



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

**Country:** France  
**Author(s):** Dominique Velche (CTNERHI),  
with Isabelle Ville (INSERM) & Jean-François Ravaud (INSERM)

### 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:

The most comprehensive and recent data on disability and employment in France was provided by a complement to the Labour Force Survey carried out by the National Institute of Statistics and Economic Studies (INSEE) in 2007, available since this year (2009) <http://www.travail-solidarite.gouv.fr/etudes-recherche-statistiques-dares/statistiques/travailleurs-handicapes/tableaux-bord/tableau-bord-emploi-chomage-personnes-handicapees.html>

*The disability rate for people aged 15-64, living at home, was:*

- 4.60% (for people entitled to benefit from legal disability provisions and from the quota scheme; i.e. administrative definition); 1,813,000 persons;
- 24.36% (for people with administrative recognition or with a long term illness (at least 6 months) limiting mobility, daily life activities or working life, or victim of an industrial injury; i.e. extended definition); 9,595,000 persons.

*The employment rate was:*

- 35% (administrative definition of disability); 641,000 persons
- 65% (extended definition of disability); 6,206,000 persons
- 65% working age population; 25,670,000 persons

*The activity rate was:*

- 44% (administrative definition of disability)
- 70% (extended definition of disability)
- 71% of working age population

*In 2007, employed people with disabilities were:*

- 6,095,000 persons in open labour market (including 26,851 in Adapted Enterprises), and
- 111,000 persons in sheltered workshops

Another national survey will publish its first results in October 2009: “*Handicap – Santé*” (*volet ménage*) (Disability and Health – household section), carried out in 2008 by INSEE. This survey includes questions on social and economic participation.

[http://www.sante.gouv.fr/drees/handicapsante/pres\\_generale.htm](http://www.sante.gouv.fr/drees/handicapsante/pres_generale.htm)

[http://www.insee.fr/fr/insee\\_regions/centre/actualites/act\\_presse/com\\_pres\\_28\\_3\\_2008.pdf](http://www.insee.fr/fr/insee_regions/centre/actualites/act_presse/com_pres_28_3_2008.pdf)

<http://www.travail-solidarite.gouv.fr/etudes-recherche-statistiques-drees/enquetes/handicap-sante/>

In 2011 a new Labour Force Survey will use a EUROSTAT module on Disability. The French version will add other questions on disability and employment to complete this module.

The HALDE (*Haute autorité de lutte contre les discriminations et pour l'égalité / High commission against discriminations and for equality*), an independent body that assists individuals in order to protect them against discrimination, collected 1,349 claims of potential discrimination cases on the basis of disability or health conditions in 2007, and 2,272 claims in 2008 (respectively 22% and 21% of all claims.) Most of these claims focused on employment. The HALDE provides useful interpretations of the mandatory “reasonable accommodation” provision.

<http://www.halde.fr/>

### New policy changes:

The implementation of the Feb.11, 2005 Law (2005-102 Act) remains the main objective of the French policy.



Therefore there is no new policy since 2008, but further recommendations and regulations for its implementation. The *Conférence nationale du handicap* (National Conference on Disability) (<http://www.gouvernement.fr/gouvernement/une-meilleure-integration-professionnelle-des-personnes-handicapees>; <http://www.gouvernement.fr/gouvernement/la-conference-nationale-du-handicap-du-10-juin-2008>) held in June 2008, established a sort of first assessment of progress and made some recommendations.

The first step was to change the way people with disabilities are treated by the staff of local offices which allocate most benefits or supports (*Maisons départementales des personnes handicapées / MDPH*) when taking decisions. Important work was done by the national body supervising the *MDPHs*, the *Caisse nationale de solidarité pour l'autonomie / CNSA* (National Solidarity Fund for Independent Living) (<http://www.cnsa.fr>), in order to train these staff to assess individual situations of disabled persons and to define individualized compensation plans.

Some subgroups of people with specific impairments are paid particular attention: multiple disabilities, rare impairments, autism (with a second program 2008-2010), visual impairment (program 2008-2011).

The possibility of a reform of the Non-contributory Disability Benefit called *Allocation aux adultes handicapés / AAH* (Allocation for Disabled Adults) in a way which permits a new "activation approach" is in progress.

Concerning the employment quota scheme, the *Fonds pour l'insertion des personnes handicapées dans la fonction publique / FIPHFP* (Fund for the integration of disabled persons in civil service) ([www.fiphfp.fr](http://www.fiphfp.fr)), the fund created to collect the money paid by public employers who didn't fulfil their quota, progressively develops its contribution to the vocational training and counselling of disabled people who are applicants or employees in positions in public administration or services.

In order to boost the improvement of the living conditions of people with disabilities, the French Government adopted recently (09.01.15) a National Pact for Employment of People with Disabilities (*Pacte national pour l'emploi des personnes handicapées*) ([www.elysee.fr/download/index.php?mode=edito&id=52](http://www.elysee.fr/download/index.php?mode=edito&id=52)). The targets set by this program were, among others: more cooperation and accessibility in order to improve employment of people with disabilities in private companies and the public sector, a significant simplification of administrative procedures, the improvement of the assessment of the vocational skills of people with disabilities by *MDPH*, the formalization of concerted training plans for people with disabilities at the regional level, the development of the formal enhancing of their working experience for disabled workers in sheltered workshops (*ESAT*), a long term planning for hiring people with disabilities in the public sector, a reform of *AAH* (Allocation for disabled adults).

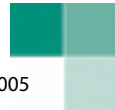
### **New research evidence:**

Amira, S., & Ben Yaala, M. (2009). *Tableau de bord sur l'emploi et le chômage des personnes handicapées. Edition 2009*. Ministère de l'Economie, de l'Industrie et de l'Emploi, Ministère du Travail, des Relations sociales, de la Famille, de la Solidarité et de la Ville, Direction de l'animation, de la recherche, des études et des statistiques (DARES).

<http://www.travail-solidarite.gouv.fr/etudes-recherche-statistiques-dares/statistiques/travailleurs-handicapes/tableaux-bord/tableau-bord-emploi-chomage-personnes-handicapees.html>

Amira, S. (2008). *L'obligation d'emploi de personnes handicapées : une nouvelle loi à partir de 2006. Premières synthèses*, n°46 (1).

<http://www.travail-solidarite.gouv.fr/etudes-recherche-statistiques-dares/etudes-recherche/publications-dares/>



Amira, S. (2008). La loi d'obligation d'emploi des travailleurs handicapés du 10 juillet 1987 : éléments de bilan. *Premières synthèses*, n° 28 (1).  
<http://www.travail-solidarite.gouv.fr/etudes-recherche-statistiques-dares/etudes-recherche/publications-dares/>

Blanc, P. et al. (2008). Intérim et handicap. *Réadaptation*, 550, 9-41.

Blanc, P., Jarraud-Vergnolle, A. (2009). *Rapport d'information au nom de la commission des affaires sociales sur le bilan des maisons départementales des personnes handicapées*. Sénat.  
[http://www.myobase.org/GEIDFile/Bilans\\_des\\_maisons\\_d%9partementales\\_des\\_personnes\\_handicap%9es.pdf?Archive=193168091134&File=Bilans+des+maisons+d%9partementales+des+personnes+h](http://www.myobase.org/GEIDFile/Bilans_des_maisons_d%9partementales_des_personnes_handicap%9es.pdf?Archive=193168091134&File=Bilans+des+maisons+d%9partementales+des+personnes+h)

Gohet, P., et al. (2008). *Handicap et emploi : actes du colloque 2008*. Forum handicap, Colloque européen, 4, 2008.01.08, Chalon sur Saône.  
<http://www.forum-handicap-71.asso.fr/>

Kompany, S., Gohet, P., Boboy, J., Chazal, P., & Voileau, A. (2009). *L'accessibilité des lieux de travail*. Hericy : Editions du Puits Fleury.

Leroy-Hatala, C. (2009). Maintenir un salarié handicapé psychique dans l'emploi. *Vie sociale*, 2009, 1, 31-50.  
<http://www.cedias.org/revue/>

Montchamp, M.A., et al. (2008). *Entreprise et handicap psychique : des pratiques en question*. Paris : Agence Entreprises & Handicap.  
<http://www.entreprises-handicap.com/>

Nguyen, K.N., & Ulrich, V. (2008). L'accès à l'emploi des personnes handicapées en 2007. *Premières synthèses*, n° 47.1, Novembre 2008.  
<http://www.travail-solidarite.gouv.fr/etudes-recherche-statistiques-dares/etudes-recherche/publications-dares/>

Stiker, H.J. (2009). *Les droits des personnes handicapées*. Paris : Le Particulier Edition.  
<http://www.mollat.com/editeur/le-particulier-editions-1926.html>

Stiker, H.J. (2009). Handicaps : entre discrimination et intégration. *Ethnologie française*, n° 39 (3), 463-470.

Velche, D. (2009). La politique française de réadaptation professionnelle et d'emploi des personnes handicapées. In DES-Split (Ed.) *"Integracija osoba s invaliditetom na tržište rada"* (5-22), Zbornik radova/Proceedings, Split Hrvatska/Croatia, 22.travnja 2009/22<sup>nd</sup> of April 2009.

### **The economic crisis:**

It seems difficult to assess the impact of the crisis on the employment situation of people with disabilities. There are some arguments that negative effects may be expected if pressure on the work force leads to selection among employees, with the least performing being laid off.

However, recent data on unemployment suggests a more balanced interpretation. At least at the beginning of this economic recession, the quota scheme of the French disability policy seems to have protected to some extent people whose disabilities are administratively recognised as 1 (at least a medium severity of impairment).



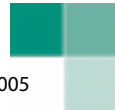
The unemployment figures published by the national PES (*ANPE*) for December 2008<sup>1</sup> showed 207,209 jobseekers with disabilities, with an annual increase of +0.7% compared to +8.3% for all French jobseekers enrolled. Moreover, the proportion of people with disabilities unemployed for over one year increased to 47% in 2008 compared with 39% in 2007, whereas during the same period, the proportion was nearly stable for all unemployed (28% vs. 27%). Such a contrast suggests that unemployment duration was not lowered by a significant flux of newcomers in the first group, while it was for all the population of jobseekers.

There is no evidence that this “protection” will remain until the end of the economic crisis.

Another factor that could explain such a trend could be a significant decrease of disabled applicants to PES, due to their lack of confidence in succeeding in getting a job when disability adds to the economic disruption.

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<sup>1</sup> AGEFIPH - IPHFP (2009). *Les personnes handicapées et l'emploi. Chiffres clés*. Association de gestion du fonds pour l'insertion professionnelle des personnes handicapées (AGEFIPH) & Fonds pour l'insertion professionnelle des personnes handicapées dans la fonction publique (FIPHFP), Avril 2009, p. 9. ([http://www.agefiph.fr/upload/files/1244711473\\_Chiffres\\_cles\\_2009.pdf](http://www.agefiph.fr/upload/files/1244711473_Chiffres_cles_2009.pdf))



## PART ONE: GENERAL EVIDENCE

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

Research on employment of people with disabilities is not very well developed in France. Employment is only a small part of Disabilities Studies which are insufficiently represented in academic publications. Such findings were highlighted by the review drawn up by an ad-hoc committee: the *Observatoire national sur la formation, la recherche et l'innovation sur le handicap* (ONFRIH) (The Observatory on training, research, and innovation on Disability) [http://www.travail-solidarite.gouv.fr/IMG/pdf/Rapport\\_ONFRIH\\_2008.pdf](http://www.travail-solidarite.gouv.fr/IMG/pdf/Rapport_ONFRIH_2008.pdf) (ONFRIH 2009; Faure et al. 2009; Gohet, & Faure 2009). However, some research studies have been carried out by different types of research organisations: research departments of some universities (Paris, Lille, Grenoble... among others), research units of *INSERM* (*Institut national de la santé et de la recherche médicale*) for medical and public health research, research units of *CNRS* (*Centre national de la recherche scientifique*) for social sciences and technologies, some units of *INRETS* (*Institut national de recherche sur les transports et leur sécurité*) for accessibility issues, some researchers of *INED* (*Institut national d'études démographiques*) and *INSEE* (*Institut national de la statistique et des études économiques*) for social epidemiology, and the *INS HEA* (*Institut national supérieur de formation et de recherche pour les jeunes handicapés et les enseignements adaptés*) for schooling. Some other organisations are involved in studies on training and employment of people with disabilities: some are research departments of the Ministry of Social Affairs (*Direction de la Recherche, des Etudes, de l'Évaluation et des Statistiques – DREES*) or of the Ministry of Work (*Direction de l'Animation de la Recherche, des Etudes et des Statistiques – DARES*); some are non profit organisations which are stakeholders in this field, consumer lobbies (*Association des paralysés de France - APF*, *Association des accidentés de la vie - FNATH*, *Union nationale des associations nationales des associations de parents et amis de personnes handicapées mentales - UNAPEI...*), semi-public providers of services (*Association de gestion du fonds pour l'insertion professionnelle des personnes handicapées - AGEFIPH*, *Fonds pour l'insertion professionnelle des personnes handicapées dans la fonction publique - FIPHFP*, *Agence nationale pour l'emploi - ANPE*, *Association pour la formation professionnelle des adultes - AFPA*), or specialised research centres at the national level (*Centre technique national d'études et de recherches sur les handicaps et les inadaptations - CTNERHI*) or local level (*Centres régionaux pour l'enfance et l'adolescence inadaptées - CREAI*, *Centre d'étude, de documentation, d'information et d'action sociale - CEDIAS*, *Observatoire régional de santé - ORS...*). However, overall, disability studies remains a research field to be built in France (Ravaud & Fardeau 2007; Faure 2009).

Because an important part of the legislation on disabilities was reformed with the Feb.11, 2005 Law (2005-102 Act), which implicitly refers to new concepts such as those adopted by the World Health Organisation (WHO) with its International Classification of Functioning, Disability and Health (ICF), or more recently, by the UN Disability Convention, some authors have discussed the consequent changes concerning employment for people with disabilities. Roussel (2006b) has questioned the opportunities for participation, among these participation in working life, according to various nature and severity of impairments or disabilities. The same approach was applied with a sub-group about which not enough is known: people with mental disorders (Roussel 2006a; 2004). Plaisance and Kahn (2009) reviewed all the French policies concerned with people with disabilities, as did earlier researchers and key administrative players (Borgetto et al. 2005). Ebersold (2005; 2006) has questioned the concept of "participation" regarding concepts such as "inclusion" or "integration" as involving the person more in depth in a dynamic way. Users or citizens? What is the status of disabled workers or work seekers? (Dessaulle 2005; Laroque et al. 2005). For other authors (Blanc 2006; Demuijnck, Grenier & Clainche 2006), the employment status of people with disabilities informs relationships in general working life. The need for changing views about differences is also evident (Milano et al. 2008), as shown by polls (IFOP 2009), giving a trade union the opportunity to use a cartoon in order to inform employers and co-workers (CFE CGC 2009). Recently (October 2009), a mail survey was carried out on 300 high-performance employers about their opinions on the way the quota law is implemented.





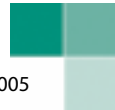
The return rate was 31%. Sixty percent of employers who responded admitted using a special process in hiring people with disabilities, and reported significant difficulties in this issue, mainly because of a lack of working skills among applicants and problems of communication. Holding awareness campaigns inside their companies, in order to sensitise managerial staff and the workforce was their preferred action (81.5%). Finally, 23.2% thought that achieving the 6% quota could be a short or medium-term aim, and 50.5% a long-term aim. Such a target was seen as unrealistic by only 26.3% (Deloitte – ODH 2009).

Focused on employment, some studies have tried to document the economic aspects of the vocational integration of people with disabilities (Triomphe et al. 2006). Discrimination and inequalities are still apparent (Amadiou 2006; Marissal & Robin 2006; Seuret & Lejard 2009), with a twist in the ways disability is officially recognized (Marissal & Robin 2005).

Some studies try to specifically address disabled peoples' side: their views of working life in companies (WSA 2006), their assessment of the quality of their working life (Fanjeau 2006), and the types of incentives for return to work while entitled to Disability Benefits (Deroyon, Hennion, Maigne & Ricoch 2009). Other issues studied have been the evolution of French sheltered work and the future of disabled workers as they get older (see below).

In order to broaden thinking on the determinants of employment for people with disabilities, many research studies have been carried out comparing the effectiveness of the different national policies among European countries (Cohu, Lequet-Slama & Velche 2005a & b; Dulieu, Deffarges & Ferré 2004; Velche 2005; 2006a, c & d; 2007a & d; 2008a & b; Velche, Cohu & Lequet-Slama 2006) or in North America (Cohu, Lequet-Slama & Velche 2008; Velche 2006b). A study carried out with the International Labour Organisation (ILO), has compared vocational training practices among European countries (Velche 2007b & c; 2008c).

Another dimension taken into account is the specificity of each different impairment vis-à-vis access to full participation in working life. Motor impairments (Ville & Winance 2006; Tiennot-Herment et al. 2008) and cerebral palsy (Baron et al. 2008) have been discussed. Sensory disabilities represent another issue (FISAF 2007), as do auditory impairments because they require a particular attention in social relationships (Rochon & Boroy 2007) or call for a specific means of vocational training (Faucher et al. 2007; Crozat, Pollet, Dupuy & Mazoyer 2008) and also, often, visual impairments with diversity in the grades of severity and social conditions (Martinez & Parade 2005; Sander et al. 2005a & b). Biases that disability poses on participation in daily life are addressed (Gantet et al. 2005; Elain et al. 2006) stressing the new perspectives opened by Feb.11, 2005 Law (Gantet, Gendron, Point & Cochet 2005; Chazal 2006; Ministère du travail, des relations sociales et de la solidarité 2009). Mental health or illness, an up and coming area of research in the field of disability, became a frequent issue for vocational rehabilitation and vocational training (Leguay et al. 2006; Pontonnier et al. 2007; Durand et al. 2008; Vidon et al. 2008; Pagneux 2008; Arveiler et al. 2009), access to paid work (Roussel 2006a; Constans et al. 2006; Ait-Ali 2007; Montchamp et al. 2008; Canneva et al. 2008), sheltered work (Nazon 2005), and the possibility of retaining employment despite mental illness (Le Roy-Hatala 2007; 2009; L'Agence Entreprise et Handicap 2009). Another new area of interest, with a very complex profile, is victims of brain injuries with cerebral trauma (Guillermou et al. 2008; Etcharry-Bouyx 2009; Dherbey 2009). More commonly studied, is the situation of people with learning disabilities (more precisely intellectual impairment) who were often segregated into sheltered workshops (see below) but recently supported towards mainstream employment objectives (Savy et al. 2005; 2009) especially adults with Down syndrome (Champeaux et al. 2006; Chabaud et al. 2007). Recently the impact of HIV infection on workforce participation in France was included since HIV is covered under the new disability law (Dray-Spira et al. 2007).



## 1.2 Employment statistics and trends (key points)

**Please tell us about the availability and quality of any statistical data on the employment of disabled people in your country.**

**Where would you find employment data about disabled people?**

Different types of data are available in order to evaluate the situation of people with disabilities in the labour market: as a centralised state, France can use many administrative records, especially with the quota scheme, but this approach has been supplemented with some specific population surveys carried out by the National Institute of Statistics and Economic Studies (*INSEE*).

### **A/ Administrative data**

There is a legal obligation for employers to record and provide information to the services of the Ministry of Work on the number of people recognised as disabled among their workforces.

#### **A1/ The ministry of Work and DARES**

Data on the implementation of the quota scheme in the private sector are collected by its Department of driving research, studies and statistics (*DARES*) and regularly published by this department as well as by the body collecting “voluntary contributions” from companies failing to fulfil their 6% quota obligation: *AGEFIPH*.

*DARES* publishes the results of the implementation of the quota scheme (*Obligation d'emploi des travailleurs handicapés - OETH*) in private companies (Amira 2005; 2006; 2007a & b; 2008b; Amira & De Stefano 2006; Amira & Méron 2007a & b; Amira & Okba 2005). *Dares* has also compiled some synthesis assessment of the quota policy in France (Amira & Méron 2004; 2005; 2006; Amira 2008a). The last data were published in October 2009 (Amrous 2009) and showed that, for 2007, 262,000 workers with disabilities were employed in 126,200 private companies liable to the quota obligation (*OETH*). The series of data permits a monitoring of the efficiency of the law (see below).

#### **A2/ AGEFIPH**

The annual reports of the *Association de gestion du fonds pour l'insertion professionnelle des personnes handicapées (AGEFIPH)* (*AGEFIPH* 2008; 2009a) present the key data on employment in private companies liable to the *OETH*, but also other administrative data like those on jobseekers with disabilities. They also present data on all measures provided in order to promote access for people with disabilities to training and employment, and especially those financed by *AGEFIPH*. In the report for 2007, *AGEFIPH* provided an estimation of the overall employment situation of people with disabilities in France: 725,000 people with disabilities effectively working, including 581,000 employees in competitive employment (172,000 in the public sector and 409,000 in the private sector), 33,000 self employed workers, and 111,000 workers in sheltered workshops. Among employees in private companies, 95,000 work in small companies not liable to the quota (*AGEFIPH* 2008).

#### **A3/ The ministry of civil service and FIPHFP**

Parallel, less frequent publications, concern disabled workers employed in the governmental, local and health public services (public employment represents about 21.1% of the total employment in France, according to Brenot-Ouldali 2009). The public sector represents 5,1 million employees: 51% in the state administration and services; 19% in the public health services; and 30% in the territorial authorities (*FIPHFP* 2009b). The Ministry of civil service has to collect and publish the data on civil servants with disabilities employed in each department and service (*DGAFP* 2006b ; Ministère du Budget, des comptes publics et de la Fonction publique 2008 ; Ministère du Budget, des comptes publics, de la Fonction publique et de la Réforme de l'Etat 2009). [http://www.travail-solidarite.gouv.fr/IMG/pdf/L\\_emploi\\_des\\_personnes\\_handicapees\\_dans\\_la\\_fonction\\_publicque.pdf](http://www.travail-solidarite.gouv.fr/IMG/pdf/L_emploi_des_personnes_handicapees_dans_la_fonction_publicque.pdf)





The Fund which, since 2006, has collected “voluntary contributions” from administrations or public companies failing to fulfil their quota obligation: *Fonds pour l’insertion des personnes handicapées dans la fonction publique (FIPHFP)*, also publishes its own data. Employers who are liable to the *FIPHFP* (20 staff and more) represent 4,6 million employees: 53.5% in the state administration and services; 19% in the public health services; and 27.5% in the territorial authorities. Sixty-five percent of these employers sent a declaration to the Fund in 2006. Ninety percent did not meet the 6% quota, and 32% had no disabled employees at all (*FIPHFP 2009b*).

According to the last available data, in 2007, a total of 185,653 persons with disabilities were employed by 10,103 employers in the public sector who were liable to the quota scheme (with 20 employees or more): 49% (about 91,000) in state services and administrative public bodies (*Fonction publique de l’Etat* only), 30% (about 39,000) in the services of the territorial authorities, and 21% (about 56,000) in public health units. The shares of disabled employees were respectively 4.0% (total): 3.8%, 4.2% and 4.1% (*FIPHFP & AGEFIPH 2009*).

#### **A4/ Activity of the employment service financed by AGEFIPH and FIPHFP**

*AGEFIPH* and *FIPHFP* also present data on disabled people who benefit from programmes they finance to promote access, return or retaining measures for them, taking part in national disability policy (*FIPHFP & AGEFIPH 2009*). First of all, *AGEFIPH* with additional from *FIPHFP* has paid the costs of a network of a specialised private employment service, named “*Cap Emploi*” which is the most frequently used service after *ANPE*. In the first semester of 2009, 22,650 disabled people succeeded in employment thanks to support from *Cap Emploi*, 49% in secured positions (more than 12 months) and 31% with short-term subsidised contracts (*AGEFIPH 2009c*).

The 107 *Cap Emploi* (financed by 56.5 M€ from *AGEFIPH*, plus 6.8 M€ from *FIPHFP*) succeeded in placing 58,523 disabled workers during 2008 (8% more than in 2007) subsequent to support measures being brought to more than 98,000 disabled workers. These placements were for long-term contracts (*CDI*) for 32%, and more than 12 months (*CDD*) for 17%. Over three-thousand people with disabilities created their own businesses in 2008 (*FIPHFP & AGEFIPH 2009*).

#### **A5/ The Public employment service ANPE**

Another administrative registration concerns priority jobseekers (mainly people with disabilities). This data is collected by the Public Employment Service (*ANPE* today named *Pôle-Emploi*) which regularly publishes them or transmits them to *DARES*.

People with disabilities can make known their status as a disabled worker to the job broker of *ANPE* and thereby gain priority for support. The number of priority jobseekers is published (*ANPE 2005; 2006; 2008; ANPE & DARES 2006; 2007; DARES 2006; Ministère de l’Emploi... 2007*). *AGEFIPH* also publishes studies and data on unemployed people with disabilities (*AGEFIPH 2009c; FIPHFP & AGEFIPH 2009*).

According to most recent data, 207,209 people with disabilities were jobseekers registered in *ANPE* files, 7.1% among a total of 2,919,782 jobseekers. Thirty-two percent of them were aged 50 or over (15% for all jobseekers); 20% had a *baccalauréat* (20%); and 47% were registered as having been unemployed for 12 month or more (*FIPHFP & AGEFIPH 2009*).

#### **A6/ Subsidised work contracts**

For a long time, the French governments developed a series of subsidised contracts aimed at preparing and supporting access to work for people with difficulties entering the competitive labour market. People with disabilities were included as preferential beneficiaries of these measures.



In 2008, four types of contracts were used: (1) 9,546 disabled workers (9.5% of the beneficiaries) on the *Contrat d'accompagnement dans l'emploi* (CAE) supporting work experience in non profit sector for the very socially disadvantaged; (2) 5,010 disabled workers (9,5%) on the *Contrat d'avenir* (CAV) aimed at the return to work for people on social minima benefits (*Revenu minimum d'insertion – RMI; Allocation spécifique de solidarité – ASS; Allocation de parent isolé – API; Allocation aux adultes handicapés – AAH*); (3) 2,259 disabled workers (6.4%) on the *Contrat initiative emploi* (CIE) to support employment in the open labour market to reduce the cost of work; and (4) 925 disabled workers (11.2%) on the *Contrat d'insertion – revenu minimum d'activité* (CI-RMA) aimed at helping people who benefit from RMI, ASS, API or AAH and who meet major difficulties with accessing paid work (FIPHFP & AGEFIPH 2009).

#### **A7/ Special vocational guidance committees**

For a long time the special committees, which are the authorities recognising the status of disabled workers (*Commission technique d'orientation et de reclassement professionnel – COTOREP*, since 2005, and today the *Commissions des droits et de l'autonomie des personnes handicapées - CDAPH* of the *Maisons départementales des personnes handicapées - MDPH*; Social security offices for illness or for Work injuries...) have provided information about people entitled to the quota.

The number of decisions (refusal included) made by COTOREP about official recognition of the "quality of disabled worker" (RQTH) was 299,700 in 2003, up to 331,200 in 2005, but it has declined since then, with the CDAPH (estimated at 280,800 in 2006 and 300,600 in 2007). Decisions (refusal included) concerning vocational guidance taken by the same committees were 200,600 in 2003 to 217,800 in 2005, and then estimated at 176,800 for 2006 and 183,600 in 2007 (AGEFIPH 2009c).

Another source (Amira & Ben Yaala 2009) has given the numbers for positive decisions only: 252,000 RQTH in 2003, 279,000 in 2005, then 237,000 estimated for 2006 and 260,000 for 2007; and for vocational guidance: 157,000 in 2003; 171,000 in 2005; 143,000 for 2006 and 150,000 for 2007.

#### **A8/ Ministry of social affairs and sheltered workshops**

According to data sent to AGEFIPH and FIPHFP by DGAS (social affairs) and DGEFP (public service), in 2008, 114,811 disabled persons were employed by 1,438 sheltered workshops named *Etablissements et services d'aide par le travail* (ESATs). At the same time, 643 *Entreprises adaptées* (EAs), which from now on will be functioning as subsidised enterprises in the competitive labour market, employed 28,532 disabled workers under the working code (FIPHFP & AGEFIPH 2009).

#### **A9/ Vocational training**

The French national quasi-public body for vocational training (*Association pour la formation professionnelle des adultes - AFPA*) produces its own statistics on outcomes for disabled trainees (AFPA 2006a & b; 2008). Between 1988 and 2005, the number of annual new starts of trainees with disabilities grew from 1000 (small enough to indicate the lack of accessibility of the training centres) to 12,615 (which represents 7.2% of all trainees, a rate too modest to make up the training deficit of people with disabilities). Seventy-nine percent of disabled trainees gained a diploma at the end of the training session (80.9% for all trainees). The number of trainees following training sessions was 44,460 in 2005. Of these, 24,289 were sent by COTOREPs (Special committees which provide vocational guidance to people with disabilities) and the remaining 20,171 trainees made the decision to attend themselves.

AFPA also has planned to spend 100 million on training people with disabilities. These training provisions play a decisive role in the success or failure for of the reinstatement of workers whose disabilities have been caused by work-related injuries or occupational diseases. Reinstatement is a compulsory duty for employers unless given other instructions by an occupational doctor (Secrétariat d'Etat chargé de la Solidarité 2009).

Other data on vocational training have been published by AGEFIPH for 2008.



The number of people with disabilities who benefitted from training measures were 77,063 in 2008, among 967,242 trainees (8.0%), representing an annual increase of +8.5% (compared with +1.8% for all trainees) (AGEFIPH 2009c). In 2008, AGEFIPH financed training programs for 81,000 people with disabilities, with numbers increasing by 13% since 2007 (AGEFIPH 2009a).

### **A10/ Vocational Rehabilitation**

As a legacy of the progress made during the two World Wars, the *Centres de rééducation professionnelle (CRP)* are specialised training centres financed by Social security for workers whose disabilities were caused by work-related injuries or occupational diseases and for people entitled to an *RQTH* (recognition) by special committees (*COTOREP*, then *CDAPH*). *CRPs* provide places and educational methods which are specifically designed for people with disabilities in ways the other “mainstream” training centres are, at present, unable to provide. In 2008, a total of 88 *CRPs* offered about 13,000 training places, at a cost of 138 million Euros for the payment of trainees (a training allowance), and 220 million Euros for the operating budget (Secrétariat d’Etat chargé de la Solidarité 2009).

### **A11/ Administrative data at the local level**

Some local authorities produce their own data or process their part of national data.

AGEFIPH has regional offices which can publish some local evaluation of employment and training of people with disabilities as the *Tableau de bord emploi / chômage des personnes handicapées* for the Region of Paris (*Île-de-France*) (AGEFIPH 2009b).

At the *département* level, the *Programmes départementaux pour l’insertion des personnes handicapées (PDIPH)* have existed since 1991 in order to improve employment. These cooperative networks allow local level data on employment of people with disabilities to be collected (Gayraud 2009).

Other organisations have published evaluations on their regional situations : Clainchard (2007) and Josse (2005), *Observatoire des dispositifs d’insertion des travailleurs handicapés en Île-de-France* (2005), once again for *Île-de-France*; Labranche et al. (2006), *Observatoire régional de l’emploi des personnes handicapées* (2007), *Observatoire régional de l’emploi des personnes handicapées*, Lyon, Centre de ressources, de développement et d’information Rhône-Alpes – CRDI Rhône-Alpes (2006 ; 2007) for *Provence-Alpes-Côte d’Azur*.

## **B/ Data from population surveys**

Increasingly, the population surveys carried out in France on health conditions or on employment (Labour force surveys) include and will include questions which allow identification of people with impairments, disabilities or activity limitations. They provide an evaluation of the prevalence rate according to the definition of disability they use, and sometimes also some clues as to the situation of people with such disabilities in the labour market as well as the health conditions of people at work.

### **B1/ The survey Handicaps – incapacités – Dépendance (HID-1999)**

In 1998-1999-200-2001 *INSEE*, with the cooperation of all administrations and not-for-profit organisations involved in the field of disability, carried out a special survey (*Handicaps – Incapacités – Dépendance - HID*), which was the first attempt to have a comprehensive description of people with disabilities living in France in institutions or at home (institutions - including prisons - in 1998 and then 2000 (two instances in order to develop a dynamic record); households in 1999 and then 2001). [ [www.sante.gouv.fr/drees/rfas/200301-2.htm](http://www.sante.gouv.fr/drees/rfas/200301-2.htm) ]

One of the last times the survey was used in regard to employment showed that the employment rate of French people without any disabilities was 80.3%, while this rate was only 69% for people reporting at least one impairment and 46.4% for people with an official recognition of disability which allowed them to benefit from the *OETH* (quota) (Lo & Velche, 2006).



## **B2/ The Labour force survey 2002**

In 2002, *INSEE* participated in a pan-European Labour Force Survey that used a common module on disability, and which was designed by EUROSTAT (Dupré & Karjalainen 2003). This survey provides data on the relationship between health conditions and employment situations in France (Coutrot & Waltisperger 2005; Waltisperger 2004). [ [http://www.travail-solidarite.gouv.fr/IMG/pdf/publication\\_pips\\_200502\\_n-08-1\\_emploi\\_des-seniors-fragilises-sante.pdf](http://www.travail-solidarite.gouv.fr/IMG/pdf/publication_pips_200502_n-08-1_emploi_des-seniors-fragilises-sante.pdf) ; [http://www.travail-solidarite.gouv.fr/IMG/pdf/publication\\_pips\\_200405\\_n-19-1\\_travail-responsable-un-probleme-sante-sur-cinq.pdf](http://www.travail-solidarite.gouv.fr/IMG/pdf/publication_pips_200405_n-19-1_travail-responsable-un-probleme-sante-sur-cinq.pdf) ]

This survey, in 2002, was the last labour force survey carried out in France on a “one shot” basis. Since 2001, *INSEE* has carried out a new continuous form of survey (quarterly, six interviews for each person - face to face for the first and the last, by telephone for the 4 others -, and for six consecutive quarters; 1/6<sup>th</sup> of the surveyed persons being replaced each quarter) (*INSEE*, 2008).

## **B3/ The special supplement to the labour force survey 2007**

The most comprehensive and recent data on disability and employment in France was provided by a supplement to the Labour Force Survey named *Enquête complémentaire 2007 – Santé, Handicap et Travail (SHT 2007)*, carried out by the National Institute of Statistics and Economic Studies (*INSEE*) in 2007, available since this year (2009) (Nguyen & Ulrich 2008). <http://www.travail-solidarite.gouv.fr/etudes-recherche-statistiques-dares/statistiques/travailleurs-handicapes/tableaux-bord/tableau-bord-emploi-chomage-personnes-handicapees.html>.

The disability rate for people aged 15-64, living at home, was 4.60% (for people entitled to benefit from legal disability provisions and from the quota scheme; i.e. administrative definition), which means a total of around 1,813,000 persons. Using a definition based on an administrative recognition of a long term illness (at least 6 months) limiting mobility, daily life activities or working life, or in the aftermath of an industrial injury (i.e. on an extended definition), this disability rate rises to 24.36% to include 9,595,000 persons. According to this survey, in 2007, the employment rates of people with disabilities in France were: 35% (using a strict administrative definition of disability) a total of 641,000 persons, or 65% (when using an extended definition of disability) for a total of 6,206,000 persons. This compares with an employment rate of 65% for all the working age population (25,670,000 persons). The activity rates were respectively: 44% (with an administrative definition of disability); 70% (with an extended definition of disability); and 71% for the working age population (Amira & Ben Yaala 2009).

This survey highlighted the high level of inactivity among people with disabilities in 2007: 56% in the case of a restrictive definition of disabilities; 30% with the extended definition; 29% for all the population 15-64 (Amira & Ben Yaala 2009). The results showed a real disadvantage for people with disabilities who were allowed to benefit from the quota scheme (administrative definition) who numbered about 1.8 million, while 9.6 million persons, using a wider definition, showed a labour market position very close to the total French population aged 15-64 (Amira & Ben Yaala 2009; Nguyen & Ulrich 2008).

## **B4/ A short screening questionnaire: Vie quotidienne et santé en 2007**

In 2007, as a first step and screening process for a new global disability survey (*Handicap Santé Ménages – HSM 2008*), which will be launched in 2008 (see below), *INSEE* carried out a national survey named “*Vie quotidienne et santé*” (VQS) (Everyday life and Health). [[www.sante-sports.gouv.fr/handicap-sante.html](http://www.sante-sports.gouv.fr/handicap-sante.html)]

According to this survey, about 9.8% of the French population (former colonies included) considered themselves to be disabled people, and 11.7% reported significant functional limitations in everyday life (Midy 2009).





### **B5/ A survey on health and vocational route in 2007**

INSEE also carried out, between November 2006 and January 2007, a survey designed by DARES (Ministry of Work) and DREES (Ministry of Social Affairs) with the methodological support of the Centre d'étude de l'emploi (CEE), on health and vocational route (*Santé et itinéraire professionnel – SIP*). It aimed to study interactions between the vocational route, i.e. successive employment positions, and health conditions (illnesses, disabilities, accidents, and other symptoms). According to Bahu et al. (2009), among the surveyed people, 70% claimed good health, but 17% reported some limitations in their daily life activities, and 7% admitted a depressive phase. The rate of people with bad health conditions was 24% among working people, but 44% of jobseekers, and 78% among the non-working population (other than retired people and voluntary housewives). Perceived health was worse for working people without any qualifications (43%) or with low levels of qualification (47%), people working in industry and trade (33%), and as cleaners (44%). Moreover, 10% of the population had mental health problems. [[http://www.travail-solidarite.gouv.fr/IMG/ppt/presentation\\_COE\\_DREES\\_DARES\\_SIP\\_170609EMBARGO.ppt#3](http://www.travail-solidarite.gouv.fr/IMG/ppt/presentation_COE_DREES_DARES_SIP_170609EMBARGO.ppt#3)].

### **B6/ A new global survey on disabilities: “Handicap – Santé”**

Another national survey published its first results in October 2009: “*Handicap – Santé*” (*volet ménage*) (Disability and Health – household part), carried out in 2008 by INSEE. This survey included questions on social and economic participation. [ [www.sante-sports.gouv.fr/IMG/pdf/er718.pdf](http://www.sante-sports.gouv.fr/IMG/pdf/er718.pdf) ] [[http://www.insee.fr/fr/insee\\_regions/centre/actualites/act\\_presse/com\\_pres\\_28\\_3\\_2008.pdf](http://www.insee.fr/fr/insee_regions/centre/actualites/act_presse/com_pres_28_3_2008.pdf)] [<http://www.travail-solidarite.gouv.fr/etudes-recherche-statistiques-drees/enquetes/handicap-sante/>]

### **B7/ A new comparative labour force survey in European countries: 2011**

In 2011 a new Labour Force Survey will use a EUROSTAT module on disability. The French version (*Module ad-hoc sur l'insertion professionnelle des personnes handicapées, complémentaire à l'Enquête Emploi 2011*) will add other questions on disability and employment to complete this module.

Administrative data are generally clearly presented with a delay of 2 years (2009 for the situation in 2007). The data are collected from sources (private or public companies, public administrations, organisations, services... which is a long process), calculated, controlled with cross sectional methods, and published by DARES, DREES, AGEFIPH or FIPHFP... . They are reliable in that they reflect administrative definitions of disabilities but only for people who benefit from administrative decisions (*RQTH, OETH*, status of priority jobseeker...) not all people with disabilities.

Otherwise, the follow up of the implementation of the *OETH* in the public sector was for a long time not completely reliable because the ministry of Education did not collect or publish its data on disabled employees. Consequently, before 2005, the data published by the department of statistics of the Ministry of public service (*DGAFFP*) recorded only about 40,000 disabled employees in the state public administrations and services (De Stefano et al. 2006; Le Benoist & Rey, 2005) instead of almost 90,000 today (FIPHFP & AGEFIPH 2009).

The monitoring of the quota scheme also suffers from some reforms which occurred in 2005. The method for calculating companies' obligations in terms of employment changed significantly, which resulted in a break in the series of data between 2005 (the old form) and 2006 (a new calculation). That is why there is a discrepancy between the data given in this report and those published in 2007. For example, the overall quota in private companies was 4.5% (weighted rate representing 2.7% in terms of persons effectively employed) in 2005 (Amira 2007), and became 2.4% in 2007 (Amrous 2009). This break affects all data for this administrative population.

The issue is different for all population surveys that record the social and economic situation of people with disabilities. Unlike the administrative statistics, the reliability of these data depends on how disability is defined and the wording of the questions, notably in the screening step of the survey (which can't embrace all population), but also from the size of the surveyed sample. Without doubt, the better data are collected, computerized and published by the national office of statistics (*Institut national de la statistique et des études économiques – INSEE*).



1/ In 1998-1999-200-2001 *INSEE*, with the cooperation of all administrations and not-for-profit organisations involved in the field of disability, carried out a special survey (*Handicaps – Incapacités – Dépendance - HID*), which was the first attempt to get a comprehensive description of people with disabilities living in France in institutions or at home (for institutions - including prisons – this was done in 1998 and again in 2000 (two times in order to have a dynamic record); households in 1999 and then 2001). [[www.sante.gouv.fr/drees/rfas/200301-2.htm](http://www.sante.gouv.fr/drees/rfas/200301-2.htm)].

The originality of this survey was to apply a conception of disability which was widely inspired from WHO's International Classification of Functioning, Disability and Health (ICIDH-2) and from the construct in progress of WHO's ICF. Consequently no *a priori* definition of disability was stated, but it allowed the researchers or administration to build their own target definition of disability to be correlated with data on health conditions and social situations (including economic participation), according to the needs and hypotheses of their research study.

Despite the length of time since this survey was carried out, it remains a reference point for many more recent papers on employment (Amira & Lo 2009; Brouard & Roussel 2005; Lo & Velche 2007; Roussel 2004; Sander et al. 2005a; Velche 2007d).

2/ The survey carried out by *INSEE* in 2002, that included a European module on disability, was the last labour force carried out in France on a "one shot" basis. It is relatively old now, but represents the only survey which allows a comparison with other countries. Some recent papers still use its results.

3/ In 2007, *INSEE* included in the national labour force survey, during the 6<sup>th</sup> interview (face to face) of surveyed people, a supplement survey on health, disability and work, named *Enquête complémentaire 2007 – Santé, Handicap et Travail (SHT 2007)*, which recorded health conditions during the previous six months, and their impact on working life. This survey, through the aggregation of responses to many questions on state of health and on the responses of authorities to claims regarding special needs (recognition of disability, disability benefits, rehabilitation measures, specialist vocational guidance), allows a two-way processing of disability for people aged 15-64, living at home: an "administrative" definition for people entitled to benefit from legal disability provisions and from the quota scheme (all cases are proposed in the questionnaire); an "extended" definition based on previous administrative recognition of this, plus the record of a long term illness (at least 6 months) limiting mobility, daily life activities or working life, or the aftermath of an industrial injury. A total of 29,000 people were surveyed. Use of this survey (Amira & Ben Yaala 2009; Nguyen & Ulrich 2008) has shown that there is interest in it.

4/ The 26 question questionnaire of a national survey carried out in 2007, named "*Vie quotidienne et santé*" (*VQS*) (Everyday life and Health) covered 186,863 persons of all ages, plus 51,950 in some geographical areas (*départements*) as a supplement for studies. This is the first step in a series of research studies on the survey *Handicap Santé Ménages (HSM 2008)* launched by *INSEE* in October 2008. The same type of methodology was used in 1999 with *HID* when a *VQS* screening questionnaire served as a first step before more in depth surveys. This gave different views of disabilities.

5/ The survey on health and vocational route (*Santé et itinéraire professionnel – SIP*) was carried out on a representative sample (14,000 persons) of the French population aged 20 to 74. A second phase is planned for 2010 on Work and Health.

To date, relatively few studies have been published on this study. Moreover, there is likely to be some under-reporting of disabilities and mental illnesses (Bahu, Coutrot, Mermilliod & Rouxel 2009) [[http://jms.insee.fr/files/documents/2009/102\\_3-JMS2009\\_S15-2\\_BAHU-PRESENT.PDF](http://jms.insee.fr/files/documents/2009/102_3-JMS2009_S15-2_BAHU-PRESENT.PDF) ]

6/ The survey *Handicap Santé Ménages (HSM 2008)* launched by *INSEE* in October 2008, includes questions on social and economic participation.





Since May 2009, the raw data of the survey *HSM* has been available (29,922 usable questionnaires) but as checking of the reliability of the results (comparativeness with administrative data) is in progress or underway, it is too early to have definite data on employment. The first paper has just been published (Bouvier 2009), but many others will be.

7/ The EUROSTAT module on Disability for comparative purposes in the 2011 national Labour Force Survey will include 11 variables. Some other questions on disability and employment will complete the French version of the questionnaire. This version has been ready for testing since October 2009.

## **What do we know about the employment rates for disabled people in your country, and how they compare with non-disabled people?**

### **1/ Employment and activity rates**

Since the survey *HID 1999*, more recent data on the employment rate for disabled people in France has come from the *Enquête complémentaire à l'enquête emploi 2007 – Santé, Handicap et Travail (SHT 2007)*. This survey gave two employment rates according to the definition of the disability: 35% for a restrictive administrative definition; 65% for an extended definition (see above) and 65% for all the French population aged 15 to 64. The activity rates were respectively: 44%; 70%; and 71% (Nguyen & Ulrich 2008).

An estimate for 2007 showed 6,095,000 person with disabilities working in the competitive labour market (including 26,851 in Adapted enterprises - *EA*) and 111,000 in sheltered workshops (Amira & Ben Yaala 2009).

### **2/ Unemployment rates**

At the end of June 2009, for all categories of demands (seeking full time, part time work, ready to work, still employed wanting to move...), the number of priority jobseekers (mainly disabled people) was 264,090 of a total of 4,154,496 jobseekers (6.4%). This was 5.7% higher than in June 2008 (+17.6% for all jobseekers recorded by *ANPE* (the public employment service) (AGEFIPH 2009c).

Between January and June 2009, 111,107 priority jobseekers newly registered for the demand categories 1-2-3 (immediately ready for *CDI* full time, *CDI* part-time, and *CDD*), of a total of 2,797,000 new jobseekers (AGEFIPH 2009c). In December 2006, the same number was 293,941 among a total of 4,018,718 jobseekers (7.3%).

*DARES* publishes its own unemployment data (*DARES 2006*; Amira & Ben Yaala 2009). Using data collected directly from surveyed people during the *Enquête complémentaire 2007 – Santé, Handicap et Travail (SHT 2007)* rather than administrative files, the authors recorded a 19% unemployment rate for people with disabilities, according a restrictive definition of disabilities (18% for males; 21% for females), and a rate of 7% (6%; 8%) when using a extended definition, compared with 8% (7%; 9%) for t population aged 15 to 64.

Considering only the 3 demand category (jobseekers not employed and immediately ready to work only), the number of jobseekers recorded with priority by the public employment service (*ANPE*) was 205,864 at the end of December 2007, among a total number of 2,696,963 jobseekers (7.6%).

A graph shows that, in value 100 indexed in December 2002, the rate of unemployed adults with disabilities increased until 2005, the date of the passing of the new disability law (see below), and then decreased in parallel with other jobseekers (Amira & Ben Yaala 2009).

A later document (AGEFIPH 2009c) shows a graph with decreasing index with a reducing gap until September 2008, followed by an inverse tendency for people with disabilities compared with all jobseekers because of the economic crisis.



The personal characteristics of priority jobseekers have been shown for 2007 to have been: more people aged 50+ (31% vs 16%) and fewer people aged below 25 (5% vs 21%); more people with only a basic education level (34% vs 22%); more unskilled workers (17% vs 11%); and a longer duration as registered unemployed (26% vs 14%) (Amira & Ben Yaala 2009). At the end of June 2009, the 214,433 disabled jobseekers (among 3,015,788 jobseekers) were older (35% vs 17% aged 50+), less qualified (33% Vbis and VI only vs 21%; 46% unskilled workers vs 29%, with longer time unemployed (48% more than one year vs 29%; 26% more than 2 years vs 13%).

Among 20,681 disabled people leaving the register of jobseekers, only 18% found a work position (22% among 436,138 jobseekers) (Amira & Ben Yaala 2009). Other results were more optimistic with a 40% return to work, but only after 4 years (AGEFIPH 2005b).

### 3/ Education level

The first results of the survey *HSM 2008*, show that people with some activity restrictions present lower educational levels than others, and this disadvantage is higher when the restriction is more severe. Among people reporting a moderate overall activity restriction, only 38% have the *baccalauréat*. This is 23% when this restriction is severe. About 34% of people who reported severe restrictions in their overall activity were without any qualifications or with only a certificate of compulsory school completion, compared with 13% who had no activity restriction. Some functional limitations (motor or cognitive) also have an unfavourable effect on the educational level, while sensory limitations do not or have less (Bouvier 2009).

Among the 207,209 disabled jobseekers registered as jobseekers in public employment services (*ANPE*) files, 20% had reached a *baccalauréat* level of education, compared with 40% for all jobseekers.

### Is there any evidence of change or improvement in the numbers/percentages?

While the population surveys have too often been ill-assorted methodologically (that will also change), it remains difficult to use their results to assess the evolution of the employment situation of people with disabilities. However, by contrast, a series of administrative data allows a relative follow up of numbers and percentages. These data can be found through statistical information gathered annually on the implementation of compulsory employment (*OETH*) for private and public employers, as well as the monthly follow-up of priority (disabled) jobseekers registered in the files of the public employment services (*ANPE / Pôle Emploi*).

### A/ More people with disabilities in the private companies liable to the quota scheme

First of all, the law on *OETH* provides an obligation for all private employers of 20 or more employees, to send a printed statement on the effective presence of disabled people in their workforces. This collection of data allows the publication of a national result of the *OETH*.

#### A1/ Increasing presence of disabled workers in private companies

According the last report in 2007 on the implementation of the quota scheme (reviewed in 2005) in France 262,000 workers with disabilities were employed in 126,200 private companies liable to the quota obligation (*OETH*). The calculation process to be applied on the workforce of each private company gave a target number necessary for fulfilling the obligation. Only 499,000 people with disabilities were employed, showing that only 52.5% of this target was reached. However, the number of disabled people who are employed in this legal framework has increased significantly since 2006 (there were 233,200 at that date).

One of the reasons for such an increase was a growth rate of the total legal work force (in the companies with at least 20 employees) of +3.8% (reaching 9,368,000 employees) due to a favourable economic context - not ensured for following years).

However, the effective overall quota of 2.4% (this rate excludes companies with a special agreement - 6.3% of liable employers, see below) is a result of different policies practiced by private employers.



Those who fulfilled their obligation in employing 6% of their workforce represent only a quarter of the liable companies (25.6%), a lower share than in 2006 (26.3%). A unanimous commitment of all French employers to reach the 6% quota is not realistic at this point; there is too much prejudice against people with disabilities in the world of work. But one of the other important issues of this law is to encourage (more strongly since 2005 – see below) employers who have no disabled worker in their workforce to try, at least once, to hire a person who is officially recognized as having disabilities. This aspect of the political objective tends to be achieved: the proportion of companies employing at least one disabled worker grew from 53.2% in 2006 to 56.1% in 2007. There remain 36.8% of French companies liable to the quota that have no disabled employee (40.4% in 2006) (Amrous 2009).

However *OETH* is not the only way to employ people with disabilities. In 2007, according to an evaluation by *DARES*, of people with disabilities effectively employed in the private sector there were: 6,095,000 persons in the open labour market (including 26,851 in Adapted enterprises), and 111,000 persons in sheltered workshops (Amira & Ben Yaala 2009).

### **A2/ Increasing hiring by liable private companies**

People with disabilities employed in private companies liable to the quota obligation (*OETH*) are mainly people who were hired a long time ago and who need later on to be recognized as disabled workers in order to benefit from legal protection or from adapted accommodation to their work places. It is easier for employers to retain their employees who became disabled than to hire disabled applicants about whom they have poor information.

Consequently, a good index of the implementation of the law can be drawn from data on new hiring of people with disabilities. According to Amrous (2009), 24,300 were hired during 2007 (compared with 19,300 in 2006). This number, with 9.3% of all beneficiaries of the quota scheme, is higher than the 8.8% in 2007. Newly hired disabled workers are younger than all employed disabled workers (48% of people are aged under 40, versus 24%; 17% are 50+, versus 41%), but they are still older than is the overall workforce in companies liable to the *OETH*.

This will produce results in the future. The proportion of full time workers who are people with disabilities among companies liable to *OETH* was almost stable between 2000 and 2005 (2.5% to 2.7%). In 2006, with a change in the calculation of the obligation for each employer, the rate fell to 2.3% (Amira & Ben Yaala 2009).

The *Cap Emploi* placing of disabled workers significantly improved between 2004 and 2008: from 46,168 to 58,523. With the support of these services, the number of people with disabilities who created their own businesses increased from 2,624 in 2005 to 3,067 in 2008 (FIPHP & AGEFIPH 2009).

### **A3/ Moves in payment to AGEFIPH**

A clue to the improvement of the employment situation of disabled people in the labour market proposed by private companies is a significant decrease in the number and the amount of “voluntary contributions” paid to *AGEFIPH*: from 58,560 contributors and 606 million € in 2006 to 57,012 contributors and 592 million € in 2007, showing a better fulfillment of the obligation.

However in 2008, about 48% of the French companies liable to the quota did not produce any affirmative action towards people with disabilities other than paying this contribution (Quota zero companies - *EQZ*) (*AGEFIPH* 2009c). These *EQZ*, henceforth, represent a new target for disability policy.

### **B/ Evolution in the public sector**

The follow up of the implementation of the *OETH* in the public sector has been somewhat problematic because for a long time the Ministry of Education did not collect or make available its data on disabled employees. Before 2005, the number of people with disabilities working in the State administration (*Fonction publique d'Etat*), was almost stable at around 40,000 (De Stephano et al. 2006).



On December 31, 2005, there were 71,150 disabled employees in the State public services, including data from the Ministry of Education. Real monitoring of the implementation of the law has only been significant since 2005.

According to newly available data, in 2006, 88,397 disabled persons were employed in 648 state services and administrative public bodies (*Fonction publique de l'Etat* only) with 20 civil servants or more, 43,929 in the 6,294 services of the territorial authorities, and 31,350 in the 2,141 public health units, with a total of 163,676 employees with disabilities in the public sector. The proportions of disabled employees were respectively 3.6%, 3.5% and 3.6% (Amira & Ben Yaala 2009). In 2007, 10,103 public employers employed 185,658 disabled workers, giving a direct employment rate of 4.0% for the whole of the public sector: 3.8% for the State, 4.2% for public health services, and 4.1% for the local authorities (FIPHFP & AGEFIPH 2009).

### **C/ About unemployment and success in jobseeking**

The number of priority jobseekers (mainly disabled people) was, in June 2009, 5.7% more than in June 2008, but this growth is lower than that recorded by ANPE for all jobseekers (+17.6%) (AGEFIPH 2009c). There also was a +0.7% increase between December 2007 and December 2008, but this followed a more significant decrease from December 2005. The share of disabled people among jobseekers fell from 7.8% to 7.1% between 2005 and 2008.

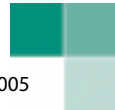
Between January and June 2009, 111,107 priority jobseekers newly registered for the demand categories 1-2-3 (immediately ready for *CDI* full time, *CDI* part-time, and *CDD*), from a total of 2,797,000 new jobseekers. At the same time, 116,689 priority jobseekers left ANPE files of a total of 2,584,198 moving jobseekers. Compared with 2008, these numbers were lower by 12.9% and 5.1% respectively. Return to work however represents only 17.3% of outcomes for priority jobseekers (-22.6% in 2008), compared to a 21.9% for all jobseekers (-15.4% in 2008). During the first semester of 2009 the number of disabled jobseekers who found a job or returned to work was 20,229 (564,705 among total jobseekers) (AGEFIPH 2009c).

In parallel, the numbers of disabled people who benefited from a placement supported by the *Cap Emploi* network were 46,468 in 2004, 46,029 in 2005, 48,455 in 2006, 53,954 in 2007 and finally 58,523 in 2008 (+8.5% since 2007) (FIPHFP & AGEFIPH 2009). For the first semester of 2009 the number of disabled people who were hired was 22,650, with 49% with long term work contracts (*CDI*) (a constant trend) and 31% with subsidised contracts (increasing) (AGEFIPH 2009c).

### **D/ Outcomes after vocational training**

According to the complement to the Labour Force Survey named *Enquête complémentaire 2007 – Santé, Handicap et Travail (SHT 2007)*, the level of education of people aged 15-64 with an administrative recognition of their disability is significantly lower than that of the whole working age population. 7% of men and 11% of women have at least 2 years education after the *Baccalauréat* compared to 23% and 26%, and 51% disabled men and 59% disabled women have the lowest diploma (*BEPC*) or less education compared with 33% and 34%. A reduced gap, still significant, remains when using an extended definition of disability (16% and 21%; 38% and 39%).

The same survey has also shown a strong effect of education on access to employment, when among inactive people with an administrative recognition 63% had *BEPC* or less education (58% if the definition is extended; 52% for the whole population aged 15-64), while among the same effectively employed group only 43% had such a low level of education (29%; 25%). *Baccalauréat* and more education gave employment to 16% of people with administrative disability, but to 40% of people using the enlarged disability definition (49% for all aged 15-64) (Amira & Ben Yaala 2009). According to a series of surveys carried out by *AFPA* on the employment situations of former trainees six months after the completion of their training sessions (AFPA 2007), people with disabilities showed less successful outcomes than others. In 2006 55.9% of the surveyed disabled trainees had found a job six months after training (compared with 70.1% for all trainees), and 43.2% kept that employment and were working at the time of the survey (55.5% for all trainees).



Disabled trainees were less likely to have long-term work contracts (*CDI*) (27.3% versus 29.6%) and more often had subsidised work contracts (13.6% vs 6.3%) but less temporary contracts (19.8% vs 23.9%). This relative disadvantage can be partially explained by a clearly poorer level of education and a longer duration of inactivity.

However, there is a positive sign: disabled trainees who were still working were 36.7% in 2005 and 38.6% in 2004. At the same dates, their levels of access to work were 51.1% and 54.9%, respectively. The question remains whether these developments will continue despite the economic crisis.

According to comprehensive data published by *AGEFIPH* in June 2009, the number of disabled people who benefit from training sessions increased from 71,043 in 2007 to 77,063 in 2008, a +8.5% rise, compared with +1.8% for all trainees in France (950,283 to 967,242) (*AGEFIPH* 2009c).

Another survey was carried out in the French Region (*Poitou-Charentes*) on *AFPA* former trainees six months after the end of their training sessions which occurred between July 2007 and June 2008 (at the beginning of the crisis, with a decrease in regional employment of about 0.8 percentage points between these two dates). *AFPA* (2009) showed that disabled trainees found employment less often (49.3%) than did trainees without disabilities (78.3%; 76.5% for all trainees). In a sub-survey concerning 222 former trainees, access to work was 39% and lower than other former trainees by 23.5 percentage points. Finally, 29.9% remained employed, 13.4% inactive and 56.7% were still seeking Jobs. According to the authors, this poor outcome refers to the type of programmes followed (which were not aimed at immediate work positions), as well as a high rate of inactivity before the training session.

### **E/ Questions about the incidence of the economic crisis**

It seems difficult to assess the impact of the crisis on the employment situation of people with disabilities. There are some arguments to say that negative effects are to be expected if pressure on the work force leads to a redundancies, with those whose performance is lowest being laid off. However, recent data on unemployment suggests a more balanced interpretation. At least at the beginning of this economic recession, it was anticipated that the quota scheme would protect to some extent people whose disabilities were likely to be administratively recognized (at least a medium severity of impairment). Hiring of disabled workers was boosted by the new law, even in the public sector, and the sums that employers have to pay to *AGEFIPH* decreased because they better fulfilled their obligations. In some respects, the strengthening of the quota scheme in 2005 seems to be offsetting the trends due to the crisis.

Otherwise, unemployment figures published by the national public employment service (*ANPE*) for December 2008 showed 207,209 jobseekers with disabilities, with an annual increase less than that of all French jobseekers enrolled. Moreover, the proportion of people with disabilities whose length of unemployment exceeded one year increased, whereas during the same period, the proportion was nearly stable for all unemployed people. Such a contrast suggests that duration of unemployment was not lowered by a significant flux of new comers in the first group, while it was for the whole population of jobseekers.

It is partly because the possibilities for priority jobseekers to return to work deteriorated during recent months with the crisis, and because new registrations in the *ANPE* files decreased (-1.7%) while those of all jobseekers increased a lot (9.3%). In part this certainly indicates a withdrawal from active economic life (14.5% of disabled people stopped seeking work, versus 8.4% of all jobseekers), but fewer registrations can also reflect decreased risk of dismissal.

Moreover, the lack of vocational competence of disabled workers seems to have been reduced by the development of a stronger vocational training policy.

There is no evidence that this “protection” will remain until the end of the economic crisis.





Another factor that could explain this trend could be a significant decrease in disabled applicants for public employment services, due to a lack of confidence in getting a job when disability adds to economic disruptions. Distrust by people with disabilities of the capacity of ANPE to find them appropriate work positions has always had a bearing on priority jobseekers' registration in socio-economic terms (Velche, 2007d).

### 1.3 Laws and policies (key points)

**Please tell us about any recent changes in laws or policies that affect the employment of disabled people in your country.**

**Is the employment of disabled people an important question for politicians and policy makers in your country? Why?**

Life conditions of people with disabilities have been declared to be a political "priority" by the *Président de la République*. This has become an important issue in the political agenda of French governments since, as early as 2003, a procedure for the revision of laws was planned. Currently, the main topic is follow-up of the implementation of the new (2005) legal framework (see below).

The 2005 law covers almost all aspects of the life of disabled people, but employment remains one of the main priorities. There has been a constant effort since 1987, even if the results have remained modest.

More recently, Regional Plans for the integration of disabled workers into the labour market have been created (*Circulaire DGEFP n° 2009-15 du 26 mai 2009 relative aux Plans Régionaux d'Insertion professionnelle des travailleurs handicapés (PRITH)*).

Considering the legal texts, irrespective of whether they have been put into practice, French legislation has reached a sort of maturity, and the policy of systematic consultation which has accompanied implementation has made its principles widely accepted. This may be different from effective fulfilment.

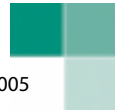
One of the main inadequacies of the French system, without any doubt, is a great backwardness in school integration. The new law has tried to fill the gap between theory and practice in this domain, but it will be difficult to make school buildings and educational methods accessible soon. As a result, many school children are and will stay educated in segregated settings (specialised schools or special classes in mainstream schools). The initial training of young people with disabilities is severely impaired by such a situation, and their opportunities for choice are reduced. The French university is also very far from universal design and there are not many students with disabilities. Similarly, training institutions are not clearly open to disabled trainees, and they redirect many disabled people towards specialist training centres.

The core of the problem is accessibility. This issue was neglected for a long time, and the resistance of French society to change has often reinforced the defence of private interests ending up with the status quo.

Disabled people would claim that this is not surprising considering the nature of the hostile reactions of the "able-bodied" public towards them: pure rejection or, more often paternalism; a strong view that contains some truth.

In spite of the compelling and binding nature of the laws, and perhaps because of them (disincentive effects), for a long time there was a lack of involvement by too many employers, who did not think about hiring a person with disabilities other than in terms of fulfilling a commitment, not as a natural behaviour. Therefore many sought to evade the obligation. Another obstacle is also poor mobilisation from French trade unions on this issue (work injured workers excepted).





## Which laws or policies are most important for disabled people at this time?

The main law for people with disabilities now implemented is the « *Loi 2005-102 du 11 février 2005, pour l'égalité des droits et des chances, la participation et la citoyenneté des personnes handicapées* ». This law gathers in a unifying legal text some new provisions (as the introduction of the reasonable accommodation issue of the EU directive of 2000.11.27) and many aspects (reviewed) of four former laws on disabilities:

- *la loi 75-534 d'orientation du 30 juin 1975 en faveur des personnes handicapées* (Vocational guidance, sheltered work, guaranteed income) ;
- *la loi 87-517, du 10 juillet 1987, en faveur de l'emploi des travailleurs handicapés* (Compulsory employment (quota) for private and public sectors) ;
- *la loi 90-602, du 12 juillet 1990, relative à la protection des personnes contre les discriminations en raison de leur état de santé ou de leur handicap* (Non discrimination)
- *la loi 91-663 du 13 juillet 1991, portant diverses mesures destinées à favoriser l'accessibilité aux personnes handicapées* (accessibility)

### A/ Towards a strengthening of compulsory employment

The new law extended the number of beneficiaries by adding to the previous list (1) people entitled to invalidity cards and (2) people entitled to non contributory disability benefit (AAH), with both provided if the person has 80% of incapacity.

The former "fallacious" method of weighting and calculating *Beneficiary Units (UB)*, used in the 1987 law (a disabled person could accumulate *UB* (from 1 to 5.5) according to his/her age, severity of disability, vocational curriculum, plus training sessions provided by a company) , was considered to be stigmatising, and lawmakers have abolished it. One worker now is counted as one, as for the rest of the public sector. .

However the original aim of the weighting, to promote the employment of the more severely disabled person, remains. A new solution was adopted to take into account the severity of disability in order to assess the efforts made by the employer (i.e. in taking into account the extra costs, above those implied by the reasonable accommodation issue) in order to adjust the workplace to the person even if it stepped over the "reasonable" costs. This can take the form of a State subsidy or of a cut in the "voluntary contribution" paid for *AGEFIPH*.

Similarly, to avoid too many companies becoming exempted too easily from the quota because the majority of their work positions require specific aptitudes (*Emplois exigeant des conditions d'aptitude particulières - ECAP*), this measure was revoked. All the workforce of the companies should be taken into account when calculating the number of positions they offer to people with disabilities. This measure increased the number of liable companies by 16,000 in 2006 in comparison with 2005.

Moreover, in order to encourage employers to hire people with disabilities in their companies, the amount of the contribution payable to *AGEFIPH* for each missing disabled worker below the quota, was raised by 100 hourly *SMIC* (+ 871 Euros) for each class of size (staff).

Above all, the law created a "penalty" contribution of 1,500 hourly *SMIC* (13,056 Euros) for each missing disabled worker when companies did not do anything to fulfil their obligations for 3 continuous years.

Another novelty in this law is the creation of a Fund identical to the one managed by *AGEFIPH* for the private sector, but devoted to the public sector: the *Fonds pour l'insertion professionnelle des personnes handicapées dans la fonction publique (FIPHFP)*. This consists of 3 separate funds: State, Local authorities and Public health service.

### B/ Introduction of reasonable accommodation clause into the non-discrimination provision

As an implementation of the EU Directive 2000/78/EC, the law introduced the notion of reasonable accommodation, which provides a means of combating indirect discrimination.



The employer has to prove that he/she has done everything 'reasonable' to adapt the workplace or the hiring procedure so that disabled jobseekers can have the same opportunities as others to succeed. The limits are technological know how and costs, which should not impair the economic health of the company. The courts decide where this 'reasonable' limit is drawn.

### **C/ Bilateral negotiations**

The law also introduced an obligation for all employers to negotiate yearly with trade unions on measures concerning access to work, training, promotion, and retaining of people with disabilities. Negotiations should also tackle issues such as working conditions and awareness campaigns for all the employees of the company.

### **D/ Accessibility**

To support antidiscrimination measures, the law set 2015 as the deadline for ensuring accessibility for all public and private buildings, community facilities and workplaces. Given the state of accessibility in our country, such a time limit seems very short.

### **E/ Education**

Another part of the law will have a long term effect on employment: a new commitment to teach young people with disabilities in mainstream schools. There is a lot of expectation that the progressive implementation of this aspect of inclusion will favour vocational training and a better access to the competitive labour market.

### **How are disabled people included in the National Employment Reform Programme for your country? You can refer to sections in the report (see below)**

As a tool in the Equal treatment objective set into the French commitment to fight discrimination (France 2008; [http://ec.europa.eu/growthandjobs/pdf/member-states-2008-2010-reports/france\\_nrp\\_2008\\_en.pdf](http://ec.europa.eu/growthandjobs/pdf/member-states-2008-2010-reports/france_nrp_2008_en.pdf)), France launched in June 2008 a plan to reform access to employment for disabled people [<http://www.gouvernement.fr/gouvernement/le-pacte-national-pour-l-emploi-des-personnes-handicapees>]. Its purpose was "to increase the allocation for disabled adults and to facilitate employment for such people". According to a first implementation report (*Rapport de suivi pour 2009*), the government committed itself to act in a way which prevented negative effects on purchaser power as well as on access to employment of people with disabilities. The *AAH (Allocation aux adultes handicapés – Non contributory disability benefit)* which was raised by 5% in September 2008 in order to improve the living conditions of people with disabilities, increased by € 54 in 2009, in accordance with the June 2008 *Président* commitment to raise it by 25% before January 2013.

The new law for people with disabilities (2005) made stricter the compulsory employment requirement for private and public employers. It provides an obligation to negotiate with unions a plan about employment for people with disability.

Moreover, since revision of the former Disability Law (1975) in 2001, the NGOs representative of people with disabilities and/or their families were involved in advising on and evaluating the bills and drafts of decrees affecting their lives.

This involvement continues today with a presentation of all new texts (of bills, decrees, administrative measures...) to the *Conseil national consultative des personnes handicapées (CNCPH)*. This advisory committee publishes many reports on the issues (CNCPH 2009a & b).

According to the French autumn 2007 report on the implementation of the National Employment Reform Programme, two points are mentioned, related to combating discrimination and exclusion: (1) combating discrimination against people with functional limitations; and (2) more jobs for disabled workers as a result of the law.



### **A/ combating discrimination**

The independent High commission for Equality and Against Discrimination (*Haute autorité de lutte contre les discriminations et pour l'égalité - HALDE*) was set up in December 30, 2004 following the EU Directives 2000/43/EC and 2002/73/EC to investigate claims received from victims of acts of discrimination.

Between January 1<sup>st</sup> and December 31<sup>st</sup>, 2006, 4,058 complaints were recorded by the *HALDE*. The ground most frequently mentioned by individuals who consider themselves as being victims of discrimination, is of ethnic or racial origin and the second ground includes health and disability. Employment is the area in which the most complaints have been made, followed by public services. In 2007, there were 6,222 claims with 22% for reasons of health/disability. The *HALDE* collected 1,349 claims of potential discrimination cases on the basis of disability or health conditions in 2007, and 2,272 claims in 2008 (respectively 22% and 21% of all claims.) Most of these claims focused on employment. The *HALDE* regularly provides useful interpretations of the mandatory "reasonable accommodation" provision (HALDE 2009).

However, discrimination remains a too frequent behaviour. Bouvier (2009) found in the survey *HSM 2008*, that about 5% of French people aged between 20 and 59 encountered negative behaviours or discrimination from other persons (mockery, insults, banning, unfair treatment, denial of rights...) because of their health condition or disability. This was 15% for people with a severe global activity restriction. Among people who were victims of negative behaviours or discrimination from others, 25% reported that it occurred on the work place.

### **B/ More jobs for disabled workers as a result of the law**

The law of February 11, 2005 stepped up measures to favour the employment of people with disabilities. It reinforces the employment obligation for private and public sectors. It reaffirms equality of treatment for disabled workers in terms of full access to employment or to vocational training, as well as maintaining employment. Moreover, the change in the calculation of the quota (abolition of weighting) brought an additional 330 million Euros to *AGEFIPH* in 2006.

It should be noted, however, that the quota of 6% is a theoretical one. Because calculation of the number of workers with disabilities that a company has to employ effectively only records the lowest integer (for example: for 33 employees,  $6\% \times 33 = 1.98$ , the obligation will be only 1). In 2007 the *DARES* estimated the real global quota at 5.3% (Amrous 2009).

Disabled workers also have access to all the measures of the general laws on employment and training, and especially those dedicated to people in social-economic difficulties, complimented by specific measures if necessary.

The *Maisons départementales des personnes handicapées (MDPH - Departmental Centres for the Disabled)*, created by the law of 2005, were set up in 2006 and now constitute the place where disabled individuals are received and where the life project of the individual is developed along with his/her professional plan. Partnerships between the *MDPH* and public service employment bodies (*ANPE, AFPA, Cap Emploi*, etc.) have been stepped up in order to offer assistance to the individual for quick and efficient employment.

These important aspects will be pursued in order to encourage employers to recruit disabled workers. The vocational training policy for disabled workers will also be stepped up in order to improve the service offer in terms of the needs of the disabled persons and of the market.



## Have there been any important changes or new employment policies?

The implementation progress of the Law for Equality of Rights and Opportunities, Participation and Citizenship of People with Disabilities (*Loi pour l'égalité des droits et des chances, la participation et la citoyenneté des personnes handicapées* of February 11, 2005), brings changes in employment policy for people with disabilities: a strengthening of the obligation imposed on private and public employers, a review of the principle of non discrimination, a real development concerning accessibility in different settings, and some changes in sheltered work.

### 1/ Strengthening of the quota scheme

The new law provides the extension to the number of beneficiaries by adding to the former list (1) people entitled to invalidity cards and (2) people entitled to non contributory disability benefit *AAH*, both attributed if the person has 80% of incapacity.

In reply to critics of the "fallacious" method of weighting and *UB*, which was considered to be stigmatising, lawmakers decided to abolish it? One worker counts for one, for other public sector workers. However, the original aim of the weighting, to promote the employment of more severely disabled persons, remains. The solution adopted was to take into account the severity of disability in order to assess the efforts made by the employer (extra costs, above those implied by reasonable accommodation) in order to adjust the workplace to the person, even if it goes beyond "reasonable" costs. It can take the form of a state subsidy or of a cut in the "voluntary contribution" to be paid to *AGEFIPH*.

Steps have also been taken to ensure that not too many companies are too easily exempted from the quota because the majority of their workforce belongs to work positions excluded due to requiring specific aptitudes (*Emplois exigeant des conditions d'aptitude particulières - ECAP*). From this point, the whole workforce of companies should be taken into account when calculating the number of positions made available to people with disabilities. This measure increases the number of liable companies by 16,000 additional companies in comparison with 2005. Moreover, in order to encourage the employer to hire people with disabilities, the amount of contribution payable to *AGEFIPH* for each missing disabled worker below the quota, was raised by 100 hourly *SMIC* (+ 871 Euros) for class of size (staff). Above all, a legal penalty contribution of 1,500 hourly *SMIC* (13,056 Euros) has been imposed for missing disabled workers for companies which do nothing to fulfil their obligations for 3 years.

Another novelty of this law is the creation of a Fund like the *AGEFIPH* for the private sector, but for the public sector: the *Fonds pour l'insertion professionnelle des personnes handicapées dans la fonction publique (FIPHFP)*. In reality *FIPHFP* is composed of 3 separate funds. This means that public administrations are, from now on, forced to apply a law they previously tended to ignore.

According to the *Secrétariat d'Etat chargé de la Solidarité* (2009), significant progress was recorded in effective employment of people with disabilities in the public sector (State, Local authorities, Public health service) between December 31, 2004 and December 31, 2006 for the three types of public service: 3.59% to 3.84% for the State; 3.56% to 4.21% for local authorities and 3.47% to 4.07% for the public health service. For the whole of the public service, the quota fulfilled was 2.55% at the end 2004, 3.79% for 2005, and 3.98% for 2006, with a number of disabled employees that grew from 163,676 in December 2004 to 185,646 in 2006 (within an almost stable total workforce (4,606,147 to 4,661,229).

### 2/ New approach of non discrimination

The Law n° 90-602 July 12, 1990 *relative à la protection des personnes contre les discriminations en raison de leur état de santé ou de leur handicap* (on protection of persons against discrimination on the basis of health condition or disability) was previously adopted in order to protect people with HIV. It was extended by "opportunism" to people with disabilities or long-term illnesses.



The implementation of this non discrimination law was held under criminal law (Penal code), which implies that the disabled claimant has to prove having been a victim of (direct) discrimination. Indirect forms of discrimination were not covered. The reasonable accommodation issue was not included. More importantly, it was observed that French people are not accustomed to getting their rights respected through going to tribunals. They prefer the protection by the State. Very few cases were recorded, and none about employment. This approach did not take account of this culture.

### 3/ More accessibility

To support antidiscrimination measures, the new law (2005) set 2015 as a deadline for making public and private buildings, community facilities and workplaces accessible for all (Bas et al. 2007b), (Gohet 2006; Kompany & Gohet 2008). Given the state of accessibility in our country (Bachelier 2005; Bas et al. 2007a; Couybes et al. 2008; Haufrecht et al. 2007; Ravaud et al. 2005), such a time frame seems very short. The special accessibility committee of the *Conseil national consultative des personnes handicapées (CNCPH)* has stressed the risk of delays, and called for the creation of a specific administrative body, which would coordinate and monitor the implementation of the law on its accessibility provisions (CNCPH 2009b). However, there is some indication that some progress has been made since 2006 (Délégation ministérielle à l'accessibilité 2009 ; Kompany et al. 2009 ; Secrétariat d'Etat chargé de la Solidarité 2009).

### 4/ Changes in sheltered work

Sheltered work has been and remains a basic element of French employment policy for people with disabilities. Until 2005 there were two types of institutions: *Ateliers protégés (APs)* (literally sheltered workshops) for people unable to work in companies without substantial accommodations and *Centres d'aide par le travail (CATs)* devoted to people with a working capacity below 30% of the French standard in the same work position (rarely assessed). In 2005, the law transferred the *Ateliers Protégés (APs)* towards the mainstream labour market with a new name: *Entreprises Adaptées (EAs)* (literally Adapted Companies).

As had been anticipated by managers of *Ateliers Protégés (APs)* during the drafting period of the law, these institutions became *Entreprises Adaptées (EAs)* and were pushed out of sheltered work provision. When creating an *EA*, there is no longer a need for administrative approval. The only conditions are to employ 80% of people having recognised by the special committee (*Commissions des droits et de l'autonomie des personnes handicapées - CDAPH*) as being disabled workers (*RQTH*) and to sign a convention with the state administration. In this case, the state pays a lump sum for each disabled worker at 80% of the monthly *SMIC*. In order to encourage outside placements, the State offers the *EA* a subsidy for each disabled worker who effectively leaves the *EA* for a mainstream labour market company (4,600 Euros).

For sheltered workshops, the *CATs* became *ESATs*. Disabled workers are admitted in *ESATs* after a vocational guidance decision made by *CDAPH*, that contains the explicit mention of "sheltered work". Disabled workers benefit from a guaranteed payment (*Rémunération garantie – RG*) which can reach 110% of *SMIC* for the month. Sheltered work keeps developing at a substantial rate: 1000 new places in 2008 and 1,400 more planned for 2009<sup>2</sup>.

The *CATs* remained true sheltered workshops with new obligations (training and qualifications, wage planning...), but changed their name to "*Etablissements et services d'aide par le travail*" (*ESAT*). French policy has kept a significant role for sheltered work, in contrast to the Austrian, British, and Spanish policies. The term *ESAT*, which introduced the "S" of services, provides opportunities for Supported Employment, which to date have not really developed in France.

<sup>2</sup> *Projet de rapport du Gouvernement au Parlement relatif au bilan et aux orientations de la politique du handicap*. Secrétariat d'Etat chargé de la Solidarité, 15 janvier 2009.





## 5/ The new activation policy

As is now widely practised in many other countries (such as the United Kingdom and Netherlands), the law of 2005 began an activation policy for people who benefit from the non contributory disability benefit (*Allocation aux adultes handicapés - AAH*). It is possible now for people to draw concurrently this benefit and earnings. Thus, part of the payments from work activities is withdrawn from the ceiling income used to limit the allocation of *AAH*.

The reduction is:

- 40% if the wage is less than 300 hourly *SMIC* in the year (2,409 Euros since the 1st March 2009)
- 30% if the wage is between 300 hourly *SMIC* and 700 hourly *SMIC* (2,409€ - 5,621€)
- 20% if the wage is between 700 hourly *SMIC* and 1100 hourly *SMIC* (5,621€ - 8,833€)
- 30% if the wage is between 1100 hourly *SMIC* and 1500 hourly *SMIC* (8,833€ - 12,045€)

## 6/ The National Employment Pact for People with Disabilities

In order to boost the improvement of the living conditions for people with disabilities, the Government adopted recently (2009) a National Employment Pact for People with Disabilities (*Pacte national pour l'emploi des personnes handicapées*) (Secrétariat d'Etat chargé de la Solidarité 2009). Among other measures this text provides:

- An increase in the number of *Accords* in companies and the publication of their results for people with disabilities (employment, working conditions, wages, training...);
- Information for social partners on forward-looking disability management;
- Improvement to the accessibility of workstations (supported by *AGEFIPH* or *FIPHFP*) and the creation of accessible areas with the partnership of the disability movement;
- Experimentation with means of access and devices for telephone communication;
- The simplification of administrative procedures for employers and people with disabilities (*MDPH, AAH, RQTH ...*);
- Adjustment of the service supplied by *Cap-Emploi* (recruitment advice, partnership with other service providers, work agreements with Public services for employment (*Pôle-Emploi*));
- The improvement of assessment of the vocational capacities of people with disabilities by *MDPH*;
- The formalisation of concerted plans for training of people with disabilities at the regional level;
- Formal enhancement of working experiences for disabled workers in sheltered workshops (*ESAT*);
- The improvement of recruiting process in the public sector (long term planning) to promote more hiring of civil servants with disabilities;
- A reform of *AAH* (non contributory disability benefit), which will, in combination with wages, be payable up to an amount of 1.35 *SMIC*. Moreover, an increase of 25% for *AAH* is planned between 2009 and 2012.

## 7/ Attempts to coordinate the actions

One of the main sources of dysfunction, when implementing affirmative actions towards employment for people with disabilities, is the lack in or failure of cooperation between partners, stakeholders and contributors. Since 1992, the *Plans départementaux d'insertion des travailleurs handicapés (PDITH)* have tried, with erratic success however, to coordinate the actions of local partners.

Because the operative level for training measures has been the Region, new Regional Plans for the integration of disabled workers into the labour market (*Plans Régionaux d'Insertion professionnelle des travailleurs handicapés (PRITH)*) were created in May 2009. These *PRITH* should draw up an evaluation of the employment situation, and elaborate a roadmap for the future: targets in precise figures; action plans by operational areas; designation of means of putting these into action, and follow-up and assessment exercises. Some budgets are provided for financing. The *PRITH* should be divided into *départemental (PDITH)* and local (*PLITH*) levels.





## **To what extent, are disabled people included within the mainstream of employment policies or treated as a separate group (e.g. are there examples of different employment policies for disabled and non-disabled people)?**

The new legislation has stressed the mainstream approach, even in using a tool which is specific to people with disabilities, i.e. the quota scheme. However, before 2005 France was deliberately involved in the use of segregated provisions (special schools, special vocational training centres, sheltered workshops, special housing...). Because of a lack of support in ordinary settings, it can take a long time before significant progress is seen.

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

#### **Employment in the open labour market and sheltered employment**

In 2007, according to an estimation of AGEFIPH (2008), many persons with disabilities were employed in the open labour market (581,000 (409 000 private sector (314.000 under the quota scheme; 95,000 in smaller companies) + 172,000 public sector) + 33,000 self employed, many are jobseekers (206,000), but the sheltered workshops account for an important share of the total (111,000).

#### **Different industries or employment sectors**

Regarding the quota scheme, in 2007 70% of French companies with at least 20 employees fulfilled their obligation in employing at least one disabled worker; 61% in agriculture; 57% in the building trade, 53% in transport, and 52% in the tertiary sector. However, as a result of the workforce profile in our country, 29% of the beneficiaries of the quota worked in industry (quota 3.0%), 64% in the tertiary sector (quota 2.2%), 6% in construction (quota 2.2%) and only 1% in Agriculture (quota 2.8%).

Only 48% of the smallest companies (20 to 49) had at least one disabled person in their workforce. This rate is 81% for the companies with 200 to 499 employees. 70% of the biggest companies reported at least one disabled worker, but 28% of them had signed a special agreement which prevented them from counting disabled employees (Amrous 2009).

#### **Type of contract**

In 2007, 94% of the 262,700 disabled workers who benefited from the quota scheme had indefinite contracts (*Contrats à durée indéterminée – CDI*), (more often than for the whole workforce of the companies liable to the quota), 6% had fixed term contracts (*Contrats à durée déterminée – CDD*) and 6% a temporary contract.

The larger the company, the lower the share of *CDI* for disabled workers and the higher the number of temporary contracts: 61% *CDI*/23% temporary for companies between 20 and 49 employees; 37% *CDI*/ and 50% temporary for companies of 500 employees or more. (Amrous 2009).

#### **Full-time or part-time work**

When comparing all employees with *Contrats à durée indéterminée (CDI)* within companies liable to the quota scheme (*OETH*); (i.e. with 20 staff and more), those with disabilities are more frequently hired part-time (22%, vs 12%), and this is more likely for women (40%, vs 25%) than for men (11% vs 3%) (*Secrétariat d'Etat chargé de la Solidarité* 2009).

Otherwise, according to the *Enquête complémentaire à l'enquête emploi 2007 – Santé, Handicap et Travail (SHT 2007)*, part-time work is more frequent (28%) for people working with an official recognition of their disability (15% for men/47% for women), than for the whole working population (17%; 5%/31%). For people with an extended form of disability the rate is 19% (6%/31%) (Nguyen & Ulrich 2008).

#### **Public or private sector employment**

The public sector has the same 6% quota for people with disabilities as the private sector. However, the definitions of the beneficiaries of the obligation are not exactly the same.



As well as the categories of beneficiaries eligible to the quota in private companies, 3 other groups are included in the quota for public entities: (1) civil servants with a partial invalidity benefit (specific to public sector); (2) redeployed civil servants (often without any disability); (3) employees in a reserved workplace (this access to the civil service is closed today). According to Amira and Ben Yaala (2009), these additional groups represented 55% of the actual beneficiaries of the obligation for the public services or administrations of the State, 43% for those of the territorial authorities, and 67% in the public health services. Consequently, as the *Cour des Comptes* (2008) remarked, if these groups became intelligible, the effective employment rate of people with disabilities in the public services in 2006 would have fallen below 2%: 1.62% (instead of the published 3.55%). The incidence is different according to the three types of public services: 1.6% instead of 3.59% for the state; 1.16% instead of 3.57% for the public health services and 1.97% instead of 3.47% for the territorial authorities. The minister replied in the same document, stating that according to a study published by *DARES* (November 29, 2007) the private sector, unlike the public service, had shown a 3% increase in employees with disabilities because: (1) many people with disability who were already employed by private companies claimed an official recognition of their disability; and (2) there was a large increase of part-time and *Contrats à durée déterminée (CDD)* in the private sector (not in the public sector).

According to the survey *SHT 2007*, the proportion of civil servants was almost the same for people with an administrative recognition of their disabilities (17%; 13% for men/24% for women) as those with an extended disability (19%; 13%/24%) and for the population aged 15 to 64 (18%; 13%/23%).

#### **'Training' placements versus 'real' (paid) jobs**

'Training' placements are not really used in France. They are only used for young people, for a short period as a trial before hiring or in order to assess the competence of the trainee. These trainees generally receive a small allowance.

Until 2005, many disabled workers had to work without payment during trial periods before being hired by sheltered workshops. Henceforth they received a payment for their work.

#### **Employment in the social economy / social enterprises**

Social enterprises are used for people with social integration problems. Some attempts were made for people with mental illness, unable to work in competitive labour market, but who were unwilling to be mixed with people with disabilities. These pilot schemes have not been widespread.

For people with disabilities the sheltered workshops (*Ateliers protégés*) played this role. From 2005, these institutions became part of the competitive labour market. Their status is now closer to this in comparison with the status given to social enterprises in French legislation.

#### **Supported employment**

Supported employment is less developed in France than it is elsewhere (Austria, Norway, United Kingdom, Sweden, even Germany). Some sheltered workshops are trying to develop alternative work positions in ordinary settings, but provision is still underdeveloped.

The introduction of the term « service » when renaming *ESAT* as sheltered workshops in 2005 opened up the possibility of supported employment provision as a service external to the workshop.

#### **Considering the available evidence...**

#### **Do employment activation policies for disabled people focus on specific kinds of work or specific types of jobs?**

Employment activation policies do not really focus on specific forms of employment for disabled people.



As a result of the long practice of some vocational training centres or vocational rehabilitation centres for people with sensorial disabilities (visual impairments or auditory impairments), there still are some trends in training towards some “dedicated” types of jobs like masseur-physiotherapy, piano tuning for blind trainees, upholstering for deaf trainees...

### **Is there action in some employment sectors but not others?**

There is no difference between policies in different employment sectors but there are differences in terms of actual employment outcomes.

According to the complement to the Labour Force Survey named *Enquête complémentaire 2007 – Santé, Handicap et Travail (SHT 2007)*, 27% of people with a administrative recognition of their disability (or 22% of people with an extended definition) who were employed worked in the sector of education, health or welfare, compared to 20% for all working people. The percentages are equivalent for the three subgroups for trade and repairs (13%, 14%; 14%), administrations (10%; 10%; 11%) and industries (12%; 12%; 12%), but lower for services among disabled employees (17%; 20%; 22%) (Amira & Ben Yaala 2009).

A report on the implementation of the employment obligation (*OETH*) in the private sector in 2006 (Amira 2008b) recorded 3% of disabled workers in industry, 2.1% in building trades, 2% in trade and services, 1.8% in transportation and 1.8% in agriculture. Trade and services employed 52% of the employees with disabilities (57% of new hirings in the year), industry 36% (but only 29% of new hirings), building 6% (7%), transport 5% (6%) and agriculture 1% (1%).

In the public sector, in state employment, people with disabilities were 2.7% of the workers in public bodies and administrations, 3.6% in the ministries, and 4% in universities, professional schools for civil servants, chambers of commerce and industry... . For the territorial public authorities, the effective quota varies from 1.6% for very small municipalities (< 1000) to 4.4% for biggest and 4.9% for urban built-up areas. The quotas of disabled employees were higher in big hospital centres (3.8%) than in health care services (2.6%) or medical housing for elderly people (2%) (Amira & Ben Yaala 2009).

### **Do some groups of disabled people benefit more than others?**

The real problem is the level of qualifications.

#### **A/ Age/Gender impact**

In the data drawn from the complement to the Labour Force Survey (*Santé, Handicap et Travail - SHT 2007*), there is a significant gap between the employment rate of men with disabilities and their female counterparts (39% vs 31% with an administrative definition of disability; 69% vs 61% with an extended definition), but this difference is reported for all the population aged 15-64 (70% vs 60%). The highest rate of employment is found among people with disabilities aged 25-39 (51% with the administrative definition of disability; 80% with the extended definition), while for the whole working age population it is among the 40-49 age bracket (85%) (Nguyen & Ulrich 2008).

However, due to the high prevalence of impairments among older people, people who actually benefit from the quota scheme (*OETH*) in being employed in private companies are two times more likely than the general population to be aged 50 or over. (Blanc 2008b).

The latest data on *OETH* reports 41% of disabled employees are aged 50 and more in liable companies compared with 23% of all workers who are aged over 50. The proportion is inverted for employees aged 25-24 (22% vs 41%). The gender share is 64/36 for disabled employees compared with 59/41 for all the workforce of these companies (Amrous 2009).

#### **B/ Access to work according to types of impairments**

There is very little data on the effect of the type of impairment on work situations.



The surveys in progress (*SHT 2007*, *VQS 2007*, *SIP 2007*, *HSM 2008*) or forthcoming (*LFS 2011*) will bring more information on this issue, but at the time of writing only older information is available (*HID 1999*; *LFS 2002*). The administrative data reports only on the issue of disability recognition (earning reduction due to illness for the social security invalidity scheme; loss of working capacity for work-related injury or occupational disease, special needs for support for workers with disabilities registered by *COTOREP* or *MDPH*, ...) but nothing on impairments.

Lo & Velche (2007) showed that employment rates according to impairments are different for men and women. For women, the highest employment rate in *HID 1999* concerned visual impairments (73%) followed by auditory impairments (66%) and language impairment (62%); the lowest was for severe mental retardation (14%) and intellectual impairment (35%). By contrast, for men, auditory (87%), motor (85%), psychic disorders (83%) and visual impairments (81%) had the highest employment rates, while the lowest were for severe mental retardation (28%) and behavioural disorders (35%). When using a restricted definition, i.e. potential beneficiaries of *OETH* only, the highest rates were for severe mental retardation because of a quasi-systematic placing in sheltered workshops.

A second attempt carried out by Amira & Lo (2009) using the Labour Force Survey 2002 (*LFS 2002*) reported that among people aged 20 to 59 the main categories employed were motor impairment (8.9%), visceral impairment (7.7%), sensory impairments (3.0%), depression or psychic disorders (1.1%) and intellectual impairment (0.4%). However of the population with an administrative recognition that entitled them for the quota (*OETH*), the respective shares of these categories were 56.9%, 15.2%, 8.8%, 8.5% and 10.6%. Among all people with disabilities who were employed, according this survey, these categories were 42%, 36%, 14%, 5% and 2%. The origins of these impairments were: illnesses (46%), occupational diseases (17%), birth (10%), accidents other than work injuries (8%), work injuries (6%) and other causes (14%). Comparing impairments and origins, the authors found 7 main profile-types of disabled workers:

- (1) for 29%: people with a light working disability with a visceral (69%) or motor (31%) impairment caused by illnesses (97%);
- (2) for 21%: people having a sensory impairment (51%) since birth (25%) or from other origins (46%);
- (3) for 18%: people with a psychic impairment (25%) with diverse causes like occupational disease (21%), birth (21%) or illness (49%);
- (4) for 13%: people with a motor impairment (72%) mainly due to an occupational disease (96%);
- (5) for 7%: people with a motor impairment (87%) due to another type of accident (100%);
- (6) for 6%: people with a motor impairment (93%) due to a work injury (100%);
- (7) for 6%: people with an intellectual impairment (33%) since birth (26%).

### **C/ No data on ethnic minorities with disabilities**

For disabled people who are migrants or from ethnic minorities there is no evidence. In France, ethnic minority cannot be registered according to law.

On migrants, as far as we know, there is no data.



## PART TWO: SPECIFIC EXAMPLES

### 2.1 Reasonable accommodation in the workplace

#### Specific support to make employment more accessible for disabled people:

##### adaptations to the workplace (please explain what kind)

As an implementation of the EU Directive 2000/78/EC, the law has introduced the notion of reasonable accommodation, which stresses the importance of work place adaptation.

From this point, employers have to respect the “reasonable accommodation” obligation, which involves technical studies and costs, but they can also obtain advisory and financial supports from *AGEFIPH* (and now *FIPHFP* for the public sector) in order to find solutions. Moreover, the employer can have a reduction of his/her “contribution” to *AGEFIPH* if he or she can demonstrate that the cost of the accommodation exceeds that of “reasonable accommodation”.

All kinds of adaptations can be accepted and financed: technological devices, changes to physical work conditions, changes in the requirement of the work positions, changes to schedules, the duration or the rhythm of the work.

##### provision of specialist equipment or adaptive technology at work

Specialist human factor engineers are available and *AGEFIPH* can pay for studies of workplace accommodation and for technical devices.

##### personal assistance for disabled people at work

The Compensation benefit can be used for paying personal attendants. *AGEFIPH* can pay for the use of Sign language translators at work in some circumstances (2.3 Million € in 2007).

##### availability (What is available?)

Adaptations are available following assessment of need. Before 1987, costs were paid by the State and many employers gave up because the delays for reimbursement were too long, due to bureaucracy. This was an obstacle to the development of workplace adaptation. Rights to these kinds of assistance and the procedure for obtaining it were the same everywhere in France. Since 1987 *AGEFIPH* has taken over from the State using less bureaucratic procedures and employers have had better access to this financial support.

##### financing (Who pays for these things? How much?)

*AGEFIPH* pays for workplace accommodations in the private sector, *FIPHFP* for the public sector and *CNSA* (*Caisse nationale de solidarité pour l'autonomie*) pays for accommodations at home, technical adaptations of personal vehicles and personal assistants.

##### numbers of participants and outcomes (Who benefits? How?)

*AGEFIPH* paid for 4.100 workplace adaptation cases in 2008 (*AGEFIPH* 2009a), 4,000 in 2007 (*AGEFIPH* 2008).

##### the costs and benefits of different interventions

*AGEFIPH* paid 21.1 million € for work accommodation in 2007 (*AGEFIPH* 2008) and 24.4 million € in 2008 (*AGEFIPH* 2009a).

### 2.2 Other activation policies

#### Other examples of positive action to support disabled people in employment (relevant to the EU Disability Action Plan):

##### financial incentives to work

Subsidies for hiring people with disabilities are paid by *AGEFIPH* to companies: 47.9 million € in 2007 (*AGEFIPH* 2008) and 52.4 million € in 2008 (+9%) (*AGEFIPH* 2009a).





People with disabilities are entitled to subsidised work contracts: *Contrats d'accompagnement dans l'emploi (CAE)* for employment in not for profit organisations (9,546 people with disabilities; 9.5% of CAE); *Contrats d'avenir (CAV)* for people with social minima (*RMI, ASS, API, AAH*) (5,010 PwD; 9.5%); *Contrats initiative emploi (CIE)* to reduce the cost of work (2,259; 6.4%); *Contrat d'insertion - revenu minimum d'activité (CI-RMA)* for people with social minima (*RMI, ASS, API, AAH*) w need support as jobseekers (925; 11.2%) (FIPHFP-AGEFIPH 2009)

### **positive recruitment measures**

See above

### **job matching/profiling services, mapping of competencies etc.**

In December 2008, 207,209 persons with disabilities were supported by the public employment service (*ANPE*).

*Cap-Emploi* network replaces the Public Employment Services (*ANPE* now *Pôle Emploi*) for people with special needs. In 2007, these services (119 throughout France) provided support to 54000 persons with disabilities seeking a job.

### **job retention schemes**

*AGEFIPH* paid more than 17.5 million € for job retention in 2007 (18,075 persons with disabilities) (*AGEFIPH* 2008) and 27.3 millions € in 2008 (20,840 PwD) (*AGEFIPH* 2009a).

### **help with transport to work**

*AGEFIPH* paid 6.7 million € for transport to work in 2007 (6,370 PwD) (*AGEFIPH* 2008) and a part of 15.3 million € (7,424 PwD) in 2008 (*AGEFIPH* 2009a).

### **supported employment / job coaching**

*Cap-Emploi* network assumes the role of job coaching (see above)

### **vocational training services**

#### **A/ Access to mainstreaming vocational training services**

12,615 people with disabilities were trainees at *AFPA (Association pour la Formation Professionnelle des Adultes)* centres in 2005. They can attend a training session organised by the national training organisation *AFPA* but it should be noted here that neither the *AFPA* training centres nor the training material of these sessions are accessible enough.

People with disabilities have priority access to apprenticeship training centres (*Centres de formation d'apprentis – CFA*)

In France, the main authority involved in vocational training policy is the Region. Some regional agreements are signed between the regional *AGEFIPH* office and the local authority in order to encourage the vocational training of people with disabilities. This is the case in *Rhône-Alpes* for example, for 2009-2011 (*AGEFIPH Rhône-Alpes & Région Rhône-Alpes* 2009).

#### **B/ Vocational rehabilitation**

The vocational rehabilitation centres (*Centres de rééducation professionnelle – CRP*) offer only 13,000 places yearly.

There are efforts to promote a rapid return to work for people who have been severely injured by accidents and who benefit from medical rehabilitation (*AGEFIPH, FIPHFP & COMETE* 2009).





## PART THREE: SUMMARY INFORMATION

### 3.1 Conclusions and recommendations (summary)

#### Summarising the most important points:

#### **Are disabled people being included in employment activation policies / active labour market policies (ALMPs)?**

Disabled people are increasingly included in employment activation policies. An example is the progressive reform of the non contributory disability benefit, *Allocation aux adultes handicapés (AAH)* (up to 652.60 €/month to 814,000 persons as at December 31, 2007). As a first step, this opens up the possibility of accumulating AAH and part of a wage when working. Recently the government started a new approach by imposing an assessment of working capacities (*Reconnaissance de la qualité de travailleur handicapé - RQTH*) into the process of attributing AAH, and increased possibilities for an AAH beneficiary to raise his/her income with a supplementary wage (Secrétariat d'Etat chargé de la Solidarité 2009).

#### **Do current policies work? (i.e. do they attract more disabled people into employment, and keep them in employment?) Differentiate by specific groups (women/men, low/high skilled, multiple disabled, etc) if possible.**

The results of the French policy towards people with disabilities are reasonable if we consider the very high unemployment rate in the country. At least, the quota scheme has protected them from dismissal, not through an explicit legal protection as in Germany or Austria, but because dismissing a disabled employee means an increase of the payment to *AGEFIPH*. However, there is a risk that this "implicit" protection will give way as a result of the effects of the economic crisis (Vaudoux 2009). Moreover, two other aspects of French disability policy can explain the difficult take-off in practice of the employment quota since its revival in 1987: poor school integration and its consequences for education and vocational training levels, and the lack of accessibility of the environment, which prevents people from increasing work opportunities.

#### **Is the employment situation for disabled people improving?**

The numbers of people with disabilities who are actually employed in the private and public sectors has increased regularly. Moreover, the legal provision, which penalises companies that have not fulfilled their obligation for 3 consecutive years, has been enforced since 2008 (with 13,000 € to pay for each missing disabled employee).

There is no assurance that this positive trend will continue with the economic crisis, but in the long term, effects would be expected from the improvement of school integration and of the accessibility of the environment.

#### **Recommendations for positive change in the employment situation of disabled people:**

##### **What could be changed?**

Accessibility is a real "black point" of the situation in France. However, there are some indications of improvement.

##### **Is action required for priority groups of disabled people? (e.g. disabled women, migrants, older workers, people with specific kinds of impairment/disability)**

Young people with disability have a double handicap. They are young and the employment of young people is not satisfactory in France, plus the prejudice against people with disabilities. The same can be observed for seniors with disabilities.

##### **Is more research also needed?**

The links between employment and qualifications for people with disabilities should be investigated.



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

Year: 2007	Absolute? (N)	Percentage (%)	Change (from 2002***)
<b>Disability rate People aged 15-64, living at home (administrative recognition only*)</b>	1,813,000	4.60	Descriptive data are not the same in both surveys.
<b>Disability rate People aged 15-64, living at home (extended recognition**)</b>	9,595,000	24.36	
<b>Employment rate of disabled people (adm.*)</b>	641,000	35	-1%
<b>Employment rate of disabled people (ext.**)</b>	6,206,000	65	
<b>Activity rate of disabled people (adm.*)</b>	794,000	44	+1%
<b>Activity rate of disabled people (ext**)</b>	6,603,000	70	
<b>Inactivity rate of disabled people (adm.*)</b>	1,019,000	56	
<b>Inactivity rate of disabled people (ext.**)</b>	2,992,000	30	
<b>Employment in open labour market</b>	6,095,000		
<b>Employment in sheltered workshop</b>	111,000		
<b>Adapted Enterprises (open labour market)</b>	26,851		
<b>Reason for leaving the labour market due to disability or long standing health problem</b>	17,425		

\* People aged 15-64 being labelled as disabled in a way which entitles them to benefit from the employment quota scheme (administrative recognition).

\*\* People aged 15-64 with an administrative recognition or with a long term illness (at least 6 months) limiting mobility, daily life activities or working life, or victim of an industrial injury.

\*\*\* From Nguyen & Ulrich, see below

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Amira, S., & Ben Yaala, M. (2008). *Tableau de bord sur l'emploi et le chômage des personnes handicapées. Edition 2009*. Ministère de l'Economie, de l'Industrie et de l'Emploi, Ministère du Travail, des Relations sociales, de la Famille, de la Solidarité et de la Ville, Direction de l'animation, de la recherche, des études et des statistiques (DARES). <http://www.travail-solidarite.gouv.fr/etudes-recherche-statistiques-dares/statistiques/travailleurs-handicapes/tableaux-bord/tableau-bord-emploi-chomage-personnes-handicapees.html>

Nguyen, K.N., & Ulrich, V. (2008). L'accès à l'emploi des personnes handicapées en 2007. *Premières synthèses*, n° 47.1, Novembre 2008.

<http://www.travail-solidarite.gouv.fr/etudes-recherche-statistiques-dares/etudes-recherche/publications-dares/>





Year: 2007	% Permanent	% Temporary
<b>Permanent contracts vs. short term contracts</b>	Perm. c. (CDI) 62% PwD (adm.*) 59% PwD (ext.**)	Temp. c. (CDD) 4% PwD (adm.*) 4% PwD (ext.**)
	Public servants 20% PwD (adm.*) 21% PwD (ext.**)	Apprenticeship, Interim, Subsidized contracts : 5% PwD (adm.*) 4% PwD (ext.**)
	Self-employed 9% PwD (adm.*) 12% PwD (ext.**)	

Year:	% Full-time	% Part-time
<b>Full time vs. part time jobs</b>	72% PwD (adm.*)	28% PwD (adm.*)
	81% PwD (ext.**)	19% PwD (ext.**)

**Sources :**

Amira, S., & Ben Yaala, M. (2008). *Tableau de bord sur l'emploi et le chômage des personnes handicapées. Edition 2009*. Ministère de l'Economie, de l'Industrie et de l'Emploi, Ministère du Travail, des Relations sociales, de la Famille, de la Solidarité et de la Ville, Direction de l'animation, de la recherche, des études et des statistiques (DARES).

<http://www.travail-solidarite.gouv.fr/etudes-recherche-statistiques-dares/statistiques/travailleurs-handicapes/tableaux-bord/tableau-bord-emploi-chomage-personnes-handicapees.html>

Year: 2006	Public sector	Private sector	Among private companies:
<b>Fulfilment of employment quota (6% of disabled persons in work force of companies or public bodies of more than 20 employees)</b>	163,676 3.6% among 4,320,000 employees (public servants or contracts In 9,083 public entities and services)	233,200 2.3% among 10,139,100 employees in 122,800 companies	. 53% fulfilled their quota in employing PwD (26% meeting the 6% quota with the number of people with disabilities working actually in the company, 8% with sub-contracting, 12% with payments to AGEFIPH (fees for not fulfilling the quota), 7% with both) . 6% fulfilled their obligation with "Accords" (Agreements) . 40% have no disabled workers within their workforce
			<b>In the public sector:</b> 43% among the State administration or services and 31% of



			the local authorities services and of the public health services had no disabled employees.
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**Sources:**

Amira, S., & Ben Yaala, M. (2008). *Tableau de bord sur l'emploi et le chômage des personnes handicapées. Edition 2009*. Ministère de l'Economie, de l'Industrie et de l'Emploi, Ministère du Travail, des Relations sociales, de la Famille, de la Solidarité et de la Ville, Direction de l'animation, de la recherche, des études et des statistiques (DARES).

<http://www.travail-solidarite.gouv.fr/etudes-recherche-statistiques-dares/statistiques/travailleurs-handicapes/tableaux-bord/tableau-bord-emploi-chomage-personnes-handicapees.html>

<b>Participation in training of disabled people</b>	<p>In 2008, AGEFIPH (fund collecting the fees paid by private employers who do not fulfil their quota) financed 81,383 vocational training sessions to people with disabilities (+ 13% i.e. +5500 more than in 2007). The cost was 129.5 Million Euros. For 2008-2010, 15,3 Million Euros are budgeted</p> <p>For 2008, the FIPHFP (fund collecting the fees paid by public employers who do not fulfil their quota) planned to devote 15 Million Euros to vocational training programs for people with disabilities</p> <p>In 2008, 13,000 places in 88 vocational rehabilitation centres (CRP); 138 M€ (payment) + 220 M€ (functioning).</p> <p>The mainstream training centres (AFPA) spent around 100 Million Euros in training disabled people. In 2006 they trained 12,832 people with disabilities</p>	<p>Vocational training of people with disabilities was for a long time Achilles' heel of the French disability policy.</p> <p>The number of places in the specialised vocational rehabilitation centres was limited to 13,000 places and the mainstream vocational centre did not meet the rules of accessibility) In 1989 they trained only 1,627 people with disabilities (almost 13,000 in 2006).</p>
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**Sources:**

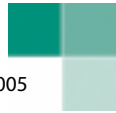
AGEFIPH (2009). *Rapport annuel 2008*. Association de gestion du fonds pour l'insertion professionnelle des personnes handicapées.

<http://www.lesechos.fr/info/france/300355905-agefiph-rapport-annuel-2008.htm>

FIPHFP (2009). *Le F.I.P.H.F.P. accélère ses aides*. Fonds pour l'insertion professionnelle des personnes handicapées dans la fonction publique. [www.fiphfp.fr](http://www.fiphfp.fr); <http://www.handicap-job.com/blog/index.php/category/Informations>; [http://www.unapeda.asso.fr/article.php3?id\\_article=730](http://www.unapeda.asso.fr/article.php3?id_article=730);

AFPA (2008). *Les personnes handicapées accueillies à l'AFPA en 2006*. Association pour la formation professionnelle des adultes, Direction administrative et financière, Service du contrôle de gestion et des statistiques, 14-02-08.

[http://cnth.interpc.fr/partenaires/ressources/portedoc/doc\\_afpa/documents/AFPA\\_etude\\_TH\\_2006.pdf](http://cnth.interpc.fr/partenaires/ressources/portedoc/doc_afpa/documents/AFPA_etude_TH_2006.pdf)



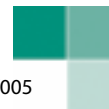
## Annex 2: 2008-9 laws and policies on the employment of disabled people

No new legislation or policy since 2005; but implementation decrees and regulations too numerous to detail.

<b>Name of law:</b>	
<b>Date of entering into force:</b>	
<b>Objective:</b>	
<b>Impact assessment (positive/negative):</b>	

<b>Name of law:</b>	
<b>Date of entering into force:</b>	
<b>Objective:</b>	
<b>Impact assessment (positive/negative):</b>	

<b>Name of law:</b>	
<b>Date of entering into force:</b>	
<b>Objective:</b>	
<b>Impact assessment (positive/negative):</b>	



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

<b>Publication details (author, date, title, etc):</b>	Amira, S., & Ben Yaala, M. (2009). <i>Tableau de bord sur l'emploi et le chômage des personnes handicapées. Edition 2009.</i> Ministère de l'Economie, de l'Industrie et de l'Emploi, Ministère du Travail, des Relations sociales, de la Famille, de la Solidarité et de la Ville, Direction de l'animation, de la recherche, des études et des statistiques (DARES).
<b>Key findings from the research:</b>	This publication provides an overview on the quantitative data on employment of people with disabilities in France: disability rate, employment rate, activity rate, unemployment, fulfilment of the quota obligation by employers, and the characteristics of the persons who benefit from different supports like subsidized or sheltered employment.
<b>Comment or assessment:</b>	This publication of the research service of the Ministry of Labour, is the first attempt to gather all data on the employment situation of disabled people in France (with regional data).

<b>Publication details (author, date, title, etc):</b>	Amira, S. (2008). L'obligation d'emploi de personnes handicapées : une nouvelle loi à partir de 2006. <i>Premières synthèses</i> , n°46 (1).
<b>Key findings from the research:</b>	This publication studies the consequences of the changes in the quota scheme introduced by the law of 2005: 16.000 new companies subject to the law, for 60.000 new positions added in the calculation of the quota. New positions, but a significant decrease in the quota of employees with disabilities is consequent to the removal of the weighting.
<b>Comment or assessment:</b>	

<b>Publication details (author, date, title, etc):</b>	Amira, S. (2008). La loi d'obligation d'emploi des travailleurs handicapés du 10 juillet 1987 : éléments de bilan. <i>Premières synthèses</i> , n° 28 (1).
<b>Key findings from the research:</b>	An assessment of the quota scheme until 2005 (date of the vote of the new law).
<b>Comment or assessment:</b>	

<b>Publication details (author, date, title, etc):</b>	Blanc, P., Leva, C., Soloviev, J., Israel-Morell, A., Reboullet, S., Lasternas, J., Dufour, Y., Petitot, M., Manael, P., Crepin, A., Corbel, C., Boyer, K., De Compiegne, H. (2008). Intérim et handicap. <i>Réadaptation</i> , 550, 9-41.
<b>Key findings from the research:</b>	Interim as a solution for people with disabilities. Interim companies taking into account disabled persons' special needs regarding employment in order to address them to work positions corresponding to companies' workforce demands.
<b>Comment or assessment:</b>	



<b>Publication details (author, date, title, etc):</b>	Blanc, P., Jarraud-Vergnolle, A. (2009). <i>Rapport d'information au nom de la commission des affaires sociales sur le bilan des maisons départementales des personnes handicapées</i> . Sénat.
<b>Key findings from the research:</b>	An assessment of the functioning of the local offices for persons with disabilities that attribute most benefits or supports ( <i>Maisons départementales des personnes handicapées /MDPH</i> ).
<b>Comment or assessment:</b>	

<b>Publication details (author, date, title, etc):</b>	Gohet, P., et al. (2008). <i>Handicap et emploi : actes du colloque 2008</i> . Forum handicap, Colloque européen, 4, 2008.01.08, Chalon sur Saône.
<b>Key findings from the research:</b>	Report on the congress on employment and disabilities: papers and workshops.
<b>Comment or assessment:</b>	

<b>Publication details (author, date, title, etc):</b>	Kompany, S., Gohet, P., Boboy, J., Chazal, P., & Voileau, A. (2009). <i>L'accessibilité des lieux de travail</i> . Herecy : Editions du Puits Fleury.
<b>Key findings from the research:</b>	This publication illustrates the different solutions for accessibility according to the environment.
<b>Comment or assessment:</b>	A contextual approach, new in France

<b>Publication details (author, date, title, etc):</b>	Leroy-Hatala, C. (2009). <i>Maintenir un salarié handicapé psychique dans l'emploi</i> . <i>Vie sociale</i> , 2009, 1, 31-50.
<b>Key findings from the research:</b>	The problems of people with a mental health condition in working life.
<b>Comment or assessment:</b>	

<b>Publication details (author, date, title, etc):</b>	Montchamp, M.A., et al. (2008). <i>Entreprise et handicap psychique : des pratiques en question</i> . Paris : Agence Entreprises & Handicap.
<b>Key findings from the research:</b>	A comprehensive approach on the way companies can act in order to adjust to the needs of people with a mental health condition.
<b>Comment or assessment:</b>	

<b>Publication details (author, date, title, etc):</b>	Nguyen, K.N., & Ulrich, V. (2008). L'accès à l'emploi des personnes handicapées en 2007. <i>Premières synthèses</i> , n° 47.1, Novembre 2008.
<b>Key findings from the research:</b>	First results of the Labour Force Survey 2007 for people with disabilities and a comparison with those of 2002.
<b>Comment or assessment:</b>	





<b>Publication details (author, date, title, etc):</b>	Stiker, H.J. (2009). <i>Les droits des personnes handicapées</i> . Paris : Le Particulier Edition.
<b>Key findings from the research:</b>	An overview of the rights of people with disabilities in France.
<b>Comment or assessment:</b>	

<b>Publication details (author, date, title, etc):</b>	Stiker, H.J. (2009). Handicaps : entre discrimination et intégration. <i>Ethnologie française</i> , n° 39 (3), 463-470.
<b>Key findings from the research:</b>	History of disability.
<b>Comment or assessment:</b>	

<b>Publication details (author, date, title, etc):</b>	Velche, D. (2009). La politique française de réadaptation professionnelle et d'emploi des personnes handicapées. In DES-Split (Ed.) " <i>Integracija osoba s invaliditetom na tržište rada</i> " (5-22), Zbornik radova/Proceedings, Split Hrvatska/Croatia, 22.travnja 2009/22 <sup>nd</sup> of April 2009.
<b>Key findings from the research:</b>	An overview of French disability policy: populations, history, institutions, legal provisions and results.
<b>Comment or assessment:</b>	