

European Semester 2018/2019 country fiche on disability

Luxembourg

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With comparative data provided by the ANED core team



The [Academic Network of European Disability experts](#) (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network support the development of the European Disability Strategy 2010-2020 and implementation of the United Nations Convention on the Rights of Persons with Disabilities in the EU.

This country report and statistical annex have been prepared as input for the European Semester from a disability perspective.

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1 Summary and recommendations

1.1 Key features of the disability situation and challenges in 2018-19

The available estimates from EU-SILC indicate a relatively high rate of employment for both disabled and non-disabled persons, with a relatively narrow disability gap. Despite an overall excellent economic situation, little is being done in Luxembourg to get companies to meet the legally required quotas for hiring people with disabilities. Politicians have been aware of this situation for years without any legal change having entered into force.¹

It remains to be seen whether the high employment rates envisaged in EU2020 target will benefit citizens with disabilities or place increasing pressure upon them in a context of economic driven policies. The question of early retirement age and longer working lives is becoming a priority among for the economy as a whole. The issue of retirement age will be considered primarily from a macroeconomic perspective and not from the point of view of the needs of individuals with disabilities, who are over-represented among older workers. An argumentation regarding the reduction of social transfer benefits for people with disabilities or the necessity of a later retirement of people with disabilities with reference to the overall economic financial situation must be viewed critically here against the background of a general austerity policy.²

Social policy and education policy measures in the context of people with disabilities are increasingly using the concept of inclusion, where in many cases the approach still requires an adaptation of the individual to the given structures ('employability') and adaptations play only a subordinate role. The renaming of sheltered workshops to inclusive workshops (Ateliers d'inclusion)³ and the renaming of the guaranteed

¹ Answer on parliamentary question n° 1333 (2015) (Réponse de Monsieur le Ministre du Travail, de l'Emploi et de l'Economie sociale et solidaire à la question parlementaire, n.1333)
<https://ccdh.public.lu/content/dam/ccdh/fr/archives/2015/QP-1333.pdf>.

² United Nations Human Rights Office of the High Commissioner (2017) CRPD/C/LUX/C0/1 "The Committee recommends (...) Ensure sufficient human and financial resources and the necessary powers so that they can remedy complaints of disability-based discrimination in a timely and cost-effective manner; ...
https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fLUX%2fCO%2f1&Lang=en.

³ Tageblatt 25.10. 2016 Beschäftigungsminister Nicolas Schmit (LSAP) wartete in seiner Ansprache mit einer Begriffsneuerung auf. Als Hommage an die Gründer der „Ligue HMC“, an ihre „Pionierarbeit“ und als Aufwertung der Arbeit von behinderten Menschen in den zahlreichen Werkstätten in Luxemburg sollen diese in Zukunft nicht mehr „Ateliers protégés“ heißen, sondern „Ateliers d'inclusion“. Davon erhofft sich der Minister, dass sich auch der Blick der Gesellschaft auf Menschen mit Behinderung ändert. Demnächst stehen entsprechende Änderungen in den Gesetzen an. (In his speech, Employment Minister Nicolas Schmit (LSAP) came up with a new concept. As a tribute to the founders of the "Ligue HMC", to their "pioneering work" and as an appreciation of the work of disabled people in the numerous workshops in Luxembourg, these will in future no longer be called "Ateliers protégés" but "Ateliers d'inclusion". The Minister hopes that this will also change society's view of people with disabilities. Corresponding changes in the laws are imminent.
<http://www.tageblatt.lu/nachrichten/ein-offener-raum-fur-begegnungen-20757120/>.

minimum income to inclusive income (REVIS: *revenue d'inclusion sociale*)⁴ do not go hand-in-hand with genuine inclusion. Some of the now called competence centres (e.g. for students with intellectual disabilities) maintain or reinforce a segregated/segmented education system.⁵

Inclusion in the higher education sector will now be regulated by law for the first time in 2018 with the entry into force of the new University Act and may feed the expectation of higher inclusion rates in tertiary education.⁶

Persons with disabilities are at higher average risk of poverty. Additional expenses related to disability also increase their risk of being institutionalized. Recent changes to care insurance regulations may lead to a further deterioration in standard of living. Luxembourg is a wealthy country and should ensure that social protection policies and programmes secure income levels by taking into account the additional living costs related to disability. Discussion about an unconditional basic income has not really progressed, after the first rounds of talks. Such a policy would have an impact on the disability poverty gap as people with disabilities are disproportionately represented among the poorest households in society.⁷

In many cases concerning education, independent living, and employment, there is currently no national data available to assess the situation of people with disabilities. The UN CRPD Committee is particularly concerned about the lack of national data on poverty and disability.⁸

1.2 Recommendations

A correct and appropriate choice of terms would be helpful across all policy domains. 'Inclusion' should only be used where inclusion is concerned.

⁴ Act of 28 July 2018 (Loi du 28 juillet 2018 relative au revenu d'inclusion sociale) <http://legilux.public.lu/eli/etat/leg/loi/2018/07/28/a630/jo>.

⁵ Act on centres of competences (act of 28 July 2018 (Loi du 28 juillet 2018 relative au revenu d'inclusion sociale) <http://legilux.public.lu/eli/etat/leg/loi/2018/07/28/a630/jo>.

⁶ New Law of the University of Luxembourg https://wwwfr.uni.lu/universite/documents_officiels/loi_du_27_juin_2018_modifiee.

⁷ Sozialalmanach Caritas Luxembourg https://www.caritas.lu/sites/default/files/caritas_sozialalmanach_2018.pdf.

⁸ United Nations Human Rights Office of the High Commissioner (2017) CRPD/C/LUX/C0/1 "The Committee is concerned that data collection on the situation of the rights of persons with disabilities in the State party is fragmented and not disaggregated by gender or age, which makes it difficult for the State party to develop appropriate policies. In view of target 17.18 of the Sustainable Development Goals, the Committee recommends that the State party: (a) Establish systematic data collection and reporting procedures under the National Institute of Statistics in line with the Convention; (b) Rely on the methodology of the Washington Group on Disability Statistics to collect, analyse and disseminate data on its population disaggregated by sex, age, ethnicity, type of impairment, socioeconomic status, employment, barriers encountered and place of residence, including persons with disabilities who have been placed in institutions abroad with funding by the State party, and data on cases of discrimination or violence against persons with disabilities; https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CRPD%2fC%2fLUX%2fCO%2f1&Lang=en.

Employment

Introduce an implementation and monitoring system to meet the employment quotas for the recruitment of people with disabilities. Only a few companies adhere to the quotas that have been set. Penalties are not to be feared either

- This is also demanded by the Committee on the Rights of Persons with Disabilities (2017). Concluding observations on the initial report of Luxembourg.⁹
- A focus on demand-side policies would re-balance the unilateral supply-side approach of trying to prepare people with disabilities for the existing labour market (stop on carrot and stick approach, less use of control and screening diagnostics but more openness to the employment of people with disabilities) Employers do not have to prove that they meet the quotas, but people with disabilities have to prove that they are seeking work and are able to work.

Education and skills

End the enforced segregation of the school system by allowing all children to enrol and receive support in the mainstream, in line with the UN CRPD recommendation.

- Under the current neoliberal orientation of society, the abolition of school systems separated according to performance seems as unlikely as the abolition of all sheltered workshops. The newly established centres of competence in the education system do not abolish the meritocratic system, nor do they abolish separate systems for pupils with special needs. The alternative would therefore be to put an end to the neoliberal orientation of policy, a thought that might perhaps be authorized by the EU.¹⁰

Poverty and social exclusion

Assess the potential impact of the introduction of an unconditional basic income on the disability poverty rate, specifically.

- This includes an honest and professional discussion replacement of an economic policy based on deregulation, with a social market economy worthy of the name, and social legislation that substantially counteracts increasing social inequality.¹¹

1.3 The EU2020 targets in relation to disability strategy and rights

As part of Member State commitments to the EU2020 strategy, the targets shown in Table 1 were established for the general population. Disability policies are highly relevant, and it is unlikely that the EU targets can be achieved without actions and investments to mainstream disability equality in these three areas. This country report shows where the main disability equality gaps exist, at the national level. It assesses

⁹ As adopted during the eighteenth session of the Committee (14 -31 August 2017)
CRPD/C/LUX/CO/1
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fLUX%2fCO%2f1&Lang=en <https://undocs.org/CRPD/C/LUX/Q/1>.

¹⁰ The dismantling of neoliberalism is already publicly called for by some political representatives. (Tageblatt 28.05.2018) <http://www.tageblatt.lu/meinung/forum/es-gibt-keine-alternative-zum-abbau-des-neoliberalismus-teil-1/>.

¹¹ Panorama Social 2018 <https://www.csl.lu/bibliotheque/publications/d6c3a88869.pdf>.

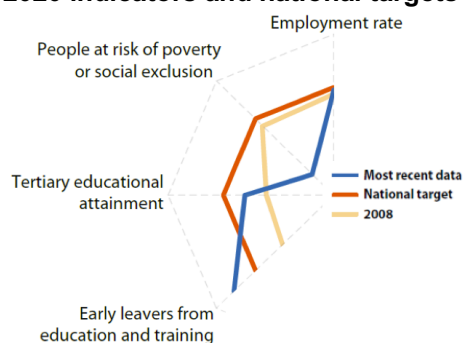
the main policies in place to address these gaps and identifies the opportunities to mainstream disability equality in the semester review process.

Table 1: Europe 2020 and agreed national targets for the general population

	Europe 2020 targets	National targets¹²
Employment	75% of the 20-64 year-olds to be employed	73%
Education	Reducing the rates of early school leaving below 10%	< 10%
	At least 40% of 30-34-year-olds completing third level education	66%
Fighting poverty and social exclusion	At least 20 million fewer people in or at risk of poverty and social exclusion	-6,000 persons

The statistical annex to this country report provides comparative indicators of the disability equality gaps existing in these target areas (based on ANED's annual analysis of EU-SILC microdata since 2008).¹³ The Distance to national targets and comparison with EU average, in 2018 are indicated by the Eurostat figure below (abbreviated and edited by the author).

Figure Luxembourg, Europe 2020 indicators and national targets



Source: EUROSTAT Europe 2020¹⁴

1.3.1 Recommendations from the UN CRPD Committee relevant to EU2020

Luxemburg signed the UN-CRPD in 2007 and ratified it in 2011. A National Action plan was established in 2012. The first national rapport (*Mise en œuvre de la Convention des Nations Unies relative aux droits des personnes handicapées - premier rapport*

¹² http://ec.europa.eu/eurostat/documents/4411192/4411431/Europe_2020_Targets.pdf.

¹³ Further explanation and analysis of the comparative data and methodology is included in ANED's annual statistical reports relevant to the EU2020 goals, available at <http://www.disability-europe.net/theme/statistical-indicators>.

¹⁴ EUROSTAT 2018 https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Luxembourg_Change_since_2008_in_relation_to_national_targets_2018.PNG.

périodique du Grand-Duché de Luxembourg) was compiled in 2014.¹⁵ The first Alternative Report on Implementation of UN-CRPD was finalised in 2016.¹⁶ The UN CRPD Concluding Observations were provided in 2017.¹⁷

With regard to **Employment** (Article 27 CRPD) the UN Committee expressed concern about the low level of employment of persons with disabilities in the public and private sectors and the segregation of persons with disabilities in sheltered workshops. It was also concerned about:

- the lack of a designated body for monitoring and sanctioning non-compliance of labour quotas, particularly in the private sector; and
- the lack of monitoring of the provision of reasonable accommodation.

In the view of these findings the UN CRPD Committee recommended that Luxembourg:

adopt measures to phase out sheltered workshops, with a time-bound schedule and plan for transfer of those currently employed in sheltered workshops into the open labour market, and increase the level of employment of persons with disabilities in the open labour market, in line with the Convention and in view of target 8.5 of the Sustainable Development Goals, and that it ensure the achievement of full and productive employment and decent work for all, including persons with disabilities, and equal pay for work of equal value. It also recommends that the State party: (a) Designate an entity for monitoring and sanctioning non-compliance of labour quotas in both the private and public sectors; (b) Take measures to ensure the effective monitoring of the provision of reasonable accommodation, with appropriate remedies for the denial of requests; (c) Provide vocational and professional training and provide incentives for the self-employment of persons with disabilities, particularly women with disabilities.

With regard to **education** (Article 24 CRPD) the Committee noted critically that education laws still allow for the segregation of students with disabilities, and that segregated education environments persist, especially for students with intellectual disabilities, particularly:

¹⁵ Initial State Party report to the Committee on the Rights of Persons with Disabilities 2014 https://mfamigr.gouvernement.lu/content/dam/gouv_mfamigr/le-ministère/attributions/personnes-handicapées/premier-rapport-mise-en-oeuvre-convention-des-nations-unies-droits-personnes-handicapees.pdf.

¹⁶ Luxemburger Schattenbericht bei den Vereinten Nationen vorgelegt 2017 (Shadow rapport presented in 2017) https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/LUX/INT_CRPD_ICO_LUX_26_863_E.doc.

¹⁷ Committee on the Rights of Persons with Disabilities (2017). Concluding observations on the initial report of Luxembourg, as adopted during the eighteenth session of the Committee (14 -31 August 2017) CRPD/C/LUX/CO/1 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fLUX%2fCO%2f1&Lang=en <https://undocs.org/CRPD/C/LUX/Q/1>.

- The absence of a legally defined procedure for the provision of reasonable accommodation and for assistant support staff in classrooms, in public and private schools;
- Misunderstanding of reasonable accommodation in Act of 15 July 2011;
- Negative attitudes and low expectations of students with disabilities;
- The insufficient training on inclusive education;
- The absence of data and indicators.

On this basis the Committee recommended that Luxembourg:

(a) Amend the laws on education to ensure that no student is refused admission to mainstream schools on the basis of disability, ensure accessibility and allocate the resources necessary to guarantee reasonable accommodation, including assistant support staff, including pre-school and tertiary education and the private sector;

(b) Adopt a legally defined procedure for the provision of reasonable accommodation at all levels of education and allocate the resources necessary to guarantee reasonable accommodation according to individual requirements in consultation with the person concerned;

(c) Design and implement an action plan on inclusive education with sufficient resources, timelines and specific goals;

(d) Increase awareness-raising initiatives, including training on inclusive education and its implementation mandatory for teachers, support teachers and non-teaching education personnel;

(e) Increase data collection on, among others, the implementation of education laws and policies, and accessibility of school infrastructures, information and communications, including information and communications technology, to inform inclusive education policies.

With regard to **Adequate standard of living and social protection** (Article 28 CRPD), the Committee recommended that Luxembourg collect data on the socioeconomic situation of persons with disabilities to inform policy making and:

(a) Ensure that social protection policies and programmes secure income levels by taking into account the additional costs related to disability;

(b) Guarantee that persons with disabilities have access to sufficient community-based social services, public housing programmes and support services for living independently respectful of the rights, will and preferences of persons with disabilities;

(c) Pay attention to the links between article 28 of the Convention and target 1.3.1 of the Sustainable Development Goals, which calls upon States to implement appropriate social protection systems and measures for all, including floors.

Additionally, the Committee made recommendation on Living independently and being included in the community (Article 28), which is relevant to poverty and social exclusion, including **long-term care** in the EU2020 context. It recommended that Luxembourg:

- (a) Adopt the legal and other measures necessary, including repealing Reform Act 7014 and relevant disability insurance systems, replacing them by legislation promoting the right to independent living and being included in the community, providing for, among others, personal assistance and clarifying the responsibilities and resource allocations of central and local authorities;
- (b) Develop and implement an effective deinstitutionalization plan, with a clear time frame and benchmarks, involving persons with disabilities through their representative organizations in all stages;
- (c) Adopt the measures necessary to ensure that persons with disabilities have a legal entitlement to a sufficient personal budget for independent living, which takes into account the additional costs related to disability and, at the same time, redirect resources from institutionalization to community-based services, while increasing the availability of personal assistance.

1.3.2 National disability strategies, plans and targets relevant to EU2020

The first national disability strategy was developed in 1997 by the former Ministry of Accident Victims and Disability (Ministère aux Handicapés et aux Accidentés de la Vie). The general objective of the strategy plan was to promote the integration of disabled people, in institutions, in schools, in the workplace and in daily life but none of the targets were substantiated by numbers or time periods.¹⁸

The first national action plan linked to the CRPD was published in 2012 by the Ministry of Family and Integration (Ministère de la Famille et de l'intégration now Ministère de la Famille, de l'Intégration et de la Grande Région).¹⁹ It lists the following points related to the EU2020 objectives on employment, education and skills, poverty and social exclusion).

The national action plan mentions particularly the following issues on Article 27 CRPD (**Employment**) related to EU2020:

The aim is to employ people with disabilities more than before in the general labour market and to enable people with disabilities to secure their income independently of social support.

- Adaptation and better definition of the term 'Salarié Handicapé'.
- Promoting the recruitment of disabled people in the general labour market.
- Specific measures to maintain existing employment relationships.

¹⁸ La Ministre aux Handicapés et aux Accidentés de la vie (1997). Plan d'action en faveur des personnes handicapées Evaluation de la situation des personnes handicapées au Luxembourg. www.info-handicap.lu (Minister for the Disabled and Life Accidents (1997). Plan d'action en faveur des personnes handicapées Evaluation de la situation des personnes handicapées au Luxembourg.) Website no longer available « favoriser l'integration des personnes handicapées, dans les foyers de jour, dans le milieu scolaire, sur le lieu de travail et bien évidemment dans la vie quotidienne.» (p. 10).

¹⁹ National Action Plan (Aktionsplan der Luxemburger Regierung zur Umsetzung der UNO-Behindertenrechtskonvention) 2012. <http://www.sante.public.lu/fr/publications/p/plan-action-lux-conv-nation-unies-pers-handicapees-fr-de/plan-action-lux-conv-nation-unies-pers-handicapees-fr.pdf>.

- New models for the employment of disabled workers.
- Suitable vocational training opportunities for future salariés handicapés.
- Training and the transition to the world of work should be tailored to the personal strengths and goals of each individual.
- Competent bodies should advise and support the persons concerned so that they can lead a self-determined life.
- Establishing of a one-stop shop ('Guichet unique') for disabled jobseekers.

The action plan mentions particularly the following issues on Article 24 CRPD (**Education**) related to EU 2020:

The long-term goal is a regular school in which, as far as possible, every member of this society finds his place, in the hope that togetherness in the school opens the way to a society that gives every member his or her equal place (p.27).

- The national action plan particularly issues 14 points here, e.g.
- The attainment of equal administrative rights for all learners.
- The revision of the amended text of the 'éducation différenciée' law of 14.3.1973.
- The implementation of specific early intervention, for example for hearing impaired, deaf and blind children or children suffering from rare or serious diseases.
- The Improving the training and continuing professional development of educators and teachers in the field of inclusion. Improving the opportunities for education and vocational training.
- Better support during training (mentor, coaching).
- Access to vocational training abroad ('vocational training centres').
- Recognition of diplomas (from abroad).
- Access to training (Life Long Learning).
- Adaptation of the requirements for people with learning difficulties.
- Review of existing infrastructures for accessibility.

Objectives directly related to **poverty reduction** for persons with disabilities (Article 28) and **independent living** (Article 19) cannot be easily identified from the national action plan, but the following goals can be stressed here:

- Everyone receives the necessary assistance to realize his personal life plan. (p.51).
- The re-negotiation of the access criteria to the existing nursing care insurance lump sums (p.53).
- the data collection on the situation of people with disabilities in Luxembourg live and work (p.61).

None of the objectives listed in the national action plan are quantified or with deadlines specified (sometimes start dates). The actions are rather non-binding declarations of objectives, declarations of intent or projects and guidelines for future political decisions.

The first state report to the UN CRPD Committee (premier rapport périodique du Grand-Duché de Luxembourg), published in 2014, covers 421 items on realized implementations and aspired goals from the point of view of the Ministry of Family and integration of Luxembourg²⁰ but does not clarify any new issues in line with the EU2020 targets.

National plan for smart, sustainable and inclusive growth Luxembourg 2020 mentions only very few disability related issues:

The professionalization placement programme and the professional reinsertion contract¹⁴ are two new measures that have become applicable since 2016, intended for job seekers at least 45 years old, those who have been reclassified externally or those with the status of disabled worker. The first measure is a work placement with a maximum period of six weeks that gives job seekers the opportunity to highlight their professional capabilities within a company. The second measure offers job seekers the possibility of improving their knowledge and professional capacities within a company for a maximum period of 12 months. These measures are intended for companies that can provide a real opportunity for hiring people on permanent contracts. (p.9)

Disabled students: Furthermore, students with acknowledged disabilities may now obtain bursaries or loans for a maximum number of two additional semesters per cycle with relation to current regulations for B.A.s, M.A.s and Doctorate studies, and for a maximum number of four additional semesters compared to current regulations for studies of a single cycle. (pp.36-37).²¹

²⁰ First State Report Luxembourg (premier rapport périodique du Grand-Duché de Luxembourg) https://mfamigr.gouvernement.lu/content/dam/gouv_mfamigr/le-ministère/attributions/personnes-handicapées/premier-rapport-mise-en-oeuvre-convention-des-nations-unies-droits-personnes-handicapees.pdf.

²¹ National plan for smart, sustainable and inclusive growth Luxembourg 2020. National Reform Programme of the Grand Duchy of Luxembourg under the European semester 2017. <https://ec.europa.eu/info/sites/info/files/2017-european-semester-national-reform-programme-luxembourg-en.pdf>.

2 Disability and employment - analysis of the situation and the effectiveness of policies

In general the employment situation is characterised by low unemployment. The recent -August 2018- seasonally adjusted unemployment rate calculated by the STATEC is 5.4%.²² The effective retirement age is well below the EU average. But the employment rate of older workers and persons with disabilities remains a point of concern (see Table 3 and

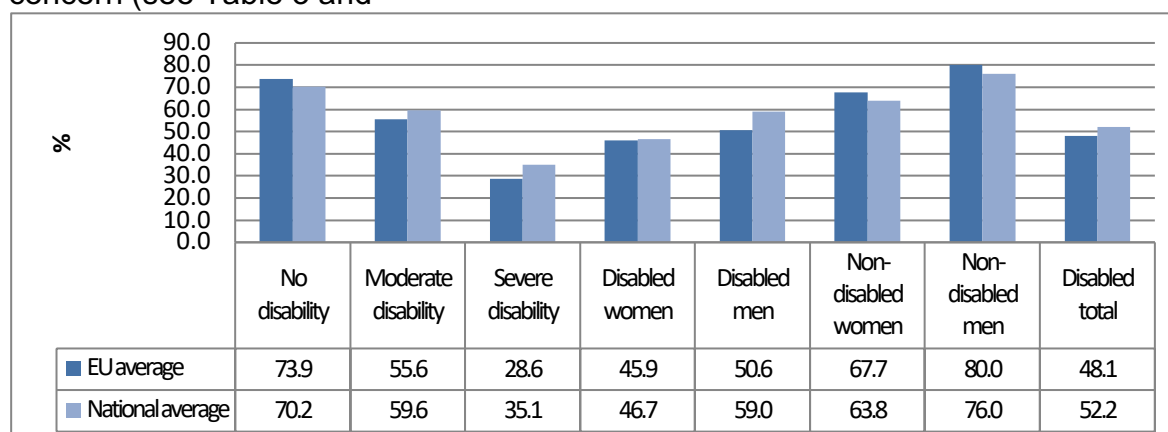


Table 4 in annex). In 2017 42.3% of the long-term unemployed were aged over 50, among whom people with disabilities are also over-represented. Using administrative, concerning registered persons, the National Employment Agency (ADEM) indicates 43% disability unemployment rate for the age group 45 and above, in addition long-term unemployment rises by age and reaches 62% for those aged 45 and above. More than 80% of the unemployed persons with disabilities or with reduced working capacities are long-term unemployed; in other words: the proportion of long-term unemployed in the disabled population is well over 80% (see Figure in annex).²³

The available indicators hardly speak for an improvement in the employment situation of people with disabilities in Luxembourg as a result of the CRPD.

In 2017 the Government continued with measures to create subsidised permanent jobs for long-term job seekers. An increased focus has been given to training and upskilling in active labour market policy (ALMP).²⁴ In particular, the Act on reclassification of workers with disabilities,²⁵ which is referred to in the European Semester documents (see chapter 5 later) and entered into force in January 2016, should be mentioned here. The 'age pact', aiming at fostering retention of older

²² ADEM 2018 <http://adem.public.lu/en/publications/adem/2018/Chiffres-cles-sept-2018/Communique-de-presse-Chiffres-cles-sept-2018.pdf>.

²³ ADEM rapport 2017 p. 10 <http://adem.public.lu/fr/publications/adem/2018/rapport-annuel-succinct/Annual-report-2017.pdf>.

²⁴ ANED (2018) Briefing note. Key points and extracts for review in the 2018 European Semester (EU28) email message 13.06.2018.

²⁵ Act on reclassification in- and extern of works with disabilities (Le Loi du 23 juillet 2015 portant modification du Code du travail et du Code de la sécurité sociale concernant le dispositif du reclassement interne et externe du 23 juillet 2015) <http://www.legilux.public.lu/leg/a/archives/2015/0143/a143.pdf>.

workers is still in progress.²⁶ In line with the age pact the National Employment Agency offers special programmes to employ long term unemployed and elderly persons.

Unemployment

The high risk of unemployment for persons with disabilities was already apparent before the global financial crisis and has not changed since then. The national implementation of the CRPD has not changed this much (see

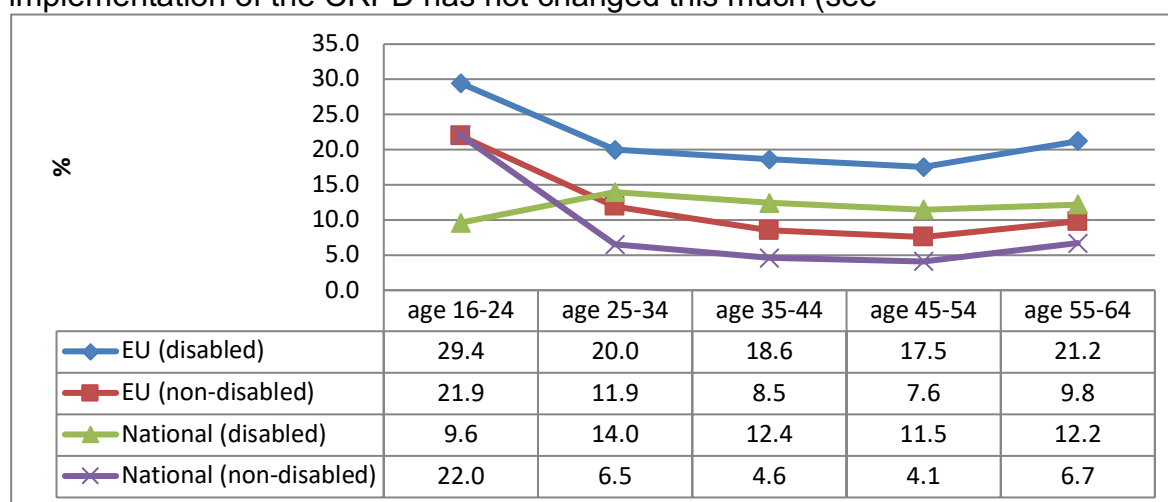


Table 8 and prior ANED reports).²⁷ Persons with disabilities or those on external reclassification have far more difficulty than their fellow citizens in obtaining employment. People with disabilities or reduced work capacity constitute 22.3% of the unemployed and rest, unchanged in the time period April 2017 till April 2018.²⁸ At the end of September 2018, 23.4% of jobseekers were people with disabilities or restrictions in their ability to work.²⁹

Since the financial crisis in 2007 the number of persons excluded from the labour market who are recognised as severely disabled persons (personne gravement handicapée) is rising (see Figure . In 2017 2,964 Persons with severe disabilities, the highest number of people with severe disabilities ever, were registered. Compared to 2010 this corresponds to an increase of 52.5% in the same time the population has increased by 17.6%, the number of unemployed persons by 20.2% and the number of

²⁶ Analyse du rapport par pays 2018 pour le Luxembourg & Présentation des grandes priorités gouvernementales dans le cadre du semestre européen Réunion du dialogue social régulier Château de Senningen, 28 mars 2018 « Le Pacte de l'âge visant à encourager des mesures de gestion de l'âge dans les entreprises attend l'approbation du parlement (première présentation en 2014). » (p.12) <https://ces.public.lu/content/dam/ces/actualites/contributions-semestre-europeen-2018/gouvernement-presentation-ces-dialogue-social-national.pdf>.

²⁷ Limbach-Reich, Arthur with comparative data provided by the ANED core team (2018) Country report on the European Pillar of Social Rights) – Luxembourg (2018) <https://www.disability-europe.net/country/luxembourg>.

²⁸ Press release 20 04.2018 of the National Employment Agency ADEM (<http://www.adem.public.lu/en/publications/adem/2018/Chiffres-cles-Mars-2018/Communique-de-presse-Chiffres-cles--Mars-2018.pdf>).

²⁹ Press release 22 10.2018 of the National Employment Agency ADEM 2018 (<http://adem.public.lu/en/publications/adem/2018/Chiffres-cles-sept-2018/Communique-de-presse-Chiffres-cles-sept-2018.pdf>).

disabled workers by 44.1%. Compared to 2016 (2910) the augmentation of sever disabled persons is 54 persons or 1.9%. This increase continues.

The large difference in growth between persons with severe disabilities and the overall population growth may be explained partly by the high proportion of cross-border commuters, but the still considerable difference to the growth in the population of job seekers and to the population of recognised workers with disabilities cannot be explained by this alone (i.e. there is a tendency to regard people with severe disabilities as not employable, as shown in Table 13).

The re-entry contract

The re-entry contract (contrat de réinsertion-emploi) is an employment measure to promote professional re-entry of the weakest groups of people in the labour market, i.e. older job-seekers from the age of 45; workers with reduced employability and workers with disabilities. The re-entry contract, which provides for a change between practical and theoretical training and further training content, makes it possible, from the point of view of the ADEM:

- to pass on their experience to employers and to give older jobseekers and workers with disabilities or reduced performance a real employment perspective;
- to demonstrate their skills in a targeted manner and at the same time to acquire new skills.

The measure requires that employers can offer a job-seeker real employment prospects after the expiry of the contract. Job seekers must be at least 45 years of age, be in external company reintegration, or recognised disabled workers, and have been registered with the ADEM for at least one month. The re-entry contract is concluded for a period of 12 months. If the contract follows a vocational training internship (stage de professionnalisation), the duration of this internship will be counted towards the 12-month contract period. The re-entry contract is intended to enable job-seekers to demonstrate their skills in a targeted manner and at the same time to acquire new skills.

In order to ensure this, the employer must appoint a tutor who supports and assists the job seeker throughout the entire duration of the re-entry contract. Each month, the ADEM pays the remuneration of the job-seeker employed under a re-entry contract, the employer's contribution being paid by the Employment Fund (Fonds pour l'emploi).³⁰ The programme COSP-HR³¹ started in 2017 and offers for disabled workers and persons with reduced work capacity a diagnostic and training programme. The aim of the programme is to find a job in the first labour market. Data from the first evaluation, including participant numbers, are summarised in Table 12.

³⁰ ADEM Info http://adem.public.lu/de/employeurs/demander-aides-financieres/embaucher_de_45-ans/contrat-reinsertion-emploi-employeur/index.html.

³¹ COSP-HR (Centre d'évaluation et d'orientation socio-professionnelle pour les demandeurs d'emploi ayant le statut du salarié handicapé et/ou du reclassement externe) Advisery office for Persons with disabilities or reduced working capacity. <http://www.fonds-europeens.public.lu/fr/projets-cofinances/fse/2014-2020/1042/index.html> see also FSE: <http://www.fonds-europeens.public.lu/fr/projets-cofinances/fse/2014-2020/1042/index.html>.

The program includes a whole range of psychological, neurological, and ergo therapeutic test procedures, as well as questionnaires of academic performance and personality variables to assess the person's ability to work under pressure and his or her general ability to work. The expected success rate, i.e. recruitment to the first labour market, announced in 2016 was assumed to be 30%.³²

Segmented / segregated employment systems

The employment of persons with disabilities, and associated employment support, is segmented into two systems: the main labour market and sheltered employment. Persons with disabilities are guided ('oriented') by a specialized team of the ADEM either towards the first (open/main) labour market or towards sheltered workshops.

Last year (2017) the number of persons with disabilities guided to sheltered workshops slightly decreased (from 36% in 2016 to 33% in 2017) and the number of disabled workers guided to the main labour market increased (from 64% in 2016 to 67% in 2017). In 2018 the concept of sheltered workshop has been replaced by the term '**inclusive workshop**', without changing the basic orientation of the way such workshops function.

Conclusion

As shown earlier, unemployment (and inactivity, Table 9) is much more frequent among disabled persons than among non-disabled persons. In particular the group of registered persons with severe handicaps are frequently without employment and are occupied in day care centres. There is a challenge to ensure that existing legislation on employing persons with disabilities is respected by private and public employers. Transitions from sheltered workshops to main labour market are not systematically registered or analysed but seem to be very low. On the other hand, transitions from special educational units to sheltered workshops are a common phenomenon.

³² Conference on COSP-HR 2016 Mitschrift der Konferenz „MODES D'EMPLOI“- Berufliche Inklusion und Erhaltung des Arbeitsplatzes für Menschen mit Behinderung Am 29. November 2016 in der Handelskammer in Luxemburg
http://modesdemploi.lu/page/modesDemploiManager/pageFile/29/Mitschrift%20Schriftdolmetscher%20Konferenz_29112016.pdf.

3 Disability, education and skills – analysis of the situation and the effectiveness of policies

The situation of people with disabilities is only hesitantly becoming the focus of political debate. During the current election campaign, it was hardly possible to identify any corresponding programme items.

According to the estimations available from EU-SILC, the rate of early leaving among young people with disabilities in Luxembourg is lower than might be predicted from the general rate, which is above the EU average (see Table 14). Similarly, the rate of tertiary education attainment is somewhat higher than might be expected in countries with similar general rates (Table 15). This requires further analysis

Recent data about the schooling of children with disabilities are compiled in Table 16. This indicates an increasing number of children in special educational programmes. There are no new data available about early school leaving (beyond those in the annex to this report). The most recent publication dates from 2017, based on data of 2014-2105.³³ The most recent education report (March 2018) indicates early school leaving in 2015/2016 at 12.4 % but this is not disaggregated by disability status.

The Annual Report of the Ministry of Education (MEN) for 2017³⁴ contained less data on the situation of pupils with special needs compared to its previous reports. Apart from the absolute frequency of attendance at special schools and inclusive schooling, no further data are communicated. In particular, the proportion of students who attend schools outside Luxembourg remains just as unknown as the distribution of the sexes within remedial education; both data were published until 2016 in the prior annual reports.

In contrast to previous years, the traditional press report of the Ministry of Education on the start of school in 2018 does not contain any data on the schooling of children with special educational needs.³⁵

Special education system

In 2018 the new competence centers (*centres de compétences*) emerged to replace the former structures (like the special schools - *éducation différenciée*).³⁶ These include:

- the Centre of Speech Therapy (le Centre de logopédie);

³³ Ministry of Education 2017 LE DÉCROCHAGE SCOLAIRE EN 2014/2015 <http://www.men.public.lu/fr/actualites/publications/secondaire/statistiques-analyses/decrochage-scolaire/index.html>.

³⁴ Ministry of Education Luxembourg 2018 <http://www.men.public.lu/catalogue-publications/themes-transversaux/rapport-activites-ministere/2017/fr.pdf>.

³⁵ Ministry of Education 2018. Rentrée 2018_2019 <http://www.men.public.lu/catalogue-publications/themes-transversaux/dossiers-presse/2018-2019/180913-rentree.pdf>.

³⁶ Announcement Ministry of Education (MEN) Luxembourg 26. June 2018 <http://www.men.public.lu/fr/actualites/articles/communiqués-conference-presse/2018/06/26-centres-competences/index.html>.

- the Centre for the Development of Vision Skills (le Centre pour le développement des compétences relatives à la vue);
- the Centre for Motor Development (le Centre pour le développement moteur);
- the Centre for Intellectual Development (le Centre pour le développement intellectuel);
- the Centre for the Development of Children and Young People with Autism Spectrum Disorders (le Centre pour le développement des enfants et jeunes présentant un trouble du spectre de l'autisme);
- the Learning Development Centre, for pupils suffering from dyslexia, dyscalculia, dyspraxia (le Centre pour le développement des apprentissages «Grand-Duchesse Maria Teresa», pour les élèves souffrant de dyslexie, de dyscalculie, de dyspraxie);
- the Centre for children and young people with high potential, for so-called 'gifted' or intellectually precocious pupils (le Centre pour enfants et jeunes à haut potentiel, pour les élèves dits « surdoués » ou intellectuellement précoces);
- the Centre for Socio-Emotional Development, for students with behavioural and cognitive disorders (le Centre pour le développement socio-émotionnel, pour les élèves souffrant de troubles du comportement);
- the Agency for Transition to Independent Living, to accompany and support young people and their parents in the new stages of their working lives (l'Agence pour la transition vers une vie autonome, pour accompagner et soutenir les jeunes et leurs parents lors des nouvelles étapes qui s'annoncent dans la vie active).

As part of the reform, special centres for pupils with emotional and behavioural problems (Centre pour le développement socio-émotionnel -CDSE) are now being set up, some of which are accompanied by exemptions from compulsory education.³⁷

Whether this will lead to a fundamental change in the situation of pupils with special needs cannot yet be assessed. Some of these centres will more or less continue the work of the previously existing institutions, while others will have a more accompanying and advisory function for the mainstream education.

Vocational training reform

The new act on vocational education and training, discussed since 2016-2017, to improve student skills and success rates has been postponed. The reform of vocational training will not enter into force as planned next school year, announced the responsible Minister on 12, July 2018. The vocational training reform should finally come into force for the 2019/2020 school year, and not for the 2018/2019 school year as initially planned. Students with disabilities may continue to be considered in the context of conclusion predominantly in questions of compensating for disadvantages in examination situations and not in relation to social inclusion.

Tertiary education

³⁷ Information of the Ministry of Education about the Centre pour le développement socio-émotionnel (CDSE) updated on 25.09.2018 <http://www.men.public.lu/fr/themes-transversaux/eleves-besoins-specifiques/03-11-niveau-national-centres/04-cdse/index.html>.

In 2018, a new university law was adopted that now includes accommodation for (university) students with disabilities.³⁸ This act defines a student with special educational needs: ‘any user with a special impairment or incapacity whose repercussions hinder normal progress in studies or prevent him from making use, during assessment tests, of the knowledge and skills acquired and who is such that these obstacles and impediments can be remedied by the reasonable accommodations provided for in Article 39’.³⁹ Art. 39 covers the following accommodations:

1. the layout of auditoriums or seminar rooms;
2. a separate room for the evaluation tests;
3. an adapted presentation of the questionnaires;
4. an increase in time during the evaluation tests;
5. additional breaks during the evaluation tests;
6. the use of technological aids and human aids to compensate for particular impairments;
7. the spread of the evaluation tests over two examination sessions;
8. the replacement of part of the evaluation procedures provided for a course;
9. the exemption from part of the evaluation tests or from the elements of work, participation or attendance planned for a course;
10. an exemption from the criteria concerning the percentage of ECTS credits to be passed at the end of the first year of study and an extension of the maximum duration of studies;
11. an exemption from the mobility requirement;
12. the relocation of evaluation tests outside the University;
13. the completion of the learning of certain or all elements of a program of study outside the university.

It remains to be seen whether the new law will contribute to improving the situation of students with disabilities. In a comparison over several years, the inclusion rate of students with disabilities at the University of Luxembourg has changed little and is currently less than one percent (see appendix). The act does not include private universities or other tertiary education institutions situated in Luxembourg.

The recent national key figures on Education do not indicate tertiary education rates at all either broken down by age groups or disability.⁴⁰ The Education and Training Monitor 2017 announces tertiary educational attainment in 2016 for age group 30-34

³⁸ Act on Luxembourg University 2018 (Loi du 27 juin 2018 ayant pour objet l’organisation de l’Université du Luxembourg.)

https://intranet.uni.lux/the_university/newlaw/Documents/Loi%20du%2027%20juin%202018%20Univ%20du%20Luxembourg.pdf.

³⁹ “*usager à besoins éducatifs particuliers* »: *tout usager présentant une déficience ou une incapacité particulière dont les répercussions entravent une progression normale dans les études ou l’empêchent de faire valoir, lors des épreuves d’évaluation, les connaissances et compétences acquises et qui est telle que ces entraves et empêchements puissent être palliés par les aménagements raisonnables prévus à l’article 39.*” University act 27 of June 2018, A 587 - 2.

⁴⁰ Ministère de l’Enseignement Supérieur et de la Recherche (2017). Chiffres clés de l’enseignement supérieur 2016 – 2017 <http://statistiques.public.lu/fr/actualites/conditions-sociales/enseignement/2017/10/20171004/index.html>.

for native born persons: 50.9% and 57.2 for foreign born persons.⁴¹ EUSILC UDB 2015 – version of October 2017 (and preceding UDBs) also do not show any result for Luxembourg.

⁴¹ Education and Training Monitor 2017 Luxembourg
https://ec.europa.eu/education/sites/education/files/monitor2017-lu_en.pdf.

4 Disability, poverty and social exclusion – analysis of the situation and the effectiveness of policies

The risk of monetary poverty in Luxembourg over time has been growing more or less linearly for 20 years. At the end of the 1990s, the rate was around 12%, at the end of 2010 it was 14.5 and by 2016 it was a peak of 16.5%. The Gini coefficient fluctuates from one year to the next, but over the last 20 years, the trend towards the deterioration of this inequality indicator seems to be taking shape.⁴² The poverty risk for older people is very low and children and young people are most at risk of poverty or social exclusion.⁴³ Persons with disabilities are at higher risk, although the gap is moderate compared to the EU average (Table 17). Social transfers have an important effect on poverty risk⁴⁴ including for persons with disabilities, and notably those with severe disabilities of working age (as well as a relatively high employment rate, their risk of household low work intensity is one of the lowest in the EU).

The risk of poverty or social exclusion (AROPE rate total - risque de pauvreté et d'exclusion sociale UE-2020) affected 114,127 persons or 19.8% of the total population in 2016. Foreign residents are more affected than nationals: 25.8% of foreign residents (foreign nationals) had been at risk of poverty or social exclusion, compared to 13.5% of nationals. Among foreigners, it is nationals of countries outside the European Union (EU28) who, with rates approaching 50%, are the hardest hit.⁴⁵

The documents available do not provide any data about poverty risk for persons with disabilities from the most recent data (cf EU-SILC 2017) but these are disaggregated for 2016 data in the annex to this report (Tables 16-20) and on the Eurostat disability database.⁴⁶

Following the report of the national trade union 'OBGL' the at-risk-of-poverty threshold in Luxembourg (Armutrisiko-Schwelle) has been indicated at €1,689. The national Chamber of commerce (Chambre des Salariés) estimates the poverty threshold in

⁴² Georges, Nathalie and Urbé, Robert (2018) Die soziale Entwicklung Luxemburgs in Zahlen. In: N. Georges & R. Urbé (Ed). Sozialalmanach: Schwéierpunkt: D'sozial Kohesioun um Spill? L'annuaire Caritas sur la situation sociale du Luxembourg. Luxembourg, Caritas, p. 281- 326.

⁴³ Rapport travail et cohésion sociale.

The results by age group and sex also indicate that young people are most at risk of poverty, and that the risk decreases with age. In 2017, the at-risk-of-poverty rate among 18-24-year olds is 26.4%, compared to 12.0% for those aged 65 and over. The poverty rate of the 0-17 age group is 22.8% and this is commonly referred to as the "child poverty rate"...(Les résultats par classe d'âge et par sexe indiquent par ailleurs que les jeunes sont les plus exposés au risque de pauvreté, et que le risqué diminue avec l'âge. En 2017, le taux de risque de pauvreté chez les 18-24 ans est de 26.4%, contre 12.0% pour les 65 ans et plus. Le taux de pauvreté des 0-17 ans est de 22.8% et c'est ce qu'on appelle communément le "taux de pauvreté des enfants"..)

<http://paperjam.lu/sites/default/files/pdf-cahier-121-2016.pdf>.

⁴⁴ The Commission staff working document (07.03.2018) Country Report Luxembourg (p.31) <https://ec.europa.eu/info/sites/info/files/2018-european-semester-country-report-luxembourg-en.pdf>.

⁴⁵ Cahier économique 123 (2017) Rapport Travail et Cohésion sociale (2017). <http://statistiques.public.lu/catalogue-publications/cahiers-economiques/2017/PDF-Cahier-123-2017.pdf>.

⁴⁶ <http://ec.europa.eu/eurostat/web/health/disability/data/database>.

2017 at €1,860. Hence the minimum income to live in human dignity but modestly (*'dezent aber bescheiden leben können'*) has been estimated at €1,900.⁴⁷ The different figures make it clear that the poverty threshold can be viewed differently and must be valued higher if a more dignified life is to be taken as the basis.

In 2018 the former RGM (Revenu minimum garanti) will be replaced by REVIS ('Revenu d'inclusion sociale').⁴⁸ One of the announced objectives of this reform is activation, also implied by the fight against inactivity trap. The REVIS is now linked to the National Employment Agency and requires availability for the labour market.

⁴⁷ Sozialalmanach 2018: Schwéierpunkt: D'sozial Kohesioun um Spill? L'annuaire Caritas sur la situation sociale du Luxembourg. Luxembourg, Caritas, p.37. (digital version coming soon).

⁴⁸ Draft Law on Social income (Projet de loi relatif au revenu d'inclusion sociale 7113) 2018 <https://chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires?action=doDocpaDetails&id=7113> and act of 28 July 2018 (Loi du 28 juillet 2018 relative au revenu d'inclusion sociale) <http://legilux.public.lu/eli/etat/leg/loi/2018/07/28/a630/jo>.

5 Opportunities to mainstream disability equality in the European Semester review documents

There is no direct reference to disability issues in the 2018 CSR, although the Commission's Country Report does refer to the reclassification of workers with disabilities (promoted as a mechanism to retain labour market engagement and reduce the number of disability pensions). However, several issues are mentioned that could benefit from a disability perspective. These include the employment and retention of older workers, who are much more likely to be disabled, long-term unemployment, employment subsidies, skills training, the postponed VET law, in-work poverty and the protective effect of social transfers. None of these issues are analysed from a disability perspective but all have implications for persons with disabilities.

The Commission's 2018 Country Report Luxembourg (CCR)⁴⁹ concluded, that Luxembourg has made limited progress in addressing the country-specific recommendations particularly on limiting early retirement and on increasing the employment rate of older people. The document emphasized positively that unemployment and the share of young people not in employment, education or training are low, but also states that income inequality and the weakening impact of social transfers on poverty merit attention. Both comments are of high relevance to people with disabilities, who are at a higher risk of unemployment and a higher risk of poverty (as reported in previous ANED reports).

The documents are substantially characterised by economic ideas on some of these issues (notably on longer working lives and the replacement of disability pensions with active reclassification) but some of the conclusions or proposals contained therein are unlikely to improve the situation of people with disabilities themselves. A recurring claim is to demand a longer working life '... that Luxembourg take action in 2018 and 2019 to:

- 1) Increase the employment rate of older people by enhancing their employment opportunities and employability while further limiting early retirement, with a view to also improving the long-term sustainability of the pension system.' And
- 2) 'Further reduce regulatory restrictions in the business services sector' (p.5-6).⁵⁰

These recommendations fail to question whether people (including older workers with disabilities) want to work longer in old age, and do not acknowledge the empirical evidence of non-compliance of employers with disability employment quotas (to which companies in Luxembourg are legally obliged).⁵¹ It merely hints at the problems of national tax policy 'that the country's tax rules may still be used in tax avoidance structures' without making any reference to the fact that such tax revenue could have been used for social support programmes for the benefit of people with disabilities. In this way, it overlooks the potential of the EU Pillar on Social Rights and a social

⁴⁹ <https://ec.europa.eu/info/sites/info/files/2018-european-semester-country-report-luxembourg-en.pdf>

⁵⁰ https://ec.europa.eu/info/sites/info/files/file_import/2018-european-semester-country-specific-recommendation-commission-recommendation-luxembourg-en.pdf.

⁵¹ Parliamentary Question 1333. (2015) <https://ccdh.public.lu/content/dam/ccdh/fr/archives/2015/QP-1333.pdf>.

investment approach to enhance social conditions and quality of life, including for persons with disabilities.

To make an assessment from the disability perspective of the general analysis provided by the Commission staff, and the conclusions reached by the Council, what has been done well, some questions must remain unanswered:

The law aiming at keeping workers with disabilities longer in the labour market, which entered into effect at the beginning of 2016, could not yet be analysed in terms of its impact on the actual mean retirement age. Empirical data show that in 2016, the overall average effective retirement age is 60.2 years, but it is 53 years for people with disabilities who apply for a disability pension (Ministère de la sécurité sociale, 2017, 142).⁵² According to the national pension fund 2017, the average retirement age for men was 61.0 years and for women 61.9 years.⁵³ It is not clear whether these figures reflect an increase in the retirement age.

As the data presented in annex 7.1 of this report suggest, it cannot be assumed that there has been any fundamental improvement in the employment problems of people with disabilities. The COSPH⁵⁴ project described later in chapter 6 can hardly change the situation due to its absorption capacity and has so far fallen short of its original expectations.

⁵² Ministère de la sécurité sociale, *Comprehensive report on social security in the Grand Duchy of Luxembourg* (Rapport général sur la sécurité sociale au Grand-Duché de Luxembourg) 2017 http://www.mss.public.lu/publications/rapport_general/rg2017/rg_2017.pdf (p. 142)

⁵³ National Pension Insurance Fund (CNAP Caisse Nationale d'Assurance Pension), Luxembourg http://www.luxsenior.lu/online/www/nav_content/16/190/200/201/contentContainer4/4143/1001/FR/E/170529_Presentation%20pension%20de%20vieillesse_MF_BGL.pdf

⁵⁴ COSP-HR (Centre d'évaluation et d'orientation socio-professionnelle pour les demandeurs d'emploi ayant le statut du salarié handicapé et/ou du reclassement externe) <http://www.fonds-europeens.public.lu/fr/projets-cofinances/fse/2014-2020/1042/index.html>.

6 Implementation of the European Structural and Investment Funds (ESIF) in relation to disability

The European Structural and Investment (ESI) Funds include five separate EU funds within one of them is the European Social Fund (ESF).

The COSP - HR project⁵⁵ is 50% co-financed by the European Social Fund. COSP is a Socio-Professional Guidance Centre that aims at the stabilisation, evaluation, activation and orientation of jobseekers who are registered with the ADEM. The selection of participants is carried out by the ADEM and it mainly targets job seekers who have problems entering the first labour market. It is a question of preparing them through the development of social skills and through the establishment of a socio-professional project for working life, either towards the first labour market, or towards a 'social initiative', or towards another structure adapted to their profile and skills. COSP is financed by an annual agreement signed with the Ministry of Labour, Employment and the Social and Solidarity Economy and the Ministry of National Education and Youth.

This project begins with a selection phase among persons having the status of disabled employee and/or in external reclassification being registered with the ADEM as job seekers. The selection is made by ADEM. This project aims to evaluate the residual capacities of the participants in the project and thus to facilitate the orientation and/or professional reorientation of the person. These evaluations concern 240 job seekers with the status of disabled employee and/or in external reclassification for the 12 months of the project.

- For all participants, the following will be assessed: current health status, physical and work abilities, stress resistance and social group skills. The duration of this assessment is 8 weeks.
- Physical, mental and psychological disorders and handicaps will be assessed by the professional teams of the Rehazenter and the CHNP, together with the staff of the COSP, according to three components: physical disability, psychological disability, mental disability or mixed disability.
- The assessment of psychological disability primarily includes a thorough psychiatric examination with diagnostic clarification, evaluation of resources and deficits, evaluation of therapeutic possibilities, as well as a neuropsychological examination with a battery of tests on intelligence, concentration, memory, executive faculties, impulsiveness, endurance, etc. The assessment is carried out by a psychiatrist.
- The physical disability assessment includes a thorough physical examination with diagnostic clarification, assessment of abilities, resources, and deficits and assessment of remaining therapeutic options, as well as a neuropsychological examination that includes the same tests as described above. A test on the Ergo

⁵⁵ COSP-HR (Centre d'évaluation et d'orientation socio-professionnelle pour les demandeurs d'emploi ayant le statut du salarié handicapé et/ou du reclassement externe) <http://www.fonds-europeens.public.lu/fr/projets-cofinances/fse/2014-2020/1042/index.html>.

Kit, which is a standardised and recognised functional ability assessment tool, will provide information on the remaining competences.

- Finally, the occupational therapists of the CHNP and the Rehazenter, together with the professional trainers, will evaluate the candidate's abilities to invest in the world of work in the workshops in real work situations: understanding, social skills, impulsiveness, frustration tolerance, stress tolerance, motivation, but also punctuality, openness, reliability, acceptance of rules... allowing the candidate's limits to be noted, but also his resources. Specific recommendations may be made regarding the specific needs of the candidate.

Although the approach is innovative, the various testings will be based, as far as possible, on validated and standardized instruments. The residual professional and social skills assessment is then constructed as the person is assessed and observed in the various workshops.

For persons who are not yet or are no longer ready to enter the regular labour market, an opinion on further training will be given or, where appropriate, a recommendation for an invalidity pension will be made.

The aim is to increase the employability of jobseekers with the status of disabled employees and/or external redeployment in order to facilitate their reintegration into the labour market.

The basic idea was to involve employers through 'speed dating' as early as possible in the implementation of the concepts, since it is the employers who know best the criteria and qualifications according to which they will recruit in the short and medium term. In particular, employers offer employment contracts to jobseekers with the status of disabled employees and/or external reclassification registered with the ADEM.

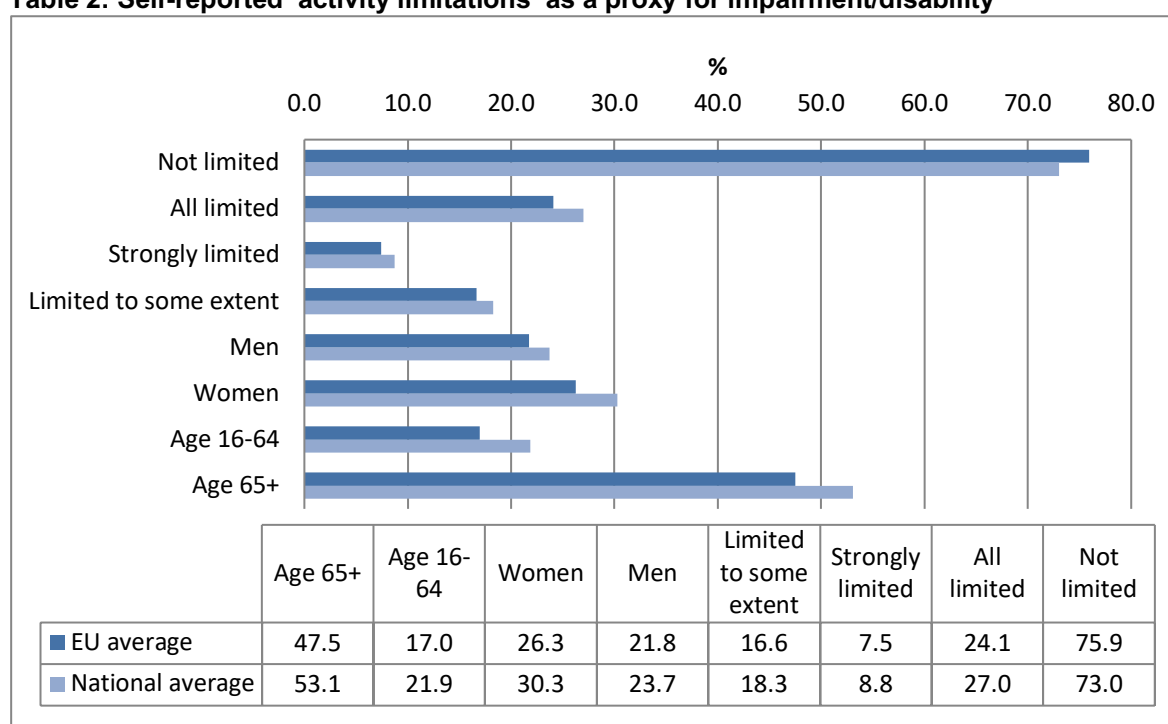
For companies it is essential to offer an innovative evaluation and orientation concept corresponding to the needs of companies. The COSP-HR runs under the programme « Investissement pour la croissance et l'emploi (2014-2020) » The total costs are indicated with €1,300,000. The Part of the FSE (50%) is €650,000. The project time line is 01/01/2018 - 31/12/2018. First evaluation data are indicated in chapter 2 and Table 12.

7 Statistical annex: disability data relevant to EU2020

Unless specified, the summary statistics presented in this report are drawn from the most recent EU-SILC micro data available to ANED researchers from Eurostat. Where available, estimates based on national data sources should be compared. The EU-SILC sample includes people living in private households and does not include people living in institutions (congregative households). The sampling methods and responses vary in each country.

The proxy used to identify people with disabilities (impairments) is whether ‘for at least the past 6 months’ the respondent reports that they have been ‘limited because of a health problem in activities people usually do’.⁵⁶

Table 2: Self-reported ‘activity limitations’ as a proxy for impairment/disability



Source: EU-SILC UDB 2016 – version of March 2018

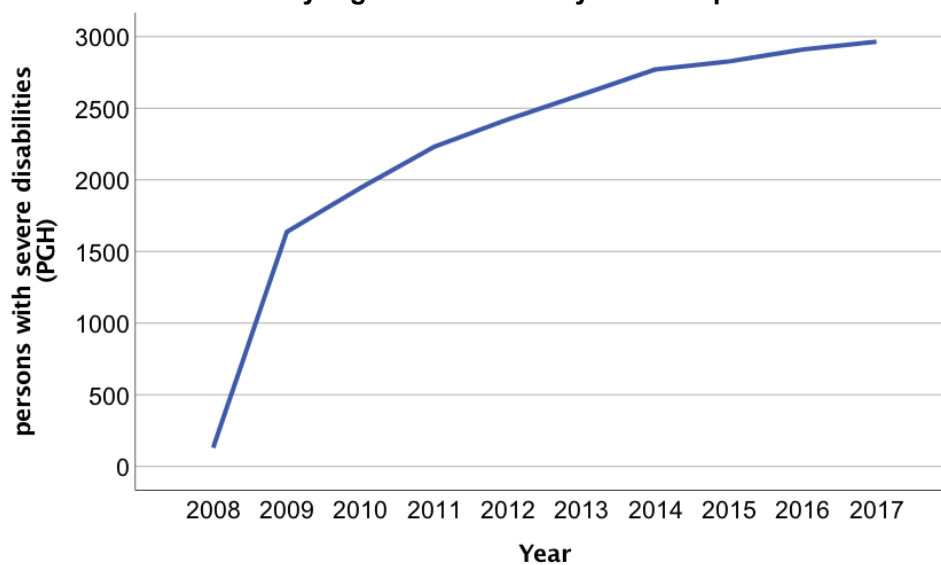
In subsequent tables, these data are used to estimate ‘disability’ equality gaps and trends for the three target areas in EU2020 – employment, education and poverty reduction – comparing the outcomes for persons who report and do not report ‘limitations’.⁵⁷ National estimates are compared with EU28 mean averages.⁵⁸

⁵⁶ The SILC survey questions are contained in the Minimum European Health Module (MEHM) [http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Glossary:Minimum_European_Health_Module_\(MEHM\)](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Glossary:Minimum_European_Health_Module_(MEHM)).

⁵⁷ The methodology is further explained in the annual statistical reports of ANED, available at <http://www.disability-europe.net/theme/statistical-indicators>.

⁵⁸ In 2015 there was a discontinuity in the German disability data due to a definitional change (reducing prevalence estimates significantly). As Germany is a very large country, this affected the estimation of EU average indicators and should be taken into account when considering longer-term trends.

Figure 2: Total of Persons officially regarded as severely disabled persons⁵⁹



Source: ADEM and FNS Data compiled by the author (see Footnote above)

⁵⁹ Data compiled by Arthur Limbach-Reich according to the figures of the employment agency (ADEM) <http://adem.public.lu/fr/publications/adem/2018/rapport-annuel-succinct/index.html> and the national office of solidarity (FNS). <https://www.fns.lu/rapports-dactivite/>.

7.1 Disability and employment data from EU-SILC

Table 3: Employment rates, by disability and gender (aged 20-64)

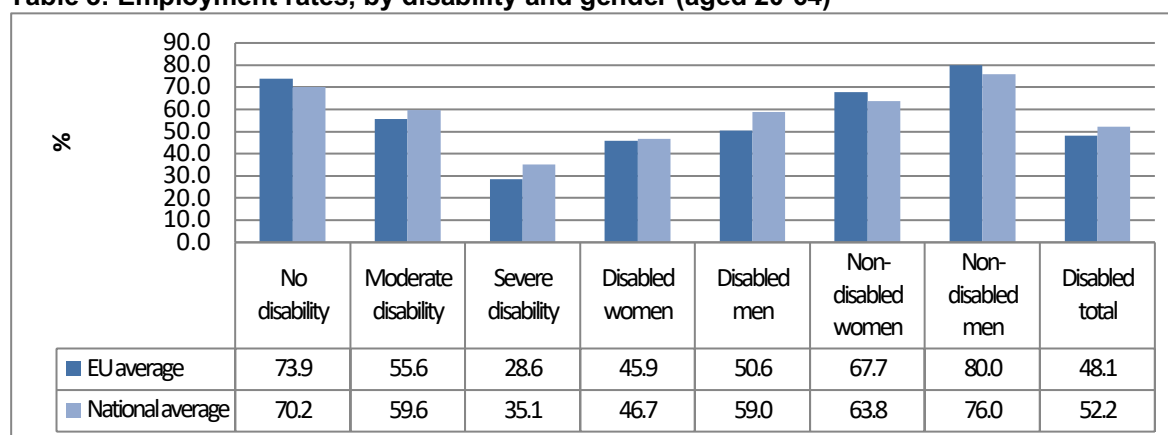


Table 4: Employment rates, by age group

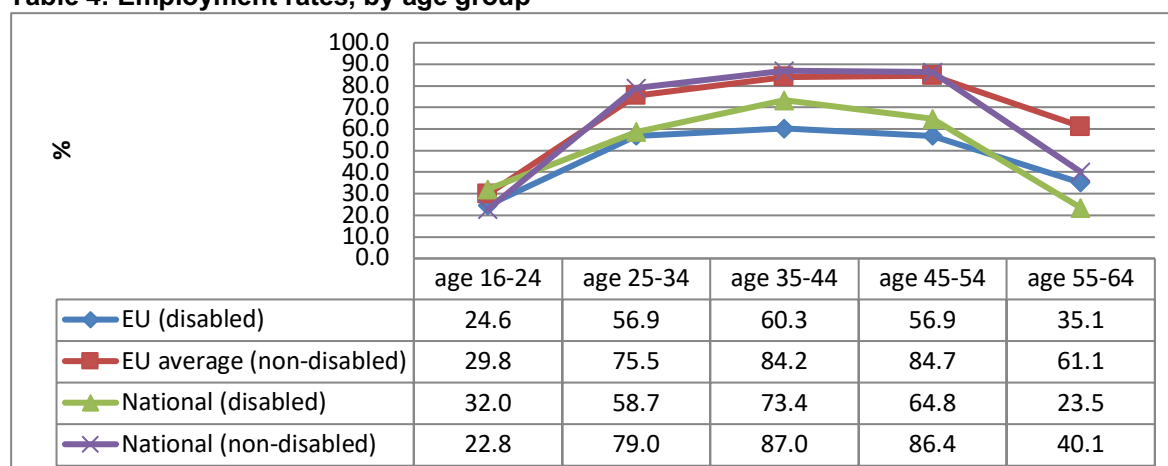
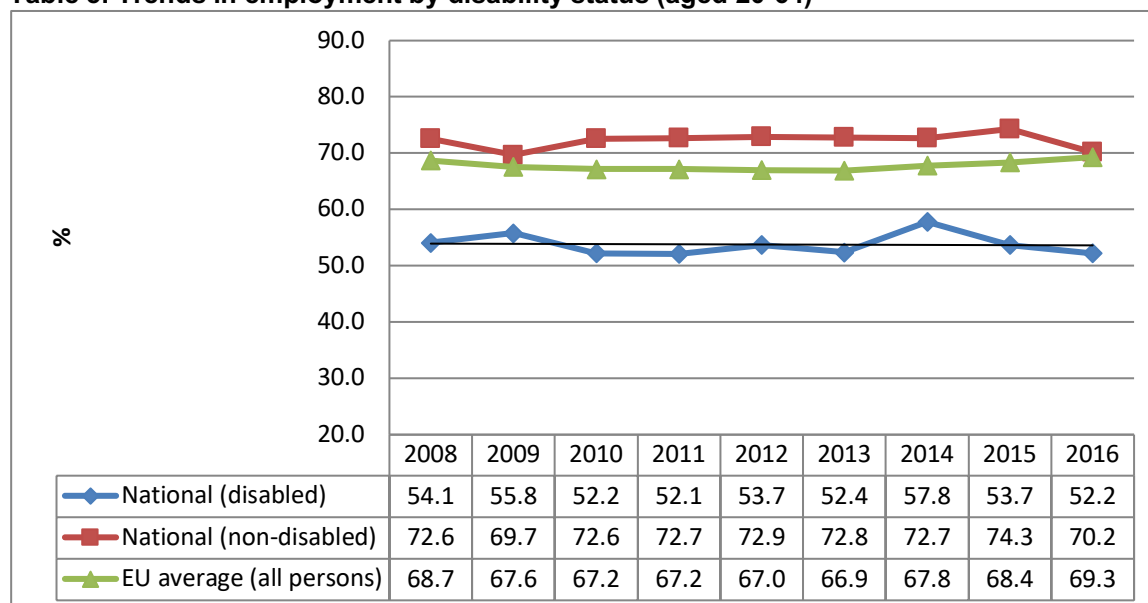


Table 5: Trends in employment by disability status (aged 20-64)



Source: EU-SILC UDB 2016 – version of March 2018 (and preceding UDBs)

7.1.1 Unemployment

Table 6: Unemployment rates by disability and gender (aged 20-64)

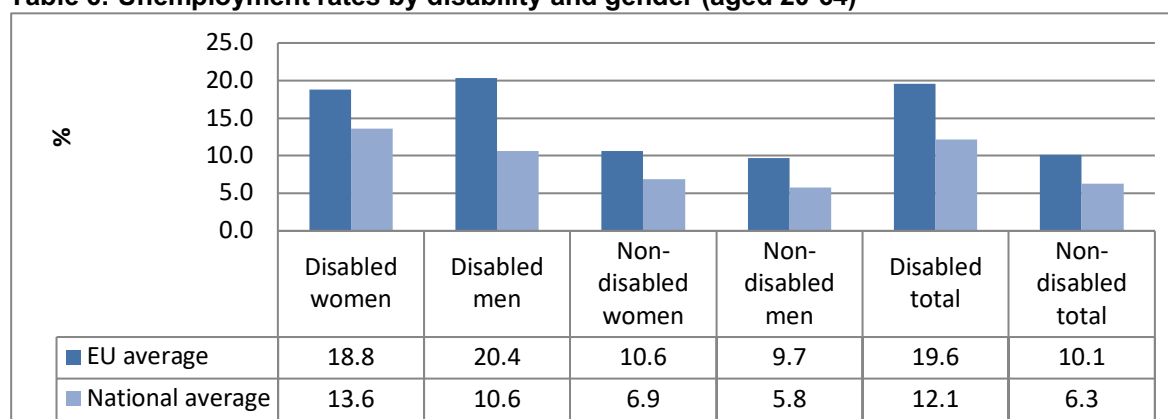


Table 7: Unemployment rates, by age group

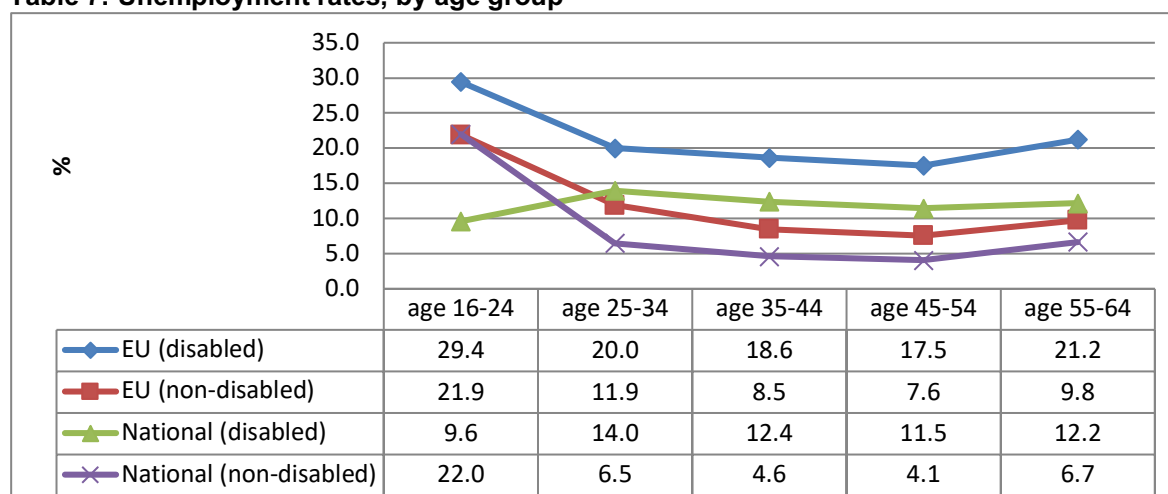
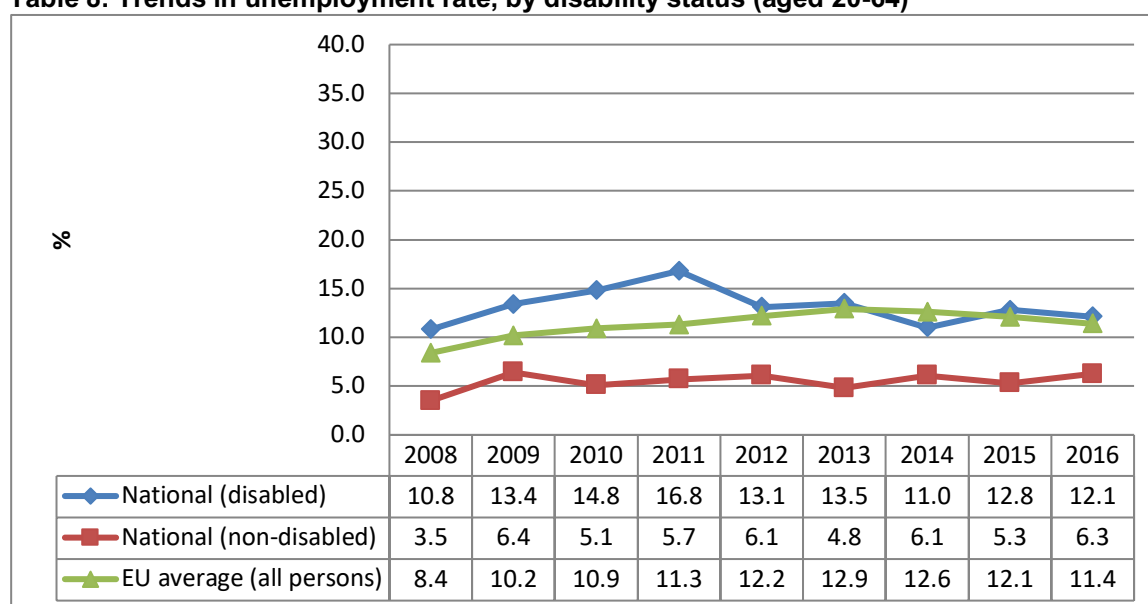


Table 8: Trends in unemployment rate, by disability status (aged 20-64)



Source: EU-SILC UDB 2016 – version of March 2018 (and preceding UDBs)

7.1.2 Economic activity

Table 9: Economic activity rates, by disability and gender (aged 20-64)

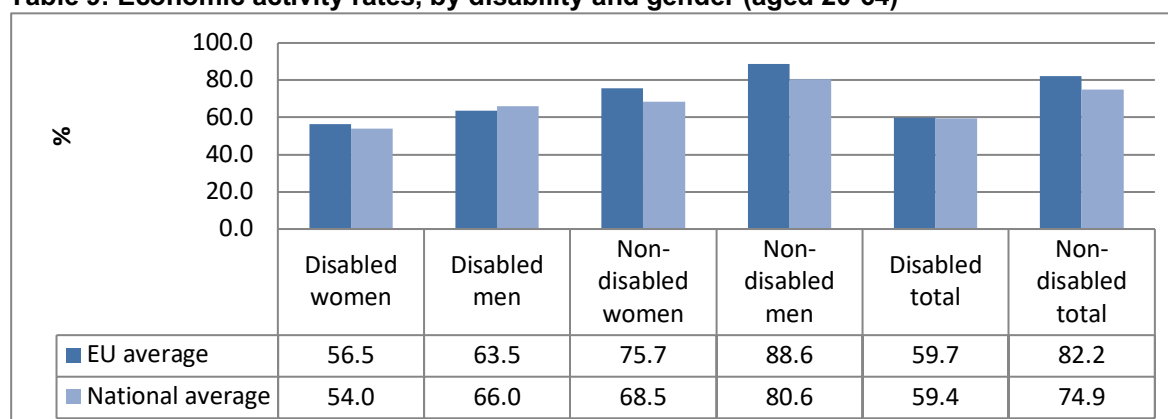


Table 10: Activity rates, by age group

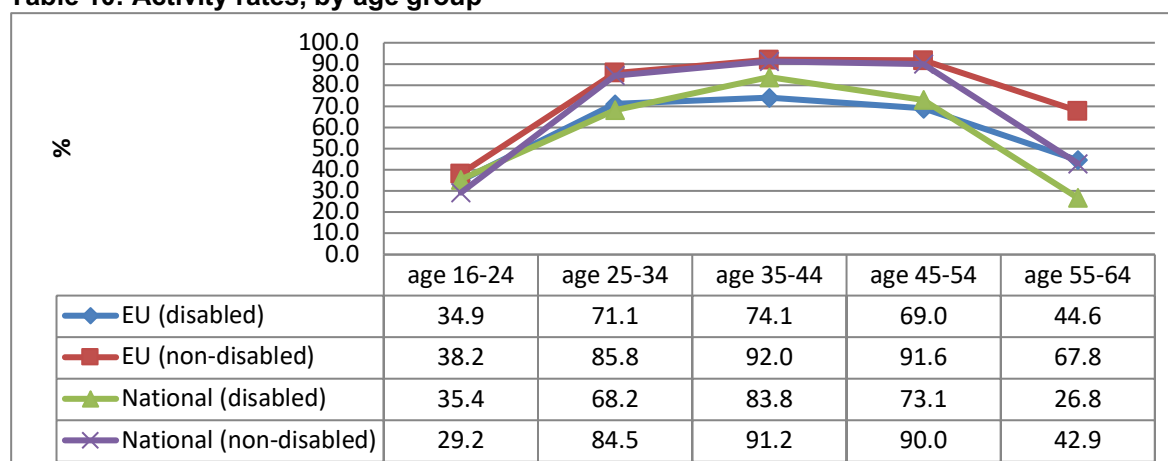
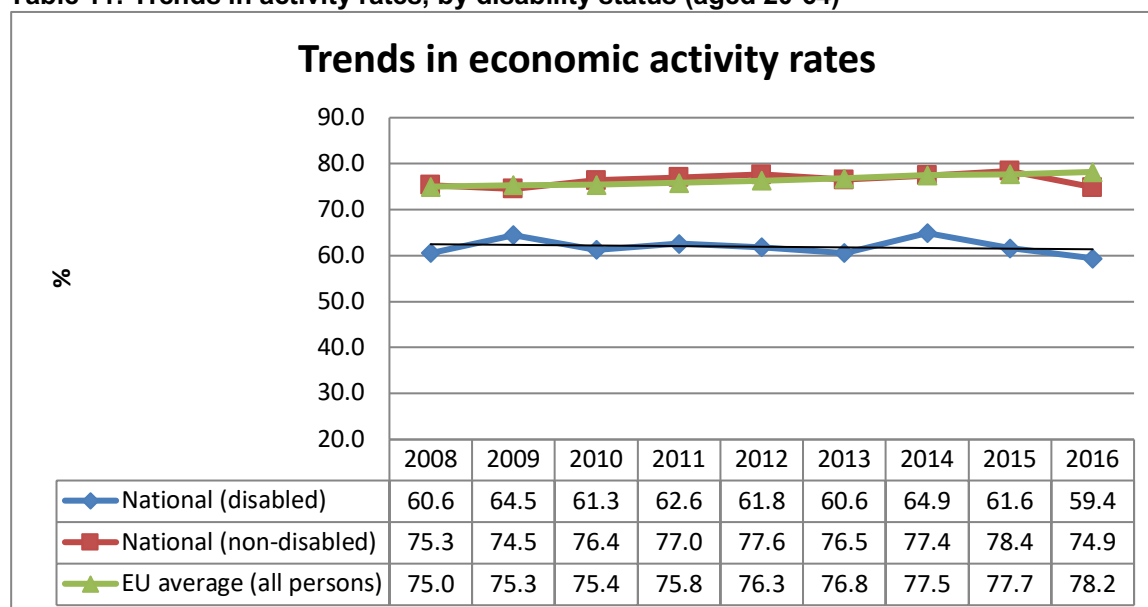


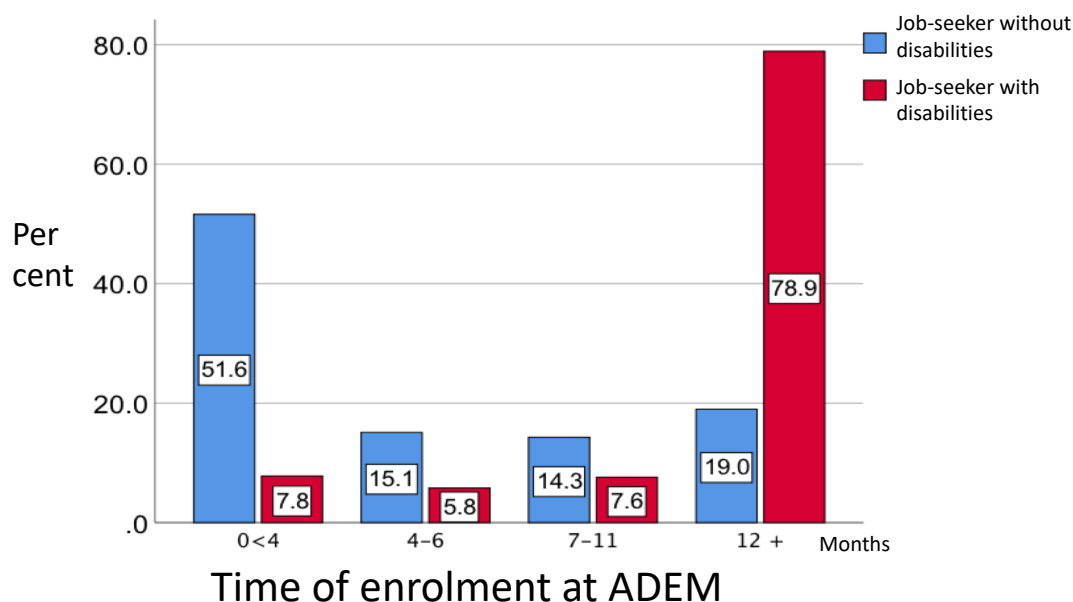
Table 11: Trends in activity rates, by disability status (aged 20-64)



Source: EU-SILC UDB 2016 – version of March 2018 (and preceding UDBs)

7.1.3 Alternative sources of national disability employment data

Figure 3: Distribution of unemployed persons by duration of registration with ADEM, December 2017



Source: *Panorama Social 2018*⁶⁰

Table 12: Participation and outcomes in the COSP-HR

Programme COSP-HR 2017 (ADEM 2018)	Number	Percentage
Number of people who started the project	240	100%
Number of people who followed the project in its entirety	207	86.25
Number of people oriented (ordinary market and social initiatives)	162	67.5
of which ordinary labour market oriented	111	46.25
of which oriented towards a social initiative	51	21.25
Number of people who need to take other steps	45	18.75
Number of hires (employment)	39	16.25

Source: *AGENCE POUR LE DÉVELOPPEMENT DE L'EMPLOI (ADEM 2018). Rapport annuel 2017, (p. 16)*⁶¹

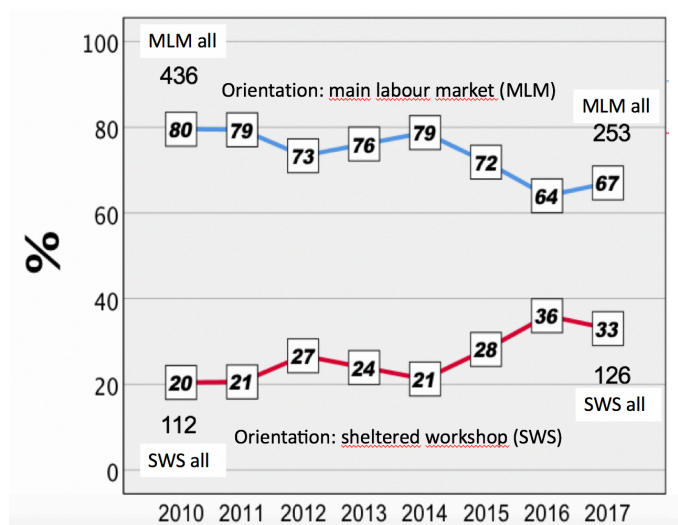
⁶⁰ Panorama Social (2018) long-term un-employment and disability , Répartition des chômeurs selon la durée d'inscription auprès de l'ADEM, décembre 2017 p. 53: <http://www.statistiques.public.lu/fr/actualites/conditions-sociales/conditions-vie/2018/04/20180428/Panoramaisocial2018.pdf> (translation by the author).

⁶¹ <http://www.adem.public.lu/fr/publications/adem/2018/rapport-annuel-succinct/Annual-report-2017.pdf>. Completed by Limbach-Reich, Arthur (2018) L'inclusion & l'exclusion des personnes handicapées: Une question des contextes favorables ou défavorables? – XXIXe colloque annuel à Luxembourg: Le travail social et éducatif à l'épreuve des catégorisations/codages binaires – 1.7 – 4.7. 2018 Atelier de présentation. http://orbilu.uni.lu/bitstream/10993/36072/1/Limbach-Reich_A_2018_Neoliberalisme%20Handicap_Travail_Social_REFUTS_02-07-2018.pdf.

Table 13: Growth of different subpopulations in comparison

	Severe disabled persons (PGH)	Disabled worker	Unemployed Persons	Population Luxembourg
2010	1944	2600	13535	502066
2017	2964	3665	16274	590667
Increase in %	52.5	44.1	20.2	17.6

Source: adapted from ADEM annual reports⁶²

Figure 4: Orientation towards open labour market (MLM) versus sheltered workshops (SWS)

Source: Data adapted from Annual Reports of the ADEM⁶³

⁶² Compiled by Arthur Limbach-Reich (2018) Inclusion et marché du travail: mondes étrangers ou intérêts communs? Pensée économique néolibérale au lieu d'une pleine participation? Conference CJFA: Centre d'études juridiques européennes et comparées / Universität des Saarlandes Droit et Handicap Symposium Accès au marché du travail des personnes handicapées 29.06.2018 Saarbrücken. <http://orbilu.uni.lu/handle/10993/36052>.

⁶³ Limbach-Reich, Arthur (2018) L'inclusion & l'exclusion des personnes handicapées: Une question des contextes favorables ou défavorables? – XXIXe colloque annuel à Luxembourg: Le travail social et éducatif à l'épreuve des catégorisations/codages binaires – 1.7 – 4.7. 2018 Atelier de présentation. http://orbilu.uni.lu/bitstream/10993/36072/1/Limbach-Reich_A_2018_Neoliberalisme%20Handicap_Travail_Social_REFUTS_02-07-2018.pdf.

7.2 Disability and educational attainment data from EU-SILC

National comparisons are more limited in the EU2020 target age groups (a wider range improves reliability, but gender breakdowns are not reliable). The EU level indicator is reliable but there is low reliability at the national level in individual years. The following tables show an average of the three most recent years (2014-2016).

Table 14: Three-year average early leaving rates, by disability status (aged 18-24 and 18-29)⁶⁴

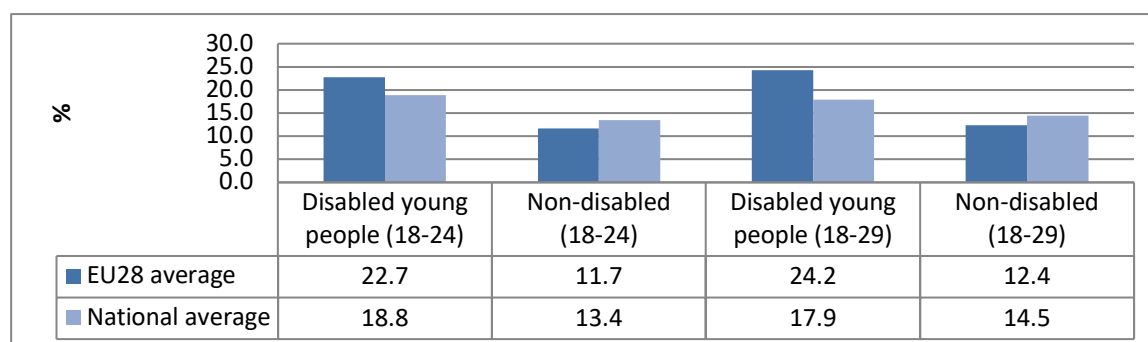
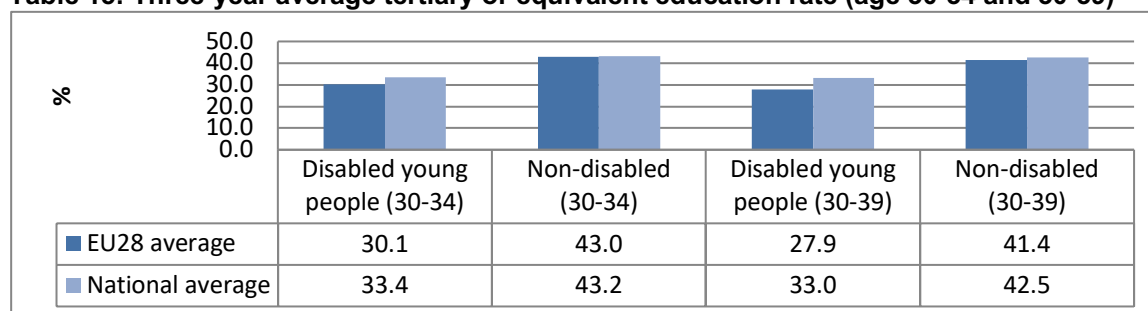


Table 15: Three-year average tertiary or equivalent education rate (age 30-34 and 30-39)



Source: EU-SILC UDB 2016 – version of March 2018 (and preceding UDBs)

Note: Confidence intervals for the disability group are large and reliability low. An average of several years may be needed to establish trends. National administrative data may provide alternative indications, where available.

⁶⁴ There was a change from ISCED 1997 to ISCED 2011 qualification definitions in 2014 although some Member States continued to use the older definition in 2015.

7.2.1 Alternative sources of national disability education data

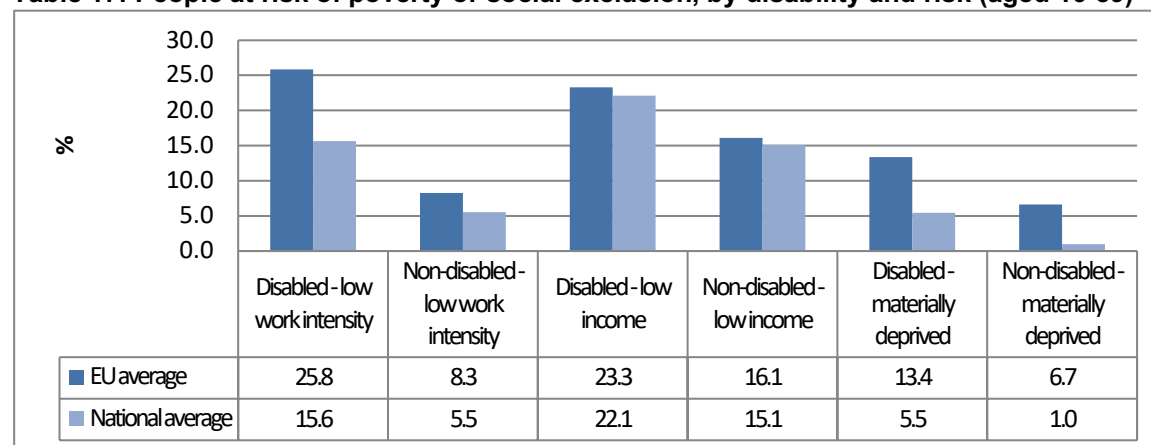
Table 16: National Key Data on Education and SEN

Year	Special Educat ⁶⁵	F ⁶⁶	M ⁶⁷	Non-Lux ⁶⁸	Oute Lux ⁶⁹	Incl ⁷⁰
2009/10	608	210	398	50.8	169	546
2010/11	690	231	459	51.3	165	550
2011/12	779	278	501	60.8	154	605
2012/13	848	281	567	51.3	124	629
2013/14	835	275	560	51.4	118	650
2014/15	884	302	582	51.4	116	683 ⁷¹
2015/16	918	--	--	54.0	131	757 ⁷²
2016/17	875	--	--	--	--	780

Source: MEN rapport anuel

7.3 Disability and poverty or social exclusion data from EU-SILC

Table 17: People at risk of poverty or social exclusion, by disability and risk (aged 16-59)



⁶⁵ Students in special education programmes age <= 16. Source: MEN rapport anuel.

⁶⁶ Female students in special educational needs programmes (éducation différenciée).

⁶⁷ Male students in special educational needs programmes.

⁶⁸ Students with special needs educated without Luxembourgish nationality.

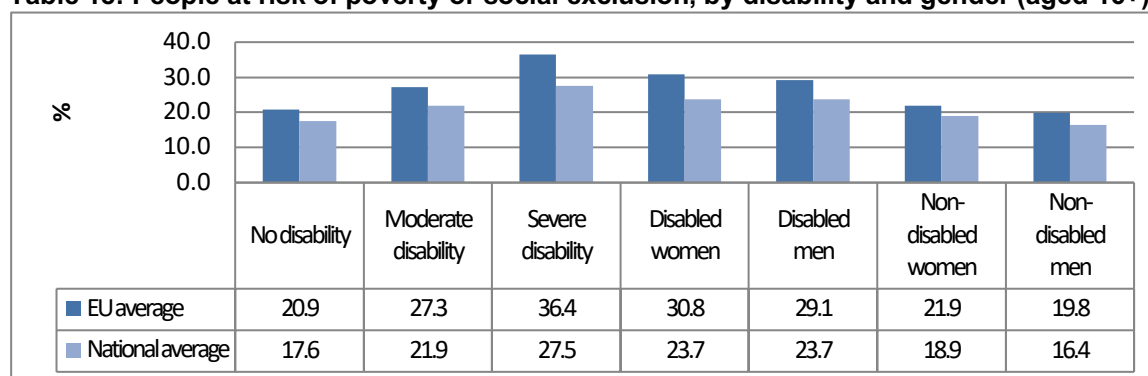
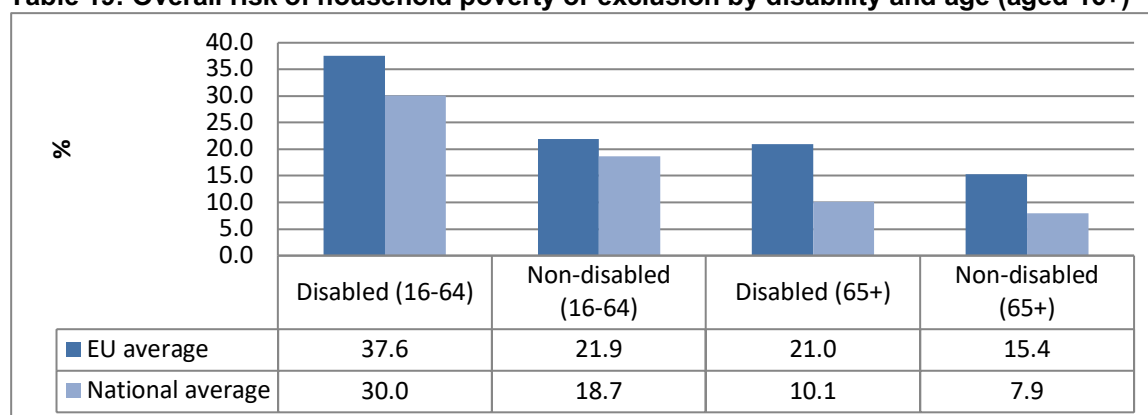
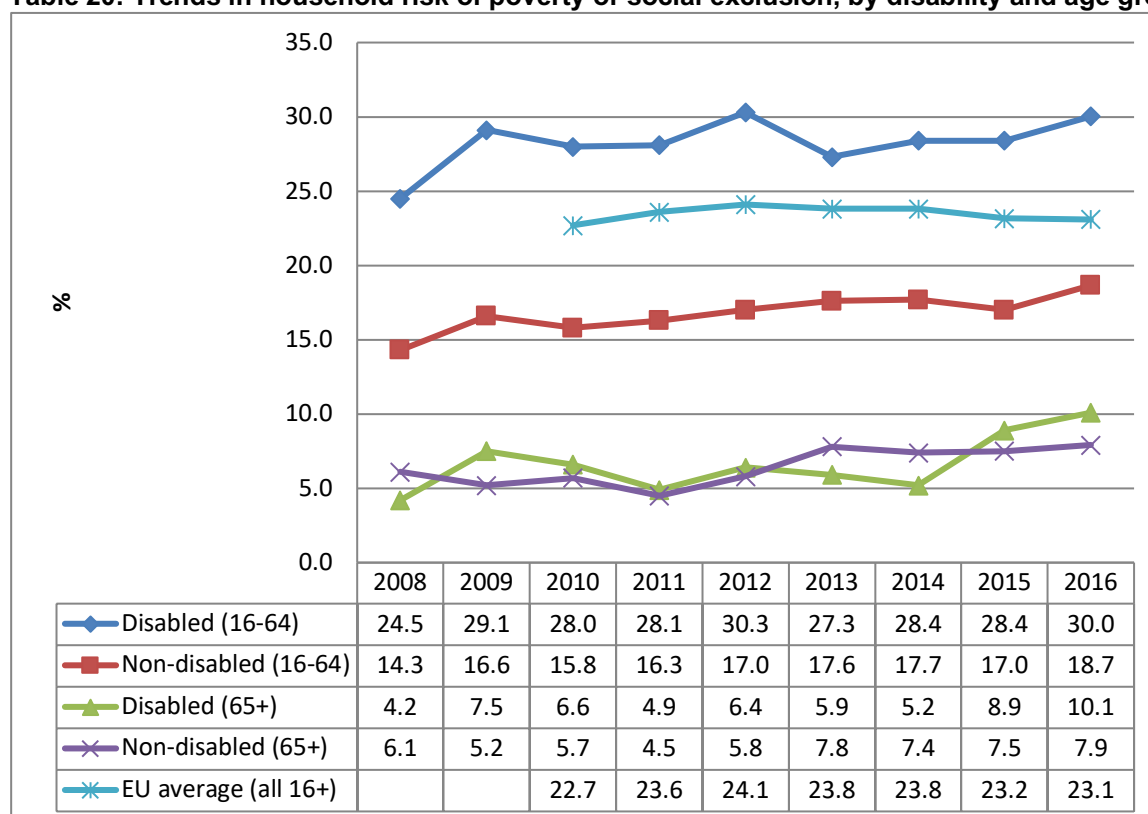
⁶⁹ Students with special needs educated outside of Luxembourg.

⁷⁰ Students with special needs included in mainstream classes.

⁷¹ The data prior to 2015 are compiled from the MEN-Report 2015, p.125.

<http://www.men.public.lu/catalogue-publications/themes-transversaux/rapport-activites-ministere/2015/1-fr.pdf>.

⁷² The data from 2015 on are not comparable to prior data because the Ministry has changed the compilation procedures.

Table 18: People at risk of poverty or social exclusion, by disability and gender (aged 16+)**Table 19: Overall risk of household poverty or exclusion by disability and age (aged 16+)****Table 20: Trends in household risk of poverty or social exclusion, by disability and age group**

Source: EU-SILC UDB 2016 – version of March 2018 (and previous UDB)

Note: The risks for older people do not include work intensity (Eurostat refers to the age group 0-59 for this measure) and the survey does not distinguish 'activity limitation' (the proxy for impairment/disability) for children under the age of 16.

7.3.1 Alternative sources of national disability poverty data

In general, the EU-SILC data provides the most comprehensive and reliable source concerning poverty or social exclusion rates in the Member States. However, national disability surveys or studies may offer additional information (see chapter 4).