



Report on the employment of disabled people in European countries

Country: Poland
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Background:

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

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

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

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



Summary of changes since 2008

New quantitative data:

The year 2008 brought a long-awaited increase in the employment rate as well as activity rate of disabled people (see annex 1). Regrettably, the data in the Polish Labour Force Survey for the first quarter 2009 is not so optimistic, as both the employment rate and the activity rate of disabled people registered decreases compared to the average annual activity rate in 2008. On the other hand, the activity rate and the employment rate for the first quarter 2009 are still higher than in the first quarter of 2008 (+0,6% and 0,7% respectively).

New policy changes:

Important changes were introduced to the Act on Vocational and Social Rehabilitation (see annex 2) which should have a positive impact on the employment of people with disabilities. There is no significant progress on ratification of the UN Convention. It is still at the stage of analysing the text of the Convention and Polish legislation as well as the future obligations that would arise from ratification.

New research evidence:

Two studies published in 2008 analysed and confirmed the long-known weaknesses of the Polish system of vocational integration of persons with disabilities (see annex 3).

The economic crisis:

The economic crisis is not without an impact on Poland; however, comparatively Poland has not been affected by the crisis as much as other European countries. Nevertheless, cuts in the State budget have been unavoidable. For instance, in 2009 the grant for the State Fund for Rehabilitation of Disabled Persons is PLN99 million less than planned (-13%). Interestingly, despite the crisis, at the beginning of 2009 the State Fund registered a significant rise in numbers of employees with disabilities in both the open and sheltered labour market in its system of handling subsidised employment (SOD). This is probably due to changes in the Act on Rehabilitation (see annex 2).



PART ONE: GENERAL EVIDENCE

1.1 Academic publications and research reports (key points)

In the past, research concerning people with disabilities lacked complexity and used primarily qualitative methods (except for surveys conducted by the Central Statistical Office and some research by the State Fund for Rehabilitation of Disabled Persons on sheltered workplaces). Recent years, however, brought some interesting research concerning the situation of people with disabilities on the labour market.

In 2005-2007 the Institute of Public Affairs, together with the State Fund for Rehabilitation of Disabled Persons (hereafter the State Fund for Rehabilitation), conducted a project in the frame of the Sectoral Operational Programme Human Resources Development entitled 'Flexible forms of employment as an opportunity for vocational integration of young people with disabilities'. The leading theme of this project was opportunities for vocational development of young people with disabilities in traditional labour markets. According to this research, low vocational activity of young people with disabilities in Poland is due to various factors, among which are low levels of education and inadequate vocational qualifications. One of the main reasons for the inadequate vocational preparation of young people with disabilities is lack of early vocational orientation and appropriate profiling of vocational preparation. Schools often focus on jobs and skills that are no longer required or marketable, or are not appropriate for the person's specific impairment.

Lack of access to information and low quality of existing information resources constitute one of the main institutional barriers that makes effective problem-solving for people with disabilities difficult.

The public institutions important in the process of supporting young people with disabilities in employment (county labour offices, county family support centres, county assessments boards) conduct only fragmentary tasks without monitoring the whole process. Schools' support for young people with disabilities comes to an end after completing education. Employment of people with disabilities, for most of the labour offices, is a marginal issue and the personnel are not usually trained to provide services to them. In this situation, the main institutions supporting young people with disabilities on their way towards employment are families and non-governmental organizations. However, many parents of young people with disabilities are not greatly interested in the employment of their children, and NGOs operate mostly in urban areas. Therefore young people with disabilities living in rural areas are at particular disadvantage, as well as young people with severe disabilities and low qualifications. The labour market for young people with disabilities is dominated by sheltered employment sector, which offers low-qualification jobs with few opportunities for vocational promotion and rather low salaries (Giermanowska 2007).

The authors of another report, prepared as a part of a project conducted by ILO in 2007, state that 90% of vocationally inactive people with disabilities is not interested in gaining employment and the social benefit system contribute to this problem. People with disabilities fear losing the disability pension and legal disability status if they demonstrate they can work. Some rules concerning disability pensions also provide disincentives to employment for people with disabilities. The pension for inability to work is reduced when the person earns, additionally, more than 70% of the average monthly wage and is suspended when this income exceeds 130% of the average wage. This can lead to a situation where people with disabilities receive salaries beneath their vocational qualifications in order to maintain the full amount of the pension, and can decrease their motivation to seek employment.

This mechanism is even more visible in cases of people entitled to social pension (in other words, people who are judged totally incapable of working since childhood).



When a person with disabilities receives a monthly income (for example from employment) that is higher than 30% of the average monthly wage, the pension is suspended. This means that such a person cannot undertake a full-time job without losing their existing pension.

This report states also that there is a need to change the policy towards employers employing people with disabilities. Increasingly, they find difficulties to employ people with disabilities with proper qualifications. Large number of employers (86%) claim that they have never employed people with disabilities simply because they have never received a job application from such a person. On the other hand, only 20% of employers are aware of the benefits of employing people with disabilities (Chłoń-Domińczak&Poznańska 2007).

Another interesting piece of academic research has been conducted in the framework of the European Social Fund and is related to the situation of people with motor and sensory disabilities, with mental health disorders and chronic illness. The main objectives of this research were to gain knowledge on stereotypes and prejudice against people with disabilities, to show the directions of changes in attitudes towards them undertaking work, and to identify barriers lying in the mentality of people with disabilities themselves, their families, employers and specialists. It is pointed here out again that the benefit trap is one of the main institutional barriers to employment.

According to this research, the employment barriers from the employers' perspective include higher costs of employing people with disabilities (shorter work time, higher absenteeism, lower productivity, a need for assistance, adaptation of workplace), instability of law (the Act on Rehabilitation has been changed more than 40 times since 1997) and bureaucracy. Employers pointed also out low education level and low qualifications of people with disabilities compared to non-disabled people as well as lack of experience, passivity, low sense of duty, low level of self-esteem and self-confidence, low level of social competencies, low awareness of their rights.

The research showed also that employers fear to employ people with disabilities because they do not know what to expect from them. Another issue is the dishonesty of some employers who employ people with disabilities only for their own benefit and do not respect their rights (Brzezińska 2007¹).

In 2008, the Final Report of the evaluation of the vocational integration system absorptive capacity analysed the long-known weaknesses of existing solutions. According to this study, the vocational integration system of people with disabilities in Poland is still poorly developed and in fact, it is hard to call it a system at all. It is rather an incompletely developed combination of solutions which are usually part of other systems. The main weaknesses are: 1) lack or inadequate legislative solutions; 2) poor cooperation between the main actors; 3) barriers and limitations in the institutions.

Moreover, employers still view persons with disabilities as inadequate employees; due to the disability itself as well as some privileges such as shorter work time Zub, Woźńska, Gierwatowski & Omyła, 2008).

Another interesting study released in 2008 describes the situation of people with disabilities living in small towns and rural areas. Although, it is mostly concerned with social integration, some chapters refer to vocational activation as well. It paints a rather sad picture of the inefficiency of the system and difficult life situation of some people with disabilities. People with disabilities living in rural areas far from big cities, with lower levels of education and long-term unemployment, are particularly vocationally inactive. They often do not know what they could do and where to go. They do not see work possibilities in their own towns and villages and the journey to work to other places is problematic. Jobs in sheltered workshop would be desirable.

¹see more at http://www.swps.edu.pl/new_www/efs/



They do not believe in the efficiency of the labor offices (which, in fact, is justified in reality) or know very little about their work. Moreover, the fear of losing pensions is still an important barrier to employment (Gąciarz, Ostrowska, Pańkow, 2008).

Useful information on access to employment for people with intellectual disabilities can be found in the monitoring report prepared in 2005 by the EU Monitoring and Advocacy Programme (OSI/EUMAP 2005).

There are also more and more publications with a number of good practices in the area of employment of people with disabilities. One of them is a publication prepared by the State Fund which includes detailed descriptions of 10 projects managed by non-governmental organisations in Poland in the area of vocational rehabilitation and employment of people with different types of disability. These projects were prize-winners in the 'Good Practices' Competition organised by State Fund for Rehabilitation in 2005².

1.2 Employment statistics and trends (key points)

The most important statistics on people with disabilities and their situation are published by the Central Statistical Office (hereafter CSO). The data is up to date and easy to access in the website of the CSO³. There is, however, a need for more consistent, complete and continuous statistics on the situation of people with different kinds of disability. Information about situation of people with disabilities on the labour market can be found in the quarterly carried out Labour Force Survey in Poland (LFS).

Data on unemployed persons with disabilities and those seeking a job and currently not employed can be found in the statistical reports of labour offices (MPiPS-07 report), however this is not available on Internet. Some information about the employment of people with disabilities is published also by the State Fund for Rehabilitation.

The unemployment rate in Poland fell continuously until 1998, then virtually doubled (from 10% to almost 20%) in the period of 1998-2002, before dropping steadily to 9% at the end of 2007. However between 2000-2006 the employment of people with disabilities did not increase (see table 1). The year 2008 brought a long-awaited increase in the employment rate as well as the activity rate of disabled people (see table 1). Regrettably, the data in the Polish Labour Force Survey for the first quarter 2009 is not so optimistic, as both the employment rate and the activity rate of disabled people registered decreases compared to the average annual activity rate in 2008, probably due the economic crisis which is not without an impact on Poland.

On the other hand, the activity rate and the employment rate for the first quarter 2009 are still higher than in the first quarter of 2008 (+0,6% and 0,7% respectively) and the data for the second quarter of 2009 shows the increasing tendency. Moreover, despite the crisis, at the beginning of 2009 the State Fund for Rehabilitation registered a significant rise in numbers of employees with disabilities in both open and sheltered labour market in its system of handling subsidised employment (SOD), which is probably due to changes in the Act on Rehabilitation (see below in the report). In spite of this, the overall situation of people with disabilities on the labour market in Poland is unfavourable.

²available at:http://www.pfron.org.pl/porta1/pl/70/77/Badania_i_analizy_PFRON.html

³ www.stat.gov.pl



Table 1. Economic activity of people with disabilities and the general population in Poland between 1998-2008 (annual averages) and in the first two quarters of 2009.

Specification	General population			People with disabilities		
	Activity rate	Employment rate	Unemployment rate	Activity rate	Employment rate	Unemployment rate
	<i>in %</i>					
age 15 and more						
2003	54,7	44,0	19,6	16,5	13,7	16,8
2004	54,7	44,3	19,0	16,2	13,1	19,6
2005	54,9	45,2	17,7	16,2	13,1	19,3
2006	54,0	46,5	13,8	15,0	12,6	15,8
2007	53,7	48,5	9,6	15,1	13,2	12,9
2008	54,2	50,4	7,1	15,6	13,7	12,3
2009 (1st quarter)	54,5	50,0	8,3	15,2	13,3	12,7
2009 (2nd quarter)	54,7	50,4	7,9	15,4	13,3	13,8
working age (18-59/64)						
2003	69,8	55,7	20,1	23,7	19,1	19,2
2004	69,6	56,1	19,4	23,4	18,1	22,6
2005	69,8	57,1	18,1	23,9	18,6	21,9
2006	69,2	59,4	14,1	22,1	18,2	17,3
2007	69,1	62,3	9,8	22,6	19,4	14,1
2008	69,9	64,9	7,2	23,9	20,8	13,1
2009 (1st quarter)	70,4	64,5	8,4	23,7	20,5	13,7
2009 (2nd quarter)	70,5	64,8	8,0	24,3	20,7	14,8

Source: CSO, LFS.

The activity rate of people with disabilities is very low and the huge majority of this group of people is excluded from the labour market. People with disabilities show a very high level of economical inactivity, with approximately 76% of the population of working age in this group. It can be estimated that, in 2008, the number of people with disabilities in working age was 2,213,000 (respectively 3,708,000 aged 15 and over) of which only 528,000 (24%) were employed (respectively 578,000 and 15.5% aged 15 or more). In general, people with disabilities have much lower activity rates and employment rates than people without disabilities (see table 2).

The situation of disabled women is more difficult than the situation of men. In 2008 only 17.8% of disabled women of working age were employed (22.9% men), their unemployment rate was relatively higher (14.4% compared to 12.3% for disabled men). The employment rate is particularly low among people with disability status of significant degree (8.2% in 2008), (see table 2).

There are also some differences in economic activity of people with disabilities in different age groups. Most people with disabilities who are economically active are aged 45 and over (69% in the last quarter of 2008); the smallest employment rate⁴ is in the group aged 55-64 and 15-24 (respectively 14.9% and 15.5% in the last quarter of 2008), and the highest is in the group aged 25-34, 35-44 and 45-54 (respectively 30.3%, 27.8% and 23.5% in the last quarter of 2008), (CSO, LFS).

⁴And of course in the group in the post-working age.



Table 2. Economic activity of people with disabilities in working age by selected features in 2007-2008 (annual averages)

Specific ation	Total	Economically active			Activity rate	Employment rate	Unemploy ment rate
		Total	Employe d persons	Unemployed persons			
		<i>in thousands</i>					
Total							
2007	225	511	439	72	22,6	19,4	14,1
2008	9	528	460	69	23,9	20,8	13,1
	221						
	3						
By gender							
Men							
2007	1327	326	282	45	24,6	21,3	13,8
2008	1307	341	299	42	26,1	22,9	12,3
Women							
2007	933	185	158	27	19,8	16,9	14,6
2008	906	187	161	27	20,6	17,8	14,4
By place of residence							
Urban areas							
2007	1338	304	250	54	22,7	18,7	17,8
2008	1331	333	281	52	25,0	21,1	15,6
Rural areas							
2007	922	207	189	18	22,5	20,5	8,7
2008	882	195	179	16	22,1	20,3	8,2
By disability' degree							
Signifi- cant							
2007	381	32	26	5	8,4	6,8	15,6
2008	414	40	34	7	9,7	8,2	17,5
Moderat e							
2007	839	166	141	24	19,8	16,8	14,5
2008	881	192	164	27	21,8	18,6	14,1
Minor							
2007	1040	314	271	42	30,2	26,1	13,4
2008	919	297	262	35	32,3	28,5	11,8

Source: CSO, LFS.

The level of economic activity of people with certain kinds of disability falls well below that of people with disabilities in general. For instance, as shown in the table 3, the employment rate of people with intellectual disabilities in 2000 was only 6.4% (no more recent data is available). There is no data on people with disabilities who are migrants or from ethnic minorities.

Table 3. Economic activity of people with disabilities in 2000 (by types of disability)

Specification	Activity rate	Employment rate	Unemployment rate
	<i>in %</i>		
Total	18,7	15,6	16,8
Motor impairment	16,5	14,3	13,7
Visual impairment	17,5	15,5	11,4
Hearing impairment	11,9	10,8	9,2



Circulatory system impairment	16,6	14,0	15,2
Mental health disorders	15,6	10,3	34,1
Intellectual disability	8,5	6,4	25,1
Neurological disorders	19,2	15,9	17,4
Others	18,3	14,5	20,7

Source: Kostrubiec 2001.

1.3 Laws and policies (key points)

There are several laws which are most relevant to the employment situation of people with disabilities in Poland. Some of them are of general character (for instance the Labour Code and the Act on Promotions of Employment). Some are in the form of disability-specific legislation. The Labour Code describes the rights and duties of employers and employees and provides compulsory rules to protect the employees' interests. The Act on Promotion of Employment and Institutions of the Labour Market (hereafter, Act on Promotion of Employment) specifies the State's obligations to promote employment, mitigate unemployment, and focus on vocational activation. This Act is a regulation of general character applying to all citizens. However, it provides also for the application of special actions towards some defined categories of the unemployed, among others people with disabilities registered in the labour offices as unemployed. There are numerous other solutions in Poland of a specific character aiming at promotion of employment of people with disabilities and directed only at this social group. These activities are regulated by the Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (later referred to as: Act on Rehabilitation).

In recent years some important changes were introduced to the legislation relevant to the situation of people with disabilities in employment. The amendments to the Labour Code and the Act on Promotion of Employment have strengthened protection against discrimination in employment, or in access to vocational training and counselling, for people with disabilities. Changes introduced to the Act on Promotion of Employment and Act on Rehabilitation allow people with disabilities registered in county labour offices as job-seekers to use some instruments and labour market programmes so far reserved only for people with disabilities registered as unemployed.

These were important changes because previous rules limited access to labour market programmes and instruments for people with disabilities who have the right to inability to work pension or to social pension as they cannot register as unemployed.

Recent changes in the legislation strengthened the principles, common and uniform, for the open labour market, of reimbursement from public funds of higher costs of employment of people with disabilities in order to increase the number employed in the open labour market. Since 2004 new rules concerning subsidised employment have been in force and, hence, the concept of 'funds follow the person'. An employer employing persons with disabilities is now entitled to a monthly subsidy from the State Fund for the Rehabilitation to finance their salaries (an open market employer is entitled to smaller amounts than a sheltered market employer). Previous rules referred only to employers managing a sheltered workplace.

Introduced in 2007, provisions aiming at ensuring more support and equalising opportunities for people with disabilities, in both the open and sheltered labour markets include: the establishments of possible reimbursement of costs related to equipping work stations for people with disabilities of fifteen times average remuneration, the introduction of the return to employers of 60% of the remuneration costs for a year, in case of employment of a person with disabilities previously registered at county labour offices as unemployed or job seeker not in employment (for more on amendments introduced to the Act on Rehabilitation see ME 2007). The year 2008 brought with it some other important changes to legislation, particularly to the Act on Rehabilitation (see later in the report).



1.4 Type and quality of jobs (summary)

People with disabilities in Poland can be employed in regular or subsidised employment, in the context of the quota scheme or in a sheltered environment. Most of people with disabilities who are employed in Poland participate in the open labour market. However, a number of people are employed under quota schemes. Poland has applied quota schemes both in the public and private sector and all employers with 25 or more employees have to meet a quota of 6% (with some exceptions).

In the last quarter of 2008, nearly 37% of all employed people with disabilities in Poland worked part-time. This form of employment was undertaken more frequently by women with disabilities (40% of all employed women with disabilities) than men (34% of all employed men with disabilities), (CSO, LFS). More than 83% of all employed people with disabilities worked in the private sector (of which 30% in agriculture). See table 4.

**Table 4. Employed people with disabilities by employment status.**

Specification	Total	Total		Employees	Self-employed	Contributing family workers	Total	Employees	Self-employed	Contributing family workers
		of which private sector								
		Total	Of which farms in agriculture							
<i>In thousands</i>							<i>In %</i>			
The last quarter of 2007										
TOTAL	529	441	155	323	151	55	100	61,1	28,5	10,4
Males	326	279	94	196	106	24	100	60,1	32,5	7,4
Females	203	162	61	127	45	31	100	62,5	22,2	15,3
URBAN AREAS	288	222	7	245	41	.	100	85,1	14,2	.
RURAL AREAS	241	219	148	78	110	53	100	32,4	45,6	22,0
The last quarter of 2008										
TOTAL	534	442	132	363	117	53	100	68,0	22,0	10,0
Males	340	297	86	221	88	30	100	65,0	25,9	8,8
Females	194	145	46	142	29	23	100	73,2	14,9	11,9
URBAN AREAS	321	246	11	278	40	.	100	86,6	12,5	.
RURAL AREAS	212	195	121	85	77	50	100	40,1	36,3	23,6
The 2nd quarter of 2009										
TOTAL	462	388	110	306	114	42	100	66,2	24,7	9,1
Males	276	244	70	178	80	18	100	64,5	29,0	6,5
Females	187	144	40	128	34	23	100	68,8	18,3	18,2
URBAN AREAS	277	217	10	231	42	.	100	83,4	15,2	.
RURAL AREAS	184	172	100	74	71	39	100	40,2	38,6	21,2

Source: CSO, LFS.

The largest number of people with disabilities is employed in agriculture, forestry and fishing as well as in manufacturing (respectively 24.5% and 19.9% of all employed people with disabilities). Some other selected NACE sections are shown below in table 5.



Table 5. Employed people with disabilities in selected NACE sections (in the last quarters of 2007 and 2008 and in the 2nd quarter of 2009)

Specification	Total	Of total selected sections:						Total	Of total selected sections:					
		Agriculture, forestry and fishing	Manufacturing	Construction	Trade; repair of motor vehicles	Real estate activities	Human health care and social work activities		Agriculture, forestry and fishing	Manufacturing	Construction	Trade; repair of motor vehicles	Real estate activities	Human health care and social work activities
	In thousands							In %						
2008	534	136	111	29	59	7	24	100	25,5	20,8	5,4	11,0	1,3	4,5
2009	462	113	92	22	56	.	25	100	24,5	19,9	4,8	12,1	.	5,4

Source:CSO, LFS.

As mentioned above, people with disabilities in Poland can be also employed in sheltered environment. There are two types of sheltered workplaces in Poland: sheltered enterprises ('zakłady pracy chronionej') and occupational activity enterprises ('zakłady aktywności zawodowej'). Sheltered enterprises are created on the basis of a contract that the State makes with employers who commit themselves to fulfil certain obligations and criteria. In return, employers receive a set of tax releases and subsidies as well as support for financing the salaries of employees with disabilities. An employer can apply for the status of a sheltered enterprise if it employs at least 25 people. The employer must maintain between 30-40% of employees with disabilities, depending on their degree of disability. These enterprises have to offer guidance and rehabilitation.

In December 2008, there were approximately 2150 sheltered enterprises in Poland employing up to 200,000 people with disabilities (in other words approximately 40% of all employed people with disabilities). However, statistics show a declining trend in the number of sheltered enterprises (see the statistics available on the Government Plenipotentiary for Disabled People' website⁵). Most of them are private enterprises and in 2004 only about 15% were cooperatives. Men make up the majority of all employees with disabilities in sheltered enterprises. The proportion of women to men in 2004 was four to six among employees with disabilities. Most employees with disabilities in sheltered enterprises have a minor degree of disability (63%); approximately 34% have moderate degree of disability and less than 3% have significant degree of disability (SFRDP 2007b).

Occupational activity enterprises offer employment to people with significant disabilities (and from July 2007 also with moderate disabilities with autism and intellectual disabilities). Their purpose is to prepare people for life in an open environment, through social and vocational rehabilitation and support for a complete, independent and active life. At the end of 2008 there were 53 such enterprises employing 1,903 employees with disabilities and their number is slowly but systematically increasing (SFRDP 2009).

In 2004, a new form of cooperative was added to the forms outlined in traditional Polish cooperative law: social cooperatives.

⁵ <http://www.niepelnosprawni.gov.pl/tablice/dane-od-wojewodow-o-zpoch/>



The cooperative movement in Poland has a long tradition and since the end of the Second World War there have been cooperatives that provide employment for people with disabilities (although this tradition was to some extent destroyed during the communist period). The new social cooperatives were introduced into the Polish legal system by the Act on Promotion of Employment in 2004. However, the 2004 law only gave a legal recognition of the new cooperative form. Detailed regulations for social cooperatives were outlined in 2006 with the Act on Social Cooperatives.

The introduction of the social cooperatives in Poland is the result of a close cooperation between the Polish Ministry of Labour and non-governmental organisations. Social cooperatives are an element of the government's policies aiming to create jobs, and limit social exclusion and marginalisation. The objective of social cooperative activity is to run a common enterprise based on personal inputs from its members with the goal of supporting the occupational and social integration of its members. According to Polish law, social cooperatives can be established only by individuals from the marginalised social groups including people with disabilities (the other groups are: unemployed people and groups mentioned in the Act on Social Employment, in other words people who are socially excluded and unable to satisfy their basic life needs by themselves, and people living in poverty, which excludes them from social, occupational and family life).

At the beginning of 2008 in the database of the National Court Registry there were 187 social cooperative, although it is difficult to confirm how many of them are actually active.

Most of the social cooperatives (88%) are involved in the service sector (for instance, repair and building services, gastronomy services and care services), and only 12% are involved in production (e.g. fruit and vegetables processing, production of candles and gardens decorations). The main groups involved are: the unemployed, homeless, disabled, alcohol/drug addicts, ex-inmates released from penitentiaries and unable to integrate with their community, as well as refugees taking part in a personal integration program (MLSP 2007, Sienicka, A., Van den Bogaert, A., n.d.).

There is no comprehensive framework or system for supported employment in Poland, however, more and more initiatives of supported employment projects have been developed and implemented recently. Since 1 May 2004, new regulations were introduced in amendments to the Act on Rehabilitation. On the basis of these regulations, an employer employing a person with disabilities can be reimbursed from the State Fund for Rehabilitation for the costs of employing someone to assist them at work. This assistance could be provided in the form of facilitating communication or carrying out operations impossible, or too difficult, for the employee to perform. The number of hours that are used solely to help the employee with disabilities cannot exceed 20% of the monthly number of hours the employee works. However, this regulation is not commonly used in practice.

Since 2001 the Wrocław Assembly of Persons with Disabilities has been operating the Job Coach Project which supports persons with intellectual disabilities and mental health problems to find and maintain employment in the open labour market (OSI/EUMAP 2005). A good example of this kind of activity are Centres of Career Counselling and Support for Persons with Intellectual Disability run by the Polish Association for People with Mental Handicap, already in 10 towns in Poland⁶. These are training institutions and employment agencies operating within the area of work service, personnel consultancy and career counselling (Głaz, Gawron & Marcisz, 2006). At the end of 2007 a new targeted programme titled 'Job Coach – supported employment of people with disabilities' was launched by the State Fund for Rehabilitation, and will continue until the end of 2010. One of its main purposes is to develop a model for an agency of supported employment. This programme is addressed to local self-governments (no more than 15) and to NGOs (no more than 15), (SFRDP 2007a).

⁶ www.centrumdzwoni.pl



PART TWO: SPECIFIC EXAMPLES

2.1 Reasonable accommodation in the workplace

The Polish legislation lacks a definition of *reasonable accommodation*. The Labour Code specifies only that an employer is obliged to counteract discrimination in employment on the ground, among others, of disability (art. 94.2b). Provisions of the Labour Code do not oblige the employer directly to provide reasonable accommodation in order to employ a specific person with disabilities. Improvement of employment and working conditions of people with disabilities is promoted through economic incentives under the so-called system of Quotas and Penalties contained in the Act on Rehabilitation. This system is considered to be a form of reasonable accommodation duties in the Polish law. The amendment of 20 December 2002 of the Act on Disabled Persons introduced the definition of a workplace adapted to the needs of a person with disabilities. This is a position which is suitably equipped and adapted to the needs arising from the type and degree of disability of the person (art. 2, Act on Rehabilitation).

The Act on Rehabilitation establishes a number of rights designed to accommodate disabled people in the workplace. These include limitations as to maximum working time: 8 hours a day, 40 hour a week – in case of mild degree of disability - and 7 hours a day (35 hours a week) – in case of moderate and significant degree of disability. In addition, people with disabilities have the right to additional work breaks (15 minutes which is included in work time and intended for exercise or recreation) and persons with significant and moderate degrees of disability receive additional vacation time (10 days per year) and the right of release from work for medical examinations and treatment, rehabilitation and to purchase or repair orthopedic equipment without losing income. They can also take 21 days once a year for a rehabilitation holiday. Persons with moderate and significant degree of disability have a right to a leave of absence from work of up to 21 days per year whilst retaining their right to remuneration.

According to the article 26 of the Act on Rehabilitation, employers who employ for at least 36 months persons with disabilities (who were unemployed or seeking jobs while not employed, and were directed to work by a district labour office, or whose disability occurred while working for the employer, except when this disability was caused by fault infringe of regulations by the employer or by the employee) may receive from the State Fund for Rehabilitation reimbursement for:

1. adapting existing, or creating, workplaces to the needs of people with disabilities,
2. adapting or buying devices that help people with disabilities to function at work,
3. recognizing needs of people with disabilities by medical services.

Since 1 January 2009, the catalogue was extended and employers may be reimbursed also for the purchase and authorization of the software necessary for disabled employees as well as for assistive technologies and equipment. The reimbursement cannot exceed the amount of twenty times average remuneration. In 2006 the State Fund spent, for the reimbursement for adopting workplaces, PLN 3,799,655 (for 120 workplaces), 37% less than in 2005 (PLN 6,002,795 for 235 workplaces). The numbers were even smaller in 2007, when the State Fund spent only PLN 2,781,390 for 83 workplaces⁷. However, it has to be underlined that the amendment of 15 June 2007 of the Act on Rehabilitation introduced additional regulation concerning adaptation of workplaces for people with disabilities. According to this regulation, employers who employ, for at least 36 months, a person with disabilities who is registered in the district labour office as unemployed or job seeking while not employed may receive from the State Fund for Rehabilitation reimbursement of costs related to equipping workplaces up to fifteen times average remuneration (art. 26e, Act on Rehabilitation). In 2007, the State Fund spent for this task PLN 3,591,169 for 102 workplaces (see more in table 6).

In the Act on Rehabilitation there are also some regulations concerning personal assistance at work for employers with disabilities.

⁷ As of October 2009, the data on 2008 was not yet available.



These were described in section 1.4 (type and quality of jobs) in the paragraph on supported employment. This regulation is not commonly used in practice but the number of people with disabilities who benefit is systematically increasing. In 2005, the State Fund reimbursed only PLN 23,431 (for 32 persons with disabilities; on average PLN 732 per person). In 2006 the amount of reimbursement was PLN 143,041 (for 224 persons with disabilities), and in 2007 rose to PLN 241,222 for 329 persons with disabilities mostly employed in sheltered enterprises (see more in Table 6).

According to the Polish Government (NRP, First Annual Report 2006) the situation in Poland as regards employment flexibility is relatively good. The reforms of the Labour Code have made flexible employment forms more popular. In Poland, employment forms are increasingly often diversified, and include:

- contracting work (a characteristic feature: a clearly defined task, which may be performed at home, without defining a daily limit of hours, the place of task performance or the availability of the employee),
- date employment agreement (or employment agreement for a specified period of time),
- temporary employment (the employer being a temporary employment agency),
- self-employment of workers (concerns mainly simple work or the opposite, highly specialised, not requiring supervision which can be performed by persons working on their own account),
- telework (a major share of duties performed outside the company's seat),
- work at home (a major share of duties performed outside the company's seat, usually at home – hence the name),
- employee lease (a kind of trilateral agreement – the 'subcontract' – concluded between the current employer, employee and company leasing the employee),
- work sharing,
- on-call work and telephone work,
- variable working time of workers in permanent employment;
- implementation of labour market programmes (employment of a specified number of people for the duration of a programme).

However, recent research shows that the use of flexible forms of employment is limited by current rules for supporting the employment of people with disabilities and by the low level of knowledge about these forms of employment among employers, people with disabilities themselves and government representatives (Giermanowska 2007).

2.2 Other activation policies

Employment of people with disabilities in Poland is encouraged above all through the quota system and other legislative solutions, mostly incentives for employers or aimed to increase the self-employment of people with disabilities (governed by the Act on Rehabilitation). Most of them are shown in table 6. The State Fund for Rehabilitation also subsidizes disabled employees' salaries. The number of people with disabilities who benefit from this scheme has been slowly but systematically increasing. In December 2004 in the State Fund for Rehabilitation' database (SOD) were 200,700 people with disabilities whose salaries were subsidized in the framework of this scheme (of which 14% were employed in the open labour market and 86% in sheltered enterprises). In comparison, in December 2007 there had been 221,000 persons registered (of which 19% were employed in the open labour market). Interestingly, in 2008 the number of disabled employees registered in SOD fell significantly to 202,900, possibly due to employers' fears of changes in legislation. On the other hand, in February 2009, the number increased by about 21,000, compared to December 2008.

This is probably due to employers registering their employees with disabilities entitled to old-age benefits, as the changes in legislation expanded the support for financing the salaries of employees to this group.

**Table 6. Exemplary tasks financed by the State Fund for Rehabilitation in 2007⁸.**

Task		Amount	Number of beneficiaries
Reimbursement of expenses incurred for the adaptation of work places and enclosed spaces for people with disabilities and adaptation or purchase of equipment to facilitate their functioning (art. 26, Act on Rehabilitation)		3.662.262	X
<i>In which for:</i>	<i>for the adaptation of work places</i>	<i>2.781.390</i>	<i>83</i>
	<i>recognizing needs of people with disabilities by medical services</i>	<i>13.516</i>	<i>7</i>
	<i>adopting space of working place</i>	<i>259.094</i>	<i>9</i>
	<i>buying devices that help people with disabilities to function at work</i>	<i>608.262</i>	<i>15</i>
Reimbursement of costs related to equipping workplaces for a person with disabilities (available since IV quarter 2007), (article 26e, Act on Rehabilitation)		3.591.169	102
One-time finance to start-up bussines activity (art. 12a, Act on Rehabilitation)		2.664.434	85
Partial reimbursement of expenses for training organised by employers for employees with disabilities (art. 41, Act on Rehabilitation)		23.827	5
Training organised by labour offices (art. 40, Act on Rehabilitation)		5.450.543	3.666
<i>In which</i>	<i>Number of people with disabilities who undertook employment</i>	<i>X</i>	<i>523</i>
Loans for start-up business activity (art. 12, Act on Rehabilitation)		8.991.986	226
Subsidies for payment of interest on bank loans taken to continue business activity (art. 13, Act on Rehabilitation)		599.292	75
Reimbursement for the costs of employing someone to assist an employee with disabilities at work (art. 26d, Act on Rehabilitation)		241.222	298
<i>In which</i>	<i>in sheltered enterprises</i>	<i>179.157</i>	<i>257</i>

Source: State Fund for Rehabilitation (<http://pfron.bip.org.pl/?tree=426>)

It has to be mentioned that the Act Amending the Act on Rehabilitation, which entered into force in 1st January 2009, brought some important changes. The most important are as follow:

- the catalogue of additional costs of employing people with disabilities were extended; employers may be reimbursed for the purchase and authorization of the software necessary for disabled employees as well as for assistive technologies and equipment;
- the monthly subsidy to finance the salaries of employees with disabilities and the subsidies for social insurance contributions were replaced by just one instrument: subsidy to finance the salaries by up to 75% of the payroll costs of commercial employers and up to 90% in case of others, for instance non-governmental organizations;
- new maximum amounts of support for financing the salaries of employees with disabilities were introduced: 160% of the minimum remuneration in cases of persons with significant disability, 140% with moderate disability, 60% with low disability (previously 130%, 110%, 50%); these amounts increased to 40% in cases of persons with some particular types of disability;
- support for financing the salaries of employees with disabilities was expanded to persons with disabilities entitled to old-age benefits.

⁸ <http://pfron.bip.org.pl/?tree=426>, as of October 2009, the data for 2008 was not yet available.



People with disabilities in Poland, like all Polish citizens are also entitled to use the services and instruments of labour market, including career counselling and work service. These tasks are fulfilled mainly by labour market institutions under the Act on Promotion of Employment. The activities enumerated there are largely financed from the Labour Fund, which is a state special fund. Among the labour market institutions there are: public employment services (province and county labour offices), non-governmental employment agencies operating within the area of work service, career counselling, personnel consultancy and temporary work, training institutions and councils of employment.

The Act on Promotion of Employment also indicates additional labour market instruments applied to people who are in a specific situation, among others people with disabilities who have a status of an unemployed person (for instance: training, internships with employers, interventional works). These services and instruments can be used also by disabled people who are registered in a county labour office as job seekers (while not employed). In 2007, the State Fund for Rehabilitation allocated for this tasks PLN 3,964,218 for 1,913 people with disabilities registered in labour offices as job-seekers while not employed⁹; the data on people with disabilities registered as unemployed is difficult to obtain).

It should be also underlined that people with disabilities very rarely participate in adult education. Available statistics show that only 0.5% of people with disabilities aged 25-64 report participation in life-long education compared to 5% in the case of people without disabilities (see Chłóć-Domińczak&Poznańska 2007).

2.3 One example of best practice

The Job Coach Project was the first supported employment programme in Poland. This program has been functioning since 2002 in ~~Wrocław~~ and is grounded in many years' experiences of supported employment agencies in the USA (Mecklenburg Open Door, Charlotte, North Carolina) and Germany (Hamburger Arbeitassistenz, Hamburg). The target of this program is obtaining and maintaining permanent employment in an open labour market by a person with moderate and significant disability degree. This program is aimed at persons with intellectual disabilities and mental health problems aged 20-35 with low education level and without qualifications. The main implementer of the program is Wrocław Assembly of Persons with Disabilities. The Association OSTOJA, whose establishments constitute the therapeutic infrastructure for this program, is engaged in implementation as well. This project has been, since its early beginning, financed by the local government of Wrocław. In 2005 this project was awarded a prize in the 'Good Practices' Competition organised by State Fund for Rehabilitation of Disabled Persons. Non-governmental organizations and local governments of Poland are welcome to make use of the experiences of some years' (and they do so). The plans of the program organizers for the future include, among others, the creation of a supported employment agencies network which would work according to the standards worked-out within the Job Coach Project. Until 2007, 38 persons with disabilities gained employment thanks to this project (of which 33 persons gained permanent employment). The costs of the project in 2002-2007 are presented below in Table 7.

⁹ As of October 2009, the data on 2008 was not yet available.

**Table 7. Costs of the Job Coach Project in 2002-2007**

Year	Costs (in PLN)		
	Total	in which	
		from the Municipality of Wrocław	from other resources
2002	78.264	70.615	7.649
2003	100.302	70.000	30.302
2004	97.820	79.200	18.620
2005	98.200	82.000	16.200
2006	123.027	79.800	43.227
2007	160.580	80.000	80.580

Source: <http://www.wson.wroc.pl/?idt=4&idl=52>



PART THREE: SUMMARY INFORMATION

3.1 Conclusions and recommendations (summary)

In the last a few years there have been quite a lot of changes aiming at the vocational activation of people with disabilities. Due changes in the legislation, people with disabilities were given better access active to some active labour market policies which were previously reserved only for those disabled persons who were registered as unemployed (and people with disabilities often do not register as unemployed due to their entitlement to disability pensions). Nevertheless, the existing incentives schemes have not been successful in increasing significantly the number of people with disabilities who have entered the work force.

Statistics and research show that people with severe disabilities, people living in rural areas, women and people with specific kinds of disability, particularly people with intellectual disabilities and people with multiple disabilities are at particular disadvantage. There is definitely a need for more research, especially concerning people with different types of disabilities. Recently conducted projects include long lists of recommendations aimed at improving the situation of people with disabilities in employment. There is a need to review the disability benefit system to improve the incentive to work, to modernise the education and training system in view of labour market needs, as well as make life-long learning more available to people with disabilities. People with disabilities should have much better access to vocational counselling and other employment services. As we read in the OECD report (2006) there is a need for fundamental change in the entire structure of support.

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Annex 1: quantitative data on the employment of disabled people

Year: 2008	Absolute? (N)	Percentage (%)	Change (from previous year)
Disability rate*	3 708 000	11,8%	-0,2%
Employment rate of disabled people*	508 000	13,7%	+0,5%
Activity rate of disabled people*	578 000	15,6%	+0,5%
Inactivity rate of disabled people*	3 130 000	84,1%	-0,5%
Employment in open labour market**	39 400	19,4%	-2600
Employment in sheltered workshop**	163 000	80,6%	-15 000
Reason for leaving the labour market due to disability or long standing health problem	data unavailable	data unavailable	data unavailable

* Age 15 and more; with legal disability status

**Concerns only employees registered in the State Fund for Rehabilitation of Disabled Persons in the system of handling of the subsidised employment.

Source: [Central Statistical Office, Labour Force Survey](#)

Year:	% Permanent	% Temporary
Permanent contracts vs. short term contracts	data unavailable	data unavailable

Year: 2008	% Full-time	% Part-time
Full time vs. part time jobs	66.5%	33.5%

Source: [Central Statistical Office, Labor Force Survey](#)

Year:	Public sector	Private sector	(e.g. comment or give % employers meeting obligations?)
Fulfilment of employment quota (if it exists)	Both in public and private sectors there are still many employers not meeting obligations.		

Source: State Found for the Rehabilitation of Disabled



Participation in training of disabled people	More than 20 thousand people with disabilities participate in vocational rehabilitation and training in 645 occupational activity workshops*, however, available statistics show that only 0.5% of people with disabilities aged 25-64 report participation in life-long education compared to 5% of people without disabilities**.	(e.g. comment or give number of people participating in vocational or work-related employment)
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Source: *State Fund for the Rehabilitation of Disabled Persons (2009). *Analiza działalności warsztatów terapii zajęciowej w 2008 roku*. Warszawa: Author.

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

Name of law:	The Act Amending the Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities
Date of entering into force:	1 st January 2009
Objective:	Adjustment of the Act on Rehabilitation to EU law (Commission Regulation (EC) No. 800/2008 of August 2008.
Impact assessment (positive/negative):	<p>The most important changes are as follows:</p> <ul style="list-style-type: none"> -the monthly subsidy to finance the salaries of the employees with disabilities and the subsidies for social insurance contributions were replaced by just one instrument: subsidy to finance the salaries by up to 75% of the payroll costs of commercial employers and up to 90% in case of others, for instance non-governmental organisations; -new maximum amounts of support for financing the salaries of employees with disabilities were introduced: 160% of the minimum remuneration in cases of persons with significant disability, 140% with moderate disability, 60% with low disability (previously 130%, 110%, 50%); these amounts increased to 40% in cases of persons with some particular types of disability; -support for financing the salaries of employees with disabilities was expanded to persons with disabilities entitled to old-age benefits; -the catalogue of additional costs of employing people with disabilities were extended; employers may be reimbursed for the purchase and authorization of the software necessary for disabled employees as well as for assistive technologies and equipment. <p>Expected impact:</p> <ul style="list-style-type: none"> -increase in the financial support to the employers; -increase in the amount of salaries of disabled employees (particularly with moderate and significant degree); -increase in the number of people with disabilities enrolled in the labor market. <p>Known impact:</p> <ul style="list-style-type: none"> - In February 2009, the number of disabled employees registered in the State Fund for Rehabilitation of Disabled Persons (SOD) increased by about 21 thousand, comparing to December 2008. This is probably due to employers registering their employees with disabilities entitled to old-age benefits. Interestingly, in 2008 the number of disabled employees registered in SOD significantly fell, in comparison to December 2007, possibly due to employers' fear of changes in legislation.



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

Publication details (author, date, title, etc):	Zub, M., Wolińska, I., Gierwatowski, T., Omyła, M. (2008). Ewaluacja zdolności absorpcyjnych system integracji zawodowej osób niepełnosprawnych. Raport końcowy [Evaluation of the absorptive capacity of the people with disabilities' vocational integration system. Final Report].
Key findings from the research:	The vocational integration system of people with disabilities is still poorly developed and in fact, it is hard to call it a system at all. It is rather a not completely developed combination of solutions which are usually part of other systems. The main weaknesses are: 1) lack or inadequate legislative solutions; 2) poor cooperation between the main actors; 3) barriers and limitations in the institutions. Employers still view persons with disabilities as inadequate employees; due to the disability itself as well as some privileges such as shorter work time.
Comment or assessment:	Evaluation of the effective use of resources of the Operational Programme Human Capital by the people with disabilities' vocational integration system was one of the main objectives of this study. The Final Report analyses the long-known weaknesses of existing solutions.

Publication details (author, date, title, etc):	Gąciarz, B., Ostrowska, A., Pańkow, W. (2008). Integracja społeczna i aktywizacja zawodowa osób niepełnosprawnych zamieszkałych w małych miastach i na terenach wiejskich. Uwarunkowania sukcesów i niepowodzeń. Raport z badań [Social integration and vocational activation of people with disabilities living in small towns and rural areas. Success and failure factors. Report from research] Warsaw: IFiS PAN
Key findings from the research:	People with disabilities living in rural areas far from big cities, with lower levels of education and long-term unemployment are particularly vocationally inactive. They often do not know what they could do and where to go. They do not see work possibilities in their own towns and villages and the journey to work to other places is problematic. Jobs in sheltered workshop would be desirable. They do not believe in the efficiency of the labor offices (which, in fact, is justified in reality) or know very little about their work. Moreover, the fear of losing pensions is still an important barrier to employment.
Comment or assessment:	Interesting research describing the situation of people with disabilities living in small towns and rural areas. Although, it is mostly concerned with social integration, some chapters refer to vocational activation as well. It paints a rather sad picture of the inefficiency of the system and difficult life situation of some people with disabilities.