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From Disability Benefits to Gainful Employment

Conference Report



From Disability Benefits to Gainful Employment

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The International Labour Organization (ILO)
Sub-Regional Office for Central and Eastern Europe, Budapest

In cooperation with

The Skills and Employability Department, Geneva

Reumal Center, Fojnica,
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Introduction

Once on the sidelines of public policy debates, the treatment of persons with disabilities has become an important issue for all European countries. Foremost among questions concerning cash benefits, access to public spaces, healthcare, and protections against discrimination is the question of how to provide meaningful employment opportunities for all persons with disabilities, without regard to the cause of disability.

Many countries in South-Eastern Europe were severely suffering from the Balkan wars in the last decade, and at their conclusion there could be no more tangible and poignant concern than how to integrate persons disabled as a consequence of these conflicts, both former soldiers as well as civilian victims of war. Providing social insurance, social assistance, social services, and medical as well as vocational rehabilitation for those disabled persons, but also for those disabled due to unsafe workplaces, other accidents or diseases, or from birth is a paramount challenge to policymakers in the region.

With economic and political transition progressing, though not yet completed, the priority now must shift from the provision of income to the reintegration of persons with disabilities into the world of work.

This request poses several challenges to policymakers across the region:

- to shift from a medically defined approach to disability towards a focus on work capacity (recruitment, job retention, and return to work)
- to examine existing provision of cash benefits for persons with disabilities with regard to disincentives to employment and return to work
- to strengthen the linkages among medical rehabilitation, vocational rehabilitation, and national pension programs, so that all work smoothly together and are similarly aimed at promoting employment
- to avoid using disability programs for other social purposes (i.e. protection from unemployment) and thus to avoid diluting scarce public resources needed by persons with disabilities.

National efforts in South-Eastern Europe have just begun to shift the focus of support for persons with disabilities towards measures that can enable them to achieve their full potential as working adults.

The ILO and South Eastern Europe

To promote these objectives, the ILO's Sub-regional Office for Central and Eastern Europe in Budapest has developed several initiatives in recent years in South-Eastern Europe in the fields of vocational rehabilitation and disability pension reform. Its outcomes and lessons learned served as the conceptual basis for this conference.

The main work that the conference draws on was undertaken in the field of management of vocational rehabilitation by the ILO in Bosnia and Herzegovina (BiH) in 2002, when the ILO SRO Budapest completed a project, funded by the German Government, entitled "Job Creation for War-Disabled Persons in BiH" and located at the REUMAL rehabilitation center in Fojnica, 50 kilometers outside Sarajevo – again the location for the 2005 conference reported here.

This project targeted legislation and its effects on work incentives as well as support for the rehabilitation services. A secondary conceptual resource for the conference was a regional analysis of disability policy tools carried out in the months just prior to its occurrence under the ILO sub-regional project, "Strengthening Social Protection in South Eastern Europe," with financial support from the Government of France.

Combined efforts for disability policy promotion

In 2004, ILO SRO Budapest asked the Austrian Government to co-fund a sub-regional seminar on disability pension reform to bring together all ILO constituents from all SEE countries (the former Yugoslavia, except Slovenia; but Albania, Moldova; and some representatives of NGOs from the host country). The purpose was to focus on detailed problems regarding the transition from benefit regimes to job integration. This request was positively received by the Austrian Government, and its funding was supplemented by French project resources, used for the disability policy survey described above.

For policymakers, a meaningful reintegration of persons with disabilities into the workplace should entail the following goals brought into focus at this conference:

- to come to a common understanding of the linkages – both mutually reinforcing and tensions – among employment, labour market, and social protection (benefits) policies
- to evaluate the incentive/disincentive functions of disability benefit systems with regard to the labour market integration of beneficiaries

- to identify the potential benefits of shifting from benefit-based approaches to labour market integration approaches in disability policy
- to understand how persons with disabilities perceive their own needs for support in seeking to enter or reenter employment
- to develop a set of next steps for disability policy reform towards employment integration.

These were the goals of the conference “From Disability Benefits to Gainful Employment”, held in Fojnica, BiH in October 2005 with the support of the Austrian Government. The participants included over 30 participants from federal, regional entity, and municipal levels of government in BiH as well as two representatives each from Albania, Croatia, the Former Yugoslav Republic of Macedonia, Moldova, Montenegro, and Serbia – who are either policymakers, senior civil servants at labour market and social security/assistance institutions, managers of service delivery and rehabilitation institutions in the area of disability policy or subsequent fields, or NGOs working for disability rights in BiH and other SEE countries.

The Government of BiH hosted the event and recognized its significance through the presence of the Minister for Civil Affairs, **Mr. Safet Halilovic**, who delivered an opening address to the conference; the Assistant to the Minister, **Mr. Damir Dizdarevic**, as well as the Advisor to the Minister **Mr. Sefik Rizvanovic**, attended the full length of the meeting.

The programme is attached to this report.

Thursday, 6th October 2005

Opening of the conference

Following welcoming remarks by **Mr. Eldan Lokmic**, Director of the Reumal Center, **Mr. Safet Halilovic**, Minister of Civil Affairs of Bosnia and Herzegovina, addressed the audience. He expressed his thanks for organizing this ILO conference in his country and referred to the Poverty Reduction Strategy for BiH 2007 which also has a focus on rehabilitation. His government is committed to provide conditions for a better and more dignified life for persons with disabilities and to redesign disability policy to correspond with EU standards.

Ms. Petra Ulshoefer, Director ILO SRO Budapest, opened the conference referring to the backgrounds of the conference and its goals. She stressed that one of the ILO's key contributions to stabilization and good governance in BiH has been to address disability benefits and employment. This conference would provide the opportunity not only to focus on persons with disabilities, but also to foster exchange with them, as stakeholders taking ownership of the issues that directly affect them. She said that a multinational approach, like the one at this conference focusing on policy design and coherence, is the key to sound employment and social policies. Participating countries can exchange information about what policies work best. Experts from both within and beyond the region have come to present strategies for promoting employment options for persons with disabilities in the open labour market and to formulate an assessment of some of the priorities for future action to improve employment options in the participants' home countries. The actual conditions in the region are revealed by a survey commissioned for the conference on what policy tools currently exist for promoting such employment options and which tools have yet to be developed in the Stability Pact countries of South-Eastern Europe.

The SRO Director stressed that the ILO is a ready to be a partner in national efforts to improve the employment situation in South-Eastern European countries and, in particular, to make disability pension systems more supportive for persons who try to reach their full professional potential. The ILO is eager to learn how the participants see the priorities for action.

Ms. Ulshoefer finished by expressing her thanks to the donors, the Austrian Federal Ministry of Social Affairs and Generations and the French Ministry of Social Affairs, Labour, and Family for their support. The efforts of the Reumal Center, the authorities in BiH, and in particular, **Ms. Lejla Tanovic**, the ILO's National Correspondent for BiH, as well as the contributions of the ILO experts and other staff from Geneva and Budapest were also recognized.

Keynote presentation 1

In a presentation entitled "**Policy in Transition: An Overview of European Experience Regarding the Employment of Persons with Disabilities**", **Ms. Barbara Murray**, ILO Skills and Employability Department, Geneva, gave an overview of trends in how disability is understood. She went on to describe recent developments in policy and laws concerning the training and employment of disabled per-

sons. She also outlined training and employment options and ended with a summary of likely future directions. A summary of the presentation follows.

Models of Disability

Definitions of disability have evolved from a moral approach, in which disability is regarded as a result of wrongdoing or sin, through a medical approach, in which the focus is on the disabled person's impairment, to a social and rights-based approach, in which the spotlight is placed on the obstacles to full participation in society arising from physical and societal barriers. While each of these approaches may coexist in any society, there has been a definite shift towards social and rights-based approaches in policies and laws around the world.

Associated with the moral approach, people with disabilities face the problems of shame and guilt, and may be kept at home or hidden away as a result. Solutions to these problems are frequently sought by making merit through good deeds, charitable donations or other means. Insofar as services are made available to disabled persons under this approach, they are generally in the form of care by the family or religious organizations.

When disability is considered primarily a medical matter, the focus is on the disabled persons' impairment and their inability to function like non-disabled persons. Solutions in this case involve individual rehabilitation to enable a person to live life as normally as possible – in other words, to change the way in which the person functions. The associated policy approach involves care and service provision in separate institutions. This has at times been described as a custodial approach or a way of “protecting” society. In the social/rights-based definition, people with disabilities are seen as being prevented from participating fully in society because of barriers in laws and policies; inaccessible buildings (schools, training centers, workplaces); inaccessible public transport; poor information and information in inaccessible formats; and mistaken ideas and assumptions about what disabled people can do and achieve. Solutions to these problems are sought through the removal of these barriers, with a view to changing society and making it more inclusive. The predominant policy approach in this understanding of disability is centered around community-based care and services, and fostering integration and inclusion.

Different types of legislation are associated with each of these approaches. Where a moral approach prevails, legislative provisions that may benefit persons with disabilities are generally in the form of charity law, providing for relief in the case of desti-

tution and usually involving care in institutions or asylums. Associated with the medical model of disability, legislation may deal with some or all of social security and social protection, health and medical rehabilitation, employment quotas, and employee compensation. Such laws focus on providing compensation for impairment, and frequently envisage service provision in segregated settings, rather than in services available to the general population. Legislation associated with the social and rights-based approaches to disability includes anti-discrimination law, employment equity law, and laws concerning job-retention and return to work. The focus here is on integration and inclusion, the prohibition of discrimination on the basis of disability and on positive measures to compensate for disadvantage.

In summary, the changes that have taken place in recent decades represent a shift from “Rehabilitation of Disabled Persons” involving charity, adjustment to the norm, and exclusion, to “Rehabilitation of Society” with an emphasis on rights, acceptance of differences, inclusion, participation, and citizenship.

Diversity of Disabled Persons

In developing policies and laws, decision-makers need to bear in mind that people with disabilities are by no means a homogenous group. The barriers to full participation vary depending on whether people have a physical, sensory, or intellectual disability, or a mental health difficulty. Their situation will also vary depending on whether they have had a disability from birth, childhood, teenage, or adult years, as this generally affects their access to education, skills development, and employment opportunities, as well as to the social, political, and cultural life of society. Women with disabilities tend to face greater disadvantages and barriers than disabled men, and this also should be reflected in policy and legal provisions.

National Laws

At the national level, legal frameworks to promote employment opportunities for persons with disabilities include: Quota obligations, Employment Equity/Non-Discrimination, Job Retention laws, and related regulation.

Quota obligations comprise legislation or regulations that require employers to reserve a certain proportion of jobs for people with recognized disabilities – generally referred to as quota legislation. If employers do not fulfill this obligation, many countries require them to pay a contribution into a central fund to be used to promote the accessibility of workplaces or for vocational rehabilitation purposes. Countries with

this type of legislation include many European countries, such as France, Germany, and Italy, and several Asian countries, such as China, Japan, and Thailand. Most quota laws make no provision for training of people with disabilities, with the exception of the quota law in France. Originally introduced to promote employment for people disabled due to industrial accidents, and in particular to promote employment for disabled war veterans after the First and Second World Wars, quotas have frequently been described as a form of compensation to individuals, based on the assumption that they were lower prospect workers, with lower productivity than expected by employers. The enforcement mechanisms in place have been criticized that they give the impression that people with disabilities could not be employed on merit, or that not to meet the quota obligation was a criminal offence. More recently, taking into account the need to improve the effectiveness of quotas in promoting employment for disabled persons, some countries (e.g. France) have introduced reforms that focus on the removal of barriers in the workplace, and offer a wider range of options for employers, including the option of providing for on-the-job training like apprenticeships.

Anti-Discrimination

Other countries have introduced anti-discrimination or employment equity laws that make it unlawful for employers to discriminate on the basis of disability in recruitment, promotion, dismissal, and other aspects of employment. Countries with this type of legislation include Australia, Canada, Namibia, New Zealand, the Scandinavian countries, South Africa, the United Kingdom, and the United States. Following the adoption of the European Union Directive on Equal Treatment in Employment and Occupation (2000/78/EC) which outlaws discrimination on basis of disability, among other criteria, the 25 EU member states will be obliged to introduce such laws at the national level by 2006 at the latest. An action plan to give effect to the legal provisions is also required. These laws recognize that disability is a human rights issue

A key legal concept in anti-discrimination legislation is Reasonable Accommodation. This involves adaptation of the job, including adjustment and modification of machinery, equipment and/or modification of job content, working time and work organization, and adaptation of the work environment to provide access to the place of work, to facilitate the employment of individuals with disabilities.

Frequently, such laws require the development of affirmative action plans, to tackle the disadvantages targeted by introducing special positive measures aimed at effec-

tive equality of opportunity and treatment between disabled workers and other workers. Such measures are not regarded as discrimination against non-disabled workers.

Another useful policy tool is Contract Compliance – a provision which makes legal compliance a precondition of government tenders. Companies providing goods or services to the public authorities must be in conformity with the law regarding the employment of disabled persons. This provision was first used in the U.S. Rehabilitation Act of 1973, which required that a contractor to government and public agencies should maintain non-discriminatory hiring and employment practices and take affirmative action to ensure equal employment opportunity for persons with disabilities.

Job Retention laws oblige employers to retain workers who acquire a disability and in some cases, to be involved in their rehabilitation. They also require employers to adapt the jobs to enable the persons to continue, or find new jobs for them if this is not possible. Under these laws, workers are encouraged to go back to work and to re-train if necessary. Such laws also make provisions for the return to work of disabled workers who withdrew from the active labour market after acquiring their disability.

Skills Development

People with disabilities in many countries now have a greater choice of training options, although this is in no way comparable to the range of choice open to non-disabled young people leaving school or to the retraining opportunities available for non-disabled people who wish to change their careers later on. Vocational training for persons with disabilities is increasingly viewed as part of a package of interlinked support measures, rather than sufficient in itself to ensure the entry of people with disabilities to the labour market. Attempts are being made to make training more responsive to the needs of employers and the market.

While there is a growing emphasis on enabling disabled persons to access skills development programs available to the general population, training in special centers continues to exist. In many countries, this is seen as a component part of the range of services that are needed for people with developmental disabilities in particular.

On-the-job training is becoming more common, sometimes provided by the employer, and more frequently as part of a supported employment placement, where a job coach from a specialist agency provides the training in the workplace. The issue of how this form of training may be satisfactorily accredited and certified has yet to be resolved.

Certain questions require attention in relation to skills development for disabled persons. Is every disabled person being reached? Do people with disabilities have access to workplace training, retraining, or continuous training? Is the potential of information and communications technology being tapped? Are special centers adapting to new policies? Are the training standards in such centers acceptable? Is the training provided in these centers relevant in the sense that it leads to jobs? Are mainstream trainers adequately prepared to accommodate trainees with disabilities in their centers? Are mainstream vocational training centers and training materials accessible to trainees with disabilities? Are support services, technical aids, and other adaptations available to facilitate the integration of persons with disabilities?

Trends in Employment

Recent years have seen a greater emphasis on job retention, and a shift to regarding sheltered employment as a transitional occupation. Supports have been introduced to both employers and workers to promote open employment opportunities, and to prepare disabled people for self-employment or small enterprise development.

In industrialized countries, people with disabilities are increasingly working in competitive employment, rather than in sheltered, segregated settings. New forms of work – supported employment, and social firms – have been developed to provide individual workers with the type of support that enables them to find and keep decent jobs. A range of financial incentives, advisory, and support services are provided to facilitate this. Employers in many countries are now required by law to make reasonable accommodation for disabled employees. Some countries lay down a quota obligation, requiring employers to reserve a percentage of their posts for disabled persons.

In transition countries, protected employment remains the most common employment option for disabled persons, with open employment opportunities at an early stage of development.

Issues that need attention in relation to the employment of disabled persons include the following:

- Are laws concerning the employment of disabled persons working effectively in practice?
- Is the potential of Information and Communications Technology (ICT) being tapped?
- Why is the labour force participation rate of disabled people so low, and their employment rate so low?

- In the case of sheltered employment, are the special centers adapting and innovating? Are the working conditions acceptable? Do people with disabilities move on from such centers to other forms of employment?
- Regarding mainstream employment, are employers, supervisors, and other workers adequately prepared? Are buildings, equipment, tools, and workstations accessible? Are support services, technical aids, and adaptations available?

Future Directions

Disability policy in the future is likely to reflect a greater emphasis on disability as a human rights issue; a growing awareness of the potential contribution of disabled persons; a greater focus on integration, inclusion in the mainstream, and greater participation of people with disabilities, as well as employers, trade unions, and civil society in the process of developing and planning policy implementation.

A number of questions need to be borne in mind in the process. Will all disabled people benefit from the changing trends? Will sufficient resources be allocated to facilitate integration? Will all disabled people receive appropriate support? What will be the role for special agencies and service providers in facilitating and supporting the move towards integration? To effectively implement policies to promote the full participation of disabled persons in society, policymakers need to encourage the whole of government, as well as social partners (employers and workers), organizations of and for people with disabilities, international organizations, financial institutions, and others to play an active role.

Friday, 7th October 2005

The morning session on day two opened with a presentation by **Ms. Samiha Hodzic**, Medical Director of the REUMAL Center, on good practices and experiences acquired during the implementation of the ILO German funded project “Job Creation for War-Disabled Persons in BiH”.

Mr. Franz Gundacker, Senior Advisor on Labour Market Policies and Vulnerable Groups at the ILO SRO Budapest, gave an overview presentation on “**Employment programs: good practice and side effects**”. He summarized EU and other European experience of good practices as well as unintended side effects of programs for persons with disabilities. In particular, he outlined the pros and cons of sheltered employ-

ment, social firms, supported employment, before commenting on compensation and integration concepts in employment integration policies. He warned to be aware of the insider-outsider trap, when designing employment measures for disabled persons, as such programs may be used to serve other than employment integration goals (outflow, statistics). By summarizing some policy lessons learned over the last two decades in EU countries, he identified the key needs to be an “enabling” policy environment, the establishment of a carefully coordinated procedure for vocational rehabilitation (“the vocational rehab chain”) and its links to a well-coordinated “network for rehabilitation”.

Thereafter, **Ms. Elaine Fultz**, Senior Specialist on Social Security at the ILO SRO Budapest, presented the linkages of benefit systems with employment integration policies as the background to a new ILO-sponsored survey of countries in South-Eastern Europe that focuses on the current laws and practices of employment integration of persons with disabilities. Her presentation “**Disability Pension Policy: Linking Cash Benefits with Support for Work**” focused on the results of a recent ILO survey of policy tools to assist persons with disabilities in reaching their full employment potential.¹ This survey was completed by a national expert in each country of the Stability Pact for South Eastern Europe, focusing on his/her national policies.²

Linking Cash Benefits with Support for Work

Ms. Elaine Fultz began by reviewing a study commissioned by the ILO Budapest to study disability pensions, *Strengthening Worker Protection: Disability Pensions in Transformation*. She stressed that disability pensions were one aspect of a wider and ongoing role by the ILO to monitor regional social security restructuring.

This study focused on pensions provided by national security insurance schemes designed to replace lost earnings caused by disability. It was based on the following assumptions: that disability is partly a social construct and that the preferred policy for people with disabilities is support for starting or resuming work. Further, it assumed that CEE countries may benefit from both regional and Western European experience.

¹ The survey was designed by ILO Budapest based on a recent World Bank policy paper on disability employment policy: Daniel Mont. 2004. “Disability Employment Policy”, Social Protection Discussion Paper Series. No. 0413. July 2004. Washington, D.C.: The World Bank.

² Most of the national experts are associated with disability NGOs.

In this study, the Czech Republic, Estonia, and Poland were selected as countries representing high, medium, and low levels of disability pension spending. Sweden, the Netherlands, and the United Kingdom were examined as examples of varying Western European approaches.

As its main findings, the study determined that the reforms [introduced since 1989] had some impact in reducing the rate of allowances of new disability pensions. However, they had no discernable effect in encouraging greater independence and autonomy for persons with disabilities. Even the most comprehensive reforms of pensions (cash benefits) in Poland did not attempt to make a financially attractive alternative to benefit status work.

An agenda for policy makers

Policymakers' attention should be drawn to the main conclusions. In each of the three countries studied, disincentives to vocational rehabilitation are reinforced by larger barriers like:

- Educational systems serve persons with disabilities less well than other citizens
- Modern systems of vocational rehabilitation are still under development
- Public education campaigns to change public attitudes are still a relatively recent phenomenon, as are civil rights laws prohibiting employment discrimination and/or promoting equal opportunities

There is urgent need for a comprehensive agenda to address these issues, and a multidisciplinary approach should be used to attack the problem on several fronts.

General recommendations for further reforms are drawn from the experiences of selected EU countries and are listed below as part of a package to address disability benefits and the right to work.

- Build large-scale policy change on small-scale experimentation
- Coordinate additional policy tools with pension reform
- Make work pay
- Involve disabled persons directly in the formulation of pension and other reforms
- Cast government in the leading role through affirmative hiring policies

The current survey of disability tools and policies should be the launching point for considering new approaches shifting the focus from income support to support for employment in the region.

ILO survey on current law and practice in SEE

Mr. Cristian Toma of the Romanian Ministry of Labour and Social Affairs presented the main results of the **“ILO survey on current law and practice on employment integration of persons with disabilities in South-Eastern Europe”**.

Mr. Toma explained that the survey focused on eight disability policy tools:

- (1) full and partial disability cash benefits,
- (2) vocational rehabilitation and training,
- (3) supported work,
- (4) sheltered and public sector employment,
- (5) hiring quotas,
- (6) tax incentives for employers,
- (7) anti-discrimination laws,
- (8) community-based social services.

He then explained the regional patterns revealed by the survey.

He noted that pension schemes have considerable potential as tools to provide work incentives for persons with disabilities. Several Western European countries have used their disability pension schemes creatively in this manner. Yet the ILO survey showed that such incentives are lacking today in South-Eastern Europe: no national pension scheme offers disabled pensioners financial or other incentives to work. Thus, this is a prime area for possible policy development in the future. The survey also showed that, for disability pensioners who work, earnings have differing effects on their pensions, depending on the country. Some countries allow persons with disabilities who work to keep their full pensions; others temporarily suspend payment; and a few countries penalize them heavily, even terminating their pension eligibility. The current situation is described in Table 1.

Table 1.

Pensions for persons with disabilities and the right to work*

All disability pensioners allowed to work	Bulgaria → pension maintained Croatia (those with professional working incapacity) → pension maintained at reduced level (those with general working incapacity) → pension suspended FYR Macedonia → pension suspended Montenegro → pension suspended
Some disability pensioners allowed to work	Albania (those with lesser degrees of disability) → pension maintained BiH (those younger than age 65) → pension maintained Romania (those with lesser degrees of disability) → pension maintained
No disability pensioners allowed to work	Kosovo → pension eligibility lost Serbia → pension eligibility lost

* Note: No SEE scheme offers pensioners additional financial or other incentives to work.

The second tool, vocational rehabilitation, is still at an early stage of development in South-Eastern Europe. This is due in part to the strong legacy of state socialism, under which persons with disabilities were given work in segregated residential facilities far from the mainstream of society. While the survey showed that all countries today provide some vocational services which persons with disabilities might utilize, no country yet has a well-developed national system geared to their needs. New programs are being launched (Bulgaria, Romania, and Serbia), and several countries have draft laws on vocational rehabilitation for the disabled under consideration. See Table 2.

Table 2.

Vocational Rehabilitation (VR)

Employment service provides vocational services (also to people with disabilities)	All countries
Specialized (VR) services for people with disabilities (No SEE country yet has a well developed system)	Bulgaria – new program, implem. in 2005. BiH (federation) – pilot projects (e.g. Reumal Center). Republika Srpska – some VR provided by special institutions and associations. Croatia – Employment service provides special services. Case management approach. Romania – Employment service has specialized regional centers. Special job fair. Case management approach. Serbia – VR provided by sheltered workshops. Belgrade branch of employment service has disability specialists.
Laws on VR specifically for people with disabilities	Albania – passed but not implemented BiH (federation)– draft law Kosovo – draft law Montenegro – draft law Serbia – draft law

The third policy tool, sheltered employment, often is not the option preferred by persons with disabilities, who prefer work in the open economy. Yet the survey shows that sheltered employment continues to exist widely in the region. See Table 3.

Government initiatives to phase out sheltered employment have typically been coupled with the development of new kinds of support for disabled persons, which would enable them to enter the economic mainstream. However, the economic and political turmoil in South-Eastern Europe has slowed down the development of such programs. Today, some small supported employment initiatives are underway in several countries, including Bulgaria, Macedonia, Serbia, and Kosovo. The main forms of support include financial incentives for employers to adapt workplaces, wage subsidies, refunded social contributions, job coaching, subsidized transportation, and individually tailored supervision. See Table 4.

Table 3.

Sheltered employment

Sheltered employment provided	Bosnia and Herzegovina Bulgaria FYR Macedonia Moldova Romania Serbia
No sheltered employment	Albania Kosovo Montenegro

Table 4.

Supported employment

Some supported employment services	Bulgaria, Croatia FYR Macedonia Serbia	(financial incentives for employers to adapt workplaces)
	Croatia FYR Macedonia Romania Serbia	(wage subsidies/refunded social contributions)
	Bulgaria Croatia	(job coaching, transportation, individually tailored supervision, NGOs) Kosovo
No supported employment	Albania BiH Moldova Montenegro	(authorized by law but no regulations)

Tax incentives can be an important tool for encouraging employers to hire persons with disabilities. The survey showed that a majority of SEE countries have established some form of tax incentive: reduced corporate tax, exemptions from Social Insurance (SI) contributions, or exemptions from value added tax. Information on the cost-efficiency of such incentives is, however, largely lacking. In some countries (e.g. Bulgaria), it was held that cost-effectiveness is low. See Table 5.

Table 5.

Tax incentives

Tax incentives (exemptions or reductions of corporate income tax, VAT, social contributions)	BiH – corporate tax reduced Bulgaria – corporate tax reduced Croatia – corporate tax reduced, refunded SI contributions FYR Macedonia – exemption SI contributions Moldova – exemption from value added tax, SI contributions, and corporate tax Romania – refunded SI contributions. Serbia – refunded SI contributions.
No tax incentives	Albania Kosovo Montenegro

The sixth policy tool, the employment quota, involves a legal mandate that employers hire a certain portion of persons with disabilities as part of their workforce. Employment quotas are in place today in three South-Eastern European countries (Bulgaria, Moldova, and Romania) and one entity (Republika Srpska). The required rates of employment range from 2 to 10 percent of an employer's workforce, see Table 6. During the panel discussion, however, some of the national experts suggested that the employment quotas are misused or ineffective in their countries.⁴

Table 6.

Employment Quotas

1 – Quota with levy for enforcement	Republika Srpska – 2%, planned to rise to 6% over time Bulgaria – 4 -10%, depending on economic sector Croatia – 2%, planned to rise to 5% over time Moldova – 5% Romania – 4%
2 – Quota with no levy	Albania (quota law passed but not enforced, no regulations)
3 – No quota	BiH (federation) Kosovo FYR Macedonia Montenegro

⁴ For example, it was said that some employers offer persons with disabilities fake work contracts and then pay them a portion of the contract amount, but without providing any work.

The seventh tool, anti-discrimination laws, can establish certain rights to employment for persons with disabilities and protect them from discrimination in the labour market. This approach also is of relatively recent vintage in South-Eastern Europe. Romania passed the first such law in 2000, followed by Bulgaria and Kosovo in 2004.⁵

During the panel discussion, the experts emphasized that many persons with disabilities are unaware of their legal rights or reluctant to exercise them. Thus statutory protections need to be coupled with strong public education efforts. See Table 7.

Table 7.

Anti-discrimination Laws

1 – anti-discrimination laws	Bulgaria – special law, 2004 Kosovo – special law, 2004 Romania – special law, 2000
2 – incomplete anti-discrimination laws (no by-laws)	Kosovo
3 – no anti-discrimination laws	Albania BiH Croatia – special clauses in Labour Law FYR Macedonia (draft) Moldova (draft) Montenegro Serbia – special clauses in Labour Law

The final policy tool is community-based social services. The survey showed that most South-Eastern European countries are attempting to establish or expand such services to persons with disabilities. The results achieved to date are quite uneven. Examples of good practices in social services were reported in Bosnia and Herzegovina, which has 60 community-based rehabilitation centers within the health system; in Kosovo, where NGOs provide physical and social rehabilitation; and in Serbia, where social services include transport, accommodation during training, and reimbursement for its costs. See Table 8.

This is an area where much remains to be done to create conditions whereby persons with disabilities can live and work in their local communities.

⁵ In addition, persons with disabilities may be afforded certain protections from discrimination by the labour code, as in Republika Srpska.

Table 8.

Employment-related, community-based social services

Examples of beginnings reported in our survey	<p>BiH – 60 community based rehab centers within the health system</p> <p>Croatia – local authorities’ education programs, not entirely monitored</p> <p>Kosovo – NGOs provide physical and social rehabilitation</p> <p>Serbia – social services support VR, providing funds for transport, living expenses and reimbursement of training.</p>
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Keynote presentation 2

Mr. Jean-Luc Simon, President, Groupement Français des Personnes Handicapées presented the second keynote speech on “**Approaches to Employment Integration in Western Europe**”.

Starting with an overview on approaches to disability policy in Europe, Mr. Simon outlined that persons with disabilities (as well as those with deviant behaviour of whatever type) risked to be eliminated, before they had a chance (first in mediaeval times) at least to be objects of charity (influence by Christian religions). The 20th century was the time of the scientific (mostly medical, also psychological) approaches, which became state of the art in the treatment of persons with disability in a normalized way. This could be seen as a first type of moralization, a step leading to equalization, which finds its expression in today’s human rights approach.

It is a really recent development that persons with disabilities raise their voices and demand to be treated on an equal basis with other human beings, without being exposed to the mixed blessing of charity approaches any longer. Access to the same opportunities as persons without disabilities, that is the point.

One of the most remarkable steps of progress has been the WHO’s publication of a manual classifying the consequences of diseases (ICIDH) in 1980, which is based on the idea that an individual’s functioning (and thus disability) occurs in a context. This helped to come to an acceptable definition both of “disability” as well as of “handicap”: Disability has to be understood as a functional or communicational limitation within the individual, caused by physical, mental or sensory impairment. Handicap is the loss or limitation of opportunities to take part in the normal life of the community on an equal level with others, due to physical, psychological or social barriers.

Two further international documents paved the way for a better understanding of disability by the general public as well as by policy makers:

- The WHO’s publication of the International Classification of Functioning (ICF) in 2001
- The new article 13 against discrimination, adopted in the European Treaty of Amsterdam.

Living together needs doing together

This, in turn, was the basis of and motive for declaring the European Year of Persons with Disability in 2003 and the adoption of an Action Plan 2004-2010 by the European Commission to mainstream disability policies in all relevant community policies, in order to ensure full participation of persons with disabilities in society.

Rights are just one aspect, though an important one, for persons with disabilities in obtaining the same opportunities as other persons have. But it is also essential that both sides know each other, and therefore, living together needs doing things together.

Following lunch, the conference resumed with comments by the World Bank (WB) representative, **Ms. Jeanine Braithwaite**, Disability Coordinator for Europe and Central Asia. She underlined that disability is a rather new issue for the WB, which started by doing a portfolio-review to determine how disability issues fit into its entire range of involvements. The core of the WB’s work is poverty reduction, but within that frame there is a need to “institutionalize” disability issues. She made reference to the WB’s Small Grant Facilities and the Disability Working Group.

Workshops

The participants subsequently were invited to join (three) parallel workshops. The conference then broke into groups (15 participants each with consecutive interpretation) to focus on what is needed to promote the integration and reintegration of persons with disabilities and to formulate the next steps around a specific set of supplied guidelines, which were:

- a) to identify and discuss those priorities among a set of policy tools that are most relevant as next steps for developing disability policy in your country
- b) to discuss pros and cons of both anti-discrimination as well as quota laws
- c) to identify the most effective financial incentives to take up employment

Written Instructions for the Group Exercise

a) Of the eight **policy tools** discussed at this seminar, which one is in your view of **highest priority** for further development, given the situation in your country and the needs and priorities of persons with disabilities?

- improvements (work incentives) in disability cash benefits
- improved vocational rehabilitation
- wider range of community based social services to support employment
- further development of supported employment programs
- quota-levy system
- sheltered employment
- anti-discrimination laws
- tax incentives

(If group members do not agree, the chair should simply record the priorities and reasons for differing.)

b) Which **legal framework** is likely to be **most effective** in promoting employment opportunities for persons with disabilities, anti-discrimination law or quota law? What are the reasons?

c) What **financial incentives** would be **most effective** in encouraging persons with disabilities to take up employment? In encouraging employers to recruit or retain workers with disabilities?

The group work was very focused and intense. Each group included not only all three ILO constituents but also representatives of non-governmental organizations (NGOs). While the group findings varied and considerable disagreement was noted, the exchanges were rich and highlighted a number of important problems, the foremost of these being the large gap between disability-related laws on the books and the actual practices of governments in South Eastern Europe.

GROUP A

Group A preferred to list priorities by a matrix of tools and country:

- Work incentives within cash benefits scheme (AL 3, BiH 1, BG 3, SB 5)
- Better vocational rehabilitation (AL 1, BiH 3, BG 4, SB 7)
- Wider range of community based services to support employment (AL 1, BiH 2, BG 5, SB 3)
- Supported employment programs (AL 1, BiH 2, BG 1, SB 1)
- Quota-levy system (AL 2, BG 1, SB 6)
- Sheltered employment (BG 2, SB 8)
- Anti-discrimination laws (AL 2, BiH 5, BG 2, SB 4)
- Tax incentives (AL 3, BiH 1, BG 3, SB 2)

Due to the wide difference of opinion in the group, it did not have time to answer questions b) and c).

GROUP B

Group B assigned high priority to community-based services and tax incentives, while better vocational rehabilitation and sheltered employment ranked low. They gave equal weight to quota and to anti-discrimination laws, while remaining undecided about the role of tax incentives.

a)

High priority:

- wider range of community based social services to support employment
- tax incentives

Low priority:

- improved vocational rehabilitation
- anti-discrimination laws

b) Equal priority: Quota Law, Anti-discrimination Law

c) Taxes; contribution to public income; pension system reform; system of insurance

GROUP C

Group C used a matrix to list priorities per country too, but did not explain its reasoning in detail (except that sheltered employment and anti-discrimination laws rank low in all four countries represented in the group). They also did not express a clear preference between quotas and anti-discrimination laws. Group C spoke in favour of tax incentives, but saw them as part of a package together with other measures, including encouragement of employers to employ workers with disabilities, tax incentives, adjustment of workplaces, and subventions for employers to employ these persons.

Day's Conclusion

Ms. Elaine Fultz and **Mr. Franz Gundacker** appreciated the intensive discussions and the work done in the three groups. The outcomes demonstrate that participants have a thorough understanding of the complexity of the subject area, regardless of the specific conditions in each of the different countries in the region.

Ms. Fultz pointed to the need to link pension and employment aspects (including vocational training) in disability policy reform. Lack of policy coherence not only results in poor targeting of measures, but contributes to a substantial waste of scarce resources intended for the most needy.

Mr. Gundacker came back to the pros and cons of quota systems, which had been discussed intensively in all three groups. He outlined the mixed blessing quota systems tend to contain: whereas they create opportunities and can be implemented and monitored quickly, they contribute to the stigmatization of persons with disabilities, if they are not reviewed and redesigned after a period of time, and if they are not linked to active support measures (assisted work, capacity assessment, vocational counseling, vocational rehabilitation and training etc.).

Saturday, 8th October 2005

The final day's morning session began with remarks on the essential elements of successful transition from benefits to employment by the representative of the Ministry of Civil Affairs of Bosnia and Herzegovina. It was combined, in turn, with comments on the workshops' finding by **Ms. Barbara Murray**, **Ms. Elaine Fultz**, and **Mr. Franz Gundacker** of the ILO. Ms. Fultz and Mr. Gundacker made reference again, in the light of the workshop findings, to the key messages of their presentation the previous day: to employ a coherent approach to disability issues, this is through contemplating pension, rehabilitation, training and employment issues as a combined approach to the problem. Mr. Gundacker reminded participants that no labour market measure exists which is free of – intended or unintended – side effects, therefore active labour market policy approaches require an intelligent combination of several methods, but also constant monitoring and the readiness for redesigning the chosen approach.

Ms. Barbara Murray went on to chair an hour-long panel on the pathways, obstacles to, and benefits of moving towards the employment integration of persons with disabilities. She was joined by the representative of the Ministry of Civil Affairs of Bosnia and Herzegovina, an employers' organization, a workers' organization, and an NGO active in the field of disability policies.

The (Albanian) discussant for the **workers'** organizations outlined that a serious problem in many countries consists in too much of new legislation, which can not be

implemented within reasonable time. The representative of the **BiH Ministry of Civil Affairs** remarked that implementation of legislation needs to be done at the cantonal and regional level, not just the national, but the organizational structure of the relevant administration often is too complex. The (Bulgarian) speaker on behalf of the **NGOs** expressed her satisfaction with regard to the work done by the Bulgarian Government, but disillusioned conference participants that policy research will hardly influence policy-making. She complained that often there are no fines foreseen in case of non-compliance with disability regulations. Where private sheltered work companies exist, attention has to be drawn to their accountability. The (Moldavian) representative of the **employers'** organizations explained the deplorable income situation of persons with disabilities in his country, where 5% of four million people need to be regarded as disabled.

Some reaction from the plenary drew attention to other aspects of the situation of persons with disabilities in SEE countries, such as

- the lack of interest on the side of Governments to cooperate with NGOs
- the privileged situation of war veterans in relation to “civil invalids”
- the low level of provision of social services, in particular outside towns
- the prevalence of the old medical model of disability in the minds of policy-makers
- the ongoing “supply” of disabled persons caused by unsafe work environment and lack of enforcement of health and safety standards.

Commenting again on the conclusions drawn by the working groups, **Ms. Barbara Murray** noted that in the working groups a strong point was made that the situation was different in the countries represented, implying that lessons could not automatically be learned from experience elsewhere. In South-Eastern Europe, disability-related laws are in place but not implemented; there is no clear employment policy; people with disabilities struggle to survive. So, where can policymakers and activists start?

See disability as a human rights issue first

Ms. Murray suggested that the starting point might be the key points made in her presentation at the workshop. Disability can be viewed as a human rights issue. People with disabilities are citizens just like non-disabled persons. Disabled persons should have the right to equal opportunity in training and employment. Affirmative action should be planned to compensate for disadvantages faced by these groups. Mainstreaming of the accomplishments and rights of the disabled should be promoted. Their rights are not dependent on state of economy.

In developing policy and advocating for change, policymakers and disability activities can make a difference. The question to be addressed is how to do this effectively. Can they make a difference by doing more of the same things as before? By not changing the approach used? By hoping that by continuing on, with the government alone taking action and disabled persons organizations acting as lobbyists, it is just a matter of time until the situation improves? Alternatively, should new approaches to skills development and social security provision be adopted? Should some innovative measures be undertaken, such as new approaches to obtaining and supporting employment, and new ways of persuading employers to be involved?

If a new approach is taken, who are the potential partners and allies in the process? Policymakers, managers, and disability activists should seek to build strategic alliances with a range of different agencies and organizations as well as across government ministries. These may include: government ministries responsible for disability, labour, skills development, education, buildings, transportation and social security, among other portfolios; organizations of disabled persons; employment services, skills training centers; employer organizations; trade unions; non-governmental organizations, the media, social workers, counselors, and families, as well as universities and research institutions.

Good business for employers

One of the key conclusions drawn in the working group sessions was that, “Nothing succeeds like success”. With this in mind, it is important that public relations (PR) campaigns should give positive messages about the abilities of disabled persons. What are the key messages PR campaigns should give? These could draw upon what has been learnt in recent decades as disabled persons have taken part in the open labour market to a greater extent than before. This experience has demonstrated that people with disabilities can learn wide variety of skills, perform many different jobs; that they can make a valuable contribution if they have relevant skills, and are in jobs suited to interest, ability, and work capacity. In these circumstances, disabled people have shown themselves to be excellent employees and asset to employers; it is increasingly recognized to be in the business interest of employers to employ disabled persons. People with disabilities, unemployed or outside the active labour market, represent significant untapped potential, and their integration and inclusion is in society’s interest.

So the problem is one of strategy: How to convince more employers that employing disabled persons makes good business sense? Traditionally, employers have been

viewed as a major element of the employment problem which disabled persons face in seeking jobs. The policy emphasis has been on law enforcement, with employers being obliged to reserve a certain percentage of jobs to disabled persons or to pay a fine. Frequently, the result is that employers view disabled persons as a burden, government officials as inspectors, and disability advocates as “do-gooders”.

An alternative approach in which employers are viewed as valued customers and partners has quite a different impact. The focus here is on providing employers a high-quality service; involving employers in advising skills training centers and other service providers, with the result that employers gain in experience and confidence in working with disabled persons, and change their view, seeing disabled persons as candidates for jobs, government officials as facilitators in the process, and disability advocates as advisors.

In approaching employers, it is important to understand what stops them in many cases from being supportive. This hesitation is due to assumptions they make – for example, that the government or charities bear responsibility, that disabled persons have limited working capacity, or that employing disabled persons may bring problems. They may have certain fears – such as that once employed, disabled employees may be difficult to dismiss; or that employing a disabled person will cost more, or that additional supervision may be required, or that expert advice and services may not be available or difficult to locate.

The employment service matters

It is also important to understand what employers expect of employment services for persons with disabilities: the referral of suitable persons; information on legal obligations, financial assistance, and support services; and information on different types of disabilities and work-related implications. They also expect advice regarding induction for supervisors and co-workers, and the availability of follow-up services after placement. In approaching employers, a strategy should be developed. Should employers be approached individually in connection with job placement, supported employment, on-the-job training, or work experience? Or should they be approached collectively, through high-profile events, job fairs, and awards ceremonies, as well as through employer organizations? In all probability, a combination of both approaches will be most effective.

She went on to encourage participants to bear in mind the future directions which disability policy is likely to take, in the action they take to promote opportunities for disabled persons in their countries, namely:

- Greater emphasis on disability as human rights issue
- Growing awareness of the potential contribution of disabled persons
- Greater participation of people with disabilities
- Greater focus on integration and inclusion in mainstream
- Greater role of employers, workers, and civil society

With these encouraging words, the Assistant to the Minister of Civil Affairs of Bosnia and Herzegovina, **Mr. Damir Dizdarevic** concluded the conference with a final summary, expressed his Government's thanks to all speakers, panelists and participants, to the ILO for organizing the conference, to the REUMAL Center for hosting it, and said farewell.

Appendix: Conference Program

Rationale:

Policy for persons with disabilities is an important issue for all European countries (and beyond, of course), to provide equal opportunities for persons disabled for whatever cause. Many countries in South-Eastern Europe, which suffered severely from regional conflict in the Balkans over the last decade, still have to integrate persons disabled as a consequence of those conflicts, both former soldiers as well as civil victims of war. Providing social assistance, social services and medical as well as vocational rehabilitation for those disabled persons, but also for those disabled due to unsafe workplaces and other accidents, still is a paramount challenge to policy makers.

With economic and political transition progressing, though not yet completed, priority has to shift now from the provision of income substitution to the reintegration of persons with disabilities into the world of work.

This request poses several challenges to policy makers:

- it requires them to narrow the scope of policy to compensating for disability related loss of income, thus not to use social assistance policies for other purposes (e.g. labour market policy, veteran entitlement policy etc.)
- it requires them to shift from a medically defined approach to disability towards focusing on the work capacity (recruitment, job retention and return to work)
- to examine existing provision for persons with disabilities with regard to disincentives to employment and to return to work
- to review the existing provision of medical rehabilitation and develop and strengthen its linkages to vocational rehabilitation

This conference is to examine national efforts to shift the focus of support for persons with disabilities towards measures that shall enable them to achieve their full potential.

The conference is to build upon work undertaken in the field of management of vocational rehabilitation by the ILO in Bosnia and Herzegovina in 2002 (legislation and its effects on work incentives and support for rehabilitation services offered).

A survey of disability employment policies in South Eastern Europe will be presented by a team consisting primarily of disability NGOs from across the region.

Objectives of the conference

- to come to a common understanding of the linkages – both mutually reinforcing and tensions – between employment, labour market and social protection (benefits) policies
- to come to a common understanding of the incentive/disincentive functions of disability benefit systems with regard to labour market integration of beneficiaries
- to identify the potential benefits of shifting from benefit-based approaches to labour market integration approaches in disability policy
- to come to a common understanding of factors which support the attractiveness of entering employment or returning to work of the particular needs of persons with disabilities who wish to become employed or return to work
- to develop a first set of next steps for disability policy reform towards employment integration

Participants:

The conference will address 30 participants from BiH, both from Federal, regional entity and municipal level, as well as two representatives from Albania, Croatia, FYROM, Moldova, Montenegro and Serbia, who are

- policy makers, or
- senior civil servants of labour market and social security/assistance institutions, or
- managers of service delivery and rehabilitation institutions in the area of disability policy or areas related to that, or
- NGOs working in the field of disability in Bosnia and Herzegovina and other South Eastern European countries.

Languages:

English and the official languages of Bosnia and Herzegovina provided v.v. in simultaneous interpretation

Thursday, 6th October 2005

- until 17.30 arrival of participants at Reumal Center, Fojnica
- 15.00–17.30 Conference registration
- 17.30 Conference opening
- Welcome address by **Mr. Eldan Lokmic**, Director of the Reumal Center
- Welcome address by **Mr. Safet Halilovic**, Minister of Civil Affairs of Bosnia and Herzegovina
- Welcome address and conference opening by **Ms. Petra Ulshoefer**, Director ILO SRO Budapest
- Keynote presentation 1:
 Ms. Barbara Murray, ILO/SKILLS
 Policy in transition. An Overview of European experience regarding the employment of persons with disabilities
- 18.30 Dinner hosted by the ILO

Friday, 7th October 2005

- Chair: **Ms. Petra Ulshoefer**, Director, ILO SRO Budapest
- 08:45–09:15 **Mr. Eldan Lokmic**, Director of the Reumal Center
Best practices and experiences acquired during the implementation of the ILO project “Job creation for war-disabled persons in Bosnia and Herzegovina”
- 09:15–09:30 **Mr. Franz Gundacker**, ILO SRO Budapest
Employment programs for persons with disabilities: good practice and side effects
- 09:30–09:45 **Ms. Elaine Fultz**, ILO SRO Budapest
Linking disability benefit systems with employment integration policies
Introduction to ILO survey of countries in South Eastern Europe:
- 09:45–10:15 **Mr. Cristian Toma**, Romanian Labour Ministry
Overview of ILO Survey on current law and practice on employment integration of persons with disabilities in South-Eastern Europe
- 10:15–10:45 Coffee break
- 10:45–12:00 **Panel session**, chaired by **Ms. Elaine Fultz**, ILO SRO Budapest
Short **round of statements** from ILO survey team followed by discussion
- 12:00 – 12:30 Keynote presentation 2:
Mr. Jean-Luc Simon, President, Groupement Français des Personnes Handicapées
Approaches to employment integration in Western Europe
- 12:45–14:00 Lunch break
- 14:00–14:30 Comments by World Bank representative **Ms. Jeanine Braithwaite**, ECA Disability Coordinator

- 14:30–16.00 **Parallel workshop sessions** to identify what is needed to promote the integration and reintegration of persons with disabilities and to formulate the next steps
(specific guidelines will be circulated during the conference)
- 16.00–16.30 Coffee break
- 16.30–18.00 **Panel session**, chaired by **Mr. Jean-Luc Simon**, President, Groupement Français des Personnes Handicapées
Presentation of the findings of the workshops
- General discussion**
- Day’s conclusions** by **Ms. Elaine Fultz** and **Mr. Franz Gundacker**, ILO SRO Budapest
- 18:30 Reception hosted by Reumal Center followed by artistic performance

Saturday, 8th October 2005

- 08.30–09.30 Chair: representative of the Ministry of Civil Affairs of Bosnia and Herzegovina
Essential elements of successful transition from benefits to employment
Comments on the workshops' finding by **Ms. Barbara Murray**, **Ms. Elaine Fultz** and **Mr. Franz Gundacker**, ILO
- 09.30–10.00 Coffee break
- 10.00–11.00 Panel chaired by **Ms. Barbara Murray**, ILO SKILLS
Moving towards the employment integration of persons with disabilities: pathways, obstacles, benefits
- Short statements by
- a representative of the **Ministry of Civil Affairs** of Bosnia and Herzegovina
 - a representative of **employers'** organizations
 - a representative of **workers'** organizations
 - a representative of an **NGO** active in the field of disability policies
- Discussion**
- 11.15–11.30 Summary and conclusions by **Ms. Barbara Murray** and **Ms. Elaine Fultz**, ILO
Summary and conclusions by **Mr. Safet Halilovic**, Minister of Civil Affairs of Bosnia and Herzegovina
Farewell address by **Mr. Eldan Lokmic**, Director of the Reumal Center
- 11.30 End of conference
Departure of participants