DISABLED PERSONS ON LABOUR MARKET – ANALYSIS OF SOLUTIONS IN POLAND AND SELECTED EU’ COUNTRIES

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ABSTRACT

In Poland the disabled labour market is still evolving. One of the proofs is that the disabled employment regulation law is the most often modified law act (Ustawa...1997). Author is doing scientific research in the area of NGO's – Public Institutions partnership observed problem employment of the disabled in Poland, the current employment rate is just 18,2% (http://www.fazon.pl/pdf/op08.pdf 2006, 10.08.2012) the disabled, compared to a rate of 63,8% (op.cit.) for the non-disabled. This article is an attempt to find optimal systemic solutions for disabled employment.

Keywords: disabled persons, system solutions for disabled person, social integration, labour market
INTRODUCTION

Poland is the country featuring a very high and still growing number of disabled persons. The phenomenon has kept advancing in recent years. Social policy towards disabled persons faces two challenges. The first one is to enable and stimulate disabled persons participate in social and occupational life. The second one is to assure social safety for those who due to theirs disability have no possibility of pursuing employment.

The objective of this article is to analyses solutions in Poland and selected EU countries and the presentation of state social policy role in relation to the disabled.

Systemic solutions in Poland

The state fulfill its functions regarding the principle of subsidiary. The priority is an initiative, not an intervention. The state should fulfill its social function through executive organs. Bureau of Plenipotentiary of Government Competent for Disabled Persons, which functions under the Ministry of Labour and Social Policy. Bureau works on and describes projects of governmental programmes concerning the improvement of social and vocational situation of disabled persons, as well as projects of legal documents concerning their employment, rehabilitation and living conditions. Bureau evaluates life standards of the disabled and creates protective policy.

It also initiates and coordinates activities concerning limitation effects of disability and elimination of barriers in everyday life. Bureau takes responsibility for the establishment of disability degree controlling, explanations, instructions, reporting, the second resort of appeal. Bureau cooperates with the State Labour Office, the National Disabled Persons Rehabilitation Fund, central departments and offices, non-profit organizations, trade unions and international organizations acting for the disabled community.

Another entity to be discussed is the National Disabled Persons Rehabilitation Fund. Its main income source is monthly fee paid by companies employing at least 25 workers (full time) with disabled persons employment index below 6%. The index is different for state and local – government offices, cultural institutions, public and non-public schools. Companies in liquidation and bankrupt ones are exempted. The other sources of income are: subsidies from the state budget and other grants, inheritance, legacies, donations, voluntary contributions, income from interests, rates on loans, discount from treasury bonds, interest on government securities, term deposits, dividends, income from business activity and others.

The above funds are transferred to:
1. Voivodeships and districts government the implementation of specific tasks

2. Other entities for implementation of tasks ordered by the Fund following legislation referring to the signed agreements. The funds are assigned to vocational, social rehabilitation and employment of the disabled: co-financing of occupational therapy costs, co-financing of occupational activity establishments accommodation of workplaces for the disabled persons needs, loans for the disabled salaries, rehabilitation co-financing, rehabilitation equipment co-financing, orthopedic products and other remedies, co-financing of architectural and communication barriers liquidation. Moreover, Funds influence the equalization of opportunities between regions, especially regions featuring unemployment rate higher than 110% of average unemployment rate and regions without establishment of occupational activity, for implementation of programmes supported by UE funds covering the disabled persons, co-financing governmental tasks referring to human resources development and counteracting social exclusion of the disabled, programmes approved by the Board of Directors regarding social and vocational rehabilitation in particular concerning disabled the children, financing or co-financing research, expertise, analysis of social and vocational rehabilitation.

**Benefits from employment of disabled person in Poland**

1. Additional financing of the disabled salaries.

The following employers are entitled to apply for additional financing of the salaries for the disabled: protected labour companies, employers employing 25 of more employee (full time) with disabled persons employment rate minimum 6% and no overdue Fund contributions.

Additional financing is for these employees who meet the following criteria (one or all of them): persons authorized are to take advantage of additional financing are the disabled employees registered in the Fund based on their NIP and PESEL number and information sent to the Fund by e-mail, the disabled persons without the right to retirement pension. Additional financing is paid to the employer on a monthly basis.

2. Refund of social insurance contributions

3. Workplace refund of adaptation costs. An employer who employs disabled persons or persons who become disabled during their working time in the period of 36 months has the right to receive refunds of costs in relation to workplace adaptation for disabled person needs. Working place adaptation e.g. conversion of an office and employment of an assistant to the disabled person is refunded.

4. Refund of trainings for the disabled organized by an employer.
5. Contribution reliefs. Employer who is obliged to pay contributions to National Disabled Persons Rehabilitation Fund can reduce full amount of payment while purchasing products or service from other companies.

6. Refund of equipment costs. Equipment costs for the disabled workplace can be refunded for an employer who employs disabled person for the next 36 months. 15 times average wage is possible to obtain. It is obligatory to sign an agreement between the Fund and the employer.

7. 60% of salary and social contributions refund is also possible to obtain by an employer who employs disabled person for the next 12 months. An agreement with the Fund is also needed.

System solutions in selected EU countries

There are two different systems in EU focused on increasing the possibilities of the disabled employment. The first one is used in: Denmark, Finland, Portugal, Sweden, Great Britain. It is based on the right of disabled persons to work and prohibition of discrimination. The second one is used in other EU countries is based on legal intervention on labour market. Employers are obliged to employ a certain number of disabled persons (2-7%) under pain of contributions for disabled persons fund (so-called: quota system). All of EU countries offer opportunities for the disabled persons employment under special conditions (“protected environment”).

There are special programmes of the disabled persons employment as an essential elements of EU countries policy. It includes help for disabled persons on labour market as well as the creation of special working centres and workshops. There are a lot of mixed forms of employment, too.

1. Austria

In Austria there is a quota system and discrimination prohibition in Austrian constitution. Discrimination is punished. Persons with established 50% degree of disability are registered and have a broad spectrum of rights: protection against redundancy, transportation fares supplement, partial salary refund, training supplement. The State ensures the following for disabled persons: vocational guidance, trainings, supplements for students, grants for starting a business and also for employers: refund for salaries of disabled persons, compensations, grants for workplaces adaptation. There are also vouchers for customers who want to buy products made by disabled persons.
2. France
In France a quota system is in force. Companies employing 20 persons are obliged to employ 6% of the disabled otherwise they have to pay contributions. There are three executive organs: Technical Commission for Vocational Guidance and Reintegration of Disabled Persons (establishes degree of disability and directs to work on open labour market or in protected environment), Nets of Advisers (Cap Emploi) – advisers help disabled persons to solve their problems. Departmental Programmes of Integration and Employment. Financing of employment programmes is offered to designated associations.

3. Greece
There is a quota system. Greece covers costs concerning relief programmes from own and EU resources. It ensures: 10% of guaranteed places for trainings organized by Labour Office, subsidies for employers, subsidies and trainings for disabled persons who are planning to start business activity, support and training centres countering social exclusion and supporting independent life of the disabled, returning of costs in relation to accommodation of workplace for disabled persons needs. Access to modern communication technologies is a priority.

4. Spain
The main objective is to assist disabled persons, functioning on labour market. The quota system has been existing since 1983. Employers who employ 50 employee and more are obliged to employ 2% of disabled persons. There are a lot of subsidies, exemptions, tax reliefs for employers. Large corporations have their own policy for disabled persons employment. Part of profits and salaries are allocated for purchasing services for the disabled employees. Prevention of discrimination, integration on labour market and equality are the priorities.

5. Ireland
Quota system is obligatory for public sector but it is not effective. There are a lot of programmes and services for disabled persons: vocational trainings, programme “back to education”, tax reliefs for employers and for people who start business activity. There functions a special system of financing for deaf-and-dumb and blind persons.

6. Germany
Vocational rehabilitation has been in force since 1953. The quota system is obligatory since 1974. 5% of disabled employees are required for employers who employ over 20 persons,
otherwise contribution are obligatory. 55% of contribution is used for social assistance centres and 45% for Compensation Fund. The State ensures: vocational rehabilitation, assistants for disabled persons, subsidies for employers, workshops, consultancy for disabled persons and employers. Disabled persons are insured and they are entitled to retirement pension after 20 years of work.

7. Portugal
There is a quota system obligatory for public institutions only and discrimination prohibition in constitution. National Plan of Employment and other acts ensure the following: tax reliefs for employers, flexible working hours for disabled employees, protection against dismissing, vocational trainings and different subsidies.

8. Italy
Small employers (15-35 employees) are obliged to employ 1 disabled person, companies hiring over 50 persons are obliged to employ 7% of the disabled. Disabled persons have the same rights and duties as others. Persons with high degree of disability have the right to shortened working time. There are special workplaces guaranteed for blind people. There are social cooperatives which employ no less than 30% of disabled persons. They are subject to tax and social contributions benefits.

9. Great Britain
Dramatic differences in labour market outcomes are observed on the basis of disability. In the UK, for example, the current employment rate is just 32.8% for the disabled, compared to a rate of 80.3% for the non-disabled. In addition, the size of the disabled group has grown and their labour market outcomes have deteriorated over the past twenty years (Bell and Smith 2004). Their low rates of participation raise concerns about the presence of employer discrimination and social exclusion of the disabled (Burchardt 2003b) and the implications of high rates of social security benefit claimants on public spending (McVicar 2004a, 59-67). As a result the issue has received growing attention from policymakers and a range of legislative and other reforms aimed at securing an improvement in the labour market position of the disabled have been introduced (Jones 2005, 2-10).

Great Britain abandoned from quota system which has been it is replaced by the prohibition of discrimination. Employers can receive subsidies for salaries, workplace adaptation,
equipment and an assistant to disabled employee. “Workstep” is the programme for people with high degree of disability. The assumption of this programme is that employment the protected labour market should be the transitional stage towards employment at an open labour market. It helps to adopt them on labour market.

10. Sweden
There are three kinds of disabled persons employment in Sweden: Samhall corporation, protected employment in public sector, subsidized employment. Samhall corporation is the group of companies which employ disabled persons. They are subsidized by the government and the parliament. Protected employment in public sector is guaranteed to mentally handicapped and individuals with psychological problems. Subsidized employment is for employers who disabled persons on an open labour market.

11. The Netherlands
Labour Office is an institution responsible for the policy of disabled persons employment. It works through private companies which deliver service for disabled persons. Quota system is legally permissible, but it is not in use. Protected employment is widely developed.

12. Finland
The aim of policy is to adopt disabled persons at an open labour market. Discrimination is prohibited. Insurance agencies or labour offices cover salaries of disabled person for the first 6 months of employment. Vocational consultancy and trainings are guaranteed for disabled persons as well as subsidies for employers.

13. Denmark
Disability is not defined in legal system. It shall be deemed that quota system and anti-discrimination are in conflict with equality before law. Local governments are responsible for equalization of opportunities. Entrepreneurs take great part in the for programmes focused on disabled persons employment. Vocational rehabilitation is executed by: rehabilitation centres, vocational training centres, protected employment, individual employment, day care centres.

Results
The analysis of systemic solutions, carried out above, shows that the effective social integration and activation of the disabled is the one of important challenges for social policy
in Poland and Europe. European Union countries, including Poland, are continuously making efforts to the utmost, in numbers and quality focused on professional and social activation of persons with disabilities. However, despite several years of efforts to form a coherent and comprehensive system of support for professional and social integration of disabled people, we still cannot assume that it was fully established and works as effectively as it should.

CONCLUSION

According to the definition developed by the World Health Organisation (WHO) – “a person with disabilities is a person who cannot on his own, partially or completely secure a normal individual and social life due to congenital or acquired physical or mental limitations. Physical and/or mental state of that person permanently or temporarily hinders, restricts or prevents the fulfillment of the tasks of living and social roles, to meet the needs in accordance with legal and social norms.” Each individual including a disabled person, regardless of physical or mental state, is capable, in terms of individual knowledge and skills, influence to positively the social and economic development of the region, country or community. Unfortunately the disabled are not always equipped with the right tools and conditions to take advantage of the skills & qualities.

A question arises as to why we find ourselves in this situation. Many governments, NGOs and community people with disabilities have been trying to answer this question for a number of years by organizing knowledge and work towards continuous evaluation of systemic solutions. They are also in social-public cooperation, where public institutions (state) are supported by the NGO sector to stimulates people with disabilities as much as it is possible.

The Author, despite the performed observations and conducted analysis is not able to provide a fully satisfactory answer, which would respond to the phenomena of exclusion and the enhancement of disabled people to make efforts in order to stimulate employment. Perhaps the answer is very simple, first of all it is worth considering whether the treatment of symptoms rather than systemic treatment of persons with disabilities will bring the opportunities to release their social and professional life, or work, a sense of personal value an identity which distinguishes an individual from others.

Creative possibilities of using human capital of people with disabilities depend on attitudes to wards them. The European Congress of Disabled Persons noticed that by arguing that the subjectivity of disabled person manifests itself in treating them as equal and independent citizens who make sovereign decisions and take responsibility for the matters which concern
them. To enable realization of the subjective approach, it is necessary to overcome barriers, reviewing social, political and cultural patterns. By creating a friendly and flexible world for all persons with disabilities can be integrated in the normal stream of life. This article, as intended by the Author opens discussion on this very important social and economic phenomenon.

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