormal, invalid, weak-minded, moron, idiot or imbecile have also disappeared. According to The Law on Social Integration of the Republic of Lithuania (1991), disability is defined as ‘An individual’s condition, which has been identified by competent
institutions, and which due to some congenital or acquired physical or mental defects prevents the individual from partially or fully taking care of one’s own personal and social life, exercising one’s rights and fulfilling duties’. A similar definition of disability can be found in other documents of the EU.

As there is some danger of misuse of this term, Pūras (1997) suggests limiting the concept of disability to steady condition like deafness as hearing disability, blindness as visual disability, cerebral palsy as disability of movement, mental retardation and other mental development impairment as mental or learning disability, whereas illnesses including mental illnesses like schizophrenia or epilepsy should not be considered disability. Therefore ‘disabled’ should be referred to the individuals who partially carry out activity or are completely unable to operate in certain areas of life (Bagdonas et.al. 2007).

The people, whose disabilities have been acknowledged by competent institutions, are divided into various groups. The criteria of division include functional disorders like kinesthetic, visual, hearing impairment, epilepsy, etc. as well as mental disorders like cerebral palsy, Down’s syndrome and schizophrenia. The consideration of the causes of disability varied in different periods. Generally there are primary and secondary disability identified. Primary disability is caused by an illness or trauma, while secondary disability develops due to inadequate medical treatment or nursing (Žvikaitė D., 2000).

Ruškus (2002) suggests the following definitions of disability:

1. Disability as a spiritual phenomenon. Disability is not a consequence of a physical disorder, as it is known that people with anatomical and physiological impairment in non-western cultures perform some recognized social roles. An individual’s developmental disorders by many peoples are interpreted as originating due to atmospheric changes, inadequate food or water, being frightened or parents’ misbehavior.

2. Disability as a phenomenon restricted by time. In many non-western cultures time is seen not as linear but as cyclic. The condition of a disabled person
is regarded as temporary. In those countries where disability is considered a disorder of the soul, it is believed that the soul will be restored later.

3. Disability as a group phenomenon. Interpretation of disability and impairment by non-material causes indicates that the immediate environment of the individual with a disability, and the family in particular cannot be separated from the phenomenon of disability. In some tribes it is believed that spirits are embodied in those disabled people whose parents and ancestors behaved improperly. Disability is thus seen not as an individual problem but rather as a result of family problems.

4. Acceptance of disability. Some tribes believe that disability is divine and beyond human understanding and therefore it should be subject to unconditional acceptance (Ruškus, 2002).

Furthermore, equal opportunities as the social dimension, as well depend on the concept of disability. Bagdonas et.al. (2007) distinguish medical, social and artistic (cultural) disability models:

- Medical (clinical) – disability is interpreted as an individual problem, which is directly caused by disease, trauma or other health alterations. Formerly it was believed that if disability is a personal problem, it requires medical decision - that means a medical treatment should be provided to a person. The purpose of disability management is to treat either to encourage personal adaptation and behavioral changes. Medical care is an essential way out.

- Social – disability is interpreted as a social problem, as the full human integration into society. Disability is not just a personal peculiarity; it is a difficult combination of circumstances. Therefore, solving the problem requires a social action and society is collectively responsible for changing the environment so that disabled people could fully participate in all spheres of life. In Vaicekauskaitė’s opinion (2004), the social model of disability separates disease (illness) and disability. Disease (illness) is not a direct factor that determines personal disability, these factors lie in the social environment.

- Artistic (cultural) model of self-expression - points the quality of life, rather than health. However, this model is the least common.
Summarizing these models, it can be stated that medical and social models are like two extremes. An individual cannot separate himself/herself from his/her body malfunctions, even in particularly well-adapted environment. In comparison to other people, one will need health care services more often, as there will appear new special needs in the constantly changing world as well as there will occur situations when one will need to be supported or assisted by others (Michael, Graham, Marion, 2009).

According to Žulys, Klimavicius, Kriščiūnas (1998), disability can be classified by the reasons that caused it. The first type of disabilities consists of physical disabilities such as visual and auditory damage, nerve and muscle damage. Mental disabilities are for instance the results of mental development disorders and mental illnesses. The examples of medical disabilities are diabetes, allergies, etc. Social disabilities are the result of poor education. Causes of disability vary in different countries.

The experts from the United Nations (UN) indicate that the origins of disability in all countries are affected by the war and its consequences: famine, epidemics, population migration, family poverty, unsanitary living conditions, as well as uneducated people, lack of elementary medical education, lack of medical care, lack of knowledge about issues of disabilities, misunderstanding of disability and discrimination of disabled people. It could be mentioned as well the lack of adequate training of primary medical-sanitary assistance programs, medical aid restricting factors: resources, geographical location, physical and social barriers preventing people from accessing many of the existing opportunities: resources, spent to a narrowly specialized help, disconnected with the needs of the majority of the population, poor social support, health care, educational, vocational and technical education, employment infrastructure.

One of the main reasons is a secondary focus on development of social and economic measures, disability prevention and disability expertise. Accidents in production, agriculture, transport, natural disasters, stress and other psychosocial problems linked to the social order fractures may also be attributed to the main reasons. The origin of disability is stimulated by an unjustified medication usage, drug abuse, pacemakers, unqualified aid to the injured during the disaster, urbanization and its consequences (Berry, 2008).
According to the international WHO classification of diseases and related health problems, there are the following disability types identified:


**Mental retardation** (intellectual disorder) (F70 – F79): a condition of arrested or incomplete development of the mind which is characterized by impairment of cognitive, language, motor and social abilities (WHO: International Statistical Classification of Diseases and Related Health Problems) (ICD – 10).

**Disorders of psychological development** (F80 – F89): specific developmental disorders of speech and language, specific developmental disorders of scholastic skills and mixed disorders having an impact of the individual’s decisions and functioning (WHO: International Statistical Classification of Diseases and Related Health Problems) (ICD – 10).

**Disorders of speech and Language**: congenital and acquired, partial and total expressive language disorders, speech articulation disorders, communication and etc. disorders (WHO: International Statistical Classification of Diseases and Related Health Problems) (ICD – 10).

**Hearing impairment**: partially or totally impaired, lost or congenital conductive or sensorineural hearing function (WHO: International Statistical Classification of Diseases and Related Health Problems) (ICD – 10).

Ruškus (1997) points out that there is no disability outside social and cultural structures; there are no such behavioural patterns with disabled which would not be based on social values and structures. Such understanding of disability states the fact that the individual’s relationship with society is deficient in autonomy and integration. The vision of oneself as a disabled individual is expressed through frustration and shocks which they have when communicating with others. On the one hand, these shocks are due to the attitudes in society to a disabled individual and his/her abilities. On the other hand, due to the disabled individual’s attitude to
himself/herself. A number of factors determine social disability including the family (love), education (socialization) and sociocultural (attitude) factors.

As pointed out by Vaičekauskaitė (2004), disabled people are still considered weak and vulnerable like children or elderly people. Therefore the right of independence of disabled individuals is often denied as it is believed that they are unable to take the right decisions. The concept of individual’s independence, which emphasizes the value of cognitive abilities, the importance of mental operations and the necessity for self-help and everyday social skills, determines the belief that disabled people do not meet these criteria and therefore cannot be independent and their possibilities are limited. The possibilities of independence of people with severe disabilities are doubted in particular because of the limitations of their abilities.

To sum up, the term ‘disability’ has a number of definitions including not only the aspect of the change of an individual’s physical or mental condition, but also the aspects of a social phenomenon which is expressed through shunning, overprotecting or distrusting these people etc. Two main types of disability are identified – clinical and social – and also an additional cultural type which helps better understand its essence. None of the disability definitions or categories is absolutely correct – the medical and educational classifications are subject to change depending on time and space. In psycho-sociological terms, disability is a problem arising from society. Thus disability is socially defined and constructed in certain cultural, social and political conditions and is temporary. Due to the social images with negative connotations existing in the individual and mass mentality of the member of society, people with disabilities experience difficulties both in securing their rights and providing opportunities to fully participate in the labour market.

2.3.3. Psychological factors and stereotypes that deter employers from employing people with disabilities

Nowadays in some countries of the EU, people with disabilities still do not gain full acceptance as full members in the public life structure. As noted by Gudonis and Žilinskas (2001), the attitude to people with disabilities has always
depended on the level of the country’s economic development, which determines people’s welfare, as well as traditions, and other moral, religious and philosophical factors. Agreeing with the above ideas, Kasnauskienė and Valleckienė (2010) point out that although modern society’s relation with disability is undergoing change and people with disabilities are trying to get rid of stigmas, they are still on the margin of society. The very stigma of people with disabilities determines that such people are considered dangerous and incompetent, efforts are made to isolate them and infringements of their rights are sanctioned by society and discrimination is encouraged through employment, provision of services, limitation of their rights etc. The label attached to these people by society is a complex construct. The ‘labeled’ individual is deprived of all rights and privileges and is ‘driven out’ of the social relations network (Ruškus, 1997). The ‘label’ also includes the stigma with all its components as well as particular reaction of the ‘labeled’ individual, feelings, limited opportunities, infringed rights and other individual consequences of labeling (Kasnauskienė, Valleckienė, 2010).

Isolation of people with disabilities also has a negative impact on the attitude to these people. It should be noted that the more isolated these people are, the less awareness of them there is in society. The deficit of information about disabled people reinforces negative stereotypes and negative attitudes. The attitude of society is a stable, slowly changing phenomenon, which is influenced by a complex of political, economic and cultural factors. Other researchers claim that not the disability itself but the individual’s social status is the cause of social repudiation. Very often disabled people consider themselves outcasts and are made to ask for or claim favours, and acquire the role of ‘invalid’ (Ruškus, 1997).

As pointed out by Vaičekauskaitė (2004), in the early 20th century, a psycho-sociological approach started in West Europe, acknowledging that due to the social images with negative connotations existing in the individual and mass mentality of the member of society, people with disabilities experience difficulties integrating in society. Thus a new important aspect of social exclusion appears in the attitude to disabled people, which means a wide range of factors, limiting for individuals and groups those opportunities which are
open to the majority of people seeking active participation in society. Social exclusion is a phenomenon showing limited opportunities for certain groups to fully participate in social life due to inconsistence of social images and peculiarities of interaction. Furthermore, these groups are assigned a less significant social status. Social exclusion identifies those social groups which are poorly integrated in society and which have fewer or no opportunities to participate in the country’s political, social, economic and cultural life. Acienė, Vaičekauskaitė (2008) identify the following groups of causes of social exclusion:

- **Legal and political causes**, related to political and legal barriers, which prevent individuals and groups from exercising their human and civil rights;
- **Social and economic causes**, which are grouped according to standard of living, education, employment, place of living, age and gender, and which can also prevent from participation in social development processes;
- **Cultural and psychological**, related to various social and psychological stereotypes which have an impact on human communication.

As noted by Acienė, Vaičekauskaitė (2008), handling the social exclusion situation requires acknowledgement of the role of a socially significant individual with a disability in society. Analyzing social exclusion of disabled people, Samsonienė (2006) notes that taking into consideration the paradigm of solidarity, it is impossible to completely eliminate social exclusion. However, ‘we can try and tame the excluded individuals’. Reduction of social exclusion is related to protection of social rights. There should be a very important objective promoted in international collaboration of preparing such primary projects which would test the effectiveness of new methods. It should be pointed out that there is a direct relation between the number of individuals with disabilities and the lack of information, poverty and low standards of health care. Therefore raising public awareness and education could help reduce the increase in the number of people with special needs.

The main factors and stereotypes building up barriers to the recruitment of person’s with a disability are:
1. Disabled people perform at a lower level than other employees;  
2. We have no suitable work position for disabled people;  
3. We are afraid that we can't hire disabled people for safety reasons;  
4. We are afraid to be caught in a very severe legal framework with little possibility to fire people if we are not satisfied;  
5. The administrative load is too important;  
6. The legal situation is not transparent;  
7. There will be trouble with colleagues or their direct boss;  
8. The disabled people are not sufficiently qualified;  
9. They are often frightened that they won't know how to handle it.  
10. And the word disability suggests that someone can't do something, while they may feel that they want someone who can do everything in a certain way.

The factors which have a common element must be evaluated more concrete.

1. **Disabled people perform at a lower level than other employees**: This argument is one of the most often heard stereotypes. It should be known, that a disability doesn't necessary have an impact on the employee's performance. A concrete example can underline this. There is no reason why an employee confined to a wheelchair, working as a clerk in a call centre, should perform less then a colleague without a disability. An employer hiring a person with a disability has the possibility to avoid this lack or performance by giving his employee a position, where his disability doesn't matter. Furthermore an adapted workplace can compensate weaknesses due to a disability. In some countries, the state will offer the employer a financial compensation for hiring a disabled person in order to compensate for a possible weaker performance level.

In November 1993, Barclays Bank in the UK reviewed total sickness over the previous two years for a random sample of 200 disabled and 200 non-disabled staff. The survey showed that disabled staff on average had eight days absence over the period, compare an average of ten days for non-disabled staff.

2. **We have no suitable work position for disabled people**. It is imprinted in people's minds that only specific job's are suitable for people with a disability.
A large effort on information and awareness building is needed in order to show that there are as many job possibilities as possible jobs. A disability, at worst, prevents person from undertaking a certain range of tasks. Seeing the multiplicity of disabilities, one can be certain to find people with a disability that has no restrictive effect on a precise job. Furthermore, the ergonomics of a workplace often can be adapted to the specific requirements of a disability. This opens job possibilities even where, on first sight, no activity is possible for people with a specific disability. A typical example is the telephone exchange for blind employees. Only 4 per cent of disabled people of working age require additional aids the workplace or need health related treatment that would interfere with their work. A survey made in 2001 in companies in Upper-Austria, showed that 45% of the disabled employees in those companies work in production departments and 36% in administrative departments.

3. We are afraid that we can't hire disabled people for safety reasons. Security is a serious issue. Disrespect of safety rules and devices may cause harm and death. But why should disabled employees especially disrespect those rules and devices? It should be aware, that the respect of rules is not linked to disability. In case of mental disability, it has to be verified if the employee is able to understand and respects those rules and devices. If this is the case, there is no reason to withhold him from the job. It should also be underlined that a specific workplace adaptation will integrate safety aspects. For all this reasons, an employer can be assured that hiring disabled people will not increase his safety risks, provided that the workplace is adapted and that it has been checked that employees are able to understand the safety issues.

4. We are afraid to be caught in a very severe legal framework we little possibility to fire people if we are not satisfied. Employers clearly are sensitive to labour and social law issues. Economic constraints and the need of social shelter of the workforce have to be balanced in order to allow a company to subsist in the marked economy. If we have a closer look at those regulations, we will see, in most countries, that the laws and rules concerning disability are focused on enhancing the integration of disabled people in the labour market. In other words, they are rather incentives to hire and supports
to integrate disabled workers than rules that make it more complicated to dismiss disabled workers. In the field of the termination of a work contract, the law often doesn’t make a distinction whether the employee is disabled or not. A survey made in 2001 in companies in Upper-Austria showed that 85% of companies employing staff with disabilities declared they were very well integrated and 13% declared they were well integrated. This makes a total rate of 98% of successful integration.

5. The administrative load is too important. Work place analysis, selection of a suitable candidate, work place adaptation, training, reporting to different Ministries, ... . Employing a disabled person n supplementary administrative charge. A best practice that tends to be applied in more and more countries is to offer a help to potential employers. A dedicated organization will accompany the employer the whole process of hiring a disabled person and during the time he/she is member of the staff. This helps considerably to minimize the additional administrative load. Furthermore, an employer should also consider the potential added value a disabled employee brings to his organization (see below). He should also remember fiscal and financial incentives offered.

6. The legal situation is not transparent. As stressed at the previous point, employers can rely in most countries on organizations that centralize issues related to employing a disabled person. There the employer will find counseling and an overview of the situation he is heading for.

7. There will be trouble with colleagues or their direct boss. Lot's of people are not used to the needs of a disabled person. Even more can’t imagine working with a disabled colleague. Therefore a certain fear about having a disabled person as a member of staff, or as a colleague is quite normal. In fact it is like the resistance to change. I know what I have, but I mistrust the new situation ahead. Experience shows that persons working with a disabled colleague rate this as a personal enrichment. They declare that they learned to appreciate more their own situation on one hand and to appreciate people better for what they are and not on the basis exterior appearance.
8. **Disabled people are not sufficiently qualified.** Qualification is a matter of education and experience. Disabled people can offer both. In respect of education, nowadays every person has undergone school education and physical disabilities don't prevent you from achieving a successful academic curriculum and career. People suffering from a mental disability are instructed according to their capacities. They benefit from dedicated school classes and teachers helping them to terminate their education with a valuable Standard of both theoretical and practical knowledge. So you will also find among people with a disability people with the necessary educational background. In respect of experience, disabled people who have not worked before are on the same level as other newcomers on the labour market. It should be highlighted, that there is also a group of disabled people already possessing a profound job experience. On one side you have people working for the time being and looking for a new position. On the other hand you have all the persons that have had a professional career before being disabled due to an accident or an illness. There is a treasure of experienced people waiting to work for you. Qualification is also related to the position the job applicant has to take over. As for recruitment, qualification means to find the right person for the right position. As an employer, knowing the capacities necessary to fulfill the job will give you the opportunity to select the candidate corresponding the best to those requirements, regardless of his disability.

9. **Are we able to handle it?** "Lack of contact with disabled people is one of the key reasons why employers don’t give them jobs. They are often frightened that they won't know how to handle it. And the word disability suggests that someone can't do something, while they may feel that they want someone who can do everything in a certain way." (Caroline Casey, Aisling Foundation).

10. This last factor resumes the situation very well. The reasons not to hire persons with disabilities are linked to the fact that employers have no experience with disabled people and therefore have all sorts of fears of the unknown. A better integration of people into the working world depends also of a better integration of the same people into social and public life. The more people and potential employers have contact with disabled people, the more
they will be inclined to share a workplace with them (Source: Employment of people with disabilities. Distance education course. Riga, 2005).

Summing up the psychological factors and stereotypes that deter employers from employing people with disabilities, we can state that there are very slow positive changes in attitudes to disabled people, as society still does not acknowledge the people who are different from them and is trying to label and even isolate them. Society is not ready yet to regard a disabled individual as a person. Pity or overprotection are often felt, neither of which is appropriate with respect to people with disabilities. All the above conditions are ‘reinforced’ by lack of information about disabled people. Inability to integrate in society determines formation of social exclusion, which is influenced by such factors as inability to fully realize one’s possibilities, prevalence of stereotypes, deficiency in education etc. This exclusion can be reduced and one of the main ways to do this is stimulation and support to participation of disabled people in the labour market.

2.3.4. Psychological factors and social needs of the disabled people

Social and psychological factors may have a decisive effect on the individual. The material environment and its factors also have a significant impact on the personality development. All these factors can be classified into four groups:

1. Natural environment,
2. Human environment,
3. Cultural environment,
4. Industrial environment,
5. The individual’s experience.

These factors come into effect when the individual is interacting with them. Interaction is a complex process, manifesting itself in the individual’s assimilation into the environment and standing out from it – dissimilation, integration and disintegration.

It is generally accepted that disability is a cause of the conflict with life which considerably restricts the individual’s mental and social functions thus leading
to loss of independence, physical strength, ability to move and orientation, loss of friends and a favourite job. This also affects the personality destroying its integrity and weakening activity and dynamism. Disability restricts the individual’s possibilities for active functioning in the environment and the person loses individual independence. This often causes formation of the feelings of inferiority, depression, animosity, sorrow and inadequate self-consciousness. Disability deprives the individual of the opportunity to participate in public life on equal terms with able-bodied people. In order to ensure quality life for a disabled individual and an opportunity to feel oneself full members of society, the following recommendations guidelines should be followed:

- **A disabled individual should do the things which he/she is able to do**, i.e. the limits of their abilities should be defined, which would allow to identify what help is needed.

- **A disabled individual should have an opportunity to express his/her negative emotions and suffering.** Most people feel insecure and are afraid to talk with the disabled about their disability related feelings. Empathic listening is the best assistance in such a situation.

- **A disabled individual should be helped to see possibility for adaptation.** This means that the individual should feel his/her acceptance, and he/she could orientate himself/herself in certain situations, feel approval of his/her identity, and possibilities as well as not feeling lonely.

- **A disabled individual should be helped to create stable self-esteem.**

- **Building up the disabled individual’s self-confidence.** Encouragement, praise for efforts and equal treatment will help develop the disabled individual’s self-confidence.

- **Assisting development of social competences: ability to communicate, social skills, determining individual’s adaptation and behavior in conflict situations.** This is one of the most important skills needed in teamwork and job search.

- **Fostering development of independence and responsibility.** These components are important in preparation for work and further career.

- **Assisting understanding of the employees role** – the individual’s attitude and what is appropriate to this role. In social psychology, the role is defined as a complex whole of human behavior patterns, characteristic of a certain type of activity. Development of the employee’s role and image, the image of
'myself'; self-presentation, creation of impression and internalization of the role in the general personality context.

- Vesterdal (1996) suggests identifying certain patterns of human relationships, based on understanding certain values: being humane, openness, trust, adherence to ethic rules.

As noted by Ruškus (2002), the main social factor of integration of disabled people is society’s attitude to them as well as lack of quality and quantity of social structures determining integration. It is believed that people with disabilities should be helped by providing knowledge, skills and developing their general and practical competences so that they could successfully integrate in society. It is thought that each individual’s social needs can be characterized not only by their pursuit and ability to participate in productive and public activity, but it is also considerably influenced by the material and cultural status. The nature of social communication is also of crucial importance (Karvelis, 2001).

Work is one of the most important social needs. It is a creative process, which requires specialist and intercultural knowledge. The theoretical knowledge acquired when working must have practical application. People with disabilities have difficulty doing this because of limited learning abilities. Therefore it becomes of crucial importance to create such a system which could take care of the social adaptation of disabled individuals as well as development of social needs and meeting them.

In terms of sociology, each member of society may be getting and providing a certain kind of social support. Social support is practical, financial, informative and psychological assistance. Confidence that assistance and support will be provided if needed is even more important than the particular support. If a disabled individual encounters some obstacles, he or she should be aware of the fact that support is available and he/she will not be left alone with his/her problem. It is also important to ensure that the disabled individual does not become too much dependent on the support provided.

Since 1997, the countries of the EU have been developing their social policy in consistency with certain principles assisting a disabled individual with integration in society:
• Disabled individuals are guaranteed access to qualified vocational training;
• There is a variety of means and their availability to acquire qualified vocational training;
• Direction pursued – common coordinated work of the EU member states preparing disabled individuals for a career;
• Competent careers guidance: ranging from establishing career guidance centres in each country of the EU to European career guidance centres for the disabled;
• Expanding career guidance; assistance in choosing a career and finding a job;
• Recognitional of qualification in all European countries;
• Support and assistance in vocational training in the EU member states (Baranauskienė, 2004).

Despite the above measures, employment opportunities for the disabled are still limited. Research carried out in Lithuania identified the following causes of failure of disabled individuals in the ‘open’ labour market:
• socially unacceptable behavior;
• deficiency of vocational training and qualification;
• increased competition in the labour market;
• insufficient preparation for independent living;
• lack of clear government policy;
• negative image;
• fear of stigma;
• insufficient support in the process of employment;
• low motivation of potential employers and co-workers;
• lack of employers’ awareness (Baranauskienė, Elijošius, Pauliukonis, 2004).

Table 1 presents data on people with disabilities vocational training and job placement.
Table 1. **The employment of disabled people**

<table>
<thead>
<tr>
<th></th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General number of registered disabled</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disabled</td>
<td>4,408</td>
<td>4,408</td>
<td>7,897</td>
<td>9,817</td>
<td>8,817</td>
<td>10,828</td>
<td>12,122</td>
<td>14,653</td>
</tr>
<tr>
<td>Number of disabled compared to the general number %</td>
<td>1,8</td>
<td>1,8</td>
<td>3,3</td>
<td>4,8</td>
<td>5,4</td>
<td>6,7</td>
<td>6,5</td>
<td>6,8</td>
</tr>
<tr>
<td><strong>Employed disabled</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disabled</td>
<td>2,033</td>
<td>2,033</td>
<td>2,046</td>
<td>2,665</td>
<td>3,206</td>
<td>3,809</td>
<td>5,798</td>
<td>5,668</td>
</tr>
<tr>
<td>Number of disabled, compared to the general number</td>
<td>1,5</td>
<td>1,5</td>
<td>1,6</td>
<td>2,1</td>
<td>2,9</td>
<td>4,0</td>
<td>5,8</td>
<td>4,8</td>
</tr>
</tbody>
</table>

The data of Lithuanian Labour Market

As shown in provided data from the Table. From 2001 to 2008, the number of persons with disabilities increased by more than 10,000 (from 4,408 up to 14,653 people with disabilities). Meanwhile, their employment opportunities are declining. If in 2001 almost a half of all disabled was employed (that is 2,033 of 4,408), in 2008 there was only slightly more than a third employed (that is 38.68 per cent of the total number of persons with disabilities).

Ruškus, Mažeikis (2007) considers that the disorder itself does not determine the degree of human working capacity; appearance or non-appearance of working capacity depends on the human relationship with the environment, on the meaning, senses, motives, representations prevailing in a particular situation. However, it is not easy for a disabled person to compete in the Labour Market. Every disabled person, trying to realize one’s opportunities, faces very high requirements. The most important include professional qualifications, work experience, age of disabled people, the disability itself.

The existing legislation and restrictions should not pose obstacles for employment of disabled people. Governmental bodies as well as employers should stimulate employment of disabled individuals in the public sector. The Government should support employment of disabled people by various means, including quotas, schemes, reservations and potential jobs, loans and subsidies to small businesses and cooperatives, rights to contracts and production priorities; tax concessions. The Government should also encourage production
of particular tools, equipment and technical means to enable people with disabilities to do their jobs (Žvikaitė D., 2000).

**Summing up, it should be pointed out that work is of considerable importance to both able bodied and disabled individuals. Therefore an interesting and meaningful occupation gives them a lot of happiness and self-confidence and, primarily – gives meaning to their lives. Employment of disabled people in the labour market is a complex process requiring collaboration of a number of institutions and specialists. The labour exchange office and job centres play an especially important role in preparation of the disabled for employment. The activity of the Government, Labour Exchange and different social and private organizations as well as disabled people’s initiative are of considerable importance. There are specialist programmes, courses and projects developed for training and improving disabled individuals’ work skills.**

### 2.3.5. Psychological factors that can change the attitude of potential employers and staff towards disabilities

**Legislative framework:** In order to establish humanistic attitude towards people with disabilities all countries pass laws that regulate the rights of disabled people and their relatives in order for them to have equal opportunities to participate in social life. The rights and obligations of the disabled people as well as integration and socialization principles were declared by western countries and international organizations in the following juridical documents: the Universal Declaration of Human Rights (1948), Social Progress and Development Declaration (1969), Declaration of the rights of mentally disabled persons (1971); Declaration of the Rights of disabled (1975) Convention of Vocational Rehabilitation and Employment of disabled (1983); Principles of the protection of persons with mental diseases and the protection of mental health improvement (1991).

On the basis of international laws and documents listed in European Social Charter (1961) the UN General Assembly adopted the "general rules for disabled people with equal capabilities", which govern how equal human rights
and equality of opportunities are exercised and how the development and participation in social life is fulfilled (Vaicekauskaite, 2004).

In Baranauskiene’s opinion (2004), in order to ensure that all people are free and equal in their rights and dignity it is necessary for all communities to tolerate the diversity of its society and strive for better opportunities for disabled people in order for them to be able to successfully practice all eligible human rights. All this is recognized in various international conventions. The global activity program for disabled people was accepted on December 3, 1983. General rules were adopted on December 20, 1993. The aim of both documents is to promote effective disability and rehabilitation methods and to achieve full participation of the disabled people in the social life and to equalize their rights in the community (Karvelis, 2001). This means to create equal conditions for both disabled and healthy individuals in order to implement equal rights and improve the quality of living. These concepts equally apply to all nations regardless of their level of development (Voroneckas, 1997). Unification of opportunities refers a single public system that is accessible to everyone, including disabled people (Equal Opportunities for People with Disabilities: General Rules of the United Nations, 1996).

The principle of equality promotes a fair consideration of needs of both healthy and disabled people while planning their social life. The resource spread is planned accordingly in order to guarantee equal opportunities for each individual with others.

A legislative framework regarding the disabled people was established by European Union. Puras (1997) argues that such documents as the Convention of protection of human rights and fundamental freedoms (1953), the European Convention for the Prevention of torture and inhuman or low treatment or sentences (1987), significantly reduced the attitude of State members towards people with disabilities. However, the most important document regarding employment of disabled people is European Union Council Directive 2000/78/EC. Its aim is to eliminate discrimination in various areas including disability and employment. It attempts to implement the principle of equal treatment. It prohibits employment discrimination in employment and practice training environment.
This directive provides an important impact on the rights for needed accommodation in order to provide a range of opportunities for disabled people to work and learn. Very often employers are not considering any benefits for disabled people and this is one of highlighted obstacles to be dealt with in the labor market. Employers should take appropriate measures that would allow the disabled to work, make a career or acquire education. Thus, the employer has an undeniable obligation to provide adequate environment for disabled people to work in otherwise their actions can be seen as a direct discrimination. Special conditions should be made for disabled people, including, but not limited to: providing equipment, special agenda setting, refigured tasks, training, required knowledge base, changes in the testing or evaluation procedures, provision of interpreter services, etc. The Directive provides necessary restrictions on the issue in order to avoid inappropriate and overvalued burden on employer concerning the requirements to provide suitable conditions for disabled people (Mentally retarded persons and their caregivers to find employment, 2005).

We have passed under review psychological factors deterring employers from employing disabled people in the previous section. Now, we will have a closer look at factors being incentives to employers to accept people with disabilities into their staff. Here is the list of those factors:

1. A modern company distinguishes itself by:
   - world openness;
   - social thinking;
   - environmental sensibility;
   - cultural permeability.

2. Hiring disabled people has the following advantages for the company:
   - coping with a socio-political request;
   - image enhancement;
   - more motivated and implicated staff;
   - training measures;
   - public financial support.

3. Reintegrating a former employee who is now disabled shows the whole staff that the company cares for its people.
4. Figures and facts show that disabled people do not necessarily perform at a lower level than other employees.
5. The group of disabled people includes lots of skilled person’s willing to work for the company.
6. Working with disabled people is a personal enrichment for every staff member. They learn, e.g. qualities like patience and respect. This has a positive influence on the internal atmosphere.
7. You should give them a chance to prove to you that they can do it.
8. The motivation of an employee, his will to evolve, to tackle his personal potential is important. This positive way of investing himself in the company is important and not the question as to whether he or she is impaired.
9. Experience shows, that disabled staff members identify themselves as well as other staff members to the company and that they bring them even more profitability.
10. 85 % of companies witness a complete integration of disabled people, 13 % says that they succeeded in a large integration.
11. Half of the companies have had a good experience with the performance of disabled people; one third had even a very good experience in that sense.

All those factors, brought in the mind of employers will contribute to increase the number of jobs opened for disabled persons. Here some comments on those factors:

1. **A modern company distinguishes itself by:**

   Nowadays a company cannot afford to focus only on making money without regard to the company image. Consumers are more sensible on the reputation a company has. Remember the difficulties "Nike" faced when it was suspected of having children working in its Asian manufacturing outlets. Furthermore companies are expected more and more to take social responsibilities. On the other hand people with disabilities represent a huge group of potential buyers with a purchase power that is not to be ignored. Giving disabled people a job can enhance the company's image related to:
• **World openness**  
The image of a company open to the world is more and more present in publicity. Usually they show people from different ethnic backgrounds working together, this openness can be underscored by integrating people with a disability in the image. It is clear that a company intending to project its image in this way, also has to realize it in a credible employment structure.

• **Thinking social**  
The support of social and cultural projects improves both, the company's image and the staff's motivation. Staff can identify more with an employer showing a social attitude and it will project this attitude toward them and feel more secure in the company. Employing staff with disabilities is an excellent way of showing it's social commitment.

• **Environmental sensibility**  
In the time of rising globalization and ethical discussions, a company has to justify more highly its integration in the society than before. An efficient way to demonstrate integration is to give work opportunities to people less integrated in the local job market. This is a clear sign to the local environment that the company cares for the place it is established in and respects it. Local consumers are sensible to these signs and are more faithful to the company and its products.

• **Cultural permeability**  
We evolve in an increasing multicultural society. Elaborating suitable services and products for customers from different cultures is an important issue for the future. An efficient way of doing this is to hire people from those cultures to commit themselves into the product development and sales process. Analogically a company that wants to tackle the huge market composed by disabled persons, should integrate employee’s with disabilities into the product development and sales process. They will help them to understand the customer's needs and to elaborate suitable services and products. They will also help to adapt the classical sales channels to the specific requirements of that customer group. It is worth investing in that approach, as marketing studies have revealed that the group of disabled persons has a huge buying power but doesn't oft find suitable products and services or an adapted access to those products and services.
Some facts from the UK:

Disabled people, their friends and family form a significant market: 1 in 4 people are disabled or close to someone who is.

Fewer than 10% of service providers said that the costs of introducing change to benefit disabled customers outweighed the benefits.

- disabled people tend to be more loyal than many other workers and have a tendency to remain with employers for longer periods;
- disabled people have fewer days off sick and fewer days absence for reasons other than illness compared to non-disabled workers;
- their productivity rates are on a par with other workers;
- 1 out of every 4 customers is disabled or has a disabled person in their immediate circle. The value of the disability market in the UK is estimated to be £40 billion per annum. Organizations that employ disabled people are better able to anticipate and respond to the needs of disabled customers. They have in their disabled employees an inbuilt source of information and advice about their potential customers on which they can draw in developing their marketing strategies.
- **disabled employees have the same aspirations and ambitions as anyone else in the workforce.** They want jobs which are challenging and rewarding are just as likely to want opportunities for career development and promotion.
- they have better than average safety records.
- Disabled people often have additional problem-solving skills developed from managing their everyday life.

2. Hiring disabled people has the following advantages for the company

There is nothing worse for a company then stagnation. Stagnation means being overshot by competitors, means less market share and a compromised future. One way of giving dynamics to the company is to hire staff with disabilities because the existing structure has to adapt to a new situation, breaking up new development opportunities.
- More motivated and implicated staff

Hiring people with disabilities has a positive influence on staff motivation. On one side, they see the engagement of their company and on the other side they are happier with their actual situation. The latter point is due to the fact that working together with disabled colleagues raises the consciousness of employees on the advantage they have by not being disabled, furthermore it produces more weighting to immaterial life, quality aspects diminishing the material-consumerism aspect.

Experience also shows that people with disabilities, having experienced how difficult it is in their situation to get an employment, are generally highly motivated and apply themselves more to their job. This also has a positive influence on the motivation of the other staff members.

- Training measures

In most countries public authorities participate in the setting-up and financing of training measures, contributing to a better adaptation of new disabled employees to their new job. Training contributes to the development of an employee's skills and efficiency on his job.

- Public financial support

Public authorities give financial support when employers give a disabled person the opportunity to work in their company. Considering the high level of motivation and commitment of those employees, considering public authorities help to adapt the workplace to employee's needs, considering the resulting efficiency, you can consider these employees at least as profitable as other staff members.

3. Reintegrating a former employee that is now disabled shows the whole staff that the company cares for its people

Every staff member is at risk of having an accident or contracting a disease leaving them with a disability. If this occurs to one of your employees, you may consider not continuing his contract when his is ready to reintegrate into
a job. But, you also may allow him to stay in his former position, or in a more suitable job if he cannot perform his former job anymore.

The other employees will be influenced by your decision, whatever it is.

Should you decide to cease the relationship with the now disabled person, they will conclude, that they are in a simple work relationship without any social commitment. When they have the opportunity to leave the company for a competitor, they will simply analyze the financial aspect of their decision.

Should you decide to integrate the disabled person, they will see that their employer cares for them and is ready to help them in tough times. This will build up a relationship of faith between the employees and their company, contributing to more commitment and less job rotation. In other terms you are able to do more long term planning with a motivated team.

A survey in Austria showed that 46 % of the companies felt committed to employ former employees who have since become disabled 24 % claim that their internal philosophy pushes them to hire disabled people.

4. Figures and facts show that disabled people do not necessarily perform at a lower level than other employees.

Disabled employees can be more committed and more productive than many other workers.

A quote:

Dr. Anton Merki (Managing director Voestalpine Personalberatung und -systeme GmbH)

«We are a service company trying to promote humanity in first place. For us it is normal to attribute jobs to the people according to their skills. Furthermore we care to offer equal opportunities to people with disabilities. Misses B. is an excellent example that people with a disability are able to perform as much as other colleagues when you give them a chance to do so». 
5. The group of disabled people includes lots of skilled persons willing to work for the company.

A disability does not mean that people having that disability are unable to do anything. They simply cannot fulfill precise tasks. In other words, they have lots of skills, abilities and qualifications companies can use. Employers can gain from switching their way of looking at their recruitment process. Instead of focusing on the fact that a person has a disability with the conclusion that those persons only are able to work at the phone reception or as door opener, the focus should be on the skills and qualifications needed for a precise job. Then the employer can verify if the disabled person's skills and qualifications match with the job requirements.

They will understand then, that **disabled people also represent a skilled and qualified workforce**.

In terms of qualification, we should be aware, that, whatever disability a person may have, he/she still will be able to gain qualifications for a lot of jobs and positions.

Those qualifications can be in the intellectual field as well in the practical field.

**People with disabilities represent a rich talent pool that is often overlooked.** When employers hire qualified employees with disabilities, they discover un-tapped skills, talents, and abilities. Employers can gain workers who:

- Are qualified;
- Have a strong work ethic;
- Are dependable;
- Are likely to stay on a long-term basis;
- Contribute to the economy;
- Are self-sufficient;
- Are committed to their jobs;
- Are subject to the same performance standards as all other employees.
6. Working with disabled people is a personal enrichment for every staff member.

They learn, e.g. qualities like patience and respect. This has a positive influence on the internal atmosphere.

Here a quote:

Mag. Raimund Wachter (Managing director Vorarlberg Milch reg. Gen. mbH)

«Our experience is that the integration of employees with a disability and the cooperation with them, leads to a personal enrichment for all employees. The daily contact develops qualities like patience and respect. This has a positive influence the whole companies working process»

7. You should give them a chance to prove to you that they can do it.

The best way for an employer to overcome his fear regarding employing a person with a disability is to give him/her the chance to prove what she is able to do. Experience shows that employers, having an employee with a disability are, in most cases, willing to continue the work relationship and to consider disabled peoples CV's when a new position is available in their company. You can find plenty of employer witnessing that employing a person with a disability is a success story.

Here is one example:

Mag. Gerhard Hirczi (Human Resources Chief Siemens AG Osterreich)

«Seven years ago, when we started the project «Ausbildung von Lehrlingen mit besonderen Bedürfnissen » (apprenticeship for apprentices with special needs), we all, partners included, embarked on a journey to the unknown. Today we know that it was worth doing it and that it is a nice journey. I have been especially touched by the fact that some of our apprentices have learned the language of the deaf people to be able to communicate with their deaf colleagues.»
8. The motivation of an employee, his will to evolve, to tackle his personal potential is important.

This positive way of investing himself in the company is important and not the question if he or she is impaired.

Here a quote underlining this:

Dr. Walter Hanus (Managing director IVM Technical Consultants Wien Ges.m.b.H.)

«The difference between able / disabled has no meaning to us. The motivation of our people, their will to evolve, to maximise their potential and to invest themselves positively in the company are important to us. We accompany them and give them support in their career, because motivated staff members are the basics to success».

9. Experience shows that disabled staff members identify themselves as well as other staff members to the company and that they bring in even more profitability.

Dr. Johann Thanner, Executice director of the KAGes Steiermarkische Krankenanstaltengesellschaft m.b.H. says:

«Disabled employees distinguish themselves by a huge personal implication and identification with the company. Thereby the contribute, in a way we don’t want to miss, to the companies success. The basic attitude that employees have to be tackles but also to be helped to evolve is also right for employees with a disability».

10. 85% of companies witness a complete integration of disabled people, 13% says that they succeeded in a large integration.

You have a real chance to integrate your disabled employees with success. A lot depends on the preparation of the job place, the needs analysis, the job description an colleagues. The public services are there to assist you in that task.
2.3.5.1. *The business case from U.K. (for employing people with disabilities)*

**Every employer is looking for the best person for the job.** Failing to consider people with a disability means failing to draw on a rich source of expertise and talent. Many people with a disability have excellent skills but do not always have the qualifications to back these up. Employers need to look beyond the qualifications to see the real skills differently able clients have.

- **People with a disability are used to problem solving and developing strategies to manage a variety of different situations.** This can make them flexible employees who can look at issues in a fresh and innovative way. They tend to be open to new ideas and working methods.
- **Employing a disabled person will help employers to demonstrate that they are positive about people with disabilities.** Many differently able employees can manage as well as a fully able person in the workplace with only a few adjustments.
- **Employing a disabled person can send a positive message about the company, its values and its ethics to its customers, investors and the staff who work there.**
- **Employing people with a disability can give a company an advantage over other competitors.** People with a disability belong to a close community and they will take their custom to organizations that understand their needs or employ people from their community. Having a differently able employee can also help employers understand the needs of their disabled customers and give staff the confidence to deal with them in an appropriate way.

The average disabled employee is far less likely to be involved in an accident in the workplace than a fully able colleague. This is because they are used to being careful and checking, as they know they cannot always rely on all of their senses or their mobility to alert them to danger.

2.3.5.2. *The Business Benefits of employing people with disabilities described by U.K. Department for work and Pension*

**There are many proven benefits of employing a person with a disability.**

**Increased Productivity** Studies show that:
• **Employees with disabilities** have attendance, punctuality and productivity levels equal to, if not better than, and their able bodied peers.

• **Accumulated skills.** By retaining staff who acquire a disability you hold on to accumulated skills, experience and commitment.

• **Enhanced Staff Morale.** Staff morale and commitment to the organization increases when you make a visible commitment to employing a person with a disability.

• **Increased Customer Loyalty.** Customers respond favourably towards organizations that are positive towards disability and reflect the diversity of the community.

• **Enhanced public image.** Clear evidence that you are an equal opportunities employer projects a more positive image and promotes your business.

**FAQs**

**Does the person have the ability to do the job?**
Studies have shown that people with disabilities are productive, reliable and valuable employees.

**Will there be health and safety implications?**
Simple adjustments and adaptations to the workplace can facilitate a person with disability, and many companies have found that adaptations they have made for employees with disabilities benefit the whole workforce and external customers.

**What about absenteeism?**
The experience of international employers is that people with disabilities have excellent attendance records.

**Won’t it be expensive?**
There are various schemes to help employers with costs of employing people with disabilities, adapting the workplace, or providing specialized equipment.

**Will my insurance liabilities increase?**
Insurers are prepared to provide cover for people with disabilities at no additional premium.

**What about existing employees' attitudes to taking on someone with a disability?**
Funding may be available for disability awareness training of your employees.

2.3.6. The employment opportunities for people with disabilities: research carried out in Lithuania

**Methodology of the research:** The scientific literature analysis and oral interview.

*Volume:* Seven disabled people were interviewed during the research. All peers were selected using the method of "snow ball chance".

*Selection criteria:* 1. A person has a 30-55% disability level,
2. He/she is registered with the Labour Exchange.

**Methods of the research.** The collection of data for the research. The data were collected using the semi-standardized interview method based on Girdzijauskienė (2006) qualitative interview guidelines. The questions during the interview were asked from the initial to the final, on a consistent basis. The researcher was leading the interview and had a questionnaire prepared for discussion. Interview had a flexible structure; the interview conditions were discussed by both the researcher and the interviewee. Interview included generic questions which were not used in the data analysis.

**Data analysis methods.** Data were analyzed using qualitative content analysis, which relies on the following steps (Doowne - Wamboldt, 1992): 1) selection of text sections, 2) the creation of categories and their definitions, and 3) definitions of the categories and rules clarification, 4) the reliability of identification; 5) Determination of validity; 6) encoding rules for review. The study data was broken down into segments for meaningful search of topics. When segmented, data was grouped and combined into subcategories, categories, themes.
Interview responses were recorded with the recorder. Interviews revealed any disadvantages and advantages of the matter. Some visible benefits of the interview were revealed. This study ensured anonymity of participants, and confidentiality of shared information. Due to the covert nature of the interview it was possible to observe the response of survey participants, their mimics. Due to the fact of recording the interview with a recorder the gathered information can be held valid. Some cons include tension, arousal and anxiety due to the fact of being recorded. At the beginning of the interview the voice recorder rustling made the peers feel uncomfortable.

**Research results:**

After the survey data analysis three themes have been identified: opportunities of employment assessed by people with disabilities; difficulties in finding a job faced by disabled persons during the work search on the labour exchange.

**Subject:** The assessment of employment opportunities by people with disabilities

**Categories:**

**Absolutely no opportunities to get employed.** Subcategories: unfavorable economic situation, Lack of appropriate workplaces, low self-esteem people of people with disabilities.

**Weak chances to get employed.** Subcategories: No need for employment.

**A hope/desire to get employed.** Subcategories: Opportunities of individual activity at one’s place, Opportunities of being employed after reactivating job skills, Individual work search (see 2 table).

<table>
<thead>
<tr>
<th>Absolutely no opportunities to get employed</th>
<th>Absolutely no opportunities to get employed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unfavorable economic situation</td>
<td>&quot;...current situation leaves no chances for finding a job...&lt;...&gt;...thousands haven’t got a job, and this means that chances for us, disabled, are even lower...&quot;</td>
</tr>
<tr>
<td></td>
<td>&quot;...who cares about people like us nowadays...&quot;</td>
</tr>
</tbody>
</table>

Table 2. Estimated opportunities of disabled people to get employed
Work is one of the most important social demands. However, restructuring, privatization, market development and other internal and external factors resulted in decline in employment and increase in unemployment. Unemployment strikes the disabled people especially hard. As pointed out in Tautkutė’s (2004) research, one of the major problems of unemployment for disabled people is lack of professional qualification or absence of such. Among other important factors are work experience, age, occupation, lack of motivation and inadequate assessment of one’s potential.

Factors that block integration into the labor market is emphasized by both objective lack of training, absence of labor market integration, degree of disability and the personal employment problems. Preference for unemployment benefits, certificates of various compensations and bonuses also diminish personal initiative and need for achievement. This is well reflected in the qualitative survey where respondents blamed their poor economic situation and lack of self-esteem as well as lack of skills for their inability to find a job. Therefore,
most of disabled people poorly assess their employment opportunities. Some, however, evaluate them as possible.

**Subject:** Problems that disabled people face while searching for a job

**Categories:**

**Personal.** *Subcategories:* psychological problems, lack of motivation.

**Education dependent.** *Subcategories:* insufficient knowledge, insufficient qualification.

**External outcomes dependent.** *Subcategories:* insufficient or inadequate assistance of market consultants, lack of information (see 3 table).

**Table 3. Problems that disabled people face while searching for a job**

<table>
<thead>
<tr>
<th>Personal</th>
<th></th>
</tr>
</thead>
</table>
| Psychological problems | “...my disability is clearly seen, I feel like second-best, especially when I others are looking at me...”  
“...I feel unsafe; I am unable to socialize...Because I spend time being alone... I am better off by myself than in a collective...”  
“...I blame myself and others during my daily walk to the labor market... yet I have to admit that I was denied once again....”  |
| Lack of motivation | “...I have no desire to change anything, I have been inert for so many years ...<..<...my social benefit is enough for me...”  |

<table>
<thead>
<tr>
<th>Education dependent</th>
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</thead>
</table>
| Insufficient knowledge | “...I’ve been working for 20 years in one place; I can do nothing but stand near the production line....  
“...I have no education... <...> I don’t know what work am I good at....”  
...I only finished 10 grades, I have no profession...  
“...I would like to start working but I have no idea what a motivation letter and CV are...”  |
| Insufficient skills | “Even a cleaner need to know English nowadays...  
...I was ready to start as a cleaner but I got to know that even a cleaner needs a practice seminar attendance and labor certificate...”  
“My current certificate is no longer credible, and I can do pretty much nothing with it, but I would like to learn something new to work under license...”  |
<table>
<thead>
<tr>
<th>External outcomes dependent</th>
<th>“...the labor consultants showed me where to come but in overall they are pretty much useless...“</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insufficient or inadequate assistance of market consultants</td>
<td>“...I was shocked by consultants’ formal look at my employment opportunities...&lt;...&gt;...they perceived me as a naive newbie looking for job....“</td>
</tr>
<tr>
<td></td>
<td>“...the only communication with labor exchange is through registration...“</td>
</tr>
<tr>
<td>Lack of information</td>
<td>“...I don’t know any social institutions that would care of employment of disabled...“</td>
</tr>
<tr>
<td></td>
<td>“...I don’t know anything except labor exchange...“</td>
</tr>
</tbody>
</table>

While analyzing the data obtained during the interview it revealed that disabled people face difficulties while trying to find a job. Disabled people are dif-fident, feel unsafe and feel anxious due to fears of failure.

As Vaiekauskaitė (2004), noticed, this is not only due to the disability alone. Bystanders express different reactions towards a disabled person. The amount of feelings varies (in most cases, people feel sympathy for the disabled). Society is not always able to recognize a citizen and a human being in the disabled person. There is a positive, yet very slow trend for improvement in the society towards disabled people, however the situation remains difficult because disabled cannot or have no ways to make themselves known, and this worsens the situation and their motivation to work.

Lithuania created a legal system that assures the integration of disabled into the labor market, but there are no real implementation mechanisms. People with disabilities constitute a group of society that faces specific problems, and that has specific needs. According to Juknevičienė (2003), the majority of people with disabilities have long been unemployed, the loss of professional qualifications and hope to integrate into society and the labor market has disillu-sioned them.

The study results showed that in order for individuals with disabilities to be competitive in the labor market it is not enough to have skills. Therefore, it is necessary to update the skills and offer new training programs. As Baranauskienė, Ruškus (2004) mentioned, a disabled person is a rarity in the labor market, and not only the external circumstances are to be blamed; the disabil-
Ability not disability in Workplace (AnDiW)

Ity itself and internal (psychological) causes make a huge impact: lack of internal motivation, learned helplessness, worthlessness, dependency on other, fear to show their physical disability or weaknesses, lack of will to overcome difficulties. As the results of research show, these psychological problems cause the employment difficulties.

**Subject:** Needed assistance for disabled people from employment office staff

**Categories:**

- **Real life and work skills.** *Subcategories: training leads, refresher courses, life skills training classes.*

- **Regulations change.** *Subcategories: public education, collaboration with employers (see 4 table)*

<table>
<thead>
<tr>
<th>Table 4. <strong>Needed assistance for disabled people from labor market staff</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Real life and work skills training</strong></td>
</tr>
<tr>
<td>Training leads</td>
</tr>
<tr>
<td>Refresher courses</td>
</tr>
<tr>
<td>Life skills training classes</td>
</tr>
<tr>
<td><strong>Regulations change</strong></td>
</tr>
<tr>
<td>Public education</td>
</tr>
<tr>
<td>Collaboration with employers</td>
</tr>
</tbody>
</table>
The study found that disabled people that seek employment expect more of office workers than just registration within the Labor Exchange. They need training to develop real life skills. Act for Support for the Unemployed states that disabled people are additionally supported in the labor market. The municipal labor exchange annually provides quotas for I and II disability groups. It is crucial to provide handicapped people with a priority for all local labor exchange services, unemployment benefits, labor market training, help in entrepreneurship, and promotion (Ministry Support of the Unemployed Act, 2005).

Thus, law states the busyness of the disabled people (organized labor market training, unemployment benefits), or their bonuses and securities (no private property taxation and issues grants). However, these rules are not effective enough: a difficult economic situation, with falling demand for labor, employment and integration of disabled persons in the labor market is a growing problem.

The survey revealed that public education could be one of the solutions for workers in the labor market. As shown in the study, people with disabilities face a double drawback: the first is innate or acquired, and the second appears due to indifference of others to their situation. This attitude is damaging and enchasing the biological disability, by adding psychological factors to it. In order to build trust and understanding in the society, it is important to train people to understand, that the handicapped are equal members of the society with full rights and desires (Matilionis, Razbadauskas, Istomina, 2003).
2.4. Self-Assessment Tasks

- Describe the change in the attitude to an individual with a disability throughout different periods in history.
- Working in groups, identify the positive and negative aspects in the attitudes to different types of disability, including physical, learning and mental disability, and introduce your findings to the other groups.
- Assess different classifications and identify their advantages and disadvantages.
- Identify differences between the medical and social attitudes to disability.
- Fill in the table with your views about the stereotypes that deter employers from employing people with disabilities in your country.

<table>
<thead>
<tr>
<th>Stereotype</th>
<th>I agree</th>
<th>I disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Disabled people perform at a lower level than other employees</td>
<td>I agree partly it works as a stereotype in certain fields of economy such as_________________________</td>
<td></td>
</tr>
<tr>
<td>2) We have no suitable work position for disabled people</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) We are afraid that we can't hire disabled people for safety reasons</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4) We are afraid to be caught in a very severe legal framework with little possibility to fire people if we are not satisfied</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5) The administrative load is too important</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6) The legal situation is not transparent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7) There will be trouble with colleagues or their direct boss</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8) The disabled people are not sufficiently qualified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
9) They are often frightened that they won't know how to handle it. And the word disability suggests that someone can’t do something, while they may feel that they want someone who can do everything in certain way.

- Can the stereotypes be changed? How?
- During the face to face session compare your views with the views of other students?
- Choose at least 5-6 key words characterizing organizations ready to employ a disabled person.
- Make a mind map in your discussion group (during face to face session). What argumentation an employer could have in order to avoid giving a job to a disabled person in his company?
- List arguments that may change his view on those specific issues
- Send your proposals "How would you integrate the employment of disabled persons into companies marketing concept?" to at least to 3 group mates.
- Draw up a comparison of the received proposals.
- Prepare the S.W.O.T. analysis of your company about the employment of people disabilities.
2.5. Bibliography and Links


27. Mentally retarded persons and their caregivers to find employment, (2005).


Chapter 3

The Development of Appropriate Conditions in the Workplace for People With Disabilities

Rita Bencivenga / Alessandra Tinti / Studio Taf

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This publication has been produced with the financial support of the European Union. The opinions expressed in this document do by no means reflect the official opinion of the European Union or its representatives.
3.1. Introduction
The process of inclusion in the workplace involves various different figures:

- the person with a disability who is seeking his/her first job or returning to
  the labour market following an accident or illness which has affected his
  ability to work;
- the employer, the person’s direct superiors and colleagues in the compa-
  ny which will employ him/her;
- the public (sometimes private) structures which provide “targeted em-
  ployment” services.

Unlike in the past, people are no longer assigned to any available job with no
specific criteria in Italy. The whole cultural approach and employment meth-
odology have completely changed nowadays.

What do we mean when we talk about developing appropriate conditions in
the workplace for people with disabilities?

The answer is complex. Firstly, the expression “people with disabilities” covers
such a vast range of situations that there cannot be a single workplace which
is suitable for everyone. This should not be a cause for concern, however, be-
cause the current approach is designed to match the right person with the
right job.

Every job requires certain skills (knowledge of a foreign language, specific
warehouse management software, a cash register, etc.) and physical/sensory
abilities (manual dexterity or the ability to lift weights in manual jobs, the abil-
ity to hear audio alarms or see visual alarms, the ability to use a computer
keyboard, etc.), or cognitive and relational abilities (deciding which procedure
to use handling a job where workers often come under pressure, etc.).

Once the employer has specified which skills and abilities are needed to carry
out a particular job the person(s), put forward for interviews, will have the
skills required. This is thanks to the pre-screening process carried out by coun-
sellers at Employment Centres.

As far as abilities are concerned, a person may possess them without a need
for assistive devices or aids if the disability does not interfere with the tasks they will be required to do. In other cases assistive devices and aids may be necessary. These will be supplied by the ASL (Local Health Authority) and the person concerned will already know how to use them.

If the workplace needs to be adapted (changes to furnishings, bathrooms, etc.), this will be discussed with the service providers who will also tell the employer which laws apply and which grants are available to help towards their costs.

In the past, it was thought useful to have lists of assistive devices or suggestions on how to approach people with various types of disabilities. It is now thought, by contrast, that these only reinforce stereotypes since there is a huge variety of possible scenarios. Having information on a series of problems and difficulties only serves to reinforce the image of people with disabilities or chronic illnesses as having weaknesses and inabilities. This image no longer corresponds to the context we are dealing with since today we refer to the individual’s abilities rather than his/her limitations.

The text below describes how this shift in perspective has come about, as well as the types of tools used today to classify a job seeker and his/her potential job.

### 3.2. A model for matching supply and demand

When we talk about employment inclusion services, we are talking about a model which matches supply and demand. Supply and demand can only be matched if there are common, compatible characteristics between the two.

The task of people working in the employment inclusion sector and particularly those involved in targeted employment is to ensure that the matches are prepared as efficiently as possible.

Today we aim to work alongside companies and employers always seeking to
adopt a socially responsible approach towards people with disabilities. Employers are therefore involved in the process and their cooperation is essential.

Employment services are more likely to achieve their goals when their approach is personalised. People with disabilities are now included in the employment services’ sights alongside people with limited qualifications and “older” unemployed people to name just some of the groups they assist. What these groups have in common is the fact that they are seeking employment. This means that the organisation itself does not stigmatise a disability in this sense.

Employers are no longer left to cope on their own liaising directly with the disadvantaged person. There is a network of responsible organisations to help them: medical boards, specialist employment services, rehabilitation services. Each of these partners has specific competencies which help in matching the right person to the right job.

Their competencies are backed up by a series of tools and concessions which make it easier to match the skills of a person with a disability to the job description.

There are various aspects to the process:

- assessing compatibility between various types of disability and the jobs available; in other words, the targeted employment services and Health Boards must be in a position to provide a professional profile for the worker which can be matched to the needs expressed by the employer;
  
  • constant monitoring of the relationship between the worker with a disability and his working environment;
  • initial and ongoing training;
  • managing information at local and national level through protocols for exchange between all parties involved.

The process naturally goes beyond administrative aspects. In order for a service to work properly, it needs human and financial resources, competencies,
and cultural approaches on top of administrative aspects to produce active policies which match the right person to the right job.

To make matching easier, it is essential to have an accurate overview of the characteristics of workers with disabilities and the companies involved.

Over the past few years, the ICF classification has been used as a means of summarising workers’ characteristics.

### 3.3. The ICF Classification

In May 2001, the World Health Organisation published the International Classification of Functioning, Disability and Health (ICF), recognised by 191 countries as the new standard for classifying disability and health.

The ICF is a means of describing and classifying the health and disabilities of populations. It is not a means of assessing or measuring the same.

What does improving the health of an individual or a nation mean? More than reducing the number of premature deaths through illness or accident. Health also has to do with functioning: our ability to live our lives fully and as a member of society.

The WHO starts from the premise that we may all experience a decrement in health at some stage in our lives which becomes a disability in unfavourable circumstances.
As a result, disability is not an invariable objective condition. Furthermore, beyond variations linked to the individual’s changing conditions, anyone may become “less disable” if they receive a series of different types of assistance favouring social and occupational integration.

The ICF classification sets out to describe the health of individuals in relation to their life context (social, family, work-related) in order to understand the difficulties which may cause disabilities within their social and cultural environment.

Analysing an individual’s social, family and work-related context underlines not only how people live with their disability, but also what can be done to improve their quality of life.

The concept of disability set out in the ICF introduces further innovative concepts:

1. universalism;
2. an integrated approach;
3. a multidimensional model for functioning and disability.

1. The ICF’s characteristics mean that it can be applied universally since disability is not considered the problem of a minority in a community, but something which everyone may experience over the course of the lifetime. Through the ICF, the WHO proposes a universal means of classifying disability which can be applied to anyone.

2. The integrated approach to classification involves making a detailed analysis of all the individual’s contexts – social, family and work-related – and placing them on the same level without distinguishing between possible causes.

3. The concept of disability is placed within a multidimensional continuum. All of us may find ourselves in a disadvantaged environment, and this may cause disabilities. The ICF acts as a means of classifying our health in these circumstances taking the social aspects of disability into consideration. If a person experiences difficulties in the workplace, it is of little importance whether the cause is physical, mental, or sensorial. What matters is that we act on the so-
cial context setting up networks of services which reduce the disability.

The fact that the ICF uses universal and multidisciplinary approaches means that they can be used in different disciplines and sectors.

It is important to be able to refer to a single classification. We can improve people’s health if we can describe it using common factors, then measure them, and measure the changes we have made through various courses of action. The ICF is the right tool to do this at the present time.

The ICF’s main innovation is that it also takes environmental factors into consideration. The new definition of disability is in fact: “a medical condition in an unfavourable environment”.

It is important to emphasise that the term “handicap” (or “handicapped”) has disappeared from the new classification. Its use is discouraged. Research carried out by the WHO in different countries has shown that this term has negative connotations in many languages.

The ICF’s new approach sees disability as a life condition which does not only affect individuals and their families. In a wider sense it affects the whole community and, first and foremost, the institutions, and it requires integrated cooperation across every sector.

Disability is not the problem of one or more (minority) groups within a community, but rather a condition which everyone may experience at some stage in his/her life. The ICF is therefore a classification which:

- applies to EVERYONE since everyone may have a medical condition which causes a disability in an unfavourable environment;
- DOES NOT classify people but rather their related states of health.

We are therefore dealing with a bio-psychosocial model for health (and disability) which concerns various areas of public policy: particularly welfare, health, education, and employment.

Why is the ICF model considered a potential success?
Because it provides a basis for assessing people’s performance and abilities in relation to their life and relational (and therefore employment-related) context. With the new classification the focus is on pinpointing what a person really can do. The old model based on what a person cannot do has been abandoned.

3.4. Structure of the ICF

The information gathered through the ICF describes situations linked to human functioning and its restrictions. The classification divides this information into two closely related parts.

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### Part 2

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**Personal factors** are not currently classified in ICF, but users may incorporate them in their applications of the classification.

Personal factors include gender, age, coping styles, social background, education, profession, past, and current experience, overall behaviour pattern, character, and other factors that influence how disability is experienced by the individual.

The first part concerns the individual and, therefore, the functions of the body structures, activities, and participation. These components can be used in two ways: firstly, they can be used to describe problems (impairments, restrictions to activities, grouped under the term disability); secondly, they can be used to describe “neutral” aspects of health and related states (i.e., what we define as “functioning”).

The Activities and Participation component covers an individual’s ability to carry out a specific activity in his/her environment.

Each component is allocated an alphanumerical code and qualifiers which indicate the extent or seriousness of impairments to body functions and structures, and the individual’s ability to carry out certain activities. This technical aspect does not concern the future employer, however, and he/she will not receive information in the form of codes or qualifiers.
The components are influenced by contextual factors, divided into environmental and personal. The environmental context includes the physical and social environment, and the prevalent attitudes against which people live their lives. These factors may have a positive or negative impact on an individual’s participation as a member of society, on their ability to carry out activities, on their functioning or body structures.

Personal contextual factors (sex, race, socio-economic factors, age, lifestyle, education, etc.) are not classified under the ICF due to the wide cultural and social variations which exist.

By analysing the various defining components, the ICF classification underlines the importance of approaching disability with consideration for the multiple aspects which make it a universal human experience, one which everyone may experience during their lifetime.

Disability is not just a mental or physical deficit, loss, or insufficiency. It is a condition which goes beyond limitations and one which overcomes mental and architectural barriers. Disability is a universal condition and it is therefore not restricted to a person confined to a wheelchair or someone who cannot hear or see. The ICF underlines the importance of assessing the environmental impact on an individual’s life. Society, our family, and our working environment can influence our health, reduce our ability to carry out the tasks required of us, and place us in a position of difficulty.

3.5. Applying the ICF to inclusion in the workplace

It is logical that a potential employer will be keen to find people who can perform the tasks required of them and will be willing to make small changes to the working environment or procedures if such are clearly requested by the person concerned (who is aware of his/her needs) and/or the organisations responsible for matching potential employers and employees.

ICF training projects currently being run in Italy are aimed at all those organisations and bodies involved in promoting inclusion for people with disabilities:
• regional and provincial councillors with responsibility for employment, social, health and education policy;
• members of the Integrated Medical Commissions (Law 104/92)
• members of the Technical Committees¹³ (Law 68/99)
• managers and operators from Public Employment Services
• managers and operators from Employment Inclusion Services
• Trades Union representatives
• INPS (National Institute for Social Security), INAIL (National Institute for Work-related Injury Insurance), and other professionals involved.

As a result of this training, the process of placing individuals in work is made easier through the use of information records:
• a record of each person’s social, professional, and functional profile (individual and skills record)
• a record analysing the features of each company and the positions available
• a record with comments on the working situation of the newly-employed person.

Unlike in the past when emphasis was placed on the “motor/sensorial/cognitive” characteristics of the individual and the workplace, it is now possible to give a reliable description of the distinguishing features which enable us to match a person to the right job. Besides a person’s characteristics, consideration is given to his/her expectations and, naturally, his/her abilities.

It is important to note that only part of the data from the records will be used to help match supply and demand. Most of the data is used to match individuals to a job and to bring in placement support mechanisms; it is not handed on to the employer.

As far as data on the company is concerned (relating to accessibility, for example), how can we provide an adequate answer to the seemingly simple question: “Are the company premises accessible?”

¹³ Technical committees made up of operators and experts from the social, medical, and legal sectors assisted by a committee of trade union representatives and disabled people’s associations.
The approach set out in the ICF involves gathering a series of information including:

- whether and how the premises be reached by public transport or car;
- whether there is a car park and what is it like;
- the entrance to the premises;
- the means of getting between each floor (stairs, lifts, etc.)
- the layout of furniture and equipment on the premises;
- the accessibility of bathrooms;
- emergency routes and exits.

Having access to this information enables us to assess the potential difficulties which an individual may face at work based on his/her physical characteristics (these are almost never invariable in the course of a lifetime and applies to everyone). It is obvious that the more accessible the premises are, the easier it will be for someone to be included. A wheelchair user may not face any work-related restrictions if his/her working environment is totally accessible. But it may be impossible for the same person to even enter an inaccessible workplace even though he/she has the same abilities and potential to carry out his/her job.

3.6. A different viewpoint

Today classification goes beyond illness and impairment to include relational and motivational aspects, as well as means of support or obstacles linked to an individual’s background and place of work.

While classifications of invalidity refer to a person’s generic ability to work linked to physical impairments alone, classifications for targeted employment consider other factors.

The medical model merges with the social model which tells us that disability is linked to environmental factors, which obstruct or inhibit inclusion for people with disabilities. It is these obstacles and barriers which must be removed.

The new model is not linear and progressive. It takes into account the dynamic
relationships between aspects of functioning and disability. As a result, making changes to one component may modify one or more of the other components.

The WHO check list enables us to produce a profile of a person’s functions so that we can see where the problems lie:

- with the environment due to barriers or a lack of facilitators;
- with the individual whose abilities may be limited;
- or with a combination of different factors (this is the most frequent case).

The check list provides three levels of data: a person’s case history, his/her current conditions, and the impact of his/her medical condition on his/her participation.

The check list has been adapted in Italy in order to provide specific information for people’s future inclusion in employment.

It is important to point out that gathering information on a person is not limited to putting ticks on a standard check list. Instead, it involves interviews, direct observation, certification, contacts, and meetings with operators/trainers. The operators from each service then process the data using the same system.

Once the data has been gathered, the next stage begins: deciding what kind of training the person may need with a view to future employment. In a handful of cases, the person is matched directly with a company.

Someone who has had a heart attack and can no longer do the job they once did (a warehouse worker, for example) because he/she cannot lift things is not completely excluded from returning to work. His/her practical experience may make it easi-
er for them to learn how to use software for incoming and outgoing goods. Once they have completed a course, they will be ready to put themselves forward if a company is seeking a computer operator for warehouse management.

We do not match the worker’s profile to the company’s requirements until we have seen how the worker’s potential and abilities translate into his/her actual capacity for work.

As well as understanding how a person operates in day-to-day life, in some cases we also need to see which assistive devices are needed so that they can adapt to a specific job or which barriers (of any type) need changing so that the environment adapts to his/her needs.

3.7. Medical condition or potential?
We hope that the paragraphs above will make it easier to understand why the module we wrote six years ago as part of the ANDE project – the basis for this manual – has been substantially modified.

The module described the characteristics of various types of conditions (autism, cerebral palsy) and gave suggestions on how to “deal with” people with disabilities.

We can no longer approach the matter in this way in 2011. Employment services and, more importantly, employers never receive information on an individual’s condition. Even if employment services are aware of a person’s condition since they have access to medical documents, they cannot disclose this information to potential employers. Only the individual can decide to talk about his/her condition in the workplace if he/she thinks it could be of use.

There is no reason for employers to create a “medical” culture as regards the symptoms and anatomical, physiological, and pathological characteristics of people with disabilities.
Furthermore, a medical condition in itself does not predetermine the services a person may require, the level of assistance he/she may need, the disability benefits or pensions he/she may be entitled to, and, most importantly in view of this document, his/her capacity for work and the level of social integration he/she is able to achieve.

When a placement is based on matching a person with certain characteristics to a job which requires those characteristics, there is absolutely no need to concentrate on negative aspects. What a person is unable to do will not create problems in that specific working environment although it may create problems in other contexts.

The employer will be given information on what the individual can do, and if these characteristics are compatible with the job on offer, there will be no need for any further information. In other cases, however, it is important to state the individual’s limitations (“he/she cannot do night shifts”, for example) if the type of job means that the employee will be asked to do something he/she cannot do, even occasionally.

If a counselor meets a person with a condition which s/he is not familiar with, s/he can search on the Internet, in books, and even contact our board of medical and legal doctors, with whom we have periodic meetings, to better understand what problems the person may have as a consequence.

L. Prato, responsible for the Inclusion Service Office
Province of Genova

The terminology list at the beginning has no clear meaning. It is not complete. Is it important to have a list of all the possible disabilities, impairments, etc? No, as we work in the ICF perspective, and the diagnosis is not relevant to us, I do not see the reason for this list of words (which also gives very, very generic characteristics, which can be misleading).

Moreover, people can or cannot do things in relation to the work they have to do. I could not work myself as a bricklayer, so what?

M. Massolo, Job counselor, commenting on the chapter written in 2005.

If the person uses assistive devices or needs the working environment or equipment to be adapted, it is once again not the employer who is responsible for deciding the extent and nature of the modifications. The new employee will not just turn up straight from the interview. He/she
will have been part of a multidisciplinary context for some time, and a full assessment of the type of assistive devices and support he/she needs will already have been carried out.

The chapter we wrote six years ago opened with a list of terms such as blind, cerebral palsy (CP), communication disorder, deaf, dyslexia, hard of hearing followed by a brief definition of each one. Anyone who has read this far will understand that this type of list does not give a full idea of the situations an employer may face, even more so given that the employer will never know if his/her employee has multiple sclerosis or has had a heart attack, or herniated disk. Even employment services operators do not necessarily have this information.

A service employee interviewed for the ANDIW project stated that, when she is presented with new cases, she looks up information on the Internet, and then contacts her colleagues on the Technical Committees for more details of an individual case, thus avoiding risky generalisations. 14

Therefore, once a future employer has provided a description of the job on offer and details of the skills and abilities needed to perform it, he/she knows that, when a person is put forward by the public services, he/she will have the skills and abilities required. If assistive devices are needed, the person will already have them. Similarly, someone who is short-sighted will wear his/her glasses at the job interview knowing that, when he/she needs to read something, he/she can take them off and will put them back on to look further away. Of course, if the same person was to work somewhere where they could not wear his/her glasses for technical reasons, they would have to use contact lenses. And if they were unable to use lenses because they were allergic to them, they would unfortunately not be able to do the job.

There will be no need to discuss what the person cannot do since any incapacities will not create problems in the job which has been selected for them. An

14 As in many other countries, Italy has a privacy laws which protect “sensitive” personal data including that concerning a person’s medical condition. The Italian labour market is therefore based on this prohibition. This reinforces the theory/methodology which states that people must NEVER be confused with a medical condition.
unemployed administrative assistant would probably not have the physical strength to work as a bricklayer. No one would dream of asking him/her if he/she has this physical ability at the interview, nor would he/she be discriminated against because he/she does not know how to build a wall and is not strong enough to do so.

Someone who packs boxes on a production line does not probably have advanced mathematical skills. No one would dream of asking him/her about it at the interview, nor would he/she be discriminated against for not knowing how to do complicated equations.

If a person uses an electric wheelchair which needs room to manoeuvre and needs special lifts or specially adapted toilets, he/she will not be put forward for a job in a company which does not have these facilities and which for various reasons is unable to quickly remove architectural barriers.

This would be a huge mistake and would prove frustrating for the candidate who would certainly be turned down. Even worse, the experience would reinforce the idea among company management that it is difficult to employ people with disabilities. The same company and the same job might be ideal just as they are for someone who has a non-motor-related disability or a motor-related disability which requires smaller-scale assistive devices.

A successful employment service has no business creating difficulties and misunderstandings. It knows that it might return to the same company further down the line and put forward other people with disabilities. It therefore seeks to create a relationship based on trust. It does not set out to prove that employers are “bad” or “inadequate”, nor does it seek to “punish them”. Its main aim is simply to place as many people with disabilities in work as it can.

If it manages to create a less discriminating culture at the same time, then this is certainly a highly positive result.

Therefore, even though service operators need to have general knowledge of the various conditions which may cause a disability, the employer and the employee’s colleagues do not need it. They will be given the information on a need-to-know basis to help them interact successfully with the employee. Of-
ten the only information they need concerns the activities a person cannot do, in case he/she is occasionally required to do them as part of his/her job.

Unfortunately, much work is needed every day to overcome the prejudices which have taken root over the years. These stereotypes portray people with disabilities as dependent individuals who cannot do anything and who need assistance, care, and attention. This image does not reflect the average job-seeker.

This observation leads us to another aspect which is important to consider. Do people with disabilities seek jobs? What kind of conditions or accidents caused their disability or disabilities? If they have had their disability or disabilities from birth, what are they?

Over the years emphasis has quite rightly been placed on the right to work of people with disabilities. In some ways, for reasons which we will not go into here, a series of images has been fixed in the public’s eye: a visually-impaired person working as a switchboard operator, a person with Down’s syndrome working in a protected laboratory, a wheelchair user who comes to a stop at the bottom of a staircase.

The great debate between those concerned and the associations representing people with disabilities which has helped make the sweeping changes mentioned in this chapter has not filtered down to the general public. In people’s minds, greater impact has been made by headline-grabbing newspaper articles and, naturally, the negative experiences caused by sending the first person on the list to interviews for jobs which he/she are completely unable to do (due to his/her skills and physical abilities).

We should also remember that social services’ definition of disability was formulated at a time when most jobs required considerable physical effort and 100% of people’s physical functions. Today there are many more jobs which do not involve physical effort. This has certainly widened the scope for finding suitable employment for people who are unable to do physical labour or who have limited use of parts of their bodies.

At the same time, there are now more assistive devices which compensate for
missing functions and abilities. The high tech devices available to people who are partially or completely visually impaired is a good example. Telephoning, using a computer, and surfing the Internet are no longer problems today.

What certainties does an employer have as regards his/her new employee?

What is certain is that, in 2011, we are dealing with a multi-dimensional concept of disability and one which is not easy to categorise. The simple categories (in theory) were once identified with terms which are considered completely inappropriate today. Fortunately, terms such as blind, paralysed, lame, and mentally retarded have completely disappeared today. The WHO states that disability is “the consequence or result of a complex relationship between an individual’s health and the personal and environmental factors making up the circumstances in which the individual lives”. What will the disabled person who comes for an interview be like?

In Italy, for example, we know for certain that people eligible for enrolment in the social security lists are those “with physical, mental or sensorial impairments, with a reduction in their capacity to work of more than 45%, as established by the appropriate commissions; individuals who have been invalided out of work whose disability exceeds 33%, as established by the INAIL commissions; disabled service personnel and the visually-impaired and deaf-mutes”. (The fact that the terminology used in these laws lags behind the new versions promoted by the WHO helps us understand models which, although dated, are certainly more familiar to those who are not experts in the sector).

Italian Law N°. 68/99 states that an individual’s disability must be assessed before they can use an employment placement service. For people whose work-related disability exceeds 33 per cent, disabled service personnel and civilians disabled during a war, a pre-existing certificate of invalidity can also be used as proof of their disability when they are accessing employment services. By contrast, civilian invalids, the visually-impaired, and deaf-mutes are required to undergo an additional assessment of their disabilities.

These may seem superfluous distinctions, but a distinction must be made between disability per se and a person’s ability to work.
The latest and most widely-accepted international definitions of disability state that a disability exists “when a person’s degree of functioning is restricted as regards the sum of dimensions concerning his/her body functions and structures, ability to carry out activities and degree of participation in life situations”. An assessment of disability differs from an assessment of civil invalidity and occupational invalidity in that the capacity for work alone is considered.

Furthermore, the extent of a person’s disability is not directly linked to the degree in which his/her body functions and structures are compromised. For example, if we take two people with the same functional disability, only one may have significantly reduced abilities and/or restrictions as regards social inclusion. This may produce different conditions of disability and diverse assessments of a person’s possible inclusion in employment and the support he/she may require.

Even an analysis of data from Italy’s National Statistics Institute (ISTAT) does not provide us with further information on the causes of people’s disabilities. ISTAT documents refer to “people with visual, hearing or speech-related disabilities”, “people with motor-related difficulties”, and “people with functional disabilities”.

This provides further indirect confirmation of the fact that it is inappropriate to give out information on people’s conditions or symptoms.

It is possible to indirectly establish the major categories of disabilities by looking at the areas in which some employment centres specialise. This shows us, for example, that the majority of people using these services have degenerative conditions and disabilities linked to cancer-related conditions. Another major group is made up of those who have suffered repetitive strain injuries linked to heavy labour and have damaged their joints, for example. As a result, they can no longer do this type of work.

Other significantly large groups are made up of people with mental health problems or AIDS-related conditions.

First and foremost, it is obvious that most people who are accepted by the employment services are not immediately recognisable as having a disability.
The vast majority of these people walk into a job interview sit down and begin talking to the interviewer. The interviewer will only have information on the characteristics (skills and abilities) which make the person suitable for the job.

3.8. Conclusions
To sum up, as regards the new services available to people with disabilities or chronic illnesses and their potential employers, there is no reason to give out information on an individual’s medical conditions and assistive devices. People who are interviewed by an employer will have the skills and abilities needed to carry out the job concerned. If they require support or assistive devices to carry out their job, it is the candidates themselves or the employment services who tell the employer which aids they use. Any modifications required to the workplace will be carried out in agreement with the employer who will get all the practical assistance he/she needs to carry them out from the employment services.

In the rare cases where specific information is required in order to interact with an individual, it is once again the employment services and the person him/herself who passes it on beforehand to the potential employer and, where necessary, his/her colleagues.

3.9. Self – assessment tasks
- Search documents from your country describing the main issues related with the employment of people with disabilities.
- Describe what are the current practices in your country used to accompany people with disabilities who are looking for an employment.
- Make a list of the competences required to perform at least three different working activities.
- What does accessibility mean? In terms of workplace issues, is it enough to analyze the workplace or other settings are relevant?
- Make yourself familiar with the ICF.
- What are the objectives of the ICF? Is it an assessment tool? Who has the
competence to use it in a correct way?

- Is the ICF used and applied in your country? If not, what other classifications are used?
- Imagine how you would explain to a potential employer the fact that knowing the diagnosis of a person living with a disability is not relevant.

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Chapter 4

People with Disabilities in the Web of Business-Government-Society: Equality, Diversity and the World of Work

A.L. Zivite/ ISMA

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4.1. Introduction

When Anne Waldschmidt in her research on disability policy of the European Union (hereafter EU) singles out the Treaty of Amsterdam which was put into force in 1999 as marking “a significant shift in both social and disability policy” when “from this time on disability is regarded as a civil rights issue and the right to non-discrimination is acknowledged as an integral part of social rights” and disability policy in the field of employment shifts from “vocational rehabilitation to equal rights” (p.17), one might ask: What is the difference between civil rights and other rights, social rights included? and What does disability as a civil rights issue mean for employers? Especially now – after 2007, when EU and all EU member states have signed the United Nations Convention on the Rights of Persons with Disabilities (hereafter CRPD), the majority – also the Convention’s Optional Protocol, half of the states – have ratified the Convention, and almost half – have also ratified the Optional Protocol.¹⁵

In this chapter we discuss how the changes in disability policy at different levels – global (for example, initiated by the United Nations) and local, national and supranational (the European Union) – affect the interrelationships between business, government and society by focusing on the issues of employing people with disabilities in the private sector. First, main business-government-society models are explored. Second, disability policies in relation to the main categories of welfare states as well as main models of disability are discussed. Third, major issues relating to mainstreaming disability are examined around the concept of equality: the equality and diversity approaches in diversity management on the one hand, and the development of the concept of equality in the legal discourse, on the other. Finally, people with disabilities are positioned within the context of the changing world of work.

¹⁵ Since 2008 the EU Disability High Level Group produces annual reports On Implementation of the UN Convention on the Rights of Persons with Disabilities. Here the source of the data is the Draft Third Disability High Level Group Report (March 2010), p. 104.
4.2. Business, Government and Society

Businesses operate in environments created by the interplay between economic, political and social activities. Steiner and Steiner stress that it is critical to recognise that “a company operates not only within markets but within a society” (p.7). Though “interactions among business, government, and society are infinite and their meaning is open to interpretation” (p.8) it is possible to single out for four simple mental models. “Depending on the model (or prism) used, a person will think differently about the scope of business power in society, criteria for managerial decisions, the extent of corporate responsibility, the ethical duties of managers, and the need for regulation” (ibid.). Usually they are regarded as alternatives and some of them having mainly historical values; nevertheless, it is still useful to keep them all in mind because of two reasons. First, these models can be both descriptive and prescriptive, e.g. they can be used to explain how the business – government – society relationship does work (descriptive) and, in addition, they can be seen as ideal constructs how it should work (prescriptive) (p.8). Second, although two models – that of the market capitalism model and that of the dominance model – in Western democracies could be seen as having historical values, when major societal changes occur such as transition from the communist countries to the market economies in Central and Eastern Europe, then they acquire new meaning. These recent developments show that these four models can be viewed, on the one hand, simultaneously, and on the other, as both – descriptive and prescriptive.

4.2.1. The Market Capitalism Model

The market capitalism model, shown in Figure 4.1, “depicts business as operating within a market environment, responding primarily to powerful economic forces. There, it is substantially sheltered from direct impact by social and political forces. The market acts as a buffer between business and nonmarket forces” (p.8).

16 In this part the author closely follows the first chapter, *The Study of Business, Government, and Society* of the textbook by John F. Steiner and George A. Steiner (2009), pp.4-19.
As all other model this model is based on few assumptions. One is that “market forces are benevolent and, if liberated, will channel economic resources to meet society’s needs” (p.10), therefore government regulation should be limited. Another assumption is that “markets convert selfish competition into broad social benefits” (ibid.), i.e. “markets discipline private economic activity to promote social welfare” (ibid.).

Because of that “the proper measure of corporate performance is profit, and the ethical duty of management is to promote the interests of shareholders” (ibid.). The assumptions underlying the market capitalism model have not only direct impact on the liberal welfare state regime and social and disability policies but also on the liberalization of the postcommunist welfare state regimes discussed later.

4.2.2. The Dominance Model
The dominance model shown in Figure 4.2, depicts a society as a pyramid organised hierarchically. Steiner and Steiner believe that this model “represents primarily the perspective of business critics” (p.11) influenced by Marxism, therefore they use the term masses for the people.

![Figure 4.2. The Dominance Model](image)


Unfortunately this model can represent the perspectives of emerging business leaders and governmental officials in the transit societies from communism to postcommunism as well. While in the public discourse in these societies the market capitalism model dominates, in reality these two models in many ways overlap with serious consequences for those outside communist/postcommunist business – government social networks. Continuous
stories on corruption and especially on grand corruption or state capture (see Exhibit 4.1.) along soft corruption indicate that this model is still valid and can cause disruptions in disability policy implementation in particular EU countries.

**Exhibit 4.1: State Capture – A Constant Problem in Latvia**

According to a 1998 World Bank report: “Economic power in Latvia has become concentrated in a small number of conglomerates. Business and political interests have become intertwined in a complex and non-transparent way, and businesses are increasingly active in political parties. Excessive concentration of economic power, due in part to weak enforcement of competition legislation, drains efficiency from the economy and presents the risk that Latvia could become prone to high-level corruption” (J. Anderson, Corruption in Latvia, p. 22.)

According to the 2000 Latvia Human Development Report by UNDP, the political decision-making process is characterized by informal processes that take place outside official structures, in which private actors with interests in legislative results have considerable hidden influence.

In a 2001 interview Inese Voika, the Head of TI Latvia, acknowledges that “there is a lack of transparency in decision-making, as many decisions are actually not taken within official power structures, but rather through "private deals" struck in intertwined political-economic clusters where there is room for corruption”. (Ieva Raubiško, Letting in the sunshine, 2001)

Even in the last report monitoring Latvia’s preparation for EU membership, in 62 pages the word “corruption” is used 42 times, the country is assessed as only “partially meeting the commitments and requirements for membership” in relation to corruption, and high-level corruption is highlighted. (Comprehensive monitoring report on Latvia’s preparations for membership, 2003)

A 2006 KNAB* commissioned report notes as characteristics of Latvian politics the existence of “political entrepreneurs” and “political patronage” but it also admits that the links between wealth and political power in Latvia are not so
blatantly as in Russia or Ukraine. However, the use of money-power manifests itself in Latvia through donations to political parties, ownership and shareholdings in major newspapers and payments to individual politicians. (Pinto-Duschinsky 2006)

After almost 10 years the World Bank study, the November 2007 Economist Intelligence Unit’s country report acknowledges the same type of corruption: “Underlying the recent crisis [the attempted dismiss of the KNAB’s head] is the prevalence of high-level corruption in Latvian politics, which has long been vulnerable to "state capture"—excessive influence on the legislative process by certain business interests. [All the parties forming the current governing coalition] to a considerable extent represent the interests of certain powerful sponsors.”

In January 2009 the outgoing US ambassador placed corruption and upholding the rule of law among Latvia’s greatest challenges. (US Embassy website 2009)

The 2010 Bertelsmann Transformation Index report notes that “[i]nformal economic and business interests, with their close financial ties to political parties, are far more influential than formal ones”.

* KNAB – The Corruption Prevention and Combating Bureau (Latvia)

**References**

4.2.3. The Countervailing Forces Model
The countervailing forces model, shown in Figure 4.3, depicts the business, government and society relationship “as a flow of interactions among the major elements of society” (Steiner and Steiner 2009, p. 14).

If we compare the countervailing forces model with that of the (basic) market capitalism model, we see that the former “opens business directly to influence by nonmarket forces” (p.15).

According to Steiner and Steiner, within this model:

1. Business is deeply integrated into an open society and must respond to many forces, both economic and noneconomic. It is not isolated from its social environment, nor is it always dominant;
2. Business is a major initiator of change in society through its interaction with government, its production and marketing activities, and its use of new technologies;
3. Broad public support of business depends on its adjustment to multiple social, political, and economic forces. Incorrect adjustment leads to failure;
4. BGS [business – government – society] relationships continuously evolve as changes take place in the main ideas, institutions, and processes of society. (Ibid.)

In comparison to the last – stakeholder model, shown in Figure 4.4, it seems that the countervailing forces model depicts the relationships between business, government and society more realistic since “the stakeholder model . . . is [or is based on] an ethical theory of management in which the welfare of each stakeholder must be considered as an end” (p.16).

4.2.4.1. The Stakeholder Model
At the centre of the stakeholder model, shown in Figure 4.4, there is the corporation connected through various stakeholders – primary and secondary – with governments, political parties, media, customers, competitors, future generations, etc.
“Primary stakeholders,” according to Steiner and Steiner’s explanations, “are a small number of constituents for which the impact of the relationship is immediate, continuous, and powerful on both the firm and the constituent. They are stockholders (owners), customers, employees, communities, and governments and may, depending on the firm, include others such as suppliers or creditors” (p.15). “Secondary stakeholders include a possibly broad range of constituents in which the relationship involves less mutual immediacy, benefit, burden, or power to influence” (ibid.). As examples of secondary stakeholders they name activist groups, trade associations and schools.
While critics of the stakeholder model stress that “it is not clear who or what is a legitimate stakeholder, to what each stakeholder is entitled, or how managers should balance competing demands among a range of stakeholders” (p.17) – in a word, the model is too complicated and ambiguous to fulfil its role as a model – the advocates use two arguments to defend it:

- “First, a corporation that embraces stakeholders performs better. A corporation better sustains its wealth-creating function with the support of a network of parties beyond shareholders” (ibid.).
- “Second, it is the ethical way to manage because stakeholders have moral rights that grow from the way powerful corporations affect them. Irrespective of academic debates, in practice many large corporations have adopted methods and processes to analyze their stakeholders and engage them” (ibid.).

4.2.4.2. The Stakeholder Model Refined

Yves Fassin (2009), while discussing the vagueness of the concept of stakeholder, offers to distinguish between

- the real stakeholders or *stakeholders* proper, “essentially the classic stakeholders in the original narrow approach – those who have a concrete stake: the dedicated stakeholders with a real positive and (or at least expected) loyal interest in the firm” (p.121),
- the *stakewatchers* – “those stakeholders, such as pressure groups, who do not really have a stake themselves but who protect the interests of real stakeholders, often as proxies or intermediaries” (ibid.),
- the *stakekeepers*, in an analogy with the term gatekeeper, – “those who are even further removed from the active, real stakeholders: the independent regulators, who have no stake in the firm but have influence and control. They impose regulations and constraints, while the firm has little reciprocal direct impact on them” (ibid.).

Fassin stresses that there is “the triangular relationship among the various groups of stakeholders” (p.122) and that the refined stakeholder model also distinguish different levels of the environment better visualising “the bounda-
ries of the firm and the three levels of the company, the business environment and the social political arena” (p.126).

### Activities

4.1. Consider the business firm you are working at. Using the models discussed, how could you describe the business – government – society context within which your firm operates?

4.2. Consider the statement: Our business firm/corporation fulfils legal requirements and to the extent that they are enforced. How could you describe the fundamental assumptions based on which such a statement is made?

4.3. Consider the question: Why should a company employ someone from so-called disadvantage social groups: woman, workers from minority groups, elderly workers, disabled workers, workers with non-traditional sexual orientation? This will only incur cost and do not increase profitability – and this means that competitiveness is at stake. Can you formulate at least few business arguments why should a company do so? Describe a few win-win situations.

### 4.3. Welfare States and the Models of Disability

#### 4.3.1 Disability Policy and the Welfare States

Whichever model of the business-government-society relationship one might find compelling, it is clear that businesses operate in the dynamic environment comprised of several specific environments such as legal, governmental, cultural, natural, technological, economic, and is influenced by them. The role of governments is not only to encourage and constrain businesses but also to ensure “that society will not abandon those who fail” (Hemerijck 2002, p.173) – i.e. governments have taken on social welfare roles. Gøsta Esping-Andersen (1990; 2002) distinguishes three welfare models or regimes: liberal (as in the

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17 Steiner and Steiner discuss business environments in the second chapter, *The Dynamic Environment*, of their textbook.
US and the UK), where individualism and markets were favoured “with the welfare state cast as a minimal and residual player” (2002, p.1); corporatist or conservative (in Continental Europe), where social insurance was “fused with corporatist and often also social Catholic subsidiarity traditions” (especially, in Southern Europe) (2002, p.2); and social-democratic or Scandinavian model, where “social democracy, universalism, egalitarianism and comprehensive social citizenship” (ibid.) was favoured. Some authors even insist that there are four welfare regimes in the EU-15: they separate Southern Europe from the rest of Continental Europe. Whatever distinctions between these models or regimes are, they all “share three distinctive characteristics” (Hemerijck 2002, p.173). First, “there is a common commitment to social justice” (ibid.). Second, there is “the recognition that social justice can contribute to economic efficiency and progress” (ibid.). And finally, at least within the EU welfare states, policy elites agree “that there is no contradiction between economic competitiveness and social cohesion” (p.174). Esping-Andersen singles out three welfare pillars: markets, families and government. He emphasises that one of the basic issues for any social policy is “how to allocate welfare production,” i.e. how to divide “responsibilities between markets, families, and government” (2002, p.11). Kirton and Green (2010, p.257) summarise the EU-15 welfare systems as follows:

1. **Scandinavian/Social Democrat**: Labour market policies should be at the heart of the welfare state based on universal notions of individual citizenship. The focus is the individual rights of workers so that the costs of raising a family should be made a state concern in order to maximise individual capacity within the labour market (Denmark, Finland, Sweden).

2. **Conservative/Institutional**: Traditional corporatist model based on provision of social policy by the state only where the family is unable to provide. The state takes the role of financial compensator, where the cost of raising a family cannot be borne by the family itself (Germany, Austria, France, Italy).

3. **Anglo-Saxon/Liberal**: Belief in the self-regulatory capacity of the free market. No one group needs special treatment or services. Those who
cannot enter the labour market will be offered means-tested state support (UK).

4. **Latin Rim**: Rudimentary state welfare support for the non-working population, but rights to welfare are not necessarily guaranteed. Supported by the welfare tradition of the Catholic Church (Spain, Portugal, Greece, Italy).

Anne Waldschmidt (2009), while taking the three-fold welfare states typology by Esping-Andersen as the basis of her research on disability policy of the European Union, has estimated “how strong the three main dimensions of disability policy, i.e. social protection, labour market integration and equal rights are likely to be in different welfare (state) models” (pp.18-19). Her findings, summarised in Table 4.1, show that in the liberal welfare regime with its focus on the market, “social protection in terms of granting a minimum living wage will be in operation. However, it is probable that schemes for job market integration will comparatively seldom be applied, since they are rated as interfering with the forces of the free market. Instead, following the rationality of the liberal welfare model it is likely that non-discrimination policy will strongly be represented, since it aims at providing free and equal access to the market for all individuals so that they are able to supply themselves” (p.20).

**Table 4.1. Disability Policy in Different Welfare Regimes**

<table>
<thead>
<tr>
<th>Welfare Regime</th>
<th>Liberal</th>
<th>Conservative</th>
<th>Social-Democratic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social protection</td>
<td>X</td>
<td>XX</td>
<td>XXX</td>
</tr>
<tr>
<td>Integration into the</td>
<td>XX</td>
<td>XXX</td>
<td>X</td>
</tr>
<tr>
<td>labour market</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Civil rights</td>
<td>XXX</td>
<td>X</td>
<td>XX</td>
</tr>
</tbody>
</table>


In **conservative-corporatist welfare regimes** “a strong accentuation of labour market integration is very likely, since in conservative social policy the social insurance-based schemes heavily rely on the individuals’ participation in the labour market. Due to the paternalistic orientation of this model, one can also
expect that people with disabilities have access to basic social protection. In contrast, civil rights will only be of minor value, as this approach contradicts with the status orientation of the conservative model” (ibid.).

In the **social-democratic welfare regime** it is “probable that basic social care systems are of high importance, whereas measures of job market integration will be weaker. One can also conclude that civil rights and non-discrimination policies are of middle relevance: on the one hand they are compatible with this welfare regime’s orientation towards social solidarity, on the other hand the universalistic approach can foster the assumption that there is no need for civil rights given the high level of social rights. In short, the assumption is that in this welfare model social solidarity has a higher importance than individualist civil rights” (ibid.).

However, Waldschmidt’s basic assumption is that social rights fundamentally differ from civil rights. Is this assumption justified? Exhibit 4.2 explains where does the classification of human rights into two main categories, **civil and political rights** on the one hand and **economic, social and cultural rights** on the other come from. It also explains the role of the state in the fulfilment of those rights: ‘cost-free’ in the case of civil and political rights; costly – in the case of economic, social and cultural rights.

Though, as Ida Elisabeth Koch (2009) stresses, not only “in the CRPD socio-economic rights coexist with civil-political rights” thus reaffirming “the indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms” (p.67)\(^8\) but also that “all rights have costs” – even “obligations not to interfere require that public officials are given the necessary guidance and education with regard to the legal content of the obligations in question, and at any rate the administration and monitoring of human rights compliance bear upon the economic interest of the State” (p.70).

\(^8\) Koch makes a reference to the Preamble, recital (c) of the CRPD, which runs as follows: “Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination.”
Exhibit 4.2: Human Rights and Disability: Social Rights versus Civil Rights?

One of the major subjects of discussion in the field of human rights law in the 21st century has been the value and boundaries of economic, social and cultural rights and to what extent these rights are justiciable. There has been a tradition among western legal scholars to classify human rights into two main categories, civil and political rights on the one hand and economic, social and cultural rights on the other. This distinction has its roots in a decision made by the United Nations General Assembly to create two separate covenants based on the Universal Declaration of Human Rights (hereafter UDHR); the Covenant on Civil and Political Rights (hereafter ICCPR) and the Covenant on Economical, Social and Cultural Rights (hereafter ICESCR), both of which were adopted by the UN General Assembly on December 16th 1966.

When the United Nations Commission on Human Rights started the work drafting a new convention on the rights set forth in the UDHR, there was no agreement as to whether the rights in question should be in one or two conventions. The Commission therefore asked for the opinion of the General Assembly on the subject and it decided that one convention including all categories of human rights should be drafted. This decision of the General Assembly was controversial at that time and in a new resolution in February 1952 the General Assembly changed its former decision and decided to divide the human rights set forth in the UDHR into two separate conventions, the ICCPR and ICESCR.

Behind the General Assembly’s decision was the States Parties’ different approach, ideological and political, to the nature of human rights and the role of the State in the fulfilment of those rights. The assumptions were that civil and political rights were ‘absolute’ and ‘immediate’ as well as ‘justiciable’ and ‘cost-free’ whereas economic, social and cultural rights were to be realized gradually and of a more political nature and costly. These two sets of rights have been described as positive and negative rights, the former (ICCPR) implying only negative State obligations not to interfere with the freedom of the citizens without any duty of action, with the result that these rights have no or insignificant financial consequences for the State. The latter set of rights
(ICESCR) was on the other hand positive, meaning that those type of rights demanded some measures and financial resources on behalf of the State Parties. This division has been controversial and criticized from the beginning and as the years have past the arguments for this arrangement have gradually moved aside for new ideas on the nature of human rights in legal discourse.

Admittedly, there is still disagreement between lawyers and other experts on whether there is a substantive difference in the nature of the two categories of rights, that is civil and political rights on the one hand and economic, social and cultural on the other. One side of this discussion is the formulation of disability rights as human rights. Regardless of whether there exists such a difference or not between the two set of rights, the tendency has been to see and deal with the rights of persons with disabilities as a social policy or welfare issue.

Until the adoption of the new Convention on the Rights of Persons with Disabilities* the rights of this group of people were usually exclusively to be found on international level in the so called “soft-law”. One of the reasons for this might be that in the discourse on the rights of persons with disabilities the emphasis has mostly been placed on the most urgent needs so to say, the right to basic healthcare and education and for a great part of the disabled; a minimum standard of living, rights which all happen generally to be categorized as social rights. It was not until the demand for equal participation in the society became strong enough and the concept of disability was revaluated that some changes were seen. Certainly the reasons are much more complicated than this but this is one of the explanations.

In the last two decades there has been quite an interesting paradigm shift in the field of disability. A shift has been identified from the social policy approach mentioned above to a human rights approach. This development consists, inter alia, in viewing people with disabilities as subjects rather than as objects. In the last years the emphasis has increasingly been on the right to equality and non-discrimination, the right of persons with disabilities to participate in the society on equal terms with other citizens.

Underlying this demand on equality and non-discrimination are the human
rights values set forth in the Universal Declaration of Human Rights and reaffirmed in the Convention on the Rights of Persons with Disabilities. Those values are *inter alia* the universality, indivisibility and interdependence of all human rights and fundamental freedoms, among other the autonomy and dignity of every human being.

* The Convention on the Rights of Persons with Disabilities and its Optional Protocol were adopted on 13 December 2006 at the United Nations Headquarters in New York, and were opened for signature on 30 March 2007.


**Activity 4.4** Study Exhibit 4.2. Answer the following questions.

1. Where does the division between two sets of human rights come from? What are the main assumptions behind the division of human rights into two sets? What is the role of the state in fulfilment of those rights?

2. Where does the formulation of disability rights as human rights fit into this debate on one set or two sets of human rights? If disability rights are regarded as *social rights* what are consequences for such formulation for (a) disabled people, (b) for governments (state parties), (c) for businesses? If disability rights are regarded as *civil rights* what are consequences for such formulation for (a) disabled people, (b) for governments (state parties), (c) for businesses? Would you say that the question about disability rights is of either social rights or civil rights type, or includes both?

3. Discuss the findings displayed in Table 4.1 *Disability Policy in Different Welfare Regimes*, (a) using the formulation of disability rights as two sets of human rights – social and civil, (b) using the formulation of disability rights as one set of human rights. Draw the tables illustrating each case. Formulate basic assumptions for each table.
Lisa Waddington (2009) stresses that “whilst the Convention does not contain a definition of disability” (p.132), the Convention recognises the fact that “disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others” (CRPD, Preamble, recital (e)), thus the Convention “is clearly founded upon the social model of disability ... and underpins this by giving an indication of group of individuals who are protected” (Waddington 2009, p.132):

“Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others” (CRPD, Article 1).

But what is the social model of disability or, more precisely, what are social models of disability? How do these models relate to or function within specific welfare state? And finally, what are alternatives to this model or these models of disability?

4.3.2. Models of Disability

In order to understand the fundamental difference between two main approaches or models of disability it still might be useful to consider these approaches in terms of binary oppositions: the individual or medical model versus the social contextual model (see Table. 4.2). As Rannveig Traustadóttir (2009) remarks: “Although this is an oversimplification and does not do justice to the complexity of disability it provides an understanding of the differences in these two approaches and highlights the new social understanding of disability” (p.8).

19 In a footnote she explains the decision not to include a definition, since “any definition would necessarily exclude some people” (Waddington 2009, p.132).
Table 4.2. Two main approaches to understand disability

<table>
<thead>
<tr>
<th>Individual or Medical Model</th>
<th>Social Contextual Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>Focus on the impairment and the individual</td>
<td>Focus on the social context and environment</td>
</tr>
<tr>
<td>Emphasis on clinical and medical diagnosis</td>
<td>Emphasis on the relationship between the individual and society</td>
</tr>
<tr>
<td>Emphasis on individual deficits</td>
<td>Emphasis on social barriers</td>
</tr>
<tr>
<td>Views the person as the problem that needs to be fixed or cured</td>
<td>Views discrimination, exclusion and prejudice as the problem</td>
</tr>
<tr>
<td>Medical, psychological and rehabilitative services are the answers</td>
<td>Ending discrimination, segregation and removing barriers is the answer</td>
</tr>
</tbody>
</table>


Tom Shakespeare (2006) argues that “the British social model is just one of a family of social-contextual approaches to disability” and that “all of these approaches reject an individualist understanding of disability and to different extents locate the disabled person in a broader context” (p.8). He points to the fact that “[t]o varying degrees, each of these approaches shares a basic political commitment to improving the lives of disabled people, by promoting social inclusion and removing the barriers which oppress disabled people” (ibid.). Shakespeare singles out three different social contextual models of disability, namely the British social model of disability, the (North American) minority group model, and the Nordic relational model.

4.3.2.1. The (British) Social Model of Disability

Rannveig Traustadóttir (2009, p.9) stresses that

To emphasise this point, “the social model mandates the term ‘disabled people’, because people with impairment are disabled by society, not by their
bodies. The phrase ‘people with disabilities’ [see below on the minority group model] becomes unacceptable because it implies that ‘disabilities’ are individual deficits” (Shakespeare 2006, p.32, italics added). The British social model emerged in the 1970s, developed in the next decades, was and still is fundamental to understanding disability, but, as Shakespeare makes it clear, in its orthodox, unchanged form now could be viewed as outdated.20

4.3.2.2. The (North American) Minority Group Model
Shakespeare traces the roots of the minority group model to the US disability activism of the 1960s, which “led to the development of independent living approaches” (p.24). The main idea behind the minority group model is that “prejudice and discrimination against disabled people have to be combated through civil rights legislation, which will guarantee people’s rights” (Traustadóttir 2009, p.14). Traustadóttir acknowledges that “the work of North American theorists has also explored the important social, cultural and political dimensions of disability” (ibid.). Opposite to the British social model, this approach “has not made the firm distinction between the biological (impairment) and the social (disability)” and the phrase ‘people with disabilities’ is commonly used (ibid.).

4.3.2.3. The Nordic Relational Model and the Interactional Approach to Disability
Traustadóttir, while introducing the Nordic relational model of disability, highlights the fact that understanding of disability “is closely related to fundamental ideas about citizenship and equality which are long-standing basic principles and values of the Nordic welfare states” (p.12). “The Nordic understanding of disability stresses the complex and situated interaction between individual factors and environment” (ibid.). Following Jan Tøssebro, she singles out three main characteristics of this model (p.13):

20 See the chapter 3, Critiquing the Social Model, in Tom Shakespeare, Disability Rights and Wrongs.
First, disability is a person-environment mismatch or a ‘poor fit’ between the individual’s capabilities and the demands of the broader societal environment. This occurs because the person does not have capacities within the typical range, but also because the environment is not adapted to the whole range of human diversity. Accordingly, an individual is defined as disabled if a limitation, disease or impairment causes him or her to experience significant barriers in everyday life. Thus, disability is a relationship between individuals and the larger society.

Second, disability is situational or contextual. Whether a specific impairment is disabling or not depends on the situation or context. For example, deafness would not be a disability if everyone spoke sign language, and a blind person is not disabled when speaking on the telephone.

Third, disability is relative. Tøssebro uses intellectual disability as an example. During the 20th century the cut-off point for receiving this diagnosis varied throughout Europe from IQ = 50 to IQ = 85. Depending on the definition, somewhere between 0.5% and 15% of the population would be classified as intellectually impaired. Tøssebro argues that this also illustrates the constructionist element of disability definitions, including the arbitrariness of our dichotomies as an important aspect of our socially constructed understandings of disability.

While Traustadóttir views the Nordic relational model as theoretically underdeveloped and practically “difficult to operationalise . . . when it comes to welfare provisions, special education and other services, which continue to rely on medical diagnoses and psychological tests to determine who qualifies for such services” (pp.13-14), Shakespeare draws attention to the fact that disability is a complex issue and that the Nordic relation approach with its “studying disability on several analytical levels” (Gustavsson qtd. in Shakespeare 2006, p.58) or any other relational or interactional approach could be more appropriate to catch this complexity. He calls his own understanding of disability close to the Nordic relational approach or to the approach taken by van den
Ven et al., who “balance medical and social aspects” and distinguish three sets of factors whose interrelation “determine or produce disability” (Shakespeare 2006, p.59). And they are: “individual factors, which include personality and skills as well as impairment; societal factors, referring to accessibility, attitudes, etc.; and factors within the system of support, by which they mean social support, professional care and assistive devices” (ibid.).

If we now look back to the Preamble, recital (e) of the CRPD, which states that “disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,” and the assertion by Lisa Waddington that the Convention “is clearly founded upon the social model of disability” (p.132), we can agree that broadly speaking the Convention is founded upon the social-contextual model of disability as opposed to the individual or medical model, it uses distinction between impairment and disability as in the British social model, it uses the phrases ‘persons with disabilities’ and ‘persons with impairments’ as in the minority group model, and finally, it says that ‘disability results from the interaction between persons with impairments and attitudinal and environmental barriers’ as in the interactional approach.

**Activity 4.5**

Rannveig Traustadóttir, writing about the Nordic relational model of disability, highlights the fact that understanding of disability “is closely related to fundamental ideas about citizenship and equality which are long-standing basic principles and values of the Nordic welfare states” (p.12). Could you agree that also other social-contextual models are closely related to the corresponding welfare regimes? Choose one of the model and elaborate in more detail the basic assumptions of the model and the ways they relate to the corresponding welfare regime.
4.3.3. The Postcommunist Welfare Regime? And the Issues of Disability

Schubert, Hegelich and Bazant (2009) point to the fact that “[w]ith the EU enlargement, welfare research now had to solve the problem that some countries had become part of the EU which had not been in the focus of former research” (p.14). They question validity of the easiest way to deal with this problem, i.e. by simply adding another cluster to the existing welfare regimes, e.g. Palier’s suggestion that “The European social model can be subdivided into five types, or regimes: British, Nordic, Continental, Mediterranean, and Eastern.” Malta and Cyprus could be added to the Mediterranean type, which many researchers have already referred to. The creation of an Eastern regime type could be justified by the fact that post-Soviet states would develop into the same direction. However, research in the last years has shown empirically, as well as analytically, that the differences within this new regime type are immense” (ibid.).

The problem with the Eastern welfare regime or with two postcommunist welfare regimes – the post-Soviet (the Baltic states) and the Eastern Central European – is that even within each of this subdivision (Schubert, Hegelich and Bazant name the research by Brusis (1999) on the welfare arrangements in Poland, Slovakia, the Czech Republic and Hungary on the one hand, and the research by Aidukaite (2004) on the welfare arrangements in the Baltic states – Lithuania, Latvia and Estonia, on the other) the differences are significant. Schubert, Hegelich and Bazant (2009) remind us that “even before the EU enlargement, the regime typologies were criticized for the variation within the regime types. Especially the conservative welfare regimes tend to contain a wide range of different welfare arrangements” (p.15). Therefore, they stress that “[i]f another vague type [or types] is [are] now added, there is the danger that variations within the types are stronger than between single countries from different clusters. Empirically this would annul the logic of welfare state regimes” (ibid.).
Exhibit 4.3: The Welfare Arrangements in the Baltic States

The Baltic States – Estonia, Latvia and Lithuania – embody features of both liberal and conservative welfare arrangements, although to a different extent. Somewhat interestingly, the policy outputs fit the liberal type of welfare, whereas the policy-making context is similar to the continental-conservative model. Targeted welfare budgets in the Baltic States are managed by the tripartite social insurance funds, which is a typical feature of the conservative corporatist welfare regime. Some of the Bismarckian arrangements were applied for the first time not during the restoration of democracy, but already in the Soviet period. So occupational welfare, which is at the heart of the classical Bismarckian welfare state, was the very base of the Soviet social policy.

This path dependency with the communist era was one of the reasons why the right-wing politicians in Baltic States found the Bismarckian model too solidaristic and turned to the liberal welfare policies. The Continental European *Sozialstaat* was instead favoured by the left-wing political parties, who regard the Nordic social-democratic welfare model as too leftist.

The mix of path dependency and path departure is one of the reasons why it is so difficult to define the welfare model of the Baltic countries. Aidukaite (2009) defines it as a distinct post-communist welfare regime, which represents a mix of neoliberal and Bismarckian features. Cerami and Vanhuysse (2009) and Aspalter et al. (2009) stress that multiple historical layers co-exist in the contemporary postcommunist welfare regimes; some of them have their roots already in the pre-communist periods, when Central European countries and Russia were significantly influenced by the German and Austro-Hungarian Empire. Thus, features of the conservative-corporatist welfare arrangements may refer both to the pre-communist and to the communist period (Cerami 2008, Orenstein 2008, Cerami and Vanhuysse 2009).
References


Toots and Bachmann (2010) name a modest living standard as a significant problem: “Five years after joining the EU, the living standard in the Baltic countries is still at only about half of the EU15 average and there has not been any remarkable progress in this. However, income disparities have not increased substantially in the course of market oriented reforms.

In Estonia, the share of population at risk of poverty has declined continuously since 2004 and in 2009 was 17,6%; Latvia and Lithuania have been less successful. In these countries, the poverty trend has been volatile and stands now at 21,4% in Lithuania and 25,9% in Latvia” (p.40). Aidukaite (2004) stresses that “even if all major programms, which are supposed to protect citizens
from social risk, [in the Baltic States] exist, the benefit level is relatively low, meaning that citizens should rely mainly on the market or the family for support rather than the state. This has resulted in an increase in income inequalities and poverty rates in the Baltic States” (p.42).

She also emphasises that “although the Baltic States went through a social policy reform, it is still clear that many structures from the Soviet era have been retained and some are not so easy to dismantle. This is despite the fact that social security was bound both by relatively low resources, which were particularly limited during the first years of independence [and still are during the economic crisis], and by the commitment to the liberal market values in these countries” (ibid.). Though, the persistence of the Soviet structures could be attributed to both eras – to the pre-communist and to the communist period.

**Exhibit 4.4: The Disability Issues in Latvia**

The disability policies in the Baltic States, especially that in Latvia, could be seen as consisting of different historical layers. First, Latvia belongs to a very few European member states, where still the terms ‘invalids’ (in Latvian – ‘invalīdi’) and ‘invalidity’ (in Latvian – ‘invaliditāte’) are commonly used in public and official discourses.

Thus, in Latvia there is the *National Council for/of Invalids’ Affairs* (Invalidū lietu nacionālā padome) which somehow in English translation becomes the *National Council of Disability Affairs*, Apeirons – Union of Invalids and Their Friends (Apeirons - invalīdu un viņu draugu apvienība) which in translation becomes *Union of People with Disabilities and Their Friends*, Latvian Society or Organisation of Invalids (Latvijas Invalīdu biedrība) which in translation becomes Latvian Organisation of Disabled People and so on, with a few exceptions, for example, the Latvian Umbrella Body for Disability Organisations SUSTENTO (Latvijas cilvēku ar īpašām vajadzībām sadarbības organizācija SUSTENTO), who uses the term ‘people with special needs’. While the terms ‘invalids’ and ‘invalidity’ could be seen as the Soviet legacy, there is a tendency to move away from simply labelling people as invalid to more respectful form of address such as ‘people with invalidity’
Thus, the title of the Convention on the Rights of Persons with Disabilities in Latvian is translated as *Konvencija par personu ar invaliditāti tiesībām*, though translating disability as invalidity and impairment as disability (nespēja) in the Preamble, recital (e), can cause some curious results, especially if viewed in the context of the new Invalidity Law (in Latvian - *Invaliditātes likums*), which on 1 January 2011 came into force, where the article 5 (1) states: “Invalidity is a long-term or permanent functional limitation – very severe, severe or moderate – which influences a person’s mental or physical abilities, the ability to work, self-care and integration into the society. (Invaliditāte ir ilgstošs vai nepārejošs ļoti smagas, smagas vai mērenas pakāpes funkcionēšanas ierobežojums, kas ietekmē personas garīgās vai fiziskās spējas, darbspējas, pašaprūpi un iekļaušanos sabiedrībā.)”

Whatever the reasons for such choices of terminology, but terminology is important since we need to know what we are talking about, overall it could be said that after the first rather hard transitional years at the beginning of the 1990s the situation of the people with disabilities in Latvia, especially since the adoption of the concept paper *Equal Opportunities for All* by the Cabinet of Ministers in 1998, started to improve yet with different speed with regard to specific issues. Thus, the seventh task of this concept paper envisaged to ensure inclusion of the disability (invalidity) issue[s] into all stages of policy making and it was divided into three sub-tasks (1) to create a unified data base – the Invalidity Information System, (2) to facilitate research and carry out studies in the sphere of basic and applied sciences concerning disability issues and (3) to ensure that NGOs’ representing persons with disabilities have opportunity to participate in all stages of policy making. While the first and third sub-tasks were undertaken and still are being carried out, the second sub-task which also envisaged to establish a new research institute was abandoned.

The latest developments of the disability policy in Latvia show a curious mix of the post-Soviet functional model of disability (invalidity) as analysed by Sarah Phillips and the medical model of disability, especially with adoption of the Invalidity Law which strictly states who is a person with disability...
(invalidity) and who is not, and to which category (group) of disability (invalidity) every person with invalidity belongs. Even the planned adaptation of the International Classification of Functioning, Disability and Health (ICF) (the work started in 2010) is conceived as more precise, “scientific” tool of the disability (invalidity) determination, and in order to study different disability (invalidity) determination systems five countries were chosen: Germany, the Netherlands, the USA, Belarus and Russia.\(^6\)

While ‘insufficient financial resources due to the current economic situation’ are mentioned as the main obstacles to the implementation of the CRPD,\(^7\) the turn to more narrowly understanding of disability in the Action Plan for Implementing the Basic Principles on Policy for Elimination of Disability (Invalidity) and its Consequences (2005-2015) and the choice of the countries for disability determination systems to study, together with lack of resources outline more realistic situation.


\(^2\) For a short insight into the main issues on invalidity and invalids in the USSR, see Phillips.

\(^3\) Compare with the Russian title of the Convention Konvencija o pravah invalidov, see the Russian website of the United Nations http://www.un.org/ru/documents/decl_conv/conventions/disability.shtml; or the Ukrainian - Konvencija pro prava invalidiv, see the official website of the Verkhovna Rada (Parliament) of Ukraine http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=995_g71. There is no official translation of the Convention into Belarusian since Belarus has not signed the Convention. It might be useful to remember that according to the data of The Central Bureau of Statistics (Latvia) at the beginning of 2010 in Latvia there were 59.4% Latvians, 27.6% Russians, 3.6% Belarusians, 2.5% Ukrainians and 6.9% others, see http://www.csb.gov.lv/dati/latvijas-iedzivotaji-teritorialais-izvietojums-28319.html.

Activity 4.6

Study the actions undertaken by the Baltic States (Estonia, Latvia and Lithuania) to implement the UN Convention as summarised in the EU Disability High Level Group Reports. What are similarities and what are differences? Choose the actions undertaken by one of the Baltic States and compare them to (1) the actions by one of the EU-15 (for example, Estonia and Finland), (2) the actions by one of the post-communist countries (for example, Lithuania and Poland).

Activity 4.7

In the Reply of Latvia by the Ministry of Welfare of the Republic of Latvia (see Exhibit 4.4) “insufficient financial resources due to the current economic situation” are mentioned as the main obstacles to the implementation of the CRPD. Could ‘insufficient financial resources’ also be explained, at least partially, by other reasons such as corruption and especially on grand corruption or state capture (see Exhibit 4.1.), mismanagement of resources, misunderstanding of disablement, lack of in-
In the *Reply of Latvia* by the Ministry of Welfare of the Republic of Latvia “[t]he involvement and encouragement of the private sector in implementation of the UNCRPD principles can also be seen as a challenge” (p.3). Is there something intrinsic to ‘the business case’ as opposed to ‘the social justice case’, making the implementation of the Convention challenging? What does the concept of equal opportunities mean for the business case? Is it still valid?

### 4.4. Mainstreaming Disability

#### 4.4.1. The Social Justice Case versus the Business Case?

Kirton and Green (2010) indeed point to the shift in the equality agenda from the liberal and radical approaches of the 1970s and 1980s to the diversity approaches of the 1990s and an integration of approaches in the 2000s (Chapter 5, *Theorizing Policy Approaches to Equality and Diversity*, pp.117-40). However, they “believe that it is important to understand how traditional concepts of equality live on in contemporary DM [diversity management] policy and practice, even if the label and rhetoric have changed” (p.117). They stress that it is important to distinguish different types of equality and how they relate to specific approaches, on what principles they are based, what are strategies and methods used (Table 4.3).

<table>
<thead>
<tr>
<th>Approach</th>
<th>Principle</th>
<th>Strategy</th>
<th>Method</th>
<th>Type of Equality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberal</td>
<td>Fair equal opportunity</td>
<td>Level playing field</td>
<td>Policy statement, equality proof recruitment and selection procedures</td>
<td>Equality of opportunity</td>
</tr>
<tr>
<td>Positive action</td>
<td>Assistance to disadvantaged social groups</td>
<td>Monitoring, pre-entry training, in-service training, special courses, elevate equality within man-</td>
<td>Equality of opportunity</td>
<td></td>
</tr>
</tbody>
</table>

Table 4.3. **Comparison of equality and diversity approaches**
### Ability not disability in Workplace (AnDiW)

<table>
<thead>
<tr>
<th>Approach</th>
<th>Positive Action</th>
<th>Management</th>
<th>Moving towards equality of outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strong</td>
<td>Positive preference to certain groups</td>
<td>Family friendly policies, improve access for disabled, make harassment a disciplinary offence</td>
<td>Equality of outcome</td>
</tr>
<tr>
<td>Radical</td>
<td>Positive discrimination or affirmative action (more radical forms of positive action)</td>
<td>Proportional equal representation</td>
<td>Preferential selection, quotas</td>
</tr>
<tr>
<td>Diversity</td>
<td>Maximize individual potential</td>
<td>Use employee diversity to add value</td>
<td>Vision statement, organisation audit, business-related objectives, communication and accountability, change culture</td>
</tr>
</tbody>
</table>


The liberal approach to equality “is predicated on a philosophy of ‘sameness’ – the idea that people should have access to and be assessed within the workplace as individuals, regardless of social group” (p.118). “Notions of the free market are central to the liberal approach to equality and therefore, equality policy within the liberal approach is focused on positive action [which] involves implementing measures to remove obstacles to the operation of the free labour market and to meritocratic competition” (p.119).

Positive action at the level of strategy means assistance to disadvantaged social groups and at the level of method it might include monitoring, pre-entry training for disadvantaged groups such as disabled persons, “equality training to teach recruiters how to use non-biased procedures and methods in recruitment and selection” (ibid.) and so on. In the case of strong positive action the strategy would be to “give positive preference to certain groups” and among methods used – to improve access for the disabled persons. This kind of liberal approach based on the strong positive action principle already moves towards equality of outcome.
In contrast to the liberal approach, “the radical approach emphasizes the need for direct intervention in order to work towards not only equality of opportunity, but also equality of outcome. This means that the objective is not only to achieve fair procedures (as in the liberal approach), but also to achieve fair distribution of rewards” (ibid.).

The focus of the radical approach is “not on individuals, but on groups, recognizing that while discrimination affects individuals, it is at the group level that systemic discrimination can be identified” (ibid.). The radical approach is based on the principle of positive discrimination or affirmative action and the strategy is to obtain a fair distribution of disadvantaged groups in the workplace. One of the main methods used within the radical approach is the imposition of quotas in order to ensure the equality of outcome.

Exhibit 4.5: Employment Quotas for Disabled People

Given the use in many EU-member states of quota-obligations this is an important aspect of how countries are trying to integrate disabled people into the labour market.

There is a lack of clear consensus or convergence in this area, and recent years have seen European countries moving both towards and away from disability quota systems (e.g. the introduction of a new quota system in Cyprus and the abolition of a previously un-enforced quota in the United Kingdom). Quota-systems arrangements are very diverse arising from different historical backgrounds. However, it is important to be aware of the dilemma between intervention that ensures jobs and the risk of unequal treatment for disabled employees arising from quota job placements. There is also some tension between the maintenance of quota systems and the shift towards rights-based employment policies (such as those required by the EU Employment Directive).

The majority of European countries maintain some form of employment quota obligation relating to disabled people. These include: Austria, Belgium, Bulgaria, Cyprus, The Czech Republic, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxemburg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia and Spain. There is no effective quota system in Denmark, Estonia, Finland, Iceland, Latvia, The Netherlands, Norway,
Sweden or the United Kingdom.

Waddington (1996) has divided European quota systems into three basic models and Gundersen (2008) confirms that they are still valid:

- **Legislative recommendation with no sanction:** Employers are not obliged to employ a set percentage of workers with disabilities, but it is recommended that they do so.

- **Legislative obligation without effective sanction:** An example of this quota system was that adopted by the United Kingdom after the Second World War. The Quota Scheme required private employers with 20 or more employees to have at least 3 per cent of their workforce made up of registered people with disabilities, and through the Reserved Occupations Scheme, under which two occupations – passenger electric lift attendant and car park attendant – were designated as reserved to persons with disabilities. It was not an offence for an employer to be below the quota, but it was an offence to recruit a non-registered person when below the quota or where doing so would bring the employer below the quota, without an exemption permit. An employer who committed such an offence was subject to a fine or a term of imprisonment of not more than three months. The quota was abolished in 1996.

- **Legislative obligations with sanction (levy-grant system):** According to Waddington, the levy-grant system is “the form of quota which has attracted most interest from those countries which have sought to introduce or modify a quota system in the 1980s and 90s. It involves setting a quota and requiring that all covered employers who do not meet their obligation pay a fine or levy which usually goes into a fund to support the employment of disabled people.”

Within this framework the legal existence of quota-systems is no guarantee of full implementation as intended, and there are national differences with regard to the definition of disabled workers counting for quota places. This depends on mechanisms of implementation and enforcement of the legal decision. In Austria, for example, it was estimated that only 30% of companies complied with the quota norm of 4% in 2002.

In Spain ‘only 14% of business larger than 50 workers were meeting the
requirements’ in 2008 (Spanish National Report). Even in the public sector there have been difficulties in meeting implementation obligations. For example, in Ireland it has been necessary to reiterate the obligation, and ‘a fresh commitment to ensure that the quota for the employment of people with disabilities in the public sector was met’ was included in an agreement between the government and social partners (Irish National Report). The size of the companies obliged to employ quotas, and the number to be employed, also varies between the countries.

At the level of individual companies there may be opportunities for trading quota places. For example, in the Czech Republic companies may reduce the minimum number of disabled people to be employed, or the levy to be paid, if they buy products from other companies with more than 50% disabled employees.

In several countries (e.g. Poland, Austria, Germany and France) the financial levies derived from employers not fulfilling quotas are invested in a national fund with the aim of increasing employment for disabled people (such as the National Rehabilitation Fund in Poland). However, there is also evidence of an absence of practical enforcement or financial sanctions in some countries (e.g. Belgium National Report).

There is some concern that quota positions are often filled through internal rather than external recruitment, and that employers’ fulfilment of quota obligations is most likely to target those disabled people who are closest to the labour market. One argument for quotas is that they can make work accessible.

To conclude, it seems in general that sanctions can be important in determining if quota-systems will work as intended (Gundersen, 2008).

A risk of cream-skimming * also exists with regard to quotas, i.e. that those closest to the labour market will be offered jobs first, making it easier to fulfil the obligation. The size of deadweight loss attached to this is not known, but emphasises the ambiguity in this area.

Comment

Discussing the assumptions underlying quota systems in Europe, Waddington (1996) says that such systems are based on the belief that, without
some form of legislative intervention, people with disabilities would not make up even the specified percentage of the workforce:

Quotas are based on two related assumptions: (i) that employers will not hire large numbers of disabled people unless they are required to do so, and (ii) that most disabled people are unable to compete for jobs with their non-disabled counterparts on an equal basis, and win them on their merits. In short, the assumption that disabled workers are less valuable and less productive, and that, if such workers are to be integrated in the open labour market, employers need to be obliged to hire them, and sometimes even financially compensated for doing so.

Numerous employers have taken their cue from the legislation, and accept these assumptions. This is reflected in the fact that many employers resist the idea of, and obligations under, quota systems, and frequently “buy” themselves out of their obligation where this is an option, preferring to employ a largely non-disabled workforce. The history of the European quota systems amply demonstrates that an employment system which is based on the idea that the protected group of workers are inferior cannot achieve permanent and significant success, since employers will attempt to evade their obligations to employ such workers (p. 71).

A study for the European Commission (EC 2000), which looked at employment policies for disabled persons in eighteen industrialized countries, found no examples where quota systems achieved their targets. Acknowledging the arguments that quota systems produce resources from levies or fines which can be used to support other employment development measures, and that in some cases sufficient disabled people may not be available to enable employers to meet their quotas, the study concluded: “... it is clearly the case that in most countries the tide is swinging away from quotas – either for their abandonment altogether (as in the United Kingdom), or for other measures (active employment support for individuals and/or stronger anti-discrimination laws) to be given higher profile and greater force” (p. 207).

* This is that those most easy to place will be supported first. This is not only the case within the quota system, but also in relation to other aspects of labour market integration. This is a general issue in relation to using especially economic incentives to integrate people at the labour market, and, this needs very careful attention in the way systems and policies are implemented. However, it might be argued that integrating those most easiest to integrate can pave the way for others, and, a
successful integration can be used as a good example.

References


Activity 4.8.

What are employment quota obligations regarding people with disabilities in your country? How could you evaluate the effectiveness of these obligations? If in your country there is no quota system, name a few positive as well as negative aspects of such a policy for people with disabilities.

In conclusion of the discussion of liberal and radical approaches, Kirton and Green (2010) point to the fact that both approaches have been criticised for being “too simplistic, underestimating the complexity of organisations. The reality is that employee interests are heterogeneous, meaning that it is difficult to conceive of an equality policy that would meet the needs of all and be felt fair by all” (p.124) Therefore, “a possible move away from traditional approaches is seen in concepts of diversity or ‘difference’” (ibid.).

As discussed at the beginning of this chapter, businesses and their organisational policies are influenced by wider social, economic and political processes going on not only within a particular country but also at the global level. Thus, the main trend of the 1990s was towards managing diversity or diversity ap-
proaches. Kirton and Green (2010, p.127) quote Kandola and Fullerton (1998) on the main principles and aims of diversity approaches:

The basic concept of managing diversity [diversity management] accepts that the workforce consists of a diverse population of people. The diversity consists of visible and non-visible differences which will include factors such as sex, age, background, race, disability and work style. It is founded on the premise that harnessing these differences will create a productive environment in which everybody feels valued, where their talents are being fully utilised and in which organisational goals are met.

There are four essential dimensions of the diversity approach. First, “at the heart of diversity approaches lies the premise that difference should be positively recognized, nurtured and rewarded” (Kirton and Green, 2010, p.127). Second, “difference is viewed as being individually based” (ibid.). Third, “a diversity approach aims to meet organisational goals. In this sense it is a business-driven approach, rather than one underpinned by broader notions of social justice” (ibid.). Finally, “the diversity approach is presented as not only concerned with numerical representation of different ‘types’ of employees, but as an attempt to change the culture of organisations” (p.128). Drawing on Rees (1998), Kirton and Green stress this last dimension since it can be viewed “as facilitating more ‘mainstreaming’ of equality (i.e. equality issues being included in every part of strategy and policy, rather than simply having dedicated equality policies)” (ibid.). Thus, if we sum up diversity approaches in relation to the concept of equality as it was presented in the Table 4.3, then it could be said that the main principle of the diversity approach is based on the idea of maximising individual potential; the strategy of this approach is based on the idea of using employee diversity to add value; one of the main methods is to change organisational culture where equality means profit aligned with organisational objectives.

However, as Kirton and Green notice, there are “too many cases when it could be argued that it will not pay to pursue diversity. If organisations are only going to introduce diversity policies if they have a business end, surely we can think of many instances when the customer, supplier or employer preference may be for a homogenous workforce” (p.131). And they posit questions:
“What happens in times of economic downturn? What happens if a return on investment cannot be proven? What happens if the nature of the firm and its markets simply mean that employee diversity does not add value?” (Ibid.)

Exhibit 4.6: Disability and Diversity – A Difference Too Far?

Woodhams and Danieli (2000) clearly illustrate the difficulty of the business case for diversity in relation to disabled employees. Disability is perhaps the most obvious example of the deficiencies of the diversity approach. Paradoxically, disability is also the most obvious example of where individual differences are most salient because impairment is necessarily individual. Yet, in the case of disability, it would be hard to justify diversity policies in purely business case terms because the degree of individuality inevitably leads to increased costs in identifying and implementing policy measures. Therefore, the conclusion we must draw is that a diversity policy has to have at least a degree of focus on groups. Woodhams and Danieli’s analysis is important in touching on the inherent contradiction within the rhetoric of diversity. This is that the business case for recognizing diversity is prioritized; however, if this is conceptualized solely as concerned with individual differences, identified and dealt with on an individual basis, then it becomes very difficult to make a viable business case.

Reference


Equality policies based on the idea of ‘sameness’ “often aim to make workers from disadvantaged groups fit the dominant norm, while a focus on ‘differences’ only seems to further reproduce the disadvantage faced by those groups” (Kirton and Green 2010, p.135). Kirton and Green stress that “neither the equality nor the diversity approach in practice is transformative enough” (ibid.), therefore it is important to seek for an integration of approaches which would be based on the idea of greater equality, i.e. “to ensure that the traditional equality paradigm underpins the newer diversity approach. Recognizing individual differences within groups and people’s different and changing
needs over time becomes a ‘bonus’ if basic equality work is being done” (p.136).

**4.4.2. Equality, Diversity and the Law**

The same development from the universal ‘sameness’ through the specific ‘difference’ to the multidimensional disadvantage, though strictly viewed as deepening of the concept of equality – “from a concept of formal equality to a concept of multidimensional disadvantage equality” (Arnardóttir, 2009, p.41) where “equality and non-discrimination connote the same idea and can be seen as simply the positive and negative statements of the same principle” (Arnardóttir, 2009, p.43) – can be traced in the legal discourse. On the one hand, as Ambassador Don MacKay, who chaired the Ad Hoc Committee negotiating the Convention, stressed, “theoretically there was no need for a new convention, because the existing human rights instruments apply to persons with disabilities, in just the same way that they do to everyone else” (qtd. in Arnardóttir, 2009, p.46). On the other hand, Don MacKay continues, “[t]he reality, unfortunately, has not followed the theory. [. . .] This does not mean that States have deliberately avoided their obligations. But many of the obligations under other instruments are set out in quite a broad and generic way, which can leave grey areas for their practical implementation in respect of particular groups” (ibid.).

The theoretical equality model informing the present era running from the mid 1990s to date can be characterised as “a contextual approach that focuses on the asymmetrical structures of power, privilege and disadvantage that are at work in society” (Arnardóttir, p.54) (See Exhibit 4.7). Its aim is to achieve the equality of results or equality of outcomes, as Kirton and Green on diversity management put it. Arnardóttir emphasises that this contextual approach “has been elaborated as a response to the weaknesses of the other approaches that frame questions of equality in terms of the comparative concepts of sameness or difference” (ibid.).
Exhibit 4.7: Multidimensional Disadvantage Equality
From the mid 1990s to date

The current era of the theoretical development of the principle of equality has been characterised by the strengthening of protection against discrimination, an increased awareness of the complex structural social factors that intervene in the playing field that the law previously presumed was neutral and an increased awareness of how individual and group identities that create vulnerabilities to discrimination are multidimensional. Therefore, this present era can best be described by reference to the concepts of *multidimensionality* and *structural disadvantage*. 

The theoretical equality model informing this era can be labelled the substantive disadvantage model. It is a contextual approach that focuses on the asymmetrical structures of power, privilege and disadvantage that are at work in society. It aims clearly at the equality of results and the eradication of practices and policies that increase or maintain disadvantage. It does not see tools and techniques to achieve this change as exceptions from the main rule of identical treatment but as simply sometimes required to eliminate discriminatory social and political structures. This is a similar take to that of the *difference approach*, but its ingredients are taken to their fullest capacity. This approach has been elaborated as a response to the weaknesses of the other approaches that frame questions of equality in terms of the comparative concepts of sameness or difference. It has been developed in the feminist scholarship proceeding to move forward from the focus on sameness or difference *per se* onto the structural or systemic consequences of gender. In a wider context than that of gender discrimination it can be argued that theories of social construction generally form the backbone to the *disadvantage approach*. The disadvantage approach clearly rejects the focus on individualism and the laissez-faire state inherent in the *formal approach* as they may be conducive towards maintaining discrimination. Correlative in human rights discourse is an increased emphasis on the positive role and positive obligations of states.

It has decisively established that the concept of discrimination can be approached from the perspective of a lack of reasonable accommodation and/or from the perspective of indirect discrimination analysis. It has also proved to be rather open to affirmative action programs, applying a fairly relaxed objective justification test to such programs when challenged as
discriminatory. The underlying premise of the CRPD is that the universal principle of equality needs adaptation to the realities of specific groups that are vulnerable to discrimination. This simply calls for departures from formal symmetrical equality, not as an exception, but as a logical requirement to effectuate the true substance of the principle of equality and non-discrimination itself.

This is expressed clearly in the operative provisions of the CRPD itself. Article 2(4) defines discrimination with reference to the concepts of direct and indirect discrimination (purpose or effect), as well as with reference to denial of reasonable accommodation. Reasonable accommodation is defined in Article 2(5) as necessary and appropriate modification and adjustments, that do not impose a disproportionate or undue burden, where needed in a particular case. Reasonable accommodation is therefore directed towards real persons in real life situations. Framing the concept of discrimination in terms of a denial of reasonable accommodation with reference to individual cases clearly establishes an individual right to reasonable accommodation.

Further, Article 5(3) stipulates that in order to promote equality and eliminate discrimination States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided. The CRPD, therefore, clearly establishes a positive obligation upon the States Parties to act to accommodate for disabilities on an individual basis where relevant. Article 5(4) also legitimates affirmative action programs as it stipulates that they shall not be considered discrimination under the terms of the Convention. It, however, does not go as far in the direction of elaborating a positive obligation to adopt them, as it does in the context of reasonable accommodations. Therefore, it remains to be seen whether the Committee on the Rights of Persons with Disabilities will construe the CRPD as entailing a positive obligation to enact affirmative action programs and how it will construe the dividing line between the clearly justiciable individual rights claim of denial of reasonable accommodation under the Convention and the more elusive constituency of affirmative action. The whole issue will have to be approached from the perspective of an informed awareness that the international human rights law of the present era generally places an ever increasing importance on the positive obligations of states as a necessary element of the effective protection of human rights. Correlative is the realisation that positive obligations are a necessary component of effective protection against discrimination. It is nevertheless also clear that transfor-
The current approach to affirmative action programmes generally settled upon in the case law of the international monitoring bodies is a middle ground between the more moderate and the more transformative approaches to equality, allowing the programmes that states may choose to adopt, and even possibly subjecting them to fairly lenient objective justification scrutiny when challenged, while not asserting, in the context of judicial or quasi-judicial review, a positive obligation to enact them. This, of course, may possibly change in future with regard to particular discrimination grounds and in particular contexts, but it is foreseeable that to the extent that this may exceed reasonable individual accommodations, the monitoring bodies will be very careful in transforming the more programmatic and abstract notions of a positive obligation to promote equality and combat structural disadvantage through affirmative action into justiciable individual rights.

A further characteristic of the present era is the development of the concept or practical tool of *mainstreaming*. Gender mainstreaming has been defined as: “. . . the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making*. The concept of mainstreaming can obviously refer to other equality perspectives *mutatis mutandis*, and has indeed informed claims to the mainstreaming of other perspectives as well. For example, the Council of Europe Action Plan on disability places great emphasis on mainstreaming disability within its human rights framework and in all policy areas** and the UN is increasingly looking towards mainstreaming a disability perspective in various areas of activity.***

The focus on mainstreaming which has carried the day in equality discourse during this present era can be argued to have provided a practical and less radical solution to the impasse of the ideological controversies about affirmative action which characterised the previous era somewhat. In the context of gender equality, Jill Lovecy has argued that the mainstreaming approach does not claim to radically change the composition of actors normally involved in policy-making, but provides instead: “a pathway for integrating gender perspectives into the established institutional framework, personnel and organisational procedures of policy-making.”****
It is also noticeable that the mainstreaming approach generally does not come equipped with clear individual rights claims or active enforcement mechanisms in law, which of course confirms its non-threatening conciliatory input into the old controversies about affirmative action in mainstream legal discourse. Awareness of the concept of mainstreaming, nevertheless, puts in sharp focus how social structures and decision making processes can in countless covert ways function to maintain disadvantage and marginalisation. From a legal realist perspective, it seems obvious how this awareness can profoundly influence how a judge might approach and analyse a claim of discrimination.

Finally, the current era has also been characterised by an increased awareness of the limits of traditional non-discrimination law that usually analyses discrimination cases in terms of the sameness/difference/disadvantage experienced on basis of only one identity marker at a time. As individuals are multidimensional and belong to more than one group at the same time (e.g. a black woman with a disability), the intersection of her identity markers can create unique synergetic vulnerabilities to discrimination. It has been pointed out how traditional non-discrimination law misses this complexity of human identity and human experiences and can therefore leave the most serious forms of discrimination undetected in the margins. The CRPD places great emphasis on the issue of multidimensional equality.

The preamble, letter p, expresses concern about the multiple or aggravated forms of discrimination often faced by persons with disabilities on the basis of the combination of disability with their race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status. Article 6 in the operative part of the Convention also specifically addresses the multiple discrimination faced by women and girls with disabilities and requires states to take all appropriate measures to ensure the full development, advancement and empowerment of women.

In conclusion, the present era, characterised by the key themes of disadvantage and multidimensionality, is concerned with the themes and concepts of equality associated with the previous era. These themes include the further development of positive state obligations in the context of equality, departures from formal symmetrical equality and the development of the concepts of indirect discrimination, reasonable accommoda-
tion and affirmative action to correct for factual inequalities. The current era is, however, additionally informed by a deeper understanding of structural disadvantage.

This moves the focus of attention from the individual herself as the “problem” the law should address and correct for onto social factors that function to keep marginalised groups in the margins. This strikes through to the legal regulation and legal practice in the form of enhanced protection against discrimination for structurally disadvantaged groups. Thus, the principle of equality in the international human rights law of today, while not abandoning the ideal of universal equality for all, recognises that equality itself needs to be developed and tailored to the specific realities and experiences of those whom it is supposed to serve.


**Activity 4.9**

What is the main difference between equality and diversity approaches in management and the concepts of equality based on sameness or difference in the legal discourse? In the context of legal contextual approach, how could you comment the difficulty of the business case for diversity in relation to disabled employees discussed in Exhibit 4.6?

Disability mainstreaming, as Greve (2009) stresses, “is important to create ordinary employment opportunities and achieve equality” (p.19). He argues that even if mainstreaming “has been increasingly advocated and developed in
European countries,” it is “still inadequately recognised in government employment strategies and plans” (ibid.). He concludes that it “is essential to develop greater knowledge about concrete implementation and its outcomes for disabled people” and that “it is important to recognise the importance of accessibility in achieving mainstream employment opportunities for disabled people” (p.20).

4.5. People with Disabilities and the World of Work

While entry to workforce (paid work) by people with disabilities can be seen as an important strategy to combat social exclusion, it has to be stressed that even the eradication of cultural, social and environmental barriers “will not generate a society in which all people with impairments are able to ‘work’” (Barnes and Roulstone 2005, p.316). We will discuss later the reasons Barnes and Roulstone place quotation marks around the word work when elaborating on the concept of work, but now we will turn to the structure of employment which has direct implications for people with disabilities, as Abberley (2002) stresses.

Abberley (2002) points to the fact that because jobs are “designed around the capacity, stamina and resources of the overage worker, nine-to-five, five day a week employment” (p.130.) they are “incompatible with the needs of a wide variety of citizens” (ibid.). Besides, as Nordenfelt (2010) reminds us, to work professionally one must have specific internal conditions of work, including (a) overall competence (further divided into technical, general and personal competences) for the job, including knowledge and skills, as well as abilities belonging to the toleration category, abilities belonging to the courage category and other virtues necessary for fulfilling the tasks of the job; (b) qualifications for having and performing the job; (c) executive ability to perform the job and (d) willingness to take and perform the job. The ability to work Nordenfelt (2010; 2008) outlines is of course the ability to work in deindustrialised societies where, on the one hand, “rapid decline in manufacturing employment, has generated large numbers of jobless who are particularly difficult to reintegrate in the new expanding service economy” (Bonoli 2009, p.35), on the other, the
new service-based labour markets emerge characterised by strong polarisation between “high-skill, high-wage sectors (finance, information and communication technology, producers’ services) and low-skill, low-wage activities (retail trade, hotels and restaurants, personal services)” (ibid., pp.35-36). Or as Abberley (2002, p.131) puts it:

With accelerating technological change and the globalization of markets, for the less skilled, future prospects of stable employment look bleak, whereas for those possessing qualifications three or four career changes in forty years do not seem unlikely. Both these tendencies make the prospects of inclusion in the permanent labour force, and consequent citizenship status, more problematic for disabled people.

While there are and always will be a wide range of people with disabilities whose ability to work are not only excellent but sometimes extraordinary, the majority of disabled people are rather poor, possessing low skills and the type of jobs offered to them if at all are “low status, low waged occupations with poor working conditions and few opportunities for advancement” (Barnes and Roulstone 2005, p.322).

4.5.1. Deindustrialisation, Active Labour Market Policies and Disabled People

Countries responded to deindustrialisation, as Bonoli (2009) points out, in rather different ways: “Generally speaking, they developed new policies that were in line with their long-standing political economy and welfare state traditions. For English-speaking countries, the dominant policy-orientation was labour-market deregulation and liberalization; continental European countries strengthened employment protection and income replacement programmes (especially early retirement) so as to reduce labour supply and open unemployment; Nordic countries, finally, developed an approach based on the expansion of employment through active labour market polices and public social services” (p.36). In relation to the second postindustrial challenge, tertiarization, i.e. emergence of a service-based economy, these three strategies “fare very differently” (ibid.). He explains:
First, in a service-based economy, labour market liberalization generates stark inequalities and social problems for those at the bottom of the wage distribution. This is the trajectory followed by countries like the United States or the UK. Second, employment protection and generous labour market exit provision, for example in the shape of early retirement schemes, result in barriers to employment for low-skill workers and high labour costs, which in turn produce high rates of unemployment. This is the root of the employment problems faced by countries like Italy, Germany and France. Finally, whether through wisdom or luck, the response to deindustrialization that seems to fit best in the current service-based employment structure is the one adopted in the Nordic countries. Active labour market policies and public social services are a clear asset in managing a labour market that tends to be polarized. ALMPs allow the up skilling of workers, and social services, especially in the fields of childcare and elderly care, facilitate women’s employment.

**Exhibit 4.8: Active Labour Market Policies and Disabled People**

Active Labour Market Policy (ALMP) is a core aspect of the European Employment Strategy. The aim has been to transfer the use of passive support to active help for integration of people in the labour market. Looking at equality in society for disabled people, the implementation of an effective ALMP is thus extremely important. ALMPs that make it easier for disabled people to enter or remain in the labour market thus help in achieving the goals of the European Employment Strategy (EMCO 2005).

**What are the elements in ALMP for disabled people**

ALMP can have an impact both in relation to the demand and the supply of labour from disabled people. Education and training, assistance in the workplace and employment services can often be seen as focusing on the supply side, however, in relation to disabled people support services have often promoted the demand side (e.g. by economic incentives, raising awareness, corporate social responsibility, obligations to employ, shel-
Active labour market policy to include disabled people normally distinguishes between the following elements: (a) regular employment; (b) sheltered employment; and (c) other rehabilitation and training.

The outcomes may thus range from full integration into the labour market, including the core of the labour market, to various types of employment on the margins of the labour market.

The ALMP’s instruments range from economic support to lower wage costs, support to create accessibility in the workplace, job coaches, job-counselling, legislative support including quotas, rights to interview, prohibition of discrimination, etc.

Activation is in many countries also connected with accommodation in the workplace as a way of combining different types of policies for disabled people. The range of types of support available at work for disabled people is broadly equivalent across countries but varies very considerably in terms of emphasis and implementation. A recent study identified support related to the kind of work available (40%), general support and understanding (12%) and assistance with mobility (10%) (Applica & Cesep & European Centre 2007).

Supported employment – pathway to ordinary employment

Supported employment is very differently organised, structured and financed in different European countries. However, in general, it seems that long-term support is important, and that job and work experience placement is central to achieving a job in the labour market (see e.g. Spjelkavik and Evans 2008). Sweden seems to have had some success in using supported employment by emphasising three problematic phases of the complex process that persons with impairments face in trying to become established within the market: (1) reaching employment, (2) to be employed and (3) keeping employment.

To “reach an employment” means that the person is active, and maybe
with some kind of help and support, acquires competence for the job. Here, the person has, through his/her own energy and motivation, shown an interest and in several cases got an education and can even show other qualifications for employment on the market. A period of job training is also required in preparation for entrance to the job market.

“To be employed,” means that an employer employs a person with an impairment and as a rule receives a wage subsidy from the government for this. The person is now employed and is no longer in training for a job. But they may then be on trial. The work that the person performs is a necessary job that has to be done at a place of employment and which could be performed by a person without impairment. It is possible to formulate a job description and to give a title to the specific job function. The employee with impairment is needed for his/her capability and competence.

“To keep employment,” means that the person with an impairment continues to want to work and considers himself/herself capable to work. It also means that the employer protects the employee, and sees the employee as an important person for the job to be carried out, the quality of the work and for the working environment. The employee with impairment (as for other employees) can receive an increase in salary through his/her contract; receive opportunities for training or education in order to raise their competence and to develop through employment. The person is the same “as everyone else”, there is a job description and a professional title. She/he is a natural part of the team, a colleague the same as other colleagues.

An important part of supporting a person’s employment is to provide accommodation in the workplace. For example, in Germany, workplace adaptations, provision of specialist equipment and adaptive technologies at work, personal assistance and flexible employment contracts are all available to disabled employees and their employers. However, ‘The benefits and services are highly individualized, but require formal application, bureaucratic procedures and sometimes also means testing’ (German National Report). Thus, even when ALMP and support is offered, it may be difficult to realise in practice. This view is further confirmed by existing da-
ta. In relation to coverage of the instruments used in ALMP, only a limited number of persons receive support. Based upon data from the Labour Force Survey in 2002, 15.7% of working disabled persons in the EU-15 were receiving assistance to work, and this was even lower (11.4%) in the new member states (Eurostat News Release, 142/2003). In order to use the support, it may therefore be important to implement ‘disability management’ to ‘support the reintegration of employees, whose ability to work is threatened due to the onset of a chronic disease or an impairment’ (German National Report). Supported employment is thus a way of reducing barriers to entering, or ensuring that a person can remain in, the labour market as it lowers the direct cost for the employers. There may, however, also in this case be deadweight loss attached to the use of the instrument.

**Evaluation and effectiveness of ALMP**

Evaluation is particularly important in assuring practical implementation and best outcomes for disabled people. However, due to complexity of the issues, knowledge on the effectiveness of interventions and support, including different approaches, is limited. Evidence-based conclusions regarding employment effects for disabled people are often lacking due to poor programme-participation statistics, or a lack of monitoring and follow-up studies. For at least some disabled people, the road back to the labour market will be challenging and long-term outcomes are as important as short-term transitions. The implication is that even very successful projects might have, when compared to more traditional mainstream ALMP activities, less convincing results. This is especially the case when only measuring the effect in terms of numbers in employment.

It is thus difficult to shed light on the overall impact of ALMP for disabled people, and few countries reveal robust data. If data does exist, it consists predominantly of the number of participants and expenditure. Both labour market barriers and failure to activate disabled people into employment interact in outcomes. So, even if effective ALMP are in place this alone may not produce results. In some cases, one might learn from evaluation of more general programmes, as when the activities are mainstreamed
would inform about the possible outcome.

Such an example is the evaluation of a training vouchers scheme in Germany, which showed that even though this increased the position of the unemployed, it did not increase choice, and, in fact could lead to reduced quality of training (Hipp and Warner 2008). Furthermore, vouchers like other types of ALMP always have the risk of cream-skimming, noted earlier, i.e. that those closest to the labour market will be offered a job first (Greve 2003). Thus outcome evaluations should be contextualised, where possible, in relation to participant employment histories, education, gender and impairment for example.

There is clearly a need to set a framework for the standard of projects, including how to evaluate these types of activities. An example of work that can be used as a starting point is provided by the European Union of Supported Employment (EUSE) who presented a framework for quality standards for providers in a booklet on the process of supported employment (engagement, vocational profiling, job-finding, employer engagement, on/off job support). This includes aspects on quality standards in various fields, connected indicators and possible sources of evidence. While not all projects and activities might be able to gather information on all aspects, this provides a useful starting point for reference.

References

- Hipp, Lena and Warner, Mildred (2008), Market Forces for the Unemployed? Training Vouchers in Germany and the USA. Social Policy & Ad-
Activity 4.10

Read the following excerpt from the national overview of corporate social responsibility (CSR) in Denmark by Mette Morsing (2005, pp. 25-27). Recently the Danish welfare model has come under pressure. In the 1990s, the Danish state supported almost 25% of the able-bodied population. A large number of people found difficulties in maintaining a stable relation to the labour market and this created social exclusion for those people who were unable to live up to normal workforce standards, e.g. handicapped, elderly, ethnic minorities and socially marginalised people. This meant a major increase in public expenditure and created an unsustainable pressure on the welfare system. In 1995, the Danish minister of social affairs, Karen Jespersen, in the then social-democratic government, was the first to call for corporate assistance in meeting the challenge, and for constructing a Danish agenda for CSR in what she referred to as “the inclusive labour market strategy”. The ideal was social cohesion, and the means were to mobilise private companies and social partners in “social partnerships” to address the problems of unemployment and social exclusion. A comprehensive campaign labelled “It concerns us all” was initiated by the social minister in 1994, which tied together labour market and social issues and encouraged partners in the private as well as the public sector to join the forces.

One outstanding Danish company inspired Karen Jespersen initially. Grundfos (www.grundfos.com) is a major producer of hydraulic pumps and the company had for a number of years shown how a company...
can contribute to solving societal problems whilst serving its own agenda. Grundfos has established a number of special workshops for people with reduced work capabilities [due to physically, mentally or socially related reasons] that serve to integrate these people from the local community into the workplace, whilst contributing to the maintenance of a flexible workforce, and the minister realised that in order to rectify social exclusion, employers had to understand not only their moral obligation but also their advantages in creating special working conditions for this group of people. For a company like Grundfos, a flexible workforce is important in the prospective of a future labour shortage and for Grundfos there is a profound interest in integrating a larger number of people in the workforce. For Karen Jespersen it was vital for the inclusive labour market strategy, that it was more than an expression of corporate philanthropy: “the companies had to show more than the desire to do good. It was not merely a question of asking companies to do more but of finding ways in which the political system and the companies might join forces in addressing fundamental societal problems. Hence, the point was to build the dialogue and cooperation between the political system, the companies and the local authorities. Partnerships were the essence” (Thyssen 2003).

References


In the beginning of her overview Mette Morsing asserts that in Denmark, “the notion of corporate social responsibility appears to raise modest expectations” (p.23), and as one of the reasons she mentions is the claim by many Danish company managers “that acting socially responsible has always been an inherent part of the company culture” (p.24). How do you think, to what extent the Grundfos example justifies such a claim?

Overall, entry to the paid work by people with disabilities can be seen as an important strategy to combat social exclusion, thus allowing “for the integra-
tion of perhaps a substantial proportion of any existing impaired population into the work process, but only in so far as there is a happy conjunction between individual’s impairment, technology and socially valued activity” (Abberley 2002, p.135).

4.5.2 The Concept of Work

While significant changes in society at large and the labour markets can be observed, there are some changes in understanding of the concept of work itself. Barnes and Roulstone (2005) point to some developments starting with the concept of domestic work, elaborated within the feminist scholarship, though for disabled people “this re-conceptualisation must go much further because although many unemployed disabled people, both female and male, do housework, and have childcare, and/or ‘caring’ responsibilities many do not” (p.322-23). Therefore, as the next step, they look at the types of work associated with ‘illness’ management such as

- (1) *illness work*, including activities like organising and administering medication, doing physiotherapy, and so on;
- (2) *everyday work*, such as household tasks and interactions with family and professionals;
- (3) *biographical work*, involving strategies that disabled people adopt in order to incorporate impairment into their everyday lives. This might involve developing ways of making sense of their condition and explaining it to others. (Barnes and Roulstone 2005, p.323)

Even more, as Barnes and Roulstone stress, “Disabled people and their organisations have long since recognised that living with impairment in a disabling society involves a great deal of effort and work” (ibid.). As evidence for this kind of work they mention “the various guides and handbooks now available for the recruitment of personal assistants (PAs) to enable people with ‘severe’ impairments achieve an independent lifestyle” (ibid.), where the work that PAs might have to do can be divided into “distinct but related categories: personal, domestic and social” (ibid.).
Barnes and Roulstone emphasise that “disability and related benefits are not passive in the sense that they go straight into the recipient’s pockets, they are circulated throughout the economy in terms of generating employment, goods and services” (p.324). They point to the fact that “many disabled people, although technically ‘unemployed’ themselves, are now employers” (ibid.), meaning among other things, that “many PA users employ as many as five or six people over the course of a week” or that in general “increasingly large sections of the workforce are employed in the human service sector” therefore depending “on disabled people and other disadvantaged groups for their very livelihood” (ibid.).

“This re-configuration of the concept of work should not be construed as an alternative to the on-going struggle for disabled people’s participation in the workplace rather it should be seen as complimentary to it” (Barnes and Roulstone 2005, p.324, emphasis added).

**Activity 4.11**

Consider the phrase ‘work for those who can and security for those who cannot’ and the following comment by Barnes and Roulstone (2005, p.322) that “in a cultural environment that generally only values and recognises paid employment as the norm, such a phrase fails to address the stigma associated with unemployment and the social and psychological consequences for those excluded from the workplace. Rather it compounds them since it implies that those excluded from employment cannot and do not work.” Could you explain the phrase and the comment by using different meanings of the concept of work?

### 4.6. Conclusion

This chapter has explored various significant shifts: first, within the field of business-government-society from simple models such as the market capitalism or the dominance to more complex ones such as the countervailing forces or the stakeholder model; second, within the European policy, from disability as part of social policy to specific disability policy based on the social model of
disability; third, from the equality approaches based on sameness to diversity approaches based on difference in human resources management and from a concept of formal equality to a concept of multidimensional disadvantage equality through a concept of specific difference in the legal discourse; and finally, from industrial societies to post-industrial ones and different strategies to cope with the effects of deindustrialisation, active labour market policies, specifically aimed at disabled people, included. It might be argued that since the shift of disability policy in the field of employment from vocational rehabilitation to equal rights, knowledge about disabled people rights has become part of overall competence for management jobs according to Nordenfelt (2010) constituting the basis for non-discriminatory practices.

**Related study courses and modules**

A general introduction into relationship between business, government and society

See for example, the 12th (or latest) edition of the textbook by John F. Steiner and George A. Steiner, *Business, Government, and Society: A Managerial Perspective* (McGraw-Hill/Irwin, 2009). Though written primarily and mainly from the United States perspective, the latest editions include not only comparative materials about other states and nations but also “business activities, ideas, and civil society networks that span borders” (Preface, p. x).

Managing diversity as an advanced course of human resources management

See for example, the 3rd (or latest) edition of the textbook by Gill Kirton and Anne-marie Green, *The Dynamics of Managing Diversity: A Critical Approach* (Oxford: Elsevier, 2010). This book provides “the theoretical and conceptual underpinning necessary to understand the changing British and European contexts of workforce diversity” (p.1) focusing on five social groups centred around issues of gender, race/ethnicity, disability, sexual orientation and age.
References


Chapter 5

Identifying good practices in the recruitment and employment of people with disabilities

*Tino Boubaris / VNB*
5.1. Introduction

The identification and sharing of good practice can be a promising approach to improve the employment situation of people with disabilities as regards recruitment procedure and access to work places. By exchanging, discussing and sharing good practice approaches, employers and human resource managers will be able to implement new strategies to recruit and employ staff that is best meeting the expectations of the company, as regards improving skills and work quality as well as managing diversity.

This module aims to present the idea of identifying and sharing good practices in the employment of people with disabilities, and how you can discover and validate good practices in your country, region, company and/or economical sector.

This module will help you to:

- Learn about the terminology, definitions and background of good practice identification and sharing
- Identify examples of good practice
- Discuss and exchange about their usability and transferability.

5.2. Terminology

**Good practice:** is a methodology or approach that has previously or currently been tested to be effective in one organization, region and/or sector, and might be effective in another one too. Especially in comparing governance styles and national policies, good practice is often seen as one activity in a more comprehensive benchmarking process.

**Best practice:** are generally-accepted methods or processes that have proven themselves over time to accomplish given issues or tasks. Compared to the use of the term “good practice”, it is questionable whether there could be a single “best” practice, since these examples are constantly changing.

**Benchmarking:** Is a systematic process of learning from the best. In reference to sharing of good practices, it is the continuous process of comparing own activities to good practices from other organisations. Organisations evaluate
various aspects of their activities in relation to good practices from other organisations, by developing plans how to make improvements or adapt specific good practices, with the aim of improving performance (i.e. in the recruitment and/or employment of people with disabilities).

**Indicators:** Indicators are used to measure a specific performance, i.e. through counting figures of stakeholders using a new practice (quantitative indicators) or interviewing stakeholders (quantitative indicators). They describe either the process or the outcome of a performance. Indicators should follow the SMART method (SMART = specific, measurable, achievable, realistic, timely)\(^{21}\)

**Peer group:** means “group of equal”. Usually used for groups of young people, in terms of project management the peer group is more likely used for interest groups, i.e. a group of people from organisations who are interested in the outcomes of a particular project.

**Stakeholder:** Is a person or a group/institution, who or which affects or can be affected by a specific activity of an organisation. The affect could be either positive or negative. By analyzing the stakeholders prior to a project, a better performance can be reached in terms of reaching target groups or avoiding failures.

**Validation:** means the demonstration of the link between a process and the result. Only if it is proved that a chosen method is responsible for the outcome, it will be possible to present the method as a good practice.

**Valorisation:** Although it might sound like one, valorisation is actually not an English term. The word comes from the French “valoriser” and means "giving value". Valorisation covers two types of activities: Dissemination of project results and outcomes, and Exploitation of these results. Exploitation activities go beyond dissemination activities, as they are aiming at adapting existing products to other beneficiaries and/or systems than those for which they were initially conceived.

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\(^{21}\) Novartis Foundation for Sustainable Development, page 17
5.3. Learning Module

Generally, learning from the past increases the chances of success in the future. Therefore, a good practice is defined as anything that has been tried and shown to work in some way, whether fully or in part but with evidence of effectiveness. Good practice should be transferable; it should give implications for practice at other levels or sectors. By identifying and sharing good practice the beneficiaries will be able to replace poor practices, reduce rework, improve services and minimize knowledge loss.

Good practice is often part of a more comprehensive benchmarking process. For the higher education sector, according to the UNESCO benchmarking is “...a standardized method for collecting and reporting critical operational data in a way that enables relevant comparisons among the performances of different organizations or programmes, usually with a view to establishing good practice, diagnosing problems in performance, and identifying areas of strength. Benchmarking gives the organization (or the programme) the external references and the best practices on which to base its evaluation and to design its working processes.”

Transferred to the area of recruiting and employing people with disabilities, benchmarking processes can be helpful for a permanent change of paradigm towards organizational diversity management.

The identification and sharing of good practice needs to be performed in different steps:

Firstly, the needs and requirements of the user should be identified. Who will benefit most from better knowledge and understanding of good practices in employing people with disabilities? How will the beneficiaries access the good practice and make use of them? Regarding employment issues, that means to find out about what the requirements of employers are, and how good practices in the employment of people with disabilities can show that they can contribute to meet these requirements.

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Secondly, good practices have to be discovered. There are several ways to find out about good practices: One is to examine organisations or companies that are likely to be using good practices due to their performance in recruiting people with disabilities. Having found them, it would be important to find out what part of the respective approach or methodology represents good practice. This could be done best with the help of people who know the relevant practice, or shall benefit from them (peer group).

Thirdly, good practice needs to be well documented. To make different practice examples comparable, a description of each approach and/or methodology used in developing the good practice would be necessary, including information about the context (i.e. economical sector), resources and skills needed (i.e. for special recruitment procedures), description of the steps taken to implement the practice, lessons learned during the implementation (i.e. what worked well, what difficulties were discovered), and resources (i.e. special recruitment forms, guidelines, etc.).

Fourthly a validation of the identified good practices would be welcome. A good practice needs a visible link between what has been done, and what resulted from it towards the beneficiaries. Validating the process – i.e. by a peer group - can help to proof that the chosen method or approach did help to meet the project objectives, i.e. that a special recruitment procedure like work quality assessment used in a company did lead to an increase in their employment figures of people with disabilities. It would be good if the peer group includes target group representatives (i.e. employers, human resource managers) as well as end beneficiaries.

Finally, good practice needs to be disseminated and exploited. A good practice can only be used and further developed if the target group gets to know about it, and decides to adopt it to its own systems. Therefore a strategy or plan for the valorisation of good practice examples is needed.

Apart from the above described process of identifying and sharing good practice, there are some more important issues that need to be taken into consideration:
• A good practice is not a final procedure or method since it evolves constantly, or needs to be adapted to particular systems or sectors. Therefore the lifetime of a good practice can be rather short, depending on the circumstances (i.e. if the legal situation is changing). Nevertheless, in an unchanged environment, the practice needs to be sustainably effective to be considered as good.

• The expectations on finding good practice in recruitment and employment of people with disabilities should not be too high. Previous studies of the European Commission on benchmarking employment policies for people with disabilities were lacking clear results that show good practices in getting people with disabilities into job could be, at least on the level of national policies and support structures\(^{23}\).

• Complex situations require diversified solutions. In many cases there will not be a master plan (or one best practice) to solve problems, since organisations and companies have their own individual structure and culture, and individuals are sometime difficult to be convinced. It is not useful to be too prescriptive about good practices; encouraging people to identifying and sharing them voluntarily is important, as well as the recognition of individuals and/or groups who support the development and promotion of good practices.

• Last but not least, it is important to keep in mind that the identified good practice remains in the ownership of the organisation that is using the method and/or approach. Identification and compilation of good practice does not establish any intellectual property. It is crucial to name the providers of the good practice, and deliver contact details.

\(^{23}\) European Commission: Benchmarking employment policies for people with disabilities, page 3
5.4. Self – assessment tasks

- Make yourself familiar with the terminology.
- Describe the different steps that are necessary to take before delivering and sharing good practice.
- What cautions are important to keep in mind when implementing good practices?
- Identify good practice examples in recruiting and/or employing people with disabilities in your country! Share and discuss them with other students!
Ability not Disability in Workplace

State Education Development Agency

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VNB, Germany

Sustento, Latvia

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