



# My Talents. For Diversity.

## Better future scenarios

### How to improve law and policies for inclusive employment

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[My Talents. For Diversity.](#) is a project by [Inclusion Europe](#) together with partners [Evpit](#) (Estonia), [Plena inclusión](#) (Spain) and [Antwerp Management School](#) (Belgium).

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# 1. EU legal and policy framework

## 1.1 EU competence on employment and non-discrimination

The EU has always put the emphasis on a strong economy. The [Treaty on European Union \(TEU\)](#) recognises the importance of the internal market, “based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress.” (Article 3.3)

Moreover, according to [the Treaty on the Functioning of the EU \(TFEU\)](#), social policy is a shared competence between the EU and the Member States. More precisely it gives the ability to the EU to complement activities of the Member States in areas such as working and employment conditions, social protection of workers, integration of person excluded from the labour market, combating of social exclusion. (Article 153).<sup>1</sup>

Finally, the [Amsterdam Treaty](#) also recognises EU’s competence to “combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation”. (Article 6.a)

## 1.2 EU framework on employment and non-discrimination

The [Council Directive 2000/78/EC](#) is the cornerstone of the EU anti-discrimination legislation specifically referring to employment. Its purpose is “to lay down a general framework for combating discrimination on the grounds of religion or belief, disability [...] with a view to putting into effect in the Member States the principle of equal treatment.” The directive also mentions the obligation for employers to provide reasonable accommodations for workers with disabilities (article 5).

As for the [Directive 2014/24/EU on public procurement](#), it mentions that the UN CRPD must be taken into account when implementing the directive “in particular in connection with the choice of means of communications, technical specifications, award criteria and contract performance conditions.”

On the strategic level, the EU launched in 2010: [its strategy for smart, sustainable and inclusive growth](#), known as “Europe 2020”. Its aim is to redress the European economy and highlighted 5 main goals including an increase of the rate of employment for women and men to 75% by 2020. The Strategy was delivered with [guidelines for the employment policies](#) at the attention of the Member States. The guidelines set the need for employment policies to aim at inclusive growth, poverty reduction and social exclusion through the removal of barriers to labour market participation for people with disabilities (among other groups).

The EU has committed in 2015 to implement the Sustainable Development Goals (SDGs) as a part of the 2030 Agenda for Sustainable Development. The SDGs, in contrast to the previous Millennium Development Goals (MDGs) for the 2000-2015 period, target all regions of the world and include more specific references to persons with disabilities. For instance, [goal 8](#) focuses on a full and productive employment and decent work for all. One of the targets under goal 8 is to “*achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value*”.

In parallel to these general strategies, the EU adopted the [2010-2020 European Disability Strategy](#), setting employment as one of the priority area. The Strategy highlighted the very low employment

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<sup>1</sup> <https://eur-lex.europa.eu/summary/glossary/competences.html>

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rate of people with disabilities, only around 50%, and linked it to the action that EU Member States need to take in relation to the broader Europe 2020 Strategy. Some of the objectives are the following: make workplaces more accessible, paying particular attention to young people with disabilities in their transition from education to employment, fight disability benefit cultures and traps that discourage people from entering the labour market.

In addition to the European Disability Strategy, the EU ratified the [UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#) that became part of EU legislation in 2011. Article 27 of the CRPD clearly mentions the obligation for State Parties to “prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions”. Article 27 goes way beyond the sole prohibition of discrimination and includes positive actions such as, amongst others, the obligation to provide reasonable accommodation, do awareness-raising actions and take incentives to promote the employment of persons with disabilities.

The implementation of these strategies as well as the CRPD was assessed by a number of stakeholders during the following years. In its [Concluding Observations](#) regarding the EU, the CRPD Committee is concerned about the “high unemployment rates [of] persons with disabilities, especially women with disabilities and persons with intellectual and/or psychosocial disabilities, in comparison with other population groups in the European Union”. The Committee recommended to “take effective action to measure the employment of persons with disabilities and to increase their employment rate in the open labour market, including by providing training for Member States on reasonable accommodation and accessibility in the context of employment.”

The EU is also subject to the United Nation’s policies. In 2018, the United Nations decided to develop a [Disability Inclusion Strategy \(UNDIS\)](#) “to strengthen system-wide accessibility and mainstreaming of the rights of persons with disabilities.” The strategy includes an evaluation mechanism with an indicator on employment.

In November 2017, EU institutions proclaimed the [European Pillar of Social Rights](#). The Pillar sets out 20 principles classified into 3 categories: equal opportunities and access to the labour market, fair working conditions, social protection and inclusion. Many of the principles are crucial for workers with intellectual disabilities and the creation of inclusive workplaces, such as: active support to employment (principle 4), fair and equal working conditions (principle 5), fair wages (principle 6), social protection (principle 11) and the right of people with disabilities to inclusion (principle 17), amongst others.

The Commission developed the [Social Scoreboard](#) out of the European Pillar for Social Rights to measure performances of EU Member States during the process of the [European Semester](#). The Social Scoreboard uses 12 indicators to measure these performances: gender gap in employment rate, income inequality share, at risk of poverty or social exclusion rate (AROPE), employment rate, unemployment rate, etc. However, if these indicators were created based on the principles, they do not capture the situation of people with disabilities that is one of the 20 principles of the Social Scoreboard.

The EU is preparing for the next decade 2020-2030 and is developing both the general employment strategy and the disability strategy, as well as the new Multi-Annual Financial Framework (MFF). The MFF defines the way the EU funds should be spent. The EU reaffirmed the objectives for the next decade to combat social exclusion and reach out to disadvantaged groups excluded from the labour market.

## **2. National legal and legal policy frameworks**

### **2.1 Spain**

#### **Legal framework on employment and non-discrimination**

Article 9.2 of the [Spanish Constitution](#) stipulates that it is the responsibility of the public authorities to promote conditions ensuring that freedom and equality of individuals and of the groups to which they belong are real and effective, to remove the obstacles preventing or hindering their full enjoyment, and to facilitate the participation of all citizens in political, economic, cultural and social life. Likewise, article 14 establishes that all Spanish citizens are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other personal or social condition or circumstance.

Article 49 entrusts these public authorities with the implementation of policies for the provision, treatment, rehabilitation and integration of persons with disabilities, to whom they shall pay the attention they require for the enjoyment of fundamental rights. These rights include the labour rights contained in article 35.1 - the right to work, to the free choice of profession or trade, to advancement through work, and to a sufficient remuneration for the satisfaction of their needs and those of their families - as well as the guiding principles of social and economic policy contained in article 40, among which the obligation of the public authorities to pursue full employment.

[Article 17 of Royal Legislative Decree 2/2015, of 23 October, approving the consolidated text of the Workers' Statute Act](#), clarifies that "the Government may grant subsidies, allowances and other measures to encourage the employment of specific groups of workers who encounter special difficulties in gaining access to employment".

[The Royal Legislative Decree 3/2015, of 23 October, approving the revised text of the Employment Law](#) assumes as objectives in article 2: to ensure adequate policies of labour integration aimed at those groups that present greater difficulties of labour insertion, among which are people with disabilities. Likewise, article 10.3 includes actions aimed at encouraging the hiring, creation of employment or maintenance of jobs, especially for those groups that have greater difficulty in accessing or remaining in employment, with special consideration to the situation of persons with disabilities... Article 30: Priority Collectives assume that: "The Government and the Autonomous Communities shall adopt, in accordance with the constitutional and statutory precepts, as well as with the commitments assumed within the European Union and in the Spanish Activation Strategy for Employment, specific programmes aimed at promoting the employment of persons with special difficulties of integration into the labour market (persons with disabilities...).

#### **Legal measures to promote employment of people with disabilities**

##### **1. Those aimed at facilitating the incorporation of people with disabilities into the ordinary company, such as the quota for reserving jobs; and economic incentives for hiring.**

Article 37.1 of [the General Law on the Rights of Persons with Disabilities and their Social Inclusion \(2013\)](#) sets forth that: "The purpose of the employment policy shall be to increase the rates of activity, occupation and labour insertion of persons with disabilities, as well as to improve the quality of employment and dignify their working conditions, combating their discrimination. To this end, the competent Public Administrations shall encourage their employment opportunities and professional promotion in the labour market, and shall promote the necessary support for seeking,

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obtaining, maintaining and returning to employment. Also, in its article 37.2 Types of employment of persons with disabilities, says that: "Persons with disabilities may exercise their right to work through the following types of employment: a) Ordinary employment, in companies and in public administrations, including Supported Employment services; b) Protected employment, in special employment centres and work enclaves; c) Self-employment". Thus, article 41 of the Supported Employment Services provides the following definition: "The Supported Employment services are the set of orientation and individualized accompaniment actions in the workplace, which aim to facilitate the social and labour adaptation of workers with disabilities, with special difficulties of labour inclusion, in companies of the ordinary labour market in similar conditions to the rest of the workers who hold equivalent positions. It is the first time that a classification is made of the types of employment through which a person with intellectual or developmental disabilities can exercise their right to work.

Article 42 regulates the quota for reserving jobs for persons with disabilities: "Public and private companies that employ 50 or more workers are compelled that among them at least 2% must be workers with disabilities".

Compliance with the reserve quota may be replaced by alternative actions, which are regulated in the Royal [Decree 364/2005](#), of the 8th of April 2005. The decree regulates the exceptional alternative compliance of the reserve quota in favour of workers with disabilities.

### **2. Those aimed at promoting self-employment, which finance business projects, self-employment projects, and grant subsidies for the establishment of worker cooperatives or worker-owned companies.**

Some of these measures are within the [Law 11/2013 on measures to support entrepreneurs and stimulate growth and job creation](#), in its 11st Additional Provision about "Reductions and discounts on Social Security contributions for self-employed people with disabilities".

### **3. The promotion of supported employment, which is regulated by [Royal Decree 870/2007, of 2 July, which regulates the supported employment programme as a measure to promote the employment of people with disabilities in the ordinary labour market.](#)**

This law defines and regulates supported employment, and it clarifies its target group:

- a) Persons with cerebral palsy, persons with mental illness or persons with intellectual disability with a recognised degree of disability equal or greater than 33%.
- b) Persons with physical or sensory disabilities with a recognised degree of disability equal or greater than 65%.

### **4. Those measures set for public employment.**

In this case, the quota for reserving places for persons with disabilities in all Public Administrations is 7%. This quota is established in [Royal Decree 5/2015 on the Basic Statute of the Public Worker](#). In accordance with this norm, in the selective entrance tests to the Administration, people with disabilities must have the necessary adaptations and reasonable adjustments of times and means to carry them out, as well as preference in the choice of places and the adaptation of the work place.

Article 59 establishes that the reservation of the minimum 7% shall be made in such a way that at least 2% of the places offered shall be covered by persons with intellectual disability and the rest of

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the places offered shall be covered by persons with any other type of disability. Again, to this end, each Public Administration shall adopt the necessary measures to establish the reasonable adaptations and adjustments of times and means in the selective process and, once this process is completed, the adaptations in the workplace to the needs of persons with disabilities.

### **Other measures and current policy according to UN CRPD**

[Law 26/2011 of 1 August, adapting regulations to the International Convention on the Rights of Persons with Disabilities](#), analyses employment in its Sixth Additional Provision: "The Government, within the framework of the Global Strategy Action for the Employment of Persons with Disabilities, and within twelve months, will present positive action measures aimed at promoting access to employment for persons with limited intellectual capacity, who have officially recognized this situation, even if they do not reach a degree of disability of 33 percent.

Likewise, in the First Final Provision, compliance with the reservation of jobs for persons with disabilities: "The Government shall, within one year and within the framework of the Global Strategy Action for the Employment of Persons with Disabilities, promote the adoption of measures for:

- a) Ensure compliance with the reserve quota of two percent of jobs for persons with disabilities in companies with more than 50 workers through direct hiring.
- b) Establish conditions in public sector contracts related to the percentage of employment of persons with disabilities.
- c) Evaluate existing measures and study alternative measures that lead to an increase in hiring in ordinary employment, in order to configure a more efficient set of measures".

### **SPANISH STRATEGY ON DISABILITY 2012-2020**

The purpose of the Spanish Strategy on Disability 2012-2020 is to form the backbone of a consolidated and comprehensive long-term vision and action that will serve as a permanent reference, as well as being the roadmap for future public policies on disability in Spain. It establishes the following strategic measures for employment:

1. To promote the development of employability of a growing number of people with disabilities in order to guarantee compliance with the general employment objective of the National Reform Programme of Spain 2011.
2. Incorporate the disability factor into the future Spanish Employment Strategy, maintaining the current regulatory advances and improving them, guaranteeing common minimums between the different Autonomous Communities.
3. Promote the necessary actions to foster and develop the New Disability Economy.
4. Promote actions specifically aimed at promoting the incorporation of women with disabilities into the labour market, with equal opportunities.

In May 2019, the CRPD Committee published its [Concluding observations on the combined second and third periodic reports of Spain](#). We reproduce its observation on article 27 about work and employment:

50. The Committee is concerned about:

- (a) The lack of progress made to implement the Committee's recommendation made in its previous concluding observations (CRPD/C/ESP/CO/1, para. 46) to increase the low employment rate of persons with disabilities in the open labour market, which especially affects women with intellectual or psychosocial disabilities and persons with disabilities living in rural areas;

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(b) The lack of information on the application of anti-discrimination laws, including provisions on direct and indirect discrimination and denial of reasonable accommodation, in the workplace;

(c) The failure to comply with the quota set out in the revised text of Act No. 9/2017 on public sector contracts.

51. The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:

(a) Analyse and modify legislation, regulations and policies to promote the employment of persons with disabilities in the public and private sectors, with particular emphasis on women with disabilities and persons with disabilities living in rural areas;

(b) Ensure that reasonable accommodation is available and accessible for persons with disabilities with administrative safeguards, especially in cases of accidents that have led to disabilities in the workplace;

(c) Adopt concrete measures to fully implement the legal quota established in the revised text of Act No. 9/2017 on public sector contracts.

### Figures on employment of people with disabilities

AEDIS (Employers Association for Disability) published in 2018 its [II Data analysis on employment and intellectual disability 2017](#), from which we have extracted the following data:

During 2017, persons with officially recognised disabilities represent 6.2% of the Spanish working age population (i.e. 1,860,600 persons). Of these, 35% were active (651,210 persons), two tenths less than in 2016. The employment rate experienced a slight increase of 0.8 points as compared with 2016, reaching 25.9%, and the unemployment rate fell by 2.4 points as compared with 2016 (26.2%). Labour participation continues to be strongly determined by the type and intensity of disability. Thus, intellectual disability continues to present one of the lowest activity and employment rates of the disabilities indicated in the report (3.8 and 6.4 points lower than that presented by disability in general, respectively).

	Absolute Value (in thousands)			Activity rate			Employment rate		
	2017	2016	2015	2017	2016	2015	2017	2016	2015
<b>Disability in general</b>	1.860,6	1.840,7	1.774,8	35%	35,2%	33,9%	25,9%	25,1%	23,4%
<b>Intellectual Disability</b>	188,8	188,9	180,2	31,2%	32,3%	28,1%	19,5%	20%	15,5%

AEDIS - II DATA ANALYSIS ON EMPLOYMENT AND INTELLECTUAL DISABILITY 2017

#### Occupied population with disability / intellectual disability

Together with the reduction in the unemployment rate, one of the variables that presented the best data was that of occupied persons with disabilities (481,000 persons in 2017), the vast majority of who were employees.

Leaving aside the special employment centres, those employed with disabilities who contribute to Social Security in ordinary centres have generally experienced an increase of 2% in the figures with

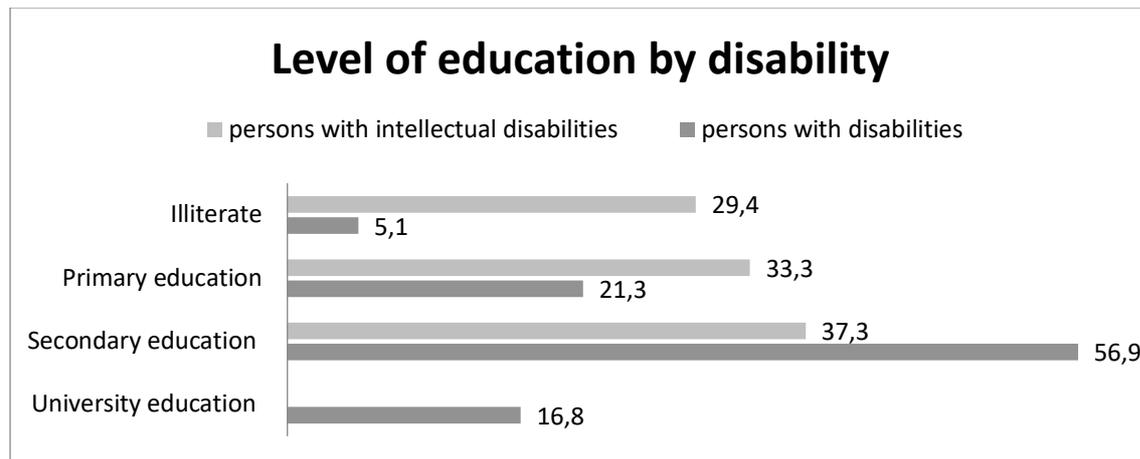
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respect to 2016 (reaching 282,100 employed in 2017), with mental illness being the type of disability where employment has increased the most. Intellectual disability also presented a very significant increase in 2017. However, it only represents 5% of those employed with disabilities in centres.

### Level of education

One of the variables that most influences the activity of persons with disabilities is the level of education. As can be seen in the graph, the higher the level of studies, the higher the activity rate gradually increases.



AEDIS - II DATA ANALYSIS ON EMPLOYMENT AND INTELLECTUAL DISABILITY 2017

However, these data continue to be far from those presented by the population with no disabilities, and show the strong disconnection from the labour market in which the group of people with disabilities in Spain find themselves due to their low qualifications. The situation is even more serious for people with intellectual disabilities, with very high rates of uneducated population.

According to the Report on the Labour Market of People with Disabilities, in 2017 a total of 308,376 hires were made in Spain to people with disabilities, of which 142,732 people benefited. This means that each of these people signed, on average, two different contracts throughout the year.

- Of the total number of contracts, 110,068 were specific to persons with disabilities. It should be pointed out that the specific contracts for people with disabilities do not represent the total number of collective contracts - they account for approximately 40% - but they are a clear indicator of the importance that contractual protection in employment represents for people with disabilities.
- In turn, the special employment centres made a total of 77,677 hires, which is equivalent to 70.5% of all specific contracts made during the year to people with disabilities.

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### **2.2 Estonia**

At the beginning of 2017, 149,900 disabled people lived in Estonia, which accounted for 11.4% of the population. By age groups, the majority of people with disabilities belong to the older age group, more than two thirds are 55 years of age or older.

Compared to 2010, the number of disabled people has increased by almost 25%.

The allowance for an average disabled child in 2018 is 69.04 euros, the allowance for a severely and profoundly disabled child is 80.55 euros per month. The allowance for a disabled parent is 19.18 euros per month. Average salary in 2019 in Estonia was 1407€, absolute poverty line was 215 euros.

The benefit for a disabled person of working age depends on the type and severity of the disability, ranging from 16.62 to 53.70 euros per month. Depending on the severity of the disability in 2018, the benefit for a disabled person of retirement age will range from 12.79 to 40.91 euros per month.

A study allowance for a non-working disabled person studying is paid from 6.39 to 25.57 euros per month, except in July and August. In-service training support for in-service training of an employed disabled person for the purpose of professional development is up to 613.68 euros during three calendar years.

Students with special needs can apply for a scholarship, the amount of which in 2018 will be between 60 and 510 euros per month.

In 2017, the partial incapacity benefit resulting from the daily rate of incapacity for work benefit was 202.1 euros on average, and in case of incapacity for work on average 354.6 euros per month. All the listed benefits are covered by state benefits and presuppose officially recognized disability or assessed reduced ability to work.

#### **The Estonian Constitution**

The Constitution of the Republic of Estonia states that persons with disabilities are under the special care of the state and local governments (§ 28).

#### **Estonian Unemployment Insurance Fund**

The main institution that provides and finances employment services for people with disabilities in Estonia is the Estonian Unemployment Insurance Fund. The Fund is public body and is managed by the Ministry of Social Affairs. It is a common misconception in Estonia that it is difficult to hire a disabled person and that this causes additional burdens and costs for the employer. In reality, people with disabilities are motivated employees and the necessary adjustments in the workplace are supported by the Estonian Unemployment Insurance Fund by offering the following services:

- adjustment of workspaces and working equipment
- lending (free of charge) the assistive equipment needed to carry out work
- working with a support person
- protected employment
- peer support
- work rehabilitation
- provision of advice and training to employers
- compensation of labour market training for employers<sup>2</sup>

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<sup>2</sup> Source: Estonian Unemployment Insurance Fund <https://www.tootukassa.ee/eng/content/services>

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Despite several problems and the high unemployment rate of people with profound disabilities, the Estonian Unemployment Insurance Fund has more co-operative and flexible institutions in the public sector support system. While in 2019 overall unemployment rate was 4,4%, at the same time only 21% of people with special needs were working.

### **UNCRPD shadow report**

The issue of protection of the rights of people with disabilities is directly or indirectly included in several national development plans, such as the Competitiveness Plan Estonia 2020 13, the Welfare Development Plan 2016–2023, the Estonian Lifelong Learning Strategy 2020, the Development Plan for Children and Families 2012–2020, the Public Health Development Plan 2009 –2020, Fundamentals of Cultural Policy until 2020, Transport Development Plan for 2014–2020. The only national strategy for the rights of persons with disabilities claiming integrity - the General Concept of Disability Policy of the Republic of Estonia Standard Rules for Creating Equal Opportunities for Persons with Disabilities 19 - dates from 15 May 2001 obsolete in content and form.

An independent report on the implementation of the UN Convention on the Rights of Persons with Disabilities 2 (hereinafter the shadow report) was prepared in 2019 by and coordinated by the Estonian Chamber of Persons with Disabilities. The Chamber is an NGO representing most of the advocacy groups of people with special needs. The Chamber is financed by the Estonian Government and various projects.

In the Action Program of the Government of the Republic 2016–2019, the protection and promotion of the human rights of persons with disabilities is directly mentioned once, concerning the cancellation of student loans for parents of severely disabled children.

There have been isolated initiatives to apply the principles of universal design in the development of goods, services, equipment and buildings in research and development, but it still takes time and effort to reach a systematic approach.

Good practice on Involvement has been agreed to involve stakeholders, including organizations representing people with disabilities, in decisions that affect them. Over the last decade, the involvement of organizations representing people with disabilities in decision-making processes has improved significantly, but there have also been practices of formal involvement in which people with disabilities have a say in decision-making processes, but their views are largely ignored.

Among people with special needs, people with intellectual disabilities are in a more difficult situation than people with mobility or perceptual impairments, and the need for instructions and materials in simple language has not come to the attention of officials or the general public. This is also the conclusion of the shadow report.

Children with intellectual disabilities have a severe lack of support services for independent living, often under the care, supervision and maintenance of the family of origin for years.

In the ongoing process of deinstitutionalisation, society has repeatedly become sharply hostile to people with intellectual disabilities, who are not wanted to be seen living in their own community, as their own neighbours.<sup>3</sup>

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<sup>3</sup> Sources – People went to court over family type home for people with disabilities in Keila

<https://epl.delfi.ee/eesti/keila-elanikud-laksid-puudega-inimeste-kodu-parast-kohtusse-mitte-meie-naabrusesse?id=84965657>

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### UNCRPD shadow report: recommendations

1. Carry out awareness-raising activities on mental health and intellectual disabilities in order to promote tolerance in society for the participation of people with mental and behavioral disorders in the public community.  
The demand for publicly funded special care services is significantly higher than the supply  
Educational opportunities for children with multiple disabilities, such as the deaf, the intellectually and visually impaired, as well as the blind, are limited. There is absolutely no teaching material for blind children with intellectual disabilities.
2. Expand learning opportunities in vocational education for people with intellectual disabilities and other co-disabilities.

On the unemployed with reduced working capacity who registered as unemployed In 2017, 54% had been employed for 12 months, the same indicator among the fully employed, 68% were unemployed. If in the 2nd – 3rd quarter of 2016 people with reduced working capacity registered as unemployed

38% found a job in half a year, then in the last and the same year For those who registered as unemployed in the first quarter of 2017, this amount was 30%<sup>4</sup>.

According to the Unemployment Insurance Fund, the downward trend will continue in the coming years, as more extensive working capacity will turn to the assessment of working capacity. people who are likely to have a harder time finding work. Depending on registered unemployed young people (up to 30 years of age) between 7% and 22% of young people with disabilities. The share of the unemployed is highest among young people with mental disorders and intellectual disabilities and the lowest among young people with hearing impairments<sup>5</sup>.

3. Develop support services and support for people with intellectual disabilities and mental disorders in order to improve and promote their inclusion in the labor market.

The information that is disclosed is usually not accessible to people with different types of disabilities, in particular people with visual, hearing or intellectual disabilities.

4. Ensure that people with disabilities have access to information and choice, regardless of their disability or need for assistance.

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People in Narva, Põlva and Kuresaare are opposing homes of people with disabilities

<https://www.err.ee/1024081/erivajadusega-inimestele-kodusid-luua-puudev-riik-porkub-kohalike-vastuseisuga>

Also service provider Tugiliisu has strong opposition in case of each new support center. Earlier in Haapsalu (<https://online.le.ee/2019/05/24/naabrid-protestivad-vaimupuudega-inimeste-vastu/>) and currently an ongoing court case in Nõmme, Tallinn.

<sup>4</sup> <https://www.tootukassa.ee/content/tootukassast/peamised-statistilised-naitajad>

<sup>5</sup>

<https://www.tootukassa.ee/tkauth/login?return=c210ZXMvdG9vdHVrYXNzYS5lZS9maWxlcY9lcmI2YWphZHVzdGVnYV9ub29ydGVf>

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In 2016 there was a major reform of labour force, what was directed for better possibilities for handicapped people. Although the reform has results, the shadow report lines out the deepest shortcomings. To overcome these, we would have to:

- to link education, employment and social careers and labour market services into a comprehensive system that effectively supports and enforces people with disabilities and organizes cross-use of databases.
- to support the achievement of the goals of the work ability reform more employers.
- to bring professional education and training of people with disabilities more in line with labour market expectations.
- to develop for people with intellectual disabilities and mental disorders support services and grants designed to improve and facilitate their inclusion in the labour market.
- to find and implement a solution to the data quality problems of the Health Information System.
- to collect data to assess the impact of work capacity reform and success in the employment of people with disabilities (including comparisons by type of disability).

### Figures on employment of people with disabilities

	2018	2019	2020
Number of people with special needs	157.925	157.992	152.235
People working	n/a	34.158	26.438
Incl intellectual disability	7.751	6.395	5.204

Source: Estonian Social Insurance Board (April 24. 2020)

### Criticism

Although social spending accounts for almost 50% of the Estonian state budget, there is minimal support for ordinary people with intellectual disabilities.

This shows the attitude of politicians towards the need for programs and activities for people with disabilities.

In the Action Program of the Government of the Republic 2016–2019, the protection and promotion of the human rights of persons with disabilities is directly mentioned once, concerning the cancellation of student loans for parents of severely disabled children.

People with severe disabilities, often people with intellectual disabilities, who do not have adequate social rehabilitation, have problems with finding work, finding adequate services (long waiting lines) and finding meaningful daily activities.

Many existing support programs do not expand or are not suitable to meet the needs of people with intellectual disabilities.

Inclusive education has not started for people with intellectual disabilities. There is no lifelong learning program and no opportunities to participate in hobbies for adults with intellectual disabilities.

Too little is being done to educate society about the rights of people with intellectual disabilities, which has created obstacles to the deinstitutionalisation process. Society refuses to accept a person

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with an intellectual disability as a neighbour. The reasons are fear of the unpredictable behaviour of people with intellectual disabilities, falling prices for their real estate when a person with intellectual disabilities is a neighbour, and other unreasonable views that discriminate against people with intellectual disabilities.

In different years, scarce resources have been sought to be rolled in and out here, which in turn fragment the whole system set up to support people with disabilities and creates uncertainty for both people with disabilities and service providers. In Estonia, one reform is chasing another, during the last ten years people have had to get used to several different changes which, unfortunately, have not brought about a substantive change. There is no clear, focused action program that takes into account the access of all walks of life and all different people with disabilities in an inclusive, open society.

### **3. Recommendations and lessons learned from examples of inclusive employment**

#### **3.1 Flagship points**

We believe employees with intellectual disability should be paid the same as their colleagues who do the same work.

We believe an inclusive workplace offers formal and informal support to employees with intellectual disabilities.

We believe it is necessary to adjust the range of tasks to fit in the competences of the employee with intellectual disability. Job carving and job sharing can be concepts with potential.

We believe that a specific training to employees with intellectual disability is needed so they can perform their tasks better is key.

We believe employers should be willing to invest financially in the further personal development of the employee with intellectual disability.

#### **3.2 Driving questions**

What laws should be taken to truly make workplaces inclusive for employees with intellectual disabilities?

How to overcome the disability benefit traps? How to turn disability benefits in incentives for both, employers and employees?

How to make sure that people with intellectual disabilities do not lose their social protection benefits when they enter or re-enter the labour market? Tackle in-work poverty p.16 from the briefing on minimum income and social protection,

How to make sure that people receive the relevant benefits and/or support on the long run and that they are adequate to their needs as their situation might evolve during the employment period?

How can national governments achieve an effective disability policy tackling all stages of entering and exiting the labour market? (From the briefing on minimum income and social protection, page 14 "Labour market regulation" + page 19: *In order to tackle issues regarding employment, both national governments and companies have a responsibility with the former needing to implement measures to regulate the labour market, and the latter in tailoring jobs better suited for persons with intellectual disabilities through job carving and job crafting.*)

How to ensure the possibility of entering the labour market to people with intellectual disabilities from an early stage? Inclusive education and vocational training p. 14 From the briefing on minimum income and social protection,