



Report on the employment of disabled people in European countries

Country: Luxembourg

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Background:

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

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

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



PART ONE: GENERAL EVIDENCE

(This report was realised in cooperation with the “Service des Travailleurs Handicapés (STH)” service integrated in the “Administration de l’Emploi (ADEM)”)

1.1 Academic publications and research reports (key points)

To follow, a list of references listed by the “service STH de l’Administration de l’Emploi”:

- *Peer review: The use of new technology in the employment of disabled people*
Anne-Marie Theisen 27-28/10/03
- *Maladie, invalidité et travail (vol.2) : Australie, Espagne, Luxembourg et Royaume-Uni*
OCDE
- *L’incapacité de travail. Une mesure de maintien à l’emploi aux effets pervers ?*
Claudia HARTMANN-HIRSCH - CEPS/INSTEAD
- *Discrimination à l’emploi - Version complète*
Sylvain BESCH, Lucile BODSON, Nenad DUBAJIC
Claudia Hartmann-Hirsch, Michel LEGRAND
- Document produit par le CEPS/INSTEAD
Centre d’études de populations, de pauvreté et de politiques socio-économiques
- *Helios II : Economic Integration (Annual report 1995)*
- *Fonds social européen: Assistance à l’emploi des travailleurs handicapés déclarés inaptes et en quête d’emploi (FSE 2000-2003) (this is a ESF project managed by STH-ADEM Luxembourg)*
- *Transworkcoaching – Voies européennes dans le cadre du programme d’action communautaire en matière de formation professionnelle « Léonardo da Vinci » (2000-2006)*
(a complete documentation is available at ADEM – Service des travailleurs handicapés-STH)
- *Peer review : Disability Management (Anne-Marie Theisen 24-25/11/03 Den Hague)*
- *Cahier 107 : Rapport travail et cohésion sociale (Statec 2008)*
- *Plan d’Action National en faveur de l’emploi 1998*
- *Plan National pour l’innovation et le plein emploi (2006, 2007)*
- *Le bulletin de liaison d’Info-Handicap Luxembourg*
(www.info-handicap.lu)
- *Rapport d’activité du Ministère du Travail*
(link for the report year 2007 : <http://www.mte.public.lu/ministere/rapports-activite/index.html> - please have a particular look at pages 216-229 (service des travailleurs handicapés) and pages 24-25 mainly dealing with disabled workers)

Comments :

Regarding the idea of “mainstreaming”, a certain percentage of information could be found in several publications and studies concerning the employment of “ordinary” workers/employees.

An improvement which could be done is, to monitor a new and deeper survey whose targets are the employment, the situation and the measures in favour of the disabled persons. Doing so by gathering every partner involved at that very same level (Employment administration, the service providers of semi-protected and protected work facilities and private firms in ordinary employment settings).



Another problem which occurred during this study was a hardly understandable definition of the difference between “disabled persons” and “disabled workers” - in fact with the law bill of 2003, concerning the income of disabled people, in Luxembourg, a concrete difference has been made here. Following this idea a helpful study could be started to analyse the working situation of the disabled workers (in ordinary settings and in sheltered environment) and to analyse what happens to the persons who do not fit in the “disabled workers” category, those are given a compensation income for highly disabled people. Both of these categories are combined under the general term of “disabled people” although only the first one would better fit in the “disabled worker” category and it is quite normal that the “disabled workers” service of the ADEM only concerns these in their very own measures and statistics.

At this point it is very important to mention that the recent law bill of 2003 is being analysed and that several amendments are going to be added. Those are two important aspects to take into consideration for a future evolution!

1.2 Employment statistics and trends (key points)

Sources :

- Ministère du Travail et de l'Emploi/Administration de l'Emploi
- Statistiques publiées sur internet et dans le '*Bulletin luxembourgeois de l'emploi*' et les *Rapports d'activité* annuels
- '*Study of the compilation of the disability data from the administrative registers of the EU member states*' (2008)
- *Discrimination à l'emploi - Version complète* (2006)
Sylvain BESCH, Lucile BODSON, Nenad DUBAJIC
Claudia Hartmann-Hirsch, Michel LEGRAND
- Document produit par le CEPS/INSTEAD
- Centre d'études de populations, de pauvreté et de politiques socio-économiques
- Association d'assurance contre les Accidents
(<http://www.aaa.lu/statistiques/2007/index.html>)

Comments :

More ample details can be found in the activity report of the employment office (op.cit.) or even in the Luxembourg's employment bulletin (ADEM) which monthly brings out the statistics and numbers of the employment branch, cf. for instance the latest revue of august 2008. (pages 11-13)
This information is easy to access, reliable and up to date.

These numbers only affect people who fit in the “disabled workers” category (cf. subject 1) and give information about gender, but not of the nature, or origin of the disability, nor of the ethnical origin of the subjects.

What these numbers do consider is a difference between disabled workers orientated into the open labour market or sheltered employment and also between the different proposed measures.

The employment rate for disabled persons is not as easy to set up as the one for non-disabled people. The number of disabled workers *is* known, but number of *unemployed* disabled persons is not.

A change has been noticed since the law bill of 2003, before there was no established distinction between “disabled people” and “disabled workers” and so disabled people did not have to sign up at the employment administration. But since the bill has been applied, the disabled workers who are declared to be disabled workers by the new law, need to sign up at the ADEM.



1.3 Laws and policies (key points)

It is necessary to list all the law bills and political measures which have recently been applied as employment measures, since they affect disabled and non disabled persons. In means of anti-discrimination, no difference is made at that point anymore.

Relevé des lois et mesures politiques pour l'emploi:

Law of 12th September 2003 related to people with disabilities (date of application 1st June 2004) and grand-duchy rule (règlement grand-ducal) of 13 October 2004 fixing the execution of this law.

The Grand Duchy rule of the 23rd April 2004, which concerns the governmental agreement to affect on every service administrator for disabled people and which executes the law bill of the 8th September 1998 and regulates the relationship between the government and organisations who work in the social, familiar and therapeutic sector. (Mémorial A - 72 du 13 mai 2004, p. 1068).

Law bill of the workers with reduced working craft.

The Assurance Dépendance law bill (internet site):

Integration of disabled workers in the open labour market (by Loi sur les travailleurs à capacité de travail réduite)

Indemnisation du chômage complet:

In case of a business relationship rupture, the unemployed worker deserves a compensational revenue if he fulfils the conditions fixed by the law.

Mise au travail de demandeurs d'emploi:

On request of the employment minister, the government in council could decide to set up a public working plan in view of the occupation of the compensation receiving work demanders. (The placement service could provide further information on request)

Aides à l'embauche de chômeurs âgés et de chômeurs de longue durée:

The employment fund, is there to pay back the employers and secures public welfare contributions but only with the condition that the employers employ elder unemployed people for long terms, regardless whether they receive a compensation or not.

Aides à la mobilité géographique des demandeurs d'emploi:

The employment fund can also be used to compensate travel expenses if the beneficiary resides in Luxemburg and gets moved in a long term employment in that same territory with a distance of at least 15 km from his residence.

Garantie des créances du salarié en cas de faillite de l'employeur:

The insolvency of the employer has particularly bad economic and social consequences for the employees he has under contract. This is especially true for the employees whose employers are said to be in a state of bankruptcy. These employees have to terminate the contract immediately. The salaried worker harmed by his employer's bankruptcy has to turn to the bankruptcy manager who sends the debt declarations to be verified by the ADEM.

Aide au réemploi:

The employment fund could help an employee to be re-employed if this one gets moved to an employment with a lower remuneration level as the one before.

Aide à la création d'entreprise:

An aid for creation or resumption of a company legally established and practising in Luxemburg, for employment requiring people, can be accepted by the employment ministry.



Indemnité compensatoire:

Compensation is accepted for a beneficiary who was subject of an internal redeployment and in case of an external re-employment launched by the service for reduced working capacity employees. This compensation is the difference between the former and the new remuneration. The measures in favour of the employment are especially addressed to the youth; people aged less than 30 years.

Contrat d'initiation à l'emploi:

A contract, which is only for the promoters, that is to say, the people able to offer to the young employment demanders a real employment perspective at the term of the contract, has a goal to assure the young workers a practical formation during the working hours, to make easier their integration into the business world.

Contrat d'appui-emploi:

The goal of this kind of contract is to offer the young employment demanders of less than 30 years of age, the accomplishment of an initiation and/or a practical and theoretical formation in view to make it easier for them to enter or reintegrate into the business world. The targets are the promoters who have not got the juridical form of a commercial company in means of the modified law bill of the 10th august 1915, concerning the commercial companies.

Aides et primes de promotion de l'apprentissage:

The employment ministry has the possibility to finance, through the employment fund, a so called apprenticeship promotion. It is also possible to claim an orientation bonus for the young employment demanders who are about to jump into the active life as salaried workers covered by an employment contract or as an apprentice covered by an apprenticeship contract.

Aide au réemploi:

The employment fund can eventually lead to a re-employment aid in case of redeployment in an employment which offers a lower remuneration as the former one.

Stage de réinsertion professionnelle:

This *stage* is offered to unemployed workers who are more than 30 years of age and who get a theoretical and practical vocational training by an employer

Other measures in favour of employment :

Mesures de formation:

The training measures should permit a better integration of the work claimers into the employment market

Apprentissage pour adultes:

This training measure, chargeable to the employment fund, permits the ADEM subscribers to participate to lectures in the framework of the apprenticeship for adults preparing them for the CITP, CCM, CATP certificates

Pool des assistants:

This refers to a pool of remunerated persons with the task to assist the directors of post primary schools in the surveillance and the extracurricular and administrative domain.

Mesures spéciales:

These measures are designated to the employment claimers who enjoy assistance of the non-profit making associations.



Mesures de formation, de rééducation, d'insertion et de placement des travailleurs handicapés:

Once the quality of the disabled worker has been acknowledged, the orientation and professional redeployment commission is able to propose various initiation and placement measures in view of a professional formation or re-education, training courses to adapt or to readapt to the working life, to the employment administration director (taking in consideration the age), the degree or nature of invalidity and the former capacities of the very subject.

Comments :

- Employment of disabled people is an important question for politicians in Luxembourg – the proof is the law voted in September 2003 concerning the income of disabled people and the financing of measures which are the consequences of this law. This law also recognise the status of disabled worker” to disabled people who works (in ordinary or sheltered work situations) at the same level as an “ordinary” non-disabled employees, giving him the same legal rights (reference of this law from 12th September 2003: www.legilux.public.lu)
- Concerning the national employment programme we have also to mention the introduction of a « numerous clauses » which gives obligation to the Government to create jobs for disabled workers in public administration (more or less 50 in 2007 – please consult page 229 of the activity report)
- In the private sector, the STH-Service des travailleurs Handicapés makes an exploration to facilitate employment of disabled workers directly in the open labour market by the means of consultants who gives explanation to the private employers about existing measures and of benefits they may have by hiring a disabled worker. This consultancy is made directly in contact with the manager.
- The group of people with disabilities – in the sense of mainstreaming – is considered equally for the allowance of these measures

1.4 Type and quality of jobs (summary)

- a majority of employments in ordinary labour market
- a majority of employments in private firms (ordinary labour market)
- a majority of full time jobs
- all types of jobs, proposed in relation to the capacities of the disabled workers
- a minority of jobs in parallel economy
- new experiences in assisted employment through sheltered workshops – actual projects

Comments :

There is no particular concentration on specific jobs, not even in particular employment sectors!
In principle there is no special group of disability which benefits more of the proposed measures than other ones.

However, we have to know that in the open labour market, through private firms, it is more and more difficult to find jobs for disabled workers. The reasons are the economic (bad) situation of the country, and also the high requirements that are demanded on the qualification and vocational training level (often a complete secondary school level). And we know that qualification level in the group of disabled people/workers is lower than in other population groups! It is also obvious that this fact penalises even more the group of people with an intellectual and cognitive disability!!



PART TWO: SPECIFIC EXAMPLES

2.1 Reasonable accommodation in the workplace

- Covering expenditures caused by adapting work stations and access to work, so as covering travel costs to working place

We may list :

- adaptation of working stations and access to working place
- purchase of professional equipment and didactic material
- reimbursement of travel costs to working place.

There are also expenditures for new job orientation, training, re-adaptive and rehabilitation measures or professional (vocational) re-education, and last but not least a payment of supplementary paid leave (6 days per year).

(see details in the activity report on pages 225 to 227)

2.2 Other activation policies

Mesures d'orientation, de formation, de réadaptation et de rééducation professionnelles :

These expenditures mainly concern payment of retraining towards efforts of initiation, retraining to work and other expenditures in relation to these measures, such as inscription fees, travel costs, accommodation costs, and purchase of didactic material.

Mesures d'intégration et de réintégration professionnelles:

Participation of public services between 40 and 100 % of (gross) wages, inclusive employers' charges and taxes such as social security fees etc.

Conditions et modalités de prise en charge par l'Etat des cotisations de sécurité sociale pour les travailleurs indépendants handicapés:

Government may cover the payment of social contributions to complementary old age pension schemes.

In some cases of absolute and verified social necessity, Government may cover totally or partly the obligatory social welfare security fees.

Supported employment / Job coaching :

Transworkcoaching :

Voies européennes dans le cadre du programme d'action communautaire en matière de formation professionnelle « Léonardo da Vinci » (2000-2006)

Melba - Psychologische Merkmalprofile zur Eingliederung Behinderter in Arbeit:

This is an instrument to evaluate the competencies of a disabled worker and the requests of a working place in order to define a placement

2.3 One example of best practice

Every year, since 1999, the Government creates 50 new jobs for disabled workers in its services.

We could mention here again the initiative taken by the public services themselves to create 500 employments for disabled workers in there services for new created jobs in their administrations and services (replacement of vacant positions or creation of new jobs) and this on a rhythm of 50 jobs per year!



It is evident that every created job, if it becomes vacant, will be replaced by a disabled worker and will *not* be considered as a new job creation!

This measure concerns all sorts of disabilities and affects different public administrations and different job descriptions.



PART THREE: SUMMARY INFORMATION

3.1 Conclusions and recommendations (summary)

Conclusions:

We can say that disabled people are included in employment policies and active labour market policies with specific accents; in the last five years, two specific events are worth noting:

- the decision from public services to make a specific job creation for disabled workers in their services
- the vote of a new law in September 2003 (with effectiveness in June 2004)

This is clearly improving the employment situation for disabled people, if not so much in quantitative aspect then more in a qualitative one, because disabled people/workers when they get this recognition through the law, have a “normal” status of employee, with a normal salary and all normal legislative rights even when working in a sheltered (productive) work facility!

This is in the non discriminative way of thinking ... whether or not this is facilitating the inclusion policies is a question to be addressed in more depth later on, but perhaps it is a more realistic way of thinking on a more mainstream level.

What is lacking (recommendations):

- more flexible solutions (part-timer jobs) and tutors or more supported employment facilities,
- adapted solutions for people with psychic disorders and mental health problems : those are not so easily reflecting to existing measures, because they would certainly need more specific and individualised offers ... - this also concerns people who are less affected by disability : they are to performing to work in a sheltered structure, but not enough to integrate open labour market – often alternative solutions are not being proposed
- the aspect of vocational training needed to prepare disabled people for jobs has to be formalised in the new version of the 2003 law
- support of transition between ordinary labour market and protected work situations
- and to be aware of the aging process of people with disabilities which also affects in a specific way the employment situation !

3.2 References

Please refer to section 1.1 and 1.2 of this report.