



Striving for an inclusive labour market in Denmark

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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1 Executive summary

1.1 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

Denmark uses permanent wage subsidies to stimulate the employment of people with disabilities. The flex job scheme was established by a reform of the disability pension in 1998 as an attempt to limit the granting of disability pensions and replace some of them with flexible types of jobs. Denmark does not use employment quotas, tax relief or reduced social security contributions.

There is additional legislation to make it easier for people with disabilities to get into jobs, which is set out in the Act on Compensation for People with Disability in Occupation (*Lov om kompensation til handicappede i erhverv*).¹ The 'Icebreaker' scheme, as it is called, is a temporary wage subsidy which is intended to allow a person with disability to enter a job. A personal assistant is an option for a person whose disability makes it necessary, there are subsidies for aids and for providing better access conditions, and a mentor who helps an employee settle into a job may be paid.

Web material from the National Board of Social Services (*Socialstyrelsen*) and from the Ministry of Employment (*Beskæftigelsesministeriet*) will be discussed in more detail below, along with a support service from municipal job centres and Cabi, an independent organisation. These are described in more detail in Sections 2 and 4.

Evaluations of the flex job scheme, which will be discussed in more detail in Section 2, say that it has the effect that the employee will be included on an equal footing with the other employees in the company.

1.2 Support and partnerships available to employers to assist them in making reasonable accommodations

Among other tasks, municipal job centres assist employers in making reasonable accommodations. The independent organisation Cabi has the task of guiding the job centres and providing support to employers to make it easier to employ people with disabilities. This is discussed in more detail in Sections 3 and 4.

Among partnerships between organisations or between organisations and employers for making reasonable accommodations, those backed by the Danish Association of the Physically Disabled (DHF) are especially worthy of mention. Cabi has set up a company network, and there are also a number of partnerships for the employment of people with disabilities in projects in individual municipalities with individual participants. These partnerships are described in more detail in Section 3.

Cabi mentions on its website an evaluation showing that about 90 % of the job centres and companies that use its services are satisfied. An evaluation of a DHF project shows that it has made companies better at making the right match between citizen and job. These evaluations are discussed in more detail in Section 3.

¹ LBK No. 108 of 03.02.2020, <https://www.retsinformation.dk/eli/ta/2020/108>.

1.3 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

The National Board of Social Services (*Socialstyrelsen*) has set up a platform on disability and employment, which gathers and disseminates knowledge in the field, and is aimed at companies and others. The Ministry of Employment (*Beskæftigelsesministeriet*) has produced a website on the same subject, which provides information about the relevant legislation and contains a practical 12-page guide on the recruitment of employees with disabilities. These guides are discussed in Section 4.

Other sources of information include DHF's information campaign and its leader mentor project, which has so far been rolled out in three municipalities, but which the association aims to make nationwide. The Good Accessibility (*God Adgang*) labelling scheme, which is administered by Disabled People's Organisations Denmark (DPOD) (*Danske Handicaporganisationer*, DH), should also be mentioned. These sources are discussed in more detail in Section 4.

There are no evaluations yet that shed light on how well these initiatives are working.

1.4 Recommendations

To strengthen the recruitment and hiring, initial employment, promotion and career development and retention of people with disabilities, the author makes the following recommendations:

Recruitment and hiring

That the municipal job centres carry out a broad screening of jobseekers for disability, so that they can identify and take into account cases where reduced functional ability has an impact on job opportunities. The purpose of this screening is to make a better match between employee and workplace, because research shows that this is absolutely crucial to whether the employment is successful.

Initial employment

That, when hiring an employee with a disability, it should be possible to start with an overview phase, during which the employee can start in the job before the employer assumes any responsibility. During this overview phase, the employer can then get the reasonable accommodations in place, and the company has the opportunity to acquire the necessary information about the employee's disability.

Promotion and career

That a certificate of compensation be introduced when aids are granted or accessibility created for an employee with a disability. In many cases such a certificate of compensation will make it easier for the citizen with a disability to change job, and changing job is often the way to pursue a career.

Retention

That it is made easier for the employer to retain an employee who no longer has the functional skills needed to handle the ordinary job, but who could well handle part of the work in a flex job.

In Section 5, these recommendations are further substantiated on the basis of research into disability and employment and writing from different sources on this topic, and additional recommendations are given on the same basis.

2 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

2.1 Employment quotas

There are no rules on quotas for employing people with disabilities in Danish law, neither on how many people with disabilities private companies have to employ, nor on how many people with disabilities public workplaces must employ. There have as yet been no laws of this kind.

2.2 Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities

Employers who employ persons with disabilities are not eligible for any kind of tax relief, neither in direct taxation nor by way of indirect taxes. The Danish system does not use tax relief or reduction of social security contributions to motivate employers to employ people with disabilities. In contrast, the system motivates employers to employ people with disabilities through wage subsidies.

Businesses pay a corporation tax of 22 % of the company's profits. The company can deduct its expenses from its income, but no deductions are made in relation to whether the company has employed people with disabilities. In Denmark, there are no social security contributions.

There are two types of wage subsidy. Flex job is a permanent wage subsidy which aims to create permanent jobs for people with disabilities. There are also temporary wage subsidies which are intended to support a rehabilitation processes or to bring citizens into jobs. The vast majority of wage subsidies goes to the permanent aspect.

Flex jobs are jobs that are created for a company or public entity of any kind to employ persons with disability, and they pay a salary that corresponds to the value of the work the employees perform. They are most often, but not always, part-time. The municipal job centre assesses the person's ability to work. The public sector pays the wage subsidy to the company, and the company pays a wage to the employee equal to the value of the work done. This means that the flex job scheme is aimed at the employer and serves the purpose of enabling people with disabilities to be employed while the employer maintains competitiveness

Flex jobs were created through a reform of the disability pension scheme in 1998, which made it possible to work even with a working capacity below 100 %. The number of flex jobs grew to about 50 000 over the following decade. In 2013, the flex job scheme was reformed so that it also became possible to create flex jobs for those with a working capacity of less than one third. This gave rise to a new growth in the number of people covered by the scheme, and by 2021 more than 75 000 people were working in flex jobs. In addition, about 36 000 people, able to perform 16 000 full-time-equivalent jobs, were approved for flex jobs but remain unemployed and therefore

receive special unemployment benefits, which are slightly below the normal level. The scheme now covers a total of over 112 000 persons.²

People in flex jobs occupy around 3 % (full-time equivalent) of the labour market share. There are also other wage subsidy schemes, but the flex job scheme is by far the most commonly used³ for giving people with disabilities the opportunity to work, and flex jobs is the only available scheme that is permanent.

The flex job scheme is governed by the Act on Active Employment Efforts.⁴ Municipalities can offer flex jobs to people of working age who have permanent and significant limitations in their ability to work. However, it is a condition that all relevant attempts at rehabilitation have been made, as specified by law. If the person cannot proceed directly with their flex job, the municipality can offer a process of rehabilitation that may take up to five years, which is called a resource course.

The municipality grants a flex job for a period of five years, after which the municipal job centre decides whether the applicant still meets the conditions for continuing in flex job. When the employee is over 40 years old, the job centre has the option of granting a permanent flex job. The rules on the size of the subsidy are complicated, but in practice they mean that in most cases people with flex jobs receive a salary that roughly corresponds to the minimum wage in the labour market. It is possible for the employer to award a higher salary, but this rarely happens. The labour market agreement in the local area is the starting point for the calculation, and the income that the citizen receives cannot be higher than the full-time salary for the position in question.

There are special schemes for people with flex jobs, which mimic schemes that apply to people in ordinary jobs: 'flex benefit', which is reminiscent of early retirement pay, and 'unemployment benefit', which is reminiscent of unemployment support for people with ordinary jobs. These payments are a bit less generous than the ones they mimic. Together, these schemes mean that the conditions for the citizen who is working with flex jobs are very similar to the conditions in ordinary jobs.

Since the flex job scheme was introduced, a number of studies have been carried out on its effects. Hohnen (2000)⁵ found that employees with flex jobs were considered ordinary employees at the company, although they may themselves be unsure about the extent to which they should behave as either 'sick' or 'healthy'. However, a later study (Holt et al., 2015)⁶ did not find that this had an effect. The 'flex jobbers' thrive on the job, have a good relationship with colleagues and find there is consistency between

² Figures from Danmarks Statistik, <https://www.dst.dk/Site/Dst/Udgivelser/nyt/GetPdf.aspx?cid=31954>.

³ Bredgaard, T. (2020), 'Fleksjob', in: Bredgaard, T., Amby, F., Holt, H. and Thuesen, F. (eds.), *Handicap og beskæftigelse, fra barrierer til broer* (Disability and employment, from barriers to bridges), Copenhagen, Djøf Forlag, p. 354.

⁴ See: <https://www.retsinformation.dk/eli/ta/2019/548>.

⁵ Hohnen, P. (2000), *Fleksjobs. En vej til et rummeligere arbejdsmarked?* (Flex jobs, a way to a more roomy job market?), Copenhagen, SFI, pp. 15-31, <https://www.viv-e.dk/da/udgivelser/fleksjob-en-vej-til-et-rummeligere-arbejdsmarked-5830/>.

⁶ Holt, H., Larsen, M., Bach, H. and Jensen, S. (2015), *Borgere i fleksjob efter reformen* (Citizens in flex jobs after the reform), Copenhagen, SFI, pp. 15-31, <https://www.vive.dk/da/udgivelser/borgere-i-fleksjob-efter-reformen-5318/>.

their ability to work and the demands they meet. There is no evidence, however, that the flex job scheme has increased employment in general for people with disabilities.

Deloitte (2018) evaluated⁷ the reform of flex jobs in 2013, which introduced an incentive for the citizen to increase their working hours, and meant that flex jobs were basically limited to five years. Deloitte showed that citizens in flex jobs had become insecure in their employment following the reform. Furthermore the flex jobbers did not respond as desired to the reform's incentives to increase working hours, so the incentive in question has had no effect.

In addition to the flex job scheme, there are a number of other types of wage subsidies, although they are not used to nearly the same extent. These other forms of wage subsidies are not intended to create jobs, but are used as rehabilitation instruments as well as to retain people with disabilities in jobs.

2.3 Reasonable accommodation

The Act on the Prohibition of Discrimination in the Labour Market⁸ (*Lov om forbud mod forskelsbehandling på arbejdsmarkedet*) states in Section 2a that the employer must make an effort so that a person with a disability can get into employment, pursue employment and make progress in employment. Furthermore, the employer must make an effort to give a person with a disability access to education on an equal footing with other job applicants or employees. This applies if it can be done within a reasonable framework, but not if it imposes a disproportionate financial burden on the employer that is not alleviated sufficiently by public subsidies.

Section 2a of the law says:

'The employer must take the measures that are appropriate in view of the specific needs to give a person with a disability access to employment, to pursue employment or to advance in employment, or to give a person with a disability access to education. However, this does not apply if the employer is thereby imposed a disproportionate burden. If this burden is sufficiently alleviated through public measures, the burden is not considered to be disproportionate.'

The law does not define exactly how much the employer is required to do, but there are some lines about practice in the country reports that are published each year. It appears from the court decisions that have been made⁹ that it is a prerequisite for the employer's duty to carry out reasonable accommodation that the employer is aware of the person's disability and that the employee with a disability is able to perform the job. It is a little more complicated if the disability means that the employee can only work half time. Here, the decisions show that assessments of the specific circumstances determine whether the court believes that the employer is obliged to investigate the possibility of part-time work in a flex job.

⁷ See: https://bm.dk/media/6576/hovedrapport_foep_fleks-pdf.pdf.

⁸ Law No. 1001 of 24 Augustus 2017, <https://www.retsinformation.dk/eli/Lta/2017/1001>.

⁹ European Commission, European network of legal experts in gender equality and non-discrimination (2021), *Country report: Non-discrimination*, Denmark, 2021, <https://www.equalitylaw.eu/downloads/5477-denmark-country-report-non-discrimination-2021-1-53-mb>, Section 2.6.

Efforts to get more people with disabilities into jobs through reasonable accommodation presuppose that employers are aware that they must comply with the law, and also that they will make active efforts to attract and retain people with disability as part of the labour force. Examples of efforts to promote such behaviour among companies will be given in Sections 3 and 4.

In 2018, a law was passed prohibiting all discrimination on the grounds of disability: the Act on the Prohibition of Discrimination due to Disability¹⁰ (*Lov om forbud mod forskelsbehandling på grund af handicap*). As discrimination in the labour market was already prohibited by the previous law, there is no reason to believe that this law has made any difference to the employment of people with disabilities.

2.4 Other relevant actions targeted at employers

Although successive Governments have pursued a policy aimed at promoting the employment of people with disabilities since 2002, there has not yet been a real campaign to this purpose aimed specifically at employers. The Central Disability Council¹¹ has pointed to the need for such a campaign. In discussing the results of the latest surveys, the council recommends, among other things, that national attitude-building campaigns be launched, targeted at employers.¹²

The Central Disability Council has also discussed the possibility of carrying out a campaign under the working title 'My colleague with disabilities'. This is a further development of the council's proposed attitude-building campaign 'My friend with disabilities', which is targeted at primary school pupils. However, the council has not yet decided on the details of a possible future campaign targeting employers.¹³

The Government's disability employment policy has included a programme for which the research institute SFI (now VIVE) published a Yearbook for the Company's Social Engagement¹⁴ (*Årbog for Virksomhedens Sociale Engagement*) every year from 1999 to 2015, and the research results contained in these yearbooks helped to create awareness among employers. The studies conducted by Aalborg University since 2014 on the employment of persons with disabilities have also focused on employers.

Furthermore, Metropol University College (now Copenhagen University College), in collaboration with Væksthuset, has participated in research through the Employment Indicator Project.¹⁵ Væksthuset is an independent institution that works to get persons with disabilities into work, and the project is very practice-oriented. It introduces an overview phase before employment, where the citizen works at the company without the company having committed to anything, and the necessary adjustments and aids are put in place during this phase. However, this method has not been attempted on a larger scale.

¹⁰ Law No. 688 of 8 June 2018, <https://www.retsinformation.dk/eli/ft/201712L00221>.

¹¹ The CDC is an independent council. Half of its members are appointed by the disability organisations and half represent the state and municipalities, while the chairman is appointed by the Government.

¹² See: <https://dch.dk/viden-om-handicap/arbejdsmarked/viden-om-handicap-beskaeftigelse>.

¹³ Information from an email from the Central Disability Council.

¹⁴ See: <https://www.vive.dk/da/udgivelser/virksomheders-sociale-engagement-aarboeg-2015-6286/>.

¹⁵ See: <https://vaeksthusets-forskningscenter.dk/publikationer/fra-udsat-til-ansat-set-fra-et-arbejdsgiverperspektiv/>.

Research on employment and disability does not in itself lead to more people with disabilities entering jobs, but it can still make a positive contribution. This can be done by creating awareness of the problem – but it can also be done by identifying methods that can be used in practical projects and initiatives. The research provides the background for most of the recommendations that conclude this article.

The research and the many projects carried out over the last two decades dealing with the employment of people with disabilities have also led to the Danish Employers' Association, in a pamphlet on jobs and disabilities,¹⁶ taking a position on what should be done politically to promote this goal. Some of the suggestions from this pamphlet are mentioned below.

2.5 Examples of good practice

The previous sections have shown some examples of good practice that have helped to promote the employment of people with disabilities.

Denmark has implemented the legislation required as a result of EU directives: the Act on Equality in the Labour Market and the general Act against Discrimination against People with Disabilities. Even before the European directives made it necessary to legislate in this area, a number of laws to get more people with disabilities into employment were passed around 2000, in particular the Acts on Active Employment Efforts¹⁷ and on Compensation for People with Disability in Occupation.¹⁸

Among other things, this legislation provided for wage subsidies in the first phase of employment, and for personal assistance if necessary. However, the scheme that has come to mean the most for a large number of people with disabilities in getting into work is undoubtedly flex jobs, which should therefore be highlighted as good practice in the legislative field.

Section 2.4 has mentioned research into disability and employment as a factor that stimulates employment. In this connection, it is worth mentioning the Væksthuset and Metropol study, the Employment Indicator Project.¹⁹ Here, an overview phase is introduced, where the citizen with a disability works in the company for a period without the company committing to anything. It turns out that this overview phase solves many problems with reasonable accommodation, and hiring is therefore made easier. The study is thus an example of good practice in this field.

The City of Aarhus is implementing a project called '*Virksomheds øve baner – på vej i fleksjob*' ('Business training fields – on the way to a flex job'),²⁰ funded by the Danish Business Promotion Agency (*Erhvervsfremmestyrelsen*) and the EU Social Fund. The project is running from 1 March 2021 until the end of 2022, and the goal is for 180 citizens to complete it. It makes an offer for citizens who are approved for a flex job but

¹⁶ See: <https://www.da.dk/globalassets/besk%C3%A6ftigelse/rapport---job-og-handicap-januar-2017.pdf>.

¹⁷ See: <https://www.retsinformation.dk/eli/lta/2019/548>.

¹⁸ LBK No. 108 of 3 February 2020, <https://www.retsinformation.dk/eli/lta/2020/108>.

¹⁹ See: <https://vaeksthusets-forskningscenter.dk/publikationer/fra-udsat-til-ansat-set-fra-et-arbejdsgiverperspektiv/>.

²⁰ See: <https://www.aarhus.dk/borger/job-og-ledighed/handicap-og-job/saerlige-virksomhedsindsatser/virksomhedsoevebaner-paa-vej-i-fleksjob/>.

who have not yet made contact with an employer. The project not only trains participants in professional competencies but also develops their social skills as they undergo training and become part of an ordinary workplace. They are then supposed to be retained through a flex job.

Training facilities have been established at several private companies in Aarhus. The course lasts 13 weeks and involves people coming to the training venue and performing practical work tasks. A business consultant supports the participants by guiding their work in collaboration with the employer. Afterwards, the consultant helps them to apply for a flex job, either in the company that has supplied the training or in another company. After participants are taken on in employment in flex jobs, the consultant will assist them in retaining the job. The project is thus a supporting partner for both the employer and the employee.

2.6 Good practice guides, websites and advice services directed at employers

There are a number of guides, web pages and services for hiring people with disabilities which are aimed at employers, and these are discussed in more detail in other sections of this article. The most general examples shall be mentioned here.

Among the web pages available are those from the National Board of Social Services²¹ (*Socialstyrelsen*) and the Ministry of Employment²² (*Beskæftigelsesministeriet*), which have already been mentioned above. The services provided by Cabi and by the municipal job centres are also mentioned several times in this article.

One disability organisation with projects aimed at employers is the association for mental health problems, SIND.²³ However, the focus on employers is not as strong in SIND's projects as it is in those of DHF. SIND's approach is to create a good match between the citizen and the workplace, building on an earlier SIND project in Odder municipality.²⁴ This work ran until 2020 and must be evaluated by Defactum.

Disabled People's Organisations Denmark (DPOD)'s Meaning and Mastery project²⁵ involved collaboration between nine disability organisations and municipal job centres. The organisations disseminated knowledge about cognitive impairment to the municipal job centre employees, and then a search was made of citizens, with collaboration between disability organisations and job centres. This involved completing a preliminary course, which provided clarification, and psychoeducation. Persons with cognitive impairments were being taught about their syndrome in order to learn to live with it and improve the quality of their lives. The nine participating disability organisations each prepared their own version of the coping process, which they adapted to their specific target group.

²¹ See: <https://socialstyrelsen.dk/tvaergaende-omrader/vidensplatform-om-handicap-og-beskaeftigelse>.

²² See: <https://www.handicapogjob.dk/>.

²³ See: <https://sind.dk/nyheder/pressemeddelelse-stor-donation-bygger-bro-til-job-og-nye-fremtidsdroemme-for-udsatte>.

²⁴ See: <https://www.rummeligimidt.dk/rampen-til-det-gode-job>.

²⁵ See: <https://handicap.dk/nyheder/nyt-projekt-faar-mennesker-med-handicap-job>.

The Meaning and Mastery project was evaluated by Kora.²⁶ This evaluation did not find that the participating 200 citizens had achieved a more stable employment position than before the project. However, Kora recommended that the municipalities continue the collaboration on coping processes, as in several cases clarification has been achieved. Furthermore, job centre employees are better equipped to detect people with cognitive disabilities. The experiences from this project have thus created a basis for expanding collaboration between DHF, disability organisations and job centres.

²⁶ See: <https://www.vive.dk/da/udgivelser/evaluering-af-mestringsforloeb-for-mennesker-med-kognitive-funktionsnedsaettelser-8744/>.

3 Support and partnerships available to employers to assist them in making reasonable accommodations

3.1 Support available to employers for making reasonable accommodation

Cabi²⁷ is an independent institution working under and financed by the Ministry of Employment. Cabi was established in 2002 through a transformation of seven former dissemination centres. The purpose of Cabi is to provide municipal job centres and companies with knowledge about the employment of people with disabilities. Cabi is located in Aarhus, but covers the whole country.

In addition to its general work for job centres and companies, Cabi provides consulting within its general field on normal market terms, including for private companies, and it develops initiatives with support from foundations in the field of employment. Cabi also organises a network of companies that support each other in completing the inclusive labour market.

Cabi regularly provides new information and inspiration for companies on its website, and is currently highlighting the opportunities that working from home during the coronavirus pandemic provided in employing people with mobility disabilities. It is also providing guidance on how companies can get good advice and counselling from Cabi's consultants, and a book on dealing with stress can be downloaded from the website. Furthermore, Cabi provides guidance on using UN World Goal 8.

Cabi's website also contains an easily accessible overview of the legislation on active employment efforts, and it provides inspiration on how employers can recruit with social responsibility and on how to recruit unemployed people who have difficulty finding work.

The support from Cabi's consultants is available to all employers and municipal job centres in the country. They may take up this support for free, and they are encouraged to get in touch. Cabi states on its website that 88 % of the companies and 92 % of the job centres that make use of its services are satisfied with them, according to a survey.

Cabi's guidance involves promoting the employment of people with disabilities in general, but since reasonable accommodation is closely linked to the use of the various schemes and is central to Cabi's work, a large part of the guidance is about that.

In addition to Cabi, municipal job centres can provide companies in their municipalities with advice and guidance. Furthermore, the Danish Agency for Labour Market and Recruitment (STAR) fulfils a special Job & Handicap function.²⁸ Among other things, STAR runs free basic courses for job centre employees on the disability compensation schemes for employers. The courses provide knowledge that is important in connection with grants, the processing of cases and services to companies.

These basic courses²⁹ provide information about the disability compensation schemes (such as the scheme for personal assistance, the 'Icebreaker' scheme, which provides

²⁷ See: <https://www.cabiweb.dk/om-cabi/>.

²⁸ See: <https://star.dk/handicap>.

²⁹ See: <https://star.dk/om-styrelsen/nyt/aktivitetskalender/specialfunktioner-job-handicap-aktivitetskalender/grundkursus-om-de-handicapkompenenserende-ordninger/>.

a wage subsidy in the initial phase of employment, and the mentor scheme, which makes a consultant available to both the company and the employee); about the possibility of receiving subsidies for assistive devices; and about the system of preferential access for job applications. The courses also provide knowledge about autism and ADHD and about the significance of these diagnoses in relation to employment.

3.2 Partnerships to assist employers to make reasonable accommodations

There are partnerships of many types that assist employers to make reasonable accommodations so that they can hire people with disabilities. These often include disability organisations, independent institutions, public bodies and companies. The partnerships can be permanent, they may be set up to carry out a series of projects, or they can be limited to a single project period. Geographically, they may cover a municipality, a number of municipalities or the whole country.

Among Denmark's various disability organisations, DHF is responsible for by far the largest number of projects for companies and for getting people with disabilities into jobs. DHF's recent activity in this field is based on its study³⁰ of barriers to the inclusion of people with mobility impairments in the labour market from 2015. DHF then conducted a further study called 'Remove the barriers',³¹ which identified negative and positive inclusion chains.

Subsequently, DHF has launched a project called 'The small, the medium-sized and the locally responsible'. An evaluation by Discus³² shows that job centres have developed new methods of collaboration with companies and can better see what corporate networks can contribute, and they have become better at making the right match between citizens and companies. The establishment of corporate networks has been a core element of the project. A new project, 'We make a difference – do you?'³³ which runs in three municipalities and is not yet finished, uses the methods that have been developed with a focus on the employers, with companies sharing their positive stories with each other.

By focusing on companies helping each other through networks, DHF is making them more aware of the importance of what they themselves can do to make it possible to employ people with disabilities, thus focusing on the importance of reasonable accommodations. DHF has begun to establish a nationwide network of companies, although it currently covers just three municipalities.³⁴ A number of companies have made their knowledge available to help other companies hire employees on the margins of the labour market, including people with disabilities. This network is discussed in more detail in Section 4.

³⁰ See: <https://danskhandicapforbund.dk/da/projekter/afsluttede-projekter/foranalysen-af-barrierer/#gsc.tab=0>.

³¹ See: <https://danskhandicapforbund.dk/da/projekter/afsluttede-projekter/fjern-barriererne/#gsc.tab=0>.

³² See: https://danskhandicapforbund.dk/files/2316/0319/9185/Slutevalueringer_De_sma_de_mellemstore_de_lokalt_ansvarlige.pdf.

³³ See: <https://danskhandicapforbund.dk/da/nyheder/flere-skal-i-job-med-handholdt-indsats-og-gode-historier/#gsc.tab=0>.

³⁴ See: www.Ledermentorranders.dk, www.ledermentorskanderborg.dk, www.ledermentorfuresoe.dk.

An example of an independent institution making an effort for employers in order to promote the reasonable adaptation of working conditions is the already mentioned Cabi,³⁵ which has established a company network.

Another example is the Hans Knudsen Institute (HKI),³⁶ which, together with Frederiksberg municipality, has implemented 'Jobs in focus', a project to promote the employment of citizens with intellectual disabilities. The project has been inspired by the ideas in the 'Growth with a social bottom line' project, in which Frederiksberg municipality is involved. Here, elements of employment policy and business policy are combined, based on the idea that growth and social responsibility can be reconciled. This was also the basic idea of Hans Knudsen, the 19th century social reformer and HKI's founder.³⁷

STAR is responsible for 'A more inclusive labour market for citizens with disabilities',³⁸ a project that has been assessed by Marselisborg Consulting.³⁹ The project has three main elements: a screening process that identifies citizens who need a job; a personal job placement, where both citizen and company are helped to see the potential in an employment; and a company-oriented effort that meets companies' needs for specific instructions and provides different means for making employment possible, e.g. personal assistant, workplace modifications.

Marselisborg's evaluation has shown that this work has been effective. The screening of citizens has allowed the job centre to draw attention to the importance of disability and to what advisory considerations are necessary. It turns out that the disability compensation schemes are being used less because the job placement provides a better match. Finally, the project has shown the importance of a targeted outreach effort in relation to employers. One of the most important outcomes has been to make the employer aware of the importance of reasonable accommodations.

'More people with cognitive disabilities in jobs'⁴⁰ is a project being run by Cabi from 2019 to 2022, with support from the Ministry of Employment. Cabi is working with 12 municipalities to upgrade the qualifications of employees in 10 municipalities, increasing the use of the disability compensation schemes so that more people with cognitive disabilities get into jobs or are retained in jobs. It appears from Cabi's website that it is open for more municipalities to join the project.

The project is based on experiences from Cabi's previous project, 'Compensation for more',⁴¹ which ran in 2016 and 2017 and raised the level of competence among employees in the municipalities, and which has ultimately given jobs to more people with disabilities. In 'Compensation for more', the aim was to increase people's

³⁵ See: <https://www.cabiweb.dk/om-cabi/>.

³⁶ See: https://www.frederiksberg.dk/sites/default/files/meetings-appendices/946/punkt_257_bilag_1_ansoegning_handicappulje_star_frb_og_hki.pdf.

³⁷ Hans Knudsen's ideas formed the basis for rehabilitation for people with disabilities in the first half of the 20th century and have had a great influence on the development of disability organisations with political influence in Denmark.

³⁸ See: <https://bm.dk/nyheder-presse/pressemeddelelser/2019/12/halvdelen-af-personer-med-handicap-i-satspuljeprojekt-har-faaet-tilknytning-til-arbejdsmarkedet/>.

³⁹ See: <https://star.dk/media/11762/evaluering-af-et-mere-rummeligt-arbejdsmarked-for-borgere-med-handicap-2017-2018.pdf>.

⁴⁰ See: <https://www.cabiweb.dk/om-cabi/cabis-projekter/flere-med-kognitive-handicap-i-job/>.

⁴¹ See <https://www.cabiweb.dk/om-cabi/cabis-projekter/kompensation-til-flere/>.

understanding that mental difficulties are a disability that can be compensated for. The project fell into two phases: first, a competence development course comprising four one-day sessions was developed for the interdisciplinary employee group; then, this was implemented in 15 municipalities.

The project has been evaluated⁴² by Cowi, which found that it has reached its goals and has achieved the anticipated outcome. The participating municipalities previously used the disability compensation schemes very little and only for retention, but the project has shown that, in many cases, they can be used to get more people with disabilities into jobs in conjunction with reasonable accommodations. The evaluation also emphasises that anchoring was designed into the project from the start, so it is easy for the participating municipalities to continue to benefit from the project's results.

There is no comprehensive list of projects on assisting people with disabilities to get into jobs, but there are many more such projects. They focus on the citizen, the job centre and the company. In preparing this article, the author searched for those projects that focus in particular on the company and the extent to which they implement reasonable accommodation to enable people with disabilities to secure and retain jobs.

⁴² See <https://www.cabiweb.dk/media/2710/slutevaluering-cabi-kompensation-til-flere-finalcowi.pdf>.

4 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

4.1 Good practice guides for employers regarding reasonable accommodation

There are several good practical guides for employers on disability and employment, especially on the application of reasonable accommodations.

The National Board of Social Services (*Socialstyrelsen*) has launched a Knowledge Platform on disability and employment for use in concrete practice,⁴³ which gathers and disseminates knowledge in the field. It provides routes of entry for business leaders, municipal leaders and caseworkers, as well as for citizens with disabilities themselves. Business leaders can, among other things, consult a guide on technology support and see an overview of disability compensation schemes, tools and support. There is also a film about a production company that collaborates with its local municipality to bring people with disabilities into work.

The Ministry of Employment has established a website called *Handicap og Job*,⁴⁴ which is about getting more people with disabilities into work, and allows access for citizens, companies and job centres. Companies⁴⁵ can find information about personal assistance, aids, wage subsidies for new graduates and mentor support. They can also download a 12-page brochure on recruiting employees with a disability. The website also provides examples of successful projects, which we shall return to.

DHF has carried out a nationwide information campaign⁴⁶ with the aim of providing information and creating awareness about the disability compensation schemes, with reference to STAR's information page. DHF has also carried out a nationwide information campaign⁴⁷ for the National Board of Appeal (*Ankestyrelsen*) in collaboration with a number of employer organisations and the municipalities. The purpose of these campaigns has been to raise awareness about the law of reasonable accommodation and to help companies understand the law and avoid getting into difficulties when hiring, retaining or dismissing employees with disabilities.

Mention may also be made here of the registration scheme *God Adgang*⁴⁸ (Good Access), which is run by an association affiliated with Disabled People's Organisations Denmark (DPOD). Companies can be registered with the scheme if they live up to certain defined accessibility standards. The company pays a fee, and God Adgang prepares a description of how good the level of accessibility is at a number of points. This information is available online and has been used 110 000 times a year. The description is updated every four years.

God Adgang was drawn up by DPOD from 2006 to 2009 as part of the Government's Disability and Jobs action plan and was then handed over to an independent association, itself called God Adgang. The purpose is to create a registration scheme

⁴³ See <https://socialstyrelsen.dk/tvaergaende-omrader/vidensplatform-om-handicap-og-beskaeftigelse>.

⁴⁴ See <https://www.handicapogjob.dk/>.

⁴⁵ See <https://www.handicapogjob.dk/virksomhed/>.

⁴⁶ See www.brugdem.dk.

⁴⁷ See www.fleksjob.nu.

⁴⁸ See <https://godadgang.dk/om-os/god-adgangs-handlingsplan-128>.

that helps companies manage accessibility. God Adgang is mostly used for buildings, but also covers a limited number of other workplaces, and the activity is now ready to be expanded so that workplaces come more into focus.

4.2 Any other sources of information regarding good practice for employers regarding reasonable accommodation

There are other sources of information on good practice for employers to do with reasonable adaptation of working conditions for people with disabilities. Section 2 has already mentioned the company network established by Cabi, and Section 3 has briefly mentioned the DHF project on leadership mentoring. The latter will be discussed in more detail here.

DHF has started its leader-mentor project⁴⁹ in the municipalities of Randers, Skanderborg and Furesø, but the intention is to develop it throughout the country. The project creates a forum where some municipal leaders make themselves available to guide other leaders on topics of importance for the employment of people with disabilities. These include recruitment, retention of staff with challenges, the implementation of corporate social responsibility strategies, policies for senior employees, and social economic enterprises.

Individual municipalities have their own web pages. About a dozen municipal leaders are each presented in a picture that shows them as both competent and accommodating, with a quote in a speech bubble where they express their commitment, and a text that presents what they are a leader for, where their experience lies and what they can assist with. The middle of the page says 'I am a leadership mentor – let me help you!' in large letters. At the bottom of the page is an invitation to contact a manager (using their first name) by either phone or email. The form makes it easy and safe for any municipal leader to ask about getting good advice.

4.3 Examples of individual reasonable accommodations which reveal good practice

Films about disability and employment

The National Board of Social Services knowledge platform lists 10 films⁵⁰ about disability and employment, each of which describes an example of good practice for providing reasonable accommodation so that a citizen with a disability can get to work or keep a job. The titles of the 10 films are:

1. 'In a supermarket, employees with disabilities have great value'
2. 'Returning to his workplace after a brain injury'
3. 'A good match between workplaces and people with disabilities'
4. 'Good collaboration with the job centre was crucial'
5. 'Finding a job can seem overwhelming'
6. 'A working day adapted to individual needs'
7. 'Hiring people with disabilities is a positive experience'
8. 'Personal assistance and technology support ensure focus on the core task'

⁴⁹ See www.Ledermentorranders.dk, www.ledermentorskanderborg.dk, www.ledermentorfuresoe.dk.

⁵⁰ See <https://socialstyrelsen.dk/tvaergaende-omrader/vidensplatform-om-handicap-og-beskaeftigelse/spotfilm>.

9. 'Technology support creates security and greater independence'
10. 'The IPS effort was the turning point'.

The sixth of these films, 'A working day adapted to individual needs', is about a young woman named Alice. She has applied for a job in a hub that works to help IT start-up companies. It is a small business. At the job interview, she mentions that she needs to be able to talk to a psychologist during the day about once a week, as she has a mental health diagnosis for a form of schizophrenia.

The diagnosis means that she would like to have her working hours distributed differently than her colleagues, with a large proportion of her hours at night, when she works better. That does not mean that she works less; she can still manage to get the tasks done in the time allotted. The only consideration she requires is acceptance of her particular way of working.

This case may be considered a model example of reasonable accommodation, because it so clearly shows that the place where accommodation needs to take place is in the minds of managers and employees of the company. In this case, no special tools or physical remodelling are required, and no public subsidy is needed to allow Alice to work in her post. All that is needed is for the manager to make room for her to function differently than most other employees. In that way, there will be jobs for Alice even though she has a diagnosis that otherwise attracts a very low employment rate.

Cabi's pamphlet

Cabi's pamphlet, 'Does your employee have problems with overview, memory or concentration?',⁵¹ mentions three examples of the successful use of reasonable accommodation to enable people with disabilities to work:

1. 'Bent is a graphic designer but has problems keeping track of time. Bent works as a graphic designer. He has struggled with the aftermath of stress and severe depression. The consequences have been disabilities in the form of having difficulty managing time. Bent has now been granted an app as an aid. With the app, he can set times for his tasks and sub-tasks, so he can keep track of whether he is at the right place at work. It gives him peace of mind that he is now in control of his task solution in this way.'

This example is good practice because the employer is aware that cognitive disabilities can be managed, and knows about a simple and cheap solution that is needed for Bent to be able to do his job. It is precisely this kind of knowledge that several of the previously mentioned projects have set out to develop and pass on to more job centres, where this has not been present everywhere.

2. 'Britt is a secretary but has a hard time remembering things. Britt works as a secretary, but after a brain injury she has memory problems, which present her with challenges when it comes to planning and structuring her working day. Now, she gets an hour of personal assistance every morning, where a colleague helps her get a handle on the day's tasks. This means that the company receives a subsidy for five hours a week.'

⁵¹ See: https://www.cabiweb.dk/media/4241/pjece-virksomheder_kompensation-til-flere-2021-sats-web.pdf.

This example is good practice because the employer is willing to provide compensation even though in this case it is a little more intrusive and requires adjustment, as another member of his ordinary workforce has to use five hours a week for this. The salary of the personal assistant is paid by the state.

3. 'Mathias is an assistant at a car workshop but needs a lot of support. Mathias is a disability pensioner due to a learning disability. He has found an auto repair shop where he likes to come and do good work. The workshop would now like to hire Mathias for occasional work. He is employed (with wage subsidies) doing jobs for disability pensioners for 20 hours a week. At the same time, the workshop is granted a personal assistant for 10 hours a week, so that a colleague can help Mathias to understand and get started with his tasks.'

This example is good practice because the employer is willing to create a job for a disability pensioner and to provide a member of their ordinary workforce for 10 hours a week, who can act as a personal assistant.

Teamwork for future employee

Finally, a case provided by the Danish Association of the Physically Disabled:

A citizen is a regular wheelchair user with a progressive disease in the middle of his working life. He previously had several flexible job contracts. A job centre was in contact with the citizen. After dismissal from his previous flexible job he found a new flexible job, which was in accordance with his competencies and where the disability could be taken into account.

The job centre had already made contact with the new employer regarding this employment contract. The new workplace is not appropriate for a wheelchair user: it is located on the first and second floors, without elevator access. There were several visits to the workplace by a key member of staff and disability consultant from the job centre, and by the company selected as supplier for the installation of wheelchair lifts and devices. The required adjustment of the toilet was also assessed. Company XX was chosen after several companies and disability consultants were contacted, and all those involved pointed to this company as the right one to carry out what was a comprehensive task.

In order for the citizen to access his workplace, a wheelchair lift or stair lift was required to allow access to the first and second floors of the building. Several access doors required to be automated, and the workplace and toilet needed to be arranged in such a way that a wheelchair could pass through, so that the citizen could vary his position and access a toilet during the working day. Additional aids were required to allow variations in working positions, as assessed by the key person from the job centre. Time needed to be allowed for the delivery of all products and installations.

In the planning of these installations, there was ongoing contact between the future employer, the citizen, the key person from the job centre, the proprietor of the company's premises and the supplier from company XX.

As the citizen had to start quickly in the new job, the various parties initially agreed that the citizen should be equipped with a home office, in collaboration between the key person and the employer, and they provided the necessary equipment (including

special equipment) so that the citizen could get started with his work tasks. They planned the necessary agreements and installations throughout the spring. When everything was nearly in place and installation was due to begin, the company moved to another premises in their group, which slowed down the project.

The above-mentioned tasks had to be started all over again. Conversions were required at the new location in order to provide an accessible toilet, a wheelchair lift and door automation. Once again, there was extensive communication around the tasks required for the measures to succeed. At this point, reports from the proprietor of the building slowed down the conversion work. The citizen still works from home, although there is an ongoing dialogue with his manager and colleagues. The citizen has visited the new workplace and is awaiting the installations before he can report to the new location.

The author has highlighted this example because it is distinguished by the fact that the process has demonstrated a great deal of flexibility from the employer, the key person, the citizen and the provider of the solution, with frequent contact and great goodwill in order to make things successful and to place the citizen at the centre of the solution.

5 Recommendations and guidance regarding good practice and reasonable accommodation

5.1 Recommendations regarding good practice and reasonable accommodation in recruitment and hiring

These recommendations are based on the research and evaluations that have been mentioned in the previous sections. The evaluation of 'A more inclusive labour market for people with disabilities'⁵² showed that it paid off for the job centre to screen a large number of jobseekers, even though only a minority turned out to have disabilities.

The evaluation of DHF's project on small and medium-sized enterprises⁵³ showed that the matching of jobseeker and company was important in order to provide sustainable employment. A better match could even lead to less use of the legislation for providing subsidies for work tools and building change.

In the study 'Remove the barriers',⁵⁴ DHF recommends running a campaign to break down prejudices in companies. It suggests using a hashtag to make the conversation about disability more natural and thus break down companies' prejudices about people with disabilities.

DHF also recommends giving companies and citizens better knowledge of the compensatory schemes. This information should be available to all companies, even if they are not focused on people with disabilities as part of their labour force or on the compensatory schemes.

In its pamphlet on Jobs and Disabilities,⁵⁵ the Danish Employers' Association proposes a duty for non-employed persons with disabilities to register as jobseekers on jobnet.dk. This will mean a greater supply of workers with disabilities. Based on the research, the author recommends that the job centres carry out a screening of a broad group of jobseekers, including citizens with social assistance (*køntanthjælp*), to identify the impacts of reduced functional ability on employment opportunities. A screening tool can be developed based on the STAR project (see footnote 44).

5.2 Recommendations regarding good practice and reasonable accommodation in initial employment

The Employment Indicator Project,⁵⁶ discussed in Section 2, was found to be of great importance for the success of an employment, introducing an overview phase before the start of permanent employment, during which the employee could try out the job before the employer became committed.

⁵² See: <https://star.dk/media/11762/evaluering-af-et-mere-rummeligt-arbejdsmarked-for-borgere-med-handicap-2017-2018.pdf>.

⁵³ See: https://danskhandicapforbund.dk/files/2316/0319/9185/Slutevalueringer_De_sma_de_mellemstore_de_lokalt_ansvarlige.pdf.

⁵⁴ See: <https://danskhandicapforbund.dk/da/projekter/afsluttede-projekter/fjern-barriererne/#gsc.tab=0>.

⁵⁵ See: <https://www.da.dk/globalassets/besk%C3%A6ftigelse/rapport---job-og-handicap-januar-2017.pdf>.

⁵⁶ See: <https://vaeksthusets-forskningscenter.dk/publikationer/fra-udsat-til-ansat-set-fra-et-arbejdsgiverperspektiv/>.

DHF's study 'Remove the barriers'⁵⁷ recommends raising awareness of the importance of accessibility for the inclusion of people with mobility impairments in the labour market. Many companies are not accessible, but would like to be if the right candidate applies and has a disability that requires adjustment, but the candidate with a disability might not apply if the company is not accessible.

Bredgaard et al. make a number of recommendations in their review of research in disability and employment.⁵⁸ They recommend that the person with a disability should acquire education and self-confidence, building social networks that can support them while being open about their limitations.

Employers are advised to seek knowledge about disability, to ensure better accessibility, to find the relevant job functions that can be handled by people with disabilities, and to enter into collaboration with job centres and other partners.

The job centres are advised to identify disabilities, as they do not necessarily see them. In addition, they should gain greater knowledge about compensation schemes – not only about the legal text itself but also about practice, so that they can better assess the real opportunities for creating flex jobs. Finally, they should develop better specialist knowledge about disability.

Based on the research, the author recommends that it be made possible to introduce an initial overview phase in an employment, during which the company can gain more knowledge about the disability and can implement the necessary accommodations before the employment is made permanent. This can be done by adding to the law on people with disabilities in occupation.

5.3 Recommendations regarding good practice and reasonable accommodation in promotion and career development

In its study 'Remove the barriers',⁵⁹ DHF recommends a shift of focus to competencies and abilities, rather than on limitations, ensuring that people with disabilities are seen in contexts that are not about disability but about the work they perform.

In the same study, DHF recommends introducing a certificate of compensation so that a grant can follow the person from one employment to another. This will increase the focus on competencies rather than limitations, and with a certificate of compensation there will be less bureaucracy in employing people with disabilities.

The Danish Employers' Association makes the same recommendation in its pamphlet on Jobs and Disability.⁶⁰

⁵⁷ See: <https://danskhandicapforbund.dk/da/projekter/afsluttede-projekter/fjern-barriererne/#gsc.tab=0>.

⁵⁸ Bredgaard, T., Amby, F., Holt, H. and Thuesen, F. (eds.) (2020) *Handicap og beskæftigelse, fra barrierer til broer* (Disability and employment, from barriers to bridges), Copenhagen, Djøf Forlag.

⁵⁹ See: <https://danskhandicapforbund.dk/da/projekter/afsluttede-projekter/fjern-barriererne/#gsc.tab=0>.

⁶⁰ See: <https://www.da.dk/globalassets/besk%C3%A6ftigelse/rapport---job-og-handicap-januar-2017.pdf>.

Based on the research, the author recommends that a certificate of compensation be introduced when aids are granted or a workplace rebuilt, to ensure accessibility for an employee with a disability. The purpose of this is to avoid having to process a new case when the employee has the same requirement in a similar job elsewhere at a later date. As job change is one of the most important mechanisms in a career, this makes the way forward easier for the employee with a disability. This can be done by adding to the law on people with disabilities in occupation.

5.4 Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes

In its pamphlet on Jobs and Disability,⁶¹ the Danish Employers' Association has a recommendation that is specifically about increasing the possibility of retaining employees in flex jobs. Today, it is not possible to replace an ordinary job with a flex job until the employee has been employed for 12 months under the special terms, called the 'social chapters'.⁶² This requirement has been made to prevent the employer from using the flex job scheme more than was intended.

The Danish Employers' Association (DA) proposes that this requirement be abolished. In this way, it will be possible to retain more people in flex jobs than is possible today. In order to prevent abuse of such a scheme, DA points out that it is the task of the awarding authority to ensure that only persons with reduced working capacity are awarded flex jobs. This can be done through a change in the law on flex jobs.

Based on the research, the author recommends that it be made easier to create a flex job for an employee who has so far been employed in an ordinary job, and thus easier to retain an employee who no longer has the functional skills needed to handle the ordinary job, but who could, for instance, perform the tasks for a more limited number of hours.

⁶¹ See: <https://www.da.dk/globalassets/besk%C3%A6ftigelse/rapport---job-og-handicap-januar-2017.pdf>.

⁶² A part of the labour market agreement where special rules have been agreed to make it possible to retain workers with reduced working capacity.

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