



## Report on the employment of disabled people in European countries

**Country:** Germany

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### Background:

The [Academic Network of European Disability experts](#) (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network will support the future development of the EU Disability Action Plan and practical implementation of the United Nations Convention on the Rights of Disabled People.

This country report has been prepared as input for the *Thematic report on the implementation of EU Employment Strategy in European countries with reference to equality for disabled people*.

The purpose of the report ([Terms of Reference](#)) is to review national implementation of the European Employment Strategy from a disability equality perspective, and to provide the Commission with useful evidence in support of disability policy mainstreaming. More specifically, the report will review implementation of EU Employment Strategy and the PROGRESS initiative with reference to policy implementation evidence from European countries, including the strategies addressed in the EU Disability Action Plan (such as flexicurity and supported employment).

The first version of the report was published in 2008. This is the second version of the report updated with information available up to November 2009.



## Summary of changes since 2008

### New quantitative data:

When searching for latest empirical figures one will find this general picture: data varies according to the definitions being applied, reference groups and years. For this reason it is difficult to precisely assess developments over the latest period of time. Just some weeks ago the new government report about disability (Behindertenbericht 2009; see [http://www.bmas.de/portal/9828/a125\\_\\_behindertenbericht\\_\\_2009.html](http://www.bmas.de/portal/9828/a125__behindertenbericht__2009.html)) has been published, this official document has been analysed for this summary. The results are disappointing. The report does not present latest data (eg. it does not cover the years 2008-09) and its findings are very vague. Basically it tends to be euphemistic with regard to official disability related policies, and one gets the impression that the prospect of the general election (scheduled for September 27, 2009) has influenced the writing of this report. At least, these trends show up: recent official disability data indicates that both in absolute numbers and in percentages the group of people with officially registered severe disabilities is steadily increasing. Similarly, till 2008 disability related employment figures have gone up and unemployment rates have decreased, but there are hints at a countertrend in the field of the basic security for job seekers scheme (Social Code Book II). There is also a steady increase in the employment in sheltered workshops, even during years of economic growth. Both tendencies cast a cloud over a picture which in general seems promising.

### New policy changes:

Recent years have witnessed several new policies concerning the vocational rehabilitation of disabled people; this also applies for the period 2008-09. All programmes and laws have the official objective of including disabled people into the area of employment; many aim explicitly at their integration into the general labour market. There are some new approaches such as supported employment at a regular work place, and a job budget for clearing the path to an ordinary job etc. Most programmes offer highly individualized support, and all surely have their merits. However, in general, impact assessments and evaluation studies are still lacking; for this reason it is difficult to present conclusions. In comparison to overall figures and the general economic background the existing programmes seem to be drops in a bucket and the basic problems of the German system of vocational rehabilitation have not been tackled so far. There is some hope that the new expert report<sup>1</sup> about vocation rehabilitation and its future will set new thinking going, but doubts remain whether this new thinking can be put in practice, since there are many stakeholders with vested interests, and the German rehabilitation system has been notorious for its fragmentation, complexity, bureaucracy and selectivity since it started at the beginning of the 20<sup>th</sup> century.

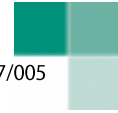
### New research evidence:

A recent search in central German databases reveals that the picture has not much changed since 2008: of course, there are many studies (ca. 80 between 200-09), but the majority are applied science, concentrating on specific groups of disabled people (for example, young people and school leavers, the blind and the hard-of-hearing as well as people with psychiatric illness) or examine certain regions and specialised areas (such as sheltered workshops).

Independent scientific research on the employment situation of disabled people on a national scale is still rather limited in Germany.

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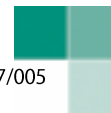
<sup>1</sup> Deutsche Akademie für Rehabilitation e.V. [Ed.]: Stellungnahme der wissenschaftlichen Fachgruppe RehaFutur zur Zukunft der beruflichen Rehabilitation in Deutschland. Bonn 2009; [http://www.bmas.de/portal/34582/2009\\_08\\_05\\_rehafutur\\_bericht.html](http://www.bmas.de/portal/34582/2009_08_05_rehafutur_bericht.html)



### **The economic crisis:**

Due to the economic crisis both general and disability related unemployment have again increased since January 2009. The German government anticipates a further rise during the months to come.

For 2010 around 4,6 million people are expected to be without employment; against this background it is very likely that many disabled people will face job loss as well. (Behindertenbericht 2009, 57)



## **PART ONE: GENERAL EVIDENCE**

### **1.1 Academic publications and research reports (key points)**

A search in "SOFIS", the central database for the German-speaking social sciences, reveals that independent scientific research on the employment situation of disabled people is rather limited in Germany. Of course, there are many studies (see for example Bahlke 2001; Biermann 2009; Braakmann 2008; Herder 2005; Hillert 2003; Rauch et al. 2008; Zelfel 2008), but the majority is applied science, concentrates on specific groups of disabled people (for example, young people and school leavers, also the blind and the hard-of-hearing as well as people with psychiatric illness) or examines certain regions and specialised areas (such as sheltered workshops). Independent scientific research on the employment situation of disabled people on a national scale is still rather limited in Germany. What is missing are quantitative and qualitative empirical studies on a national level and the overall situation of people with disabilities and the labour market in comparison with non-disabled people and other problem groups (such as older people, low skilled, migrants etc.). Against this background, Biermann (2009) presents an interesting paper which is highly critical of established rehabilitation policies in Germany; it discusses the implications of the UN convention for vocational rehabilitation policies in Germany and contends that disability and rehabilitation laws are fairly in accordance with the convention. However there are problems with implementation; in actual fact segregative and exclusionary strategies are still applied in Germany. There is also a recent study on the living conditions of people with disabilities which presents a section of the "Microcensus" 2005, a representative household survey based on interviews with one percent of the German population (Pfaff/et al. 2005). For additional information on the national level one has to refer to official government reports. It is interesting to note, however, that the number of these reports has increased in the last five years.

Information on disability can be found in the official government reports on poverty and wealth. To date three reports on "Living Conditions in Germany" have been published in 2001, 2005, and 2008; the next one is due in 2012 (Deutsche Bundesregierung 2001, 2005, 2008). With regard to gender issues the government report on the equalization of women and men in Germany is helpful; it contains a comprehensive chapter on disabled women and men (Bundesministerium für Familie 2005). As well as these general reports one can also find several reports of the federal government dealing more specifically with employment and the labour market with regard to disabled people, for example the report on the situation of disabled persons on the job training market (Deutscher Bundestag 2003b), and the report on the employment of people with severe disabilities in public administration and civil service (Deutscher Bundestag 2003a).

There are also several official reports of the federal government on the situation of disabled people in Germany and the development of their participation in society. There is one report of 2004 which is by now somewhat dated (Deutscher Bundestag 2004c), but the latest government report on disability has just been published (Bundesministerium für Arbeit und Soziales 2009). However, its results are rather disappointing. The report does not present latest data (eg. it does not cover the years 2008-09), and its findings are very vague. Basically it tends to be euphemistic with regard to official disability related policies, and one gets the impression that the prospect of the general election (which took place in September 27, 2009) has influenced the writing of this report.

All these official publications are helpful; however, they concentrate on statistical data which cannot always be compared as basic populations or data items differ. For this reason the results should be regarded critically.

For example, in the third report on poverty and wealth in Germany the employment situation of disabled people is highlighted as follows.



In recent years especially disabled women profited from the general decline of unemployment in Germany; their employment rate increased by 4% (+11.881 females) in 2003-05 (general: +1,2% or 9.351 individuals). This slight improvement in the employment rate is attributed to the federal disability law which puts pressure on employers to hire more disabled persons but also to state-funded job programmes (Deutsche Bundesregierung 2008, p. 159-160.). However, the same report also presents a chart which indicates that despite a recent economic disabled people have not been better integrated in the general job market. In relation to other groups (such as young people, the long term unemployed etc.) disabled people have remained the segment of the labour force with the smallest decrease of unemployment in 2006-07 ( Deutsche Bundesregierung 2008, p. 81).

In summary: the current employment situation of disabled people has improved a little bit when compared with former periods, but it is still worse in comparison with the non-disabled workforce. The latest disability report (Bundesministerium für Arbeit und Soziales 2009) indicates that to 2008 disability related employment figures have gone up and unemployment rates have decreased, but there are hints at a countertrend in the field of the basic security for job seekers scheme (Social Code Book II). There has also been a steady increase in employment in sheltered workshops, even during years of economic growth. Both tendencies cast a cloud over a picture which the German government tends to present as promising – at least until the start of the economic crisis. Due to the crisis both general and disability related unemployment have again increased since January 2009. The German government anticipates a further rise during the months to come. For 2010 around 4,6 million people are expected to be without employment; against this background it is very likely that many disabled people will face job loss as well (Bundesministerium für Arbeit und Soziales 2009, p. 57).

## 1.2 Employment statistics and trends (key points)

When looking for data about the employment of disabled people in Germany, one can use the following sources in Germany. The Federal Office of Statistics (Statistisches Bundesamt Deutschland 2008) is the most important source for quantitative data.<sup>2</sup> Additionally, the state-funded Institute for Labour Market and Occupational Research (Institut für Arbeitsmarkt und Berufsforschung [IAB] 2008) offers both quantitative and qualitative data on the employment of disabled persons. The Ministry for Employment and Social Security (Bundesministerium für Arbeit und Soziales) and the Ministry for Health (Bundesministerium für Gesundheit) both provide information about special campaigns and programmes for people with disabilities as well as statistical data and reports. The Ministry for Employment and Social Security offers a website where one can find information and publications on disabled people's participation in working life (Bundesministerium für Arbeit und Soziales 2008d).

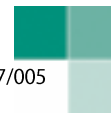
For an overall picture one should first of all know that in Germany there are two national surveys which are undertaken on a regular basis, but differ in their disability concepts. First, the official disability survey only counts *severely* disabled people who are officially registered.<sup>3</sup> According to this data in December 2005 there were 6,765 million persons living in Germany who were registered as severely disabled. They formed roughly 8,2% of the German resident population.

Of this officially counted group 3,527 million (52,1%) were male, and 3,237 million (47,9%) were female (Statistisches Bundesamt 2007).

Recent official disability data indicates that both in absolute numbers and in percentages the group of people with officially registered severe disabilities is steadily increasing.

<sup>2</sup> Information about people with disabilities can be found on this website by using the search icon.

<sup>3</sup> So called severely disabled persons are officially registered persons whose degree of disability amounts to at least 50%.



In 2007 there were roughly 6,9 million people in Germany living with officially registered severe disabilities; their population rate amounted to 8,4% (Statistisches Bundesamt 2007).

In contrast, in 2005 the household survey Microcensus mentioned above counted 8,6 million people with disabilities, of which 1,9 million people were considered as mildly disabled (Pfaff/et al. 2005, p. 1268). The group of disabled people formed roughly 10% of the German resident population. More than half were male (54%).

The Microcensus survey also reveals that in 2005 the vast majority (6,4 million) of disabled persons in Germany did not participate in working life. The activity quota of disabled men reached about 30% and the rate of disabled women amounted to 23% (Pfaff/et al. 2005, p. 1270). For comparison a look at the performance of non-disabled people is helpful: here one finds substantially higher rates (men: 71%, women: 53%). A government report on gender issues also points out that to a large extent disabled women do not participate in the labour force (Bundesministerium für Familie 2005, p. 561-569). The third draft report on poverty and wealth in Germany, however, stresses that employment participation rates have been even lower in the past: in 1999 only 17% of disabled women and 24% of disabled men were part of the active labour force (Deutsche Bundesregierung 2008, p. 160). The latest disability report mentions that between 2003 and 2006 the number of employed people with disabilities rose by 5%, but it does not give exact data (Bundesministerium für Arbeit und Soziales 2009, p. 57).

The highest rate of participation in the labour force can be found amongst disabled people aged 25 to 45 years (men: 74%; women: 65%), although even these rates are clearly below those of non-disabled men and women of the same age. With regard to older age groups one finds gradually decreasing activity rates. The decrease is especially remarkable in the age group 60 to 65 years (men: 21%, women: 14%). It is highly possible that early retirement schemes account for this drop out (Pfaff/et al. 2005, p. 1271). The gender reports stresses that especially in Eastern Germany older disabled women and men have lost their jobs and opted for invalidity benefits instead, although these payments usually imply a significantly reduced standard of living (Bundesministerium für Familie 2005, p. 537).

The disability report of 2009 indicates these latest trends. The employment rate has risen in recent years: from 4,0% in 2003 to 4,3% in 2006; total numbers rose from 884.882 in 2003 to 930.612 in 2006 (Bundesministerium für Arbeit und Soziales 2009, p. 57).

At the same time unemployment remained a major issue: In 2008 154,486 disabled people were registered as jobless (Bundesministerium für Arbeit und Soziales 2009, p. 56).

The report also mentions a worrying development. Whereas in general more disabled people got jobs, those affected by long term unemployment got the short end of the stick. "In the years 2005 to 2008, [general] unemployment [of disabled people] fell by more than 14 per cent. However, it rose in this period against the trend by just under 3 per cent in the field of the basic security for job seekers scheme, i.e. in the scope of Book Two of the Social Code." (Bundesministerium für Arbeit und Soziales 2009, p. 56) As a result of social security reforms and new social laws, when dealing with unemployed persons who have chronic illnesses and disabilities, job agencies now have to handle two laws, Book Two and Book Nine of the Social Code.

The splitting-up of target groups and the introduction of new administrative procedures and responsibilities have resulted in more bureaucracy and selection. Rauch et al. (2008) show that introduction of the basic security for job seekers scheme (Book Two of the Social Code) has ended in a decrease in the number of rehabilitation recipients.



In effect unemployed people with disabilities are confronted with more barriers and the number of persons who drop out in the course of the application procedure or who do not get the support which they need has significantly increased. Obviously, there is a paradox of rehabilitation. The bureaucratic objectives of efficiency and achievement conflict with the aim of granting support which is impairment specific and fits individual needs.

We could not find data about the employment of people with different kinds of impairments or with disabilities from birth or later in life. In relation to disabled migrants and members of ethnic minorities, the gender report indicates that these groups have the lowest rates of employment participation. This applies especially to disabled women with migration and ethnic minority backgrounds. A comparison of the 25 to 55 year old age group reveals that only 23% of the women (40% of the men) with severe impairments and migration or ethnic minority status have employment, whereas this applies to 73% of all women (87% of all men) of this age (Bundesministerium für Familie 2005, p. 536).

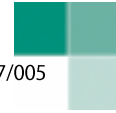
It is also important to consider how many disabled men and women are part of the regular labour force, i.e. work at the open job market and not in special institutions. Here we can only present figures for the years 2002 and 2005: in 2002 approximately 840,000 severely disabled people were employed by enterprises and agencies of the private job market or by public administration and civil service (Deutscher Bundestag 2004c, p. 89). In 2006 about 930.00 people with disabilities had employment in the regular job market (Bundesministerium für Arbeit und Soziales 2009, p. 57 (for sheltered employment see 1.4).

The Microcensus indicates that in general people with disabilities are more often unemployed than the non-disabled. The overall unemployment rate of the non-disabled came to 11,1% in 2005, whereas 14,5% of disabled people were unemployed (Pfaff/et al. 2005, p. 1270). Of course, the general economic situation at the national level needs to be considered when trying to figure out whether disabled people face a higher risk of unemployment. For this aspect, it is enlightening to turn to the late nineties. In 1998 the number of disabled persons who were unemployed in Germany amounted to 189,633. In 1999 this number had risen to 193,236. These high unemployment rates were the reason why the Act on Fighting Unemployment of Disabled Persons was put into force in October 2000 and integrated in the Social Security Code IX in July 2001.

It brought some new instruments for better integration into working life (Bundesministerium für Justiz 2001). Together with the campaign "50 000 Jobs für Schwerbehinderte" ("50,000 jobs for the severely disabled"), the number of unemployed persons with severe disabilities was reduced to 144,292. From October 1999 to October 2002 there was a decrease of approximately 24% (Deutscher Bundestag 2004c, p. 89).

However, a year later (2003) the unemployment rate of severely disabled persons still was 13,9% und thus clearly higher than the general unemployment rate of 11.1% (Bundesarbeitsgemeinschaft der Integrationsämter und Hauptfürsorgestellen (BIH) 2003). In 2002-03 the unemployment of severely disabled persons – in the course of the general rise of unemployment in Germany – increased again. In October 2004 a total of 172,516 severely disabled persons were unemployed, representing 4.1% of all unemployed persons (Deutscher Bundestag 2004c, p. 89).

Latest findings of the Microcensus show that this trend could not be reversed; this data also reveals that the problem of unemployment is even larger when one considers all people with disabilities, regardless of the severity of their impairments: 331,000 disabled persons were unemployed in 2005; 206,000 or 62% of them were male (Pfaff/et al. 2005, p. 1271). As this survey shows, when government reports refer to the official disability survey only and restrict their view on severely disabled people, they often tend to underestimate the problem of disability related unemployment.



Additionally, general unemployment figures have increased since January 2009 due to the financial crisis and this is also affecting the employment of disabled people (Bundesministerium für Arbeit und Soziales 2009, p. 57).

### 1.3 Laws and policies (key points)

Recent years have witnessed several new policies concerning the vocational rehabilitation of disabled people. All programmes and laws have the official objective of including disabled people into the area of employment; many aim explicitly at their integration into the general labour market. There are some new approaches such as supported employment in a regular work place, and a job budget for easing the way into an ordinary job etc. Most programmes offer highly individualized support, and all surely have their merits. However, in general, impact assessments and evaluation studies are still lacking; for this reason it is difficult to present conclusions. In comparison with overall figures and the general economic background, the existing programmes seem to be a drop in the ocean and the basic problems of the German system of vocational rehabilitation have not been tackled so far. There is some hope that the new expert report about vocation rehabilitation and its future will set new thinking going. In 2007 the Ministry for Employment and Social Security asked a group of scientific experts and the German Academy for Rehabilitation to write a joint report about the German rehabilitation system, noting its shortcomings and potentials. The report (Deutsche Akademie für Rehabilitation 2009) which was published in 2009 provides recommendations for the future development and long term management of rehabilitation services, but doubts remain whether this new thinking can be put into practice, since there are many stakeholders with vested interests, and the German rehabilitation system has been notorious for its fragmentation, complexity, bureaucracy and selectivity since it started at the beginning of the 20th century.

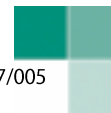
In the field of employment of disabled people the German government mainly relies on traditional instruments. There is a well established, multi-dimensional system of occupational protection and assistance which dates back to the 1920s and which has since then at regular times been renovated and re-conceptualized, but the main instruments have remained the same. There is a quota system that requires all private companies and public services with 20 employees or more to have at least 5% severely disabled staff. In the case of non-compliance employers have to pay compensation tax which is collected and used in turn to finance accessible workplaces as well as special employment and job programmes. All employers who offer jobs and/or training for people with disabilities can get public funding and information as well as consultation by special advice bureaus, the so called Integration Services (Integrationsämter).

These have the task of assisting in the employment of disabled persons, for example by financing measures of accessibility and technical adaptations, subsidizing wages and personal assistance at the work place etc. (Bundesarbeitsgemeinschaft der Integrationsämter und Hauptfürsorgestellen (BIH) 2008a, b). The most important actors in the field of creating accessible jobs are local Integration Offices (Integrationsfachdienste).

Their aim is to help people with severe disabilities who have special difficulties finding regular employment by way of applying active promotion measures (For more details see: Bundesarbeitsgemeinschaft der Integrationsämter und Hauptfürsorgestellen (BIH) 2008a; Bundesarbeitsgemeinschaft der Integrationsämter und Hauptfürsorgestellen (BIH) 2008b).

Generally, social legislation obliges all employers to consider whether a vacancy could be given to a severely disabled applicant (see SGB IX, Chap. 2, § 71; Bundesministerium der Justiz 2001). In the case of job terminations employees with severe disabilities have special protection.





Private business and the civil service both are also obliged to employ ombudspersons who represent the interests of disabled staff as well as applicants. In recent years the following main employment related laws have been put into force:

- Sozialgesetzbuch IX: Teilhabe und Rehabilitation behinderter Menschen (Social Code, Book Nine: Rehabilitation and Participation of Disabled People). This was established in 2001, brought together different legislation and involved a transformation in official German disability policy, which went from the welfare approach to equal participation (Bundesministerium der Justiz 2001). This comprehensive law provides the basic framework concerning all regulations about the rehabilitation and equal participation of disabled people in Germany.
  - § 38a SGB IX Unterstützte Beschäftigung (supported employment): On Dec 22, 2008 legislation about supported employment was introduced. Supported employment is a new social service and offers disabled people individualized support in gaining a suitable job position. It aims at integrating them into the general job market. The individual gets access to a work place in a private company that fits his/her qualification and training. When starting work the person gets individualized training and support as long as necessary until all parties agree that a job contract can be entered. The service includes two main phases: first individual training on the job, second continual support at the job place if needed. (Bundesministerium für Arbeit und Soziales 2009, p. 48)
- Gesetz zur Förderung der Ausbildung und Beschäftigung schwerbehinderter Menschen (Act on the Promotion of Severely Disabled People's Vocational Training and Employment) (Deutscher Bundestag 2006):  
This law aims at improving the employment of disabled persons. Its target group are mainly young people with severe disabilities. For example, subsidies are paid to employers who offer vocational training. The legislation also requires the Integration Services (Integrationsfachdienste) and the Integration Offices (Integrationsämter) to cooperate more closely.
- Allgemeines Gleichbehandlungsgesetz (General Equality Act (Bundesministerium der Justiz 2006): It was not until August 2006 that Germany could present anti-discrimination legislation and thus implement the European directive 2000/78/EC into national law. This law protects disabled persons against discrimination in working life as well as in public and private law.

In addition to this legislation the German government has in recent years instigated several programmes which all aim at improving the employment situation of disabled people.

The first campaign was "50 000 Jobs für Schwerbehinderte" ("50,000 jobs for the severely disabled") mentioned above. Additionally the following programmes are listed in the German Implementation and Progress Report 2007 of the National Reform Programme:

- The programme "Job – Jobs without Barriers" (2004 – 2010) is an initiative for the training and employment of persons with disabilities as well as for workplace prevention of ill-health. It aims at governing the integration of persons with disabilities into the general labour market and informing them of possibilities by giving them practical examples. The German government hopes for a sustainable improvement in the employment situation of persons with disabilities (European Commission. Growth and Jobs 2007, p. 73). The programme is conducted by the Ministry for Employment and Social Security (Bundesministerium für Arbeit und Soziales); it started in 2004 and will run until 2010. During the first phase (2004-2006) 41 projects ranging from training and occupation to prevention of ill-health were financed. Additionally there were 42 activities or "examples of good practice", which were not funded, but supported.  
Also ten meetings took place in which over 2.500 persons participated (Bundesministerium für Arbeit und Soziales 2008a).



In its latest disability report the German government mentions that "Job" has been evaluated; it describes the programme as "successful" and refers to "15 activities" (Bundesministerium für Arbeit und Soziales 2009, p. 54), but neither evaluation reports nor concrete output data have so far been presented to the public. Although there is no evaluation report of the programme available, there are reports about single projects on the Internet websites of some project partners (see for example Sozialverband VdK Deutschland e. V. 2005). An overview of all projects and activities in 2004-2006 can be found here: [http://www.bmas.de/coremedia/generator/19064/job\\_projekte\\_aktivitaeten.html](http://www.bmas.de/coremedia/generator/19064/job_projekte_aktivitaeten.html). Projects financed in 2007-2010 are listed here: [http://www.bmas.de/coremedia/generator/22174/jobs\\_wir+sind+schon+dabei\\_aktivitaeten\\_2007\\_2010.html](http://www.bmas.de/coremedia/generator/22174/jobs_wir+sind+schon+dabei_aktivitaeten_2007_2010.html)

- The second labour market programme is "Job4000" (2007 – 2013): It aims at creating 1,000 new jobs for persons with severe disabilities who have particular difficulties finding employment on the general labour market as well as 500 new training places for young persons with severe disabilities and 2,500 special support measures for persons with severe disabilities who want to find employment on the general labour market. It has been implemented since January 2007 and will run until 2013 (Bundesministerium für Arbeit und Soziales 2008c). By the end of 2008, 1245 additional work places and 323 additional places in vocational training had been created as outcomes of this programme. 1493 people with severe disabilities received special support in job related matters. (Bundesministerium für Arbeit und Soziales 2009, p. 55) So far no reports or evaluations have been made available.
- The third programme is called "JobBudget" (2008 – 2011). It was launched in 2008 and aims at supporting disabled people who work in a sheltered workshop but want to have employment in the general job market. A disabled person can choose to use the personal budget for this aim. Support strategies include counselling, periods of work experience in private companies, on-the-job training and individual support during the period of adjustment. Currently the JobBudget is carried out as a pilot project, during which it is conducted by a consortium of centres for independent living, integration services and sheltered workshops. (<http://www.jobbudget.org/pmwiki.php/Main/HomePage>)

#### 1.4 Type and quality of jobs (summary)

In Germany the civil service is said to be the model for the employment of disabled people: in 2003 the federal ministries and other federal authorities employed 7,1% disabled people as portion of their staff. The number of severely disabled women working in public services and administration altogether rose from 7.107 to 7.400, thus amounting to 4,1%. More than one third of all jobs which were held by disabled persons in the public service were occupied by women (Deutscher Bundestag 2003a, p. 3). As a result the public service clearly exceeded the statutory occupation quota (see 1.3). In the private sector, however, the average occupation quota has remained low and amounted to 3,4% in 2002.

This rate applies to the whole country, but there is also a regional gap: in Western federal states (Bundesländer) the occupation rate remained at 3,4 %; in Eastern federal states there was an increase of the occupation of severely disabled persons. However, the overall rate amounted only to 3.1% (Deutscher Bundestag 2003a, p. 4). On the other hand, the third report of poverty and wealth indicates a slight improvement in recent years: From 2002-05 the overall occupation quota rose from 3,8% to 4,2%. In the private sector it amounted to 3,7%, and the public service had a rate of 5,7%; federal authorities were again the best players with 7,3%. In 2006 the employment rate in the public sector was 5,9 %; from 2003 until 2006 the public sector of the 16 federal states witnessed an increase from 4,8 % to 5,3 % and the that of national authorities rose from 7,1 % to 8,5 %.(Bundesministerium für Arbeit und Soziales 2009, p. 58).



However, in 2005 there were still about 27% of employers (38,4% in 2002) who did not employ disabled staff at all although they were obliged to do so (Deutsche Bundesregierung 2008, p. 161). Private employers who are obliged to fulfill the quota employed 761.882 disabled people in 2003, and 787.912 in 2006; the employment quota of private business rose from 4% in 2003 to 4,3 % in 2006 (Bundesministerium für Arbeit und Soziales 2009, p. 57).

Braakmann (2008) presents empirical evidence about the effects of the mandatory employment quota in Germany, focusing on the period after the reduction of the quota in 2000; findings indicate that this reduction has had neutral effects on the employment situation of disabled people.

If one compares the occupational situation of persons with and without disabilities regarding specific employment sectors, the finding is that disabled employees are underrepresented in trade and industry, but they are strongly represented in public administration as well as the service sector, in particular in education and the health service (Pfaff/et al. 2005, p. 1271).

In Germany, sheltered employment is a well established segment of the disability related labour market. It is worth noting that the third draft report on poverty and wealth does not mention sheltered employment at all (Deutsche Bundesregierung 2008), although it is well-known that the majority of people with cognitive or learning disabilities only have access to this type of employment and that sheltered workshops only offer very low remuneration. Sheltered employment is formally open to all people with severe disabilities, irrespective of the nature and severity of their impairments. One precondition is, though, that an individual be capable of doing a minimum amount of economically useful work. In reality, 81% of the disabled people working in sheltered employment have cognitive impairments (APPLICA u.a. 2007, p. 64-69).

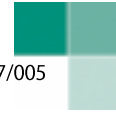
The overall number of disabled people in sheltered workshops is remarkably high in Germany, when compared with the number of disabled people active in the labour market: in 2002, roughly 840,000 people with severe disabilities were employed in the regular job market, but about 227,000 persons worked in sheltered workshops (Deutscher Bundestag 2004c, p. 89). In 2004, there were 245,798 disabled people working in sheltered workshops, in 2005 the number amounted to 256,556, and in 2007 there were 275,492 disabled people in sheltered workshops.

For comparison: in 2006 about 930,000 people with disabilities had employment in the regular job market (Bundesministerium für Arbeit und Soziales 2009, p. 57). These figures indicate a tendency towards exclusion from the open labour market, despite an absolute increase in regular employment. The reasons for this worrying development are being analysed in a study sponsored by the Ministry for Employment and Social Security (Bundesministerium für Arbeit und Soziales 2007a, p. 53). The latest government report about disability also reports a steady increase over the years (Bundesministerium für Arbeit und Soziales 2009, p. 60).

We have been able to provide data on the relation between regular and sheltered employment and the role of the public sector in offering jobs, especially to disabled women. There is also some data about employment sectors. But for this report there was no data available about the distribution between full-time and part-time work, 'training' placements or 'real' (paid) jobs, employment in the social economy / social enterprises nor the relevance of supported employment. Neither can we provide reliable evidence whether employment activation policies for disabled people focus on specific kinds of work or specific types of jobs and whether some groups of disabled people benefit more than others. Having searched current data we have the impression that finding a job and keeping it is easiest for disabled men in Western Germany with less severe impairments, who have been impaired in later life when still employed.



Conversely, the employment situation is especially problematic for young people, for those with severe disabilities, for migrants and ethnic minorities and for older women in Eastern Germany or in regions in which public administration has been cut.



## **PART TWO: SPECIFIC EXAMPLES**

### **2.1 Reasonable accommodation in the workplace**

Adaptation of workplaces, provision of specialist equipment and adaptive technologies at work as well as personal assistance and flexible employment contracts – all these instruments are available for disabled employees and their employers in Germany. The benefits and services are highly individualized, but require formal application, bureaucratic procedures and sometimes also means testing. The funding is available via different rehabilitation services (such as work accident and old age insurances), local government and the Federal Agency for Employment (Bundesagentur für Arbeit 2008). As the schemes and programmes are very diverse and complicated, we cannot go into detail here.

### **2.2 Other activation policies**

As mentioned above, in 2004 the programme "Job – Jobs without barriers" was launched. The German Government, employers, trade unions, disability associations and organizations, institutions responsible for rehabilitation and other services and authorities at the regional and national level cooperate to promote the training and employment of people with disabilities. The programme's official goal is to "increase investment in human capital through better education and skills" (European Commission. DG Employment 2005). For an overview of all projects and activities see 1.3.

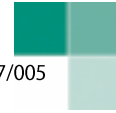
In recent years, the new instruments of "Betriebliches Eingliederungsmanagement" (occupational integration management) (Niehaus u.a. 2008) and "disability management" have been introduced in order to support the reintegration of employees whose ability to work is threatened due to the onset of a chronic disease or an impairment. Large companies have installed special "disability managers" who offer counselling and assistance as well as organise technical support in these cases. Ideally, disability management at the workplace also involves preventive measures. It aims at reducing health risks right from the start (Die gewerblichen Berufsgenossenschaften (BG) 2008). Of course, these approaches are mainly geared to staff already in employment and they seek to prevent the loss of jobs. They focus on job retention and are not as effective when it comes to those disabled people already unemployed or young people searching for a job after leaving school. Since the start of the programme „JOB“(2004) 13 disability management projects have been carried out. There have been four conferences with more than 1.300 participants at which this approach was discussed. Evaluation has shown positive effects: disability management clearly results in reducing the numbers of sick employees and the level of sick-leave in a company. However, small and medium sized companies have problems with implementation, as they lack resources and know-how (Bundesministerium für Arbeit und Soziales 2009, p. 58-59).

### **2.3 One example of best practice**

As part of the programme "Job – Jobs without barriers" the EON company has conducted the following training project: Under the slogan "Equal chances for all" the company offered training and apprenticeships for young persons with severe disabilities.

In 2005 the first ten persons were accepted and started their vocational training; the number of apprenticeships was to be increased to 36 until 2006/2007.

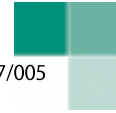
After the training, EON offered regular jobs to the participants (Bundesministerium für Arbeit und Soziales 2007b).



## **PART THREE: SUMMARY INFORMATION**

### **3.1 Conclusions and recommendations (summary)**

In summary, the employment of disabled people in Germany can only be roughly estimated, as reliable evidence is missing on many aspects. More research needs to be done about the overall situation of people with disabilities in the labour market in comparison with non-disabled people and other problem groups (such as older people, the low skilled, migrants etc.). Whereas gender aspects are nowadays considered more than in former years, further information is needed about the employment of people with different kinds of impairments or with disabilities from birth or later in life, as well as disabled migrants and members of ethnic minorities. Data about the type and quality of jobs, the distribution between full-time and part-time work, training placements or paid jobs, employment in the social economy and supported employment also needs to be collected. It seems that at least disabled women have slightly caught up with employment participation, but there are big problems with disabled migrants and ethnic minorities. In addition, the employment prospects of low skilled, disabled school leavers and disabled youth without school leaving qualifications are gloomy. In general, the German distinction between "severe disability" and "disability" needs reconsideration. As state authorities tend to restrict their view only to severely disabled people who have an official disability status they most likely underestimate the problem of disability -related unemployment. Bearing in mind that Germany has a long-established, comprehensive rehabilitation system in combination with detailed and comprehensive, although sometimes rather bureaucratic instruments in order to secure integration and social protection at the labour market, it is worrying that sheltered employment still plays such a prominent role. It is also remarkable that although policies usually focus on people with severe disabilities, it is they who still have special problems with labour market integration. Of course, there are many activities going on at the local level, and there are Integration Offices that aim at clearing paths to the open job market, but German employers seem to be reluctant to accept new staff with disabilities. In contrast, job retention schemes are more successful, although there is also a clear tendency to opt for early retirement schemes in the case of elderly disabled people. Federal government job programmes for severely disabled people are helpful, of course, but they tend to be just a flash in the pan and to not change the general situation in the long run. In summary, German employment activation policies still need to be developed and expanded, and state authorities should be aware that mainstreaming disability issues into general labour market policies is still a task to be tackled in a satisfactory way.



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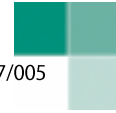
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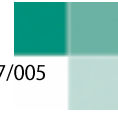
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## Annex 1: quantitative data on the employment of disabled people

Year: 2003-2009	Absolute? (N)	Percentage (%)	Change (from previous year)
<b>Disability rate</b>	<u>2007</u> : 6,9 Million people with officially registered severe disabilities (Statistisches Bundesamt. (2007). Sozialleistungen. Sozialhilfe. Fachserie 13 Reihe 2. Wiesbaden (Eigenverlag).	<u>2007</u> : 8,4%	<u>2005</u> : absolute:6,765 Million people with officially registered severe disabilities percentage: 8,2%  (ANED Employment report Germany 2008, 2f.)
<b>Employment rate of disabled people</b>	Employment rate: 884.882 in <u>2003</u> 930.612 in <u>2006</u> (Behindertenbericht 2009, 57)  Unemployment rate: <u>2008</u> : 154.486 (Behindertenbericht 2009, 56)	Employment rate: <u>2003</u> : 4,0% <u>2006</u> : 4,3% (Behindertenbericht 2009, 57)  Unemployment rate: No reliable data available	Employment rate: No comparative data for 2008/09 available  Unemployment rate: "In the years <u>2005 to 2008</u> , their unemployment fell by more than 14 per cent. However, it rose in this period against the trend by just under 3 per cent in the field of the basic security for job seekers scheme, i.e. in the scope of Book Two of the Social Code." (2009 Disability report, 6; Behindertenbericht 2009,56)  General unemployment figures have increased since <u>January 2009</u> due to the financial crisis, this also affects the employment of disabled people (Behindertenbericht 2009, 57)
<b>Activity rate of disabled people</b>	<u>2005</u> : Of around 8,6 million people with disabilities only 2,3 million participated in the working life (Pfaff/et al. 2005, p.	<u>2005</u> : The overall participation quota of disabled people reached 26,8%. About 30% of the men were part of the	In <u>1999</u> only 17% of the disabled women and 24% of the disabled men were part of the active labour force (Deutsche

	1270).	workforce, and the rate of disabled women amounted to 23%. <u>The highest rate of participation in the labour force is found amongst disabled people aged 25 to 45 years (men: 74%; women: 65%). In the age group 60 to 65 years only 21% men and 14% women were still active (Pfaff/et al. 2005, p. 1271).</u>	Bundesregierung 2008, p. 160). Between <u>2003-2006</u> the number of employed people with disabilities rose by 5%; newest data is not available (Behindertenbericht 2009, 57)
<b>Inactivity rate of disabled people</b>	<u>2005</u> : Of around 8,6 million people with disabilities roughly 6,4 million did not participate in the working life. (Pfaff/et al. 2005, p. 1270).	See above	See above
<b>Employment in open labour market</b>	<u>2002</u> : 840,000 <u>2005</u> : 914,000 (ANED Employment report Germany 2008, 3)	No reliable data available	No newest data for 2008/09 available
<b>Employment in sheltered workshop</b>	<u>2003</u> :235.756 <u>2007</u> : 275.492 (Behindertenbericht 2009, 60)	No reliable data available	<u>2005</u> : 256,556 (ANED Employment report Germany 2008, 7)  No latest data available, but the latest Government Report states a steady increase over the years (Behindertenbericht 2009, 60)
<b>Reason for leaving the labour market due to disability or long standing health problem</b>	No reliable data available	No reliable data available	No reliable data available

Year:	% Permanent	% Temporary
Permanent contracts vs. short term contracts	No reliable data available	No reliable data available

Year:	% Full-time	% Part-time
Full time vs. part time jobs	No reliable data available	No reliable data available

Year:	Public sector	Private sector	(e.g. comment or give % employers meeting obligations?)
Fulfilment of employment quota (if it exists)	2003-2006: The overall fulfilment of the employment quota of the public sector rose from 5,4 % to 5,9 %. The public sector of the 16 federal states witnessed an increase from 4,8 % to 5,3 %; the quota of national authorities rose from 7,1 % to 8,5 %. (Behindertenbericht 2009, 58)	Private employers who are obliged to fulfill the quota employed 761.882 disabled people in <u>2003</u> and 787.912 in <u>2006</u> ; the employment quota rose from 4% in 2003 to 4,3 % in 2006. (Behindertenbericht 2009, 57)	

Participation in training of disabled people		(e.g. comment or give number of people participating in vocational or work-related employment)

**Annex 2: 2008-9 laws and policies on the employment of disabled people**

<b>Name of policy:</b>	"Job – Jobs without Barriers"
<b>Date of entering into force:</b>	2004 – 2010
<b>Objective:</b>	The JOP programme is an initiative for the training and employment of persons with disabilities as well as for workplace prevention. It aims at governing the integration of persons with disabilities into the general labour market and informing them of possibilities by giving them practical examples. The German government hopes for a sustainable improvement of the employment situation of persons with disabilities (European Commission. Growth and Jobs 2007, p. 73)" (ANED Employment report Germany 2008, 5)
<b>Impact assessment (positive/negative):</b>	The German government mentions that "Job" has been evaluated; it describes the programme as "successful" and refers to "15 activities" (Behindertenbericht 2009, 54), but neither evaluation reports nor concrete output data have so far been presented to the public.

<b>Name of policy:</b>	"Job4000"
<b>Date of entering into force:</b>	January 2007 – December 2013
<b>Objective:</b>	"It aims at creating 1,000 new jobs for persons with severe disabilities who have special difficulties finding employment on the general labour market as well as 500 new training places for young persons with severe disabilities and 2,500 special support measures for persons with severe disabilities who want to find employment on the general labour market." (Behindertenbericht 2009, 6)
<b>Impact assessment (positive/negative):</b>	By the end of 2008 1245 additional work places and 323 additional places in vocational training had been created as outcomes of this programme. 1493 people with severe disabilities got special support in job related matters. (Behindertenbericht 2009, 55)

<b>Name of law/policy:</b>	Employment and training programmes of federal states
<b>Date of entering into force:</b>	
<b>Objective:</b>	Most German federal states have their own programmes in order to support the vocational training and employment of disabled people. They vary in available resources, scope of measures, target groups, objectives, activities, time limits, etc.
<b>Impact assessment (positive/negative):</b>	See for an overview Behindertenbericht 2009, 43-46 Impact assessment and evaluation measures tend to be neglected

<b>Name of law:</b>	§ 38a SGB IX Unterstützte Beschäftigung [supported employment]
<b>Date of entering into force:</b>	22.12.2008

<b>Objective:</b>	Supported employment is a new social service and offers disabled people individualized support in gaining a fitting job position. It aims at integrating them into the general job market. The individual gets access to a work place in a private company that fits his/her qualification and training. During the first weeks the person gets individualized training and support as long as necessary until all parties agree that a job contract can be entered. The service includes two main phases: first an individual training on the job, second continual support at the job place if needed. (Behindertenbericht 2009, 48)
<b>Impact assessment (positive/negative):</b>	No impact assessment available so far

<b>Name of policy:</b>	Betriebliches Eingliederungsmanagement [disability management]
<b>Date of entering into force:</b>	2004
<b>Objective:</b>	Disability management supports the reintegration of employees, whose ability to work is threatened by a chronic disease or impairment. If a person is frequently ill (more than six weeks during one year) special "disability managers" offer counselling and assistance as well as organise technical support for this staff. Ideally, disability management at the workplace also involves preventive measures. It aims at reducing health risks right from the start. (Behindertenbericht 2009, 58)
<b>Impact assessment (positive/negative):</b>	Since the start of the programme „JOB “(2004) 13 disability management projects have been carried out. There were four conferences with more than 1.300 participants at which this approach was discussed. Evaluation has shown positive effects: Disability management clearly results in reducing the numbers of sick employees and the level of sick-leave in a company. However, companies of small and medium size have problems with implementation, as they lack resources and know-how. Behindertenbericht 2009, 58-59)

<b>Name of policy:</b>	JobBudget
<b>Date of entering into force:</b>	2008 – 2011
<b>Objective:</b>	This new programme aims at supporting disabled people who work in a sheltered workshop but want to have an employment in the general job market. A disabled person can choose to use the personal budget for this aim. Support strategies include counselling, periods of work experience in private companies, on-the-job training and individual support during the period of adjustment. Currently the JobBudget is carried out as a pilot project, during which it is conducted by a consortium of centres for independent living, integration services and sheltered workshops. ( <a href="http://www.jobbudget.org/pmwiki.php/Main/HomePage">http://www.jobbudget.org/pmwiki.php/Main/HomePage</a> )

<b>Impact assessment (positive/negative):</b>	Not yet available
<b>Name of policy:</b>	RehaFutur [expert report about the future of rehabilitation]
<b>Date of entering into force:</b>	2007 – 2009
<b>Objective:</b>	<p>In 2007 the Ministry for Employment and Social Security asked a group of scientific experts and the German Academy for Rehabilitation to write a joint report about the German rehabilitation system, its shortcomings and potentials. The report which was published in 2009 provides recommendations for the future development and long term management of rehabilitation services.</p> <p>(Deutsche Akademie für Rehabilitation e.V. (Hrsg.). (2009). Stellungnahme der wissenschaftlichen Fachgruppe RehaFutur zur Zukunft der beruflichen Rehabilitation in Deutschland. Bonn (Eigenverlag)</p> <p><a href="http://www.bmas.de/portal/34582/2009__08__05__rehafutur__bericht.html">http://www.bmas.de/portal/34582/2009__08__05__rehafutur__bericht.html</a></p>
<b>Impact assessment (positive/negative):</b>	Impact assessment not yet possible

**Annex 3: 2008-9 research/evaluation on the employment of disabled people**

<b>Publication details (author, date, title, etc):</b>	Biermann, Horst. (2009). Berufliche Bildung und Rehabilitation – Chancen und Risiken. In: Sonderpädagogische Förderung heute, o. Jg., H. 1, S. 7-19.
<b>Key findings from the research:</b>	This article discusses the implications of the UN convention for vocational rehabilitation policies in Germany. It contends that disability and rehabilitation laws are fairly in accordance with the convention, but there are problems with implementation. Segregative and exclusionary strategies are still applied. Integration is the objective, but the path to it leads through special institutions, which far too often prove to be dead ends. The future will show if the new service of supported employment can be an alternative, but it may end as bad option, if it only results in monotonous jobs with low pay.
<b>Comment or assessment:</b>	Interesting paper which is highly critical of established rehabilitation policies in Germany

<b>Publication details (author, date, title, etc):</b>	Zelfel, Rudolf C. (2008). Berufliche Rehabilitation im Wandel von Arbeitswelt und Gesellschaft. Bamberg (Dissertation).
<b>Key findings from the research:</b>	This publication is a complex study which first refers to two turning points in disability policy: the International Classification of Functioning, Disability and Health by the World Health Organisation, and the German Social Security Code IX about rehabilitation and participation of disabled people, which both came into force in 2001 and involved basic programmatic transformations. Secondly, it describes the history of German disability policy starting with the "Hilfsschule" [special school] and the "Krüppelfürsorge" [care for the cripple] at the turn of the last century, finally leading up to the modern approach of medical, educational, vocational and social (re)habilitation. Thirdly, it deals with the concept and practice of vocational rehabilitation in Germany. Empirical findings indicate that the so called paradigm shift on the level of philosophy has not led to any major changes in implementation.
<b>Comment or assessment:</b>	This study is helpful in order to understand the history, the approach and current practices of the German system of vocational rehabilitation.

<b>Publication details (author, date, title, etc):</b>	Rauch, Angela / Dornette, Johanna / Schubert, Michael / Behrens, Johann. (2008). Arbeitsmarktintegration: Berufliche Rehabilitation in Zeiten des SGB II. IAB-Kurzbericht 25. Link: <a href="http://doku.iab.de/kurzber/2008/kb2508.pdf">http://doku.iab.de/kurzber/2008/kb2508.pdf</a> (31.08.2009)
<b>Key findings from the research:</b>	Rauch et al. (2008) show that the introduction of the basic security for job seekers scheme (Social Security Code II) has ended in a decrease in the number of rehabilitation



	recipients. As a result when dealing with unemployed persons who have chronic illnesses and disabilities, job agencies have to handle two laws, Social Security Code II and IX. The splitting-up of target groups and the introduction of new administrative procedures and responsibilities have resulted in more bureaucracy and selection. In effect unemployed people with disabilities are confronted with more barriers and the number of persons who drop out in the course of the application procedure or do not get the support which they need has significantly increased.
<b>Comment or assessment:</b>	The article points out to a paradox of rehabilitation: the bureaucratic objectives of efficiency and achievement conflict with the aim of granting support which is impairment specific and fits individual needs.

<b>Publication details (author, date, title, etc):</b>	Braakmann, Nils. (2008). Wirkungen der Beschäftigungspflicht schwerbehinderter Arbeitnehmer. Erkenntnisse aus der Einführung des "Gesetzes zur Bekämpfung der Arbeitslosigkeit Schwerbehinderter". In: Zeitschrift für Arbeitsmarktforschung, 41. Jg., H. 1, S. 9-24.
<b>Key findings from the research:</b>	The article presents research about the effects of the mandatory employment quota in Germany. It focuses on the period after the reduction of the quota in 2000; findings indicate that this reduction has had neutral effects on the employment situation of disabled people.
<b>Comment or assessment:</b>	Interesting contribution to the international discussion about employment quota systems.