



Striving for an inclusive labour market in Netherlands

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

Jose Smits

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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

Employment quotas are included in a job agreement and quota scheme for workers with disabilities to create 125 000 new jobs in total before 2026 for a specific and limited group of job seekers with a disability.

Tax relief is available to public and private employers who hire employees with a disability who are eligible to be hired under the job agreement and quota scheme.

The option to pay no wage is available for employers through a trial placement for a period of two to six months, or sometimes for two years. Employers are allowed to pay less than the legally required minimum wage if the worker has a benefit under the Young Disabled Persons Act 1997.

Employers may apply for wage subsidies to compensate for the lower productivity rates of employees with a disability.

Employers who hire a person in receipt of a disability benefit are granted 'no-risk' insurance for these employees. This means that they are not obliged to provide sick pay.

Employers are obliged to provide reasonable accommodation under the Act on Equal Treatment on the Grounds of Disability and Chronic Illness 2003.

Work accommodations are paid for publicly (unless the costs do not exceed the 'usual cost' for a provision) and range from adapted individual transport to location-based provisions, such as adapted workstations and ramps. They can also involve devices and services (such as electronic equipment or adaptations to laptops, braille readers and services such as sign language interpreters). Options for working at a lower speed, at lower productivity rates, part-time or with job coaching are all perceived as work accommodations, too.

The majority of employers do not know about the availability of support and financial incentives. Employers that do have knowledge of the available instruments (including financial support) find them an essential condition for hiring a worker with a disability. The combined effect of quota, tax relief and wage subsidies is limited, as the large majority of employers do not consider hiring employees with disabilities.

The financial instruments are aimed at workers on low wages, and almost half of workers with disabilities are hired on a temporary basis, thus limiting opportunities for training and promotion.

The websites of 'employer service points' (set up by municipalities and the administrative authority, UWV), offer services and advice to employers who want to hire job seekers with a disability.¹

De Normaalste Zaak (Normal Business), a private organisation, offers information on its website on the quota and job agreement scheme, on the financial instruments for employers, on recruiting and hiring and on good practice. All national employer organisations have cooperated on an internet guide plus toolbox called 'On to 100 000 jobs', which contains examples of good practice and information on the quota and job agreement scheme, including on reasonable accommodation.

There is little to no focus on hiring workers with a disability and providing reasonable accommodations outside the restricted group eligible for the job agreement and quota for workers with disabilities.

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

Municipalities and the administrative authority, UWV, cooperate through 35 regional organisations called 'employer service points' and offer advice on request on reasonable accommodation.²

The Coalition for Technology and Inclusion is a partnership that was formed in 2018 by UWV, research institutes, private employers, representatives of employer organisations, the Ministry of Social Affairs and Employment and a national council of recipients of unemployment and disability benefits. The Coalition for Technology and Inclusion has so far initiated and funded 15 pilot projects, in which the applied use of ICT is tested for accommodations in the workplace.

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

The Coalition for Technology and Inclusion has funded, researched and initiated about 15 pilot projects designed to develop innovative digital technology to enable people with disabilities to function in specific paid jobs within specific companies. The Coalition for Technology and Inclusion published several research reports showing positive results from the digital innovation strategy as well as a guide on specific digital innovations and equipment, on how to use them and on where to purchase them. The pilot projects tested the usability of reasonable accommodations on a trial basis, not on a large scale in companies. There is no information available, however, on the effectiveness of these innovative accommodations.

¹ *WerkgeversServicepunten* – see:

<https://www.werk.nl/werkgevers/wervingsadvies/werkgeversservicepunt/>.

² See: <https://www.werk.nl/werkgevers/wervingsadvies/werkgeversservicepunt/>.

1.4 Recommendations

Provide individual provisions, such as sign language interpreters or adapted individual transport, to job applicants during the application phase.

Grant provisions for temporary work and allow workers to transfer these provisions from one job to another without continuous renewal of eligibility assessments.

Set up a strategy to convince the majority of employers to allow for open hiring procedures in order to have potential employees work and to see what their capabilities are, instead of using existing strict job descriptions, for which accommodations have to be set up.

Aim for a strategy in which reasonable accommodations are not just a compensation for a specific impairment of a potential individual employee but in which general (organisational and technical) accommodations are developed within the company to facilitate groups of workers with similar types of impairments.

Raise awareness among employers that reasonable accommodations can be obtained to compensate for specific impairments (such as sign language interpreters, braille readers or adapted transport) for employees who are in the much broader group of workers with a disability but who fall outside the scope of the restricted criteria for the job agreement and quota for workers with disabilities.

Raise awareness among partnerships of employers that providing more innovative and technical solutions for reasonable accommodations will enable workers with different types of disability to work in regular jobs with a potentially high productivity level.

Introduce incentives for employers to continue employment and provide reasonable accommodation for employees who develop an impairment while in employment.

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

Employment quotas have been included in a national job agreement to create a total of 125 000 new jobs for job seekers with disabilities by 2026. Those who were disabled before their 18th birthday are eligible for these jobs, as are those who are assessed as not being able to earn at least the minimum wage due to a disability, former special education pupils and those who are eligible for sheltered work.³

The job agreement finds its legal basis in the Act on a Job Agreement and Quota for Workers with Disabilities.⁴ Each year since 2015, specific quotas are to be met by all sectors in the economy until the total of 125 000 extra jobs has been reached. All employment sectors, including government employers, contribute to the scheme. So far, private employment sectors have met their quota. At the end of 2020, private employers had met their goal of 50 000 jobs, with a total of 53 799 jobs actually created. The goal for the government sector by the end of 2020 was to allocate 17 500 jobs,⁵ and it achieved a total of 12 298 jobs under the scheme. The government sector has failed to reach the yearly quota in all years since introducing the job scheme.

The National Parliament decided, in 2020, to approve the suspension of the punitive charge that was to be legally imposed on government employers for not meeting their quota. The argument given was that government employers cannot meet their quota because they outsource much of their work to private employers.⁶ There is no sanction aimed at individual employers and no way to pay a fee or levy other than higher social security contributions being paid by the entire sector. The quota is not enforced with regard to government employers. They never reached their target, and the charge has been suspended for the entire government sector.

The majority of jobs within the job agreement and quota for workers with disabilities offer a net disposable income at or below disability benefit level.⁷ Of all jobs offered under the agreement, 48 % are on a temporary basis.⁸ In comparison, 36 % of all workers in the Dutch labour market are working on temporary contracts, on-call contracts or self-employed contracts.

³ Criteria described by UWV, the administrative authority that determines eligibility. See: <https://www.uwv.nl/particulieren/overige-onderwerpen/doelgroepregister/detail/wanneer-word-ik-opgenomen-in-het-doelgroepregister>.

⁴ *Wet banenafpraak en quotum arbeidsbeperkten 2015*, available in Dutch at: <https://wetten.overheid.nl/BWBR0036551/2015-05-01>.

⁵ Letter to Parliament by the Minister of Social Affairs and Employment, July 2021, *Kamerstukken kst-34352, No. 219*, available in Dutch at: <https://zoek.officielebekendmakingen.nl/kst-34352-219>.

⁶ Letter to Parliament by the Minister of Social Affairs and Employment, July 2021, *Kamerstukken kst-34352, No. 219*, <https://zoek.officielebekendmakingen.nl/kst-34352-219>.

⁷ *Eindevaluatie van de Participatiewet* (Final evaluation of the Participation Act), SCP, scp-publicatie 2019-17, available in Dutch at: <https://www.scp.nl/publicaties/publicaties/2019/11/19/eindevaluatie-van-de-participatiewet>.

⁸ Letter to Parliament, December 2020, *Resultaten onderzoeken banenafpraak en cijfers beschut werk*, available in Dutch at: <https://www.rijksoverheid.nl/documenten/kamerstukken/2020/12/18/resultaten-onderzoeken-banenafpraak-en-cijfers-beschut-werk>.

The job agreement and quota for workers with disabilities is having no notable influence on the general labour participation rate of people with disabilities in the Netherlands, even though the labour market is very tight, with a high general activity rate (85.8 %) and low unemployment (3.4 % in 2019).⁹

The quota system is also having no notable influence on the willingness of employers to hire people with disabilities, according to research by the Netherlands Institute for Social Research. Of all employers, 61 % state that, over the years since 2015, they have been willing to hire someone with a disability, but only 19 % have concrete plans to do so. Less than a quarter of this 19 % of willing employers succeed in hiring an employee with a disability.¹⁰ This minority of employers have succeeded in hiring enough workers with a disability to fulfil the quota for their sector. The administrative authority, UWV, provides slightly different data on employers who are hiring persons with a disability. In 2020, 12.7 % of all employers hired a person with a disability (claiming disability benefit) compared to 11.9 % in 2018.¹¹ Employers who were asked why they are hesitant about hiring workers with a disability state, in 41 % of cases, that they have no suitable adapted jobs available.¹²

One third of people with disabilities experience discrimination and unequal treatment by employers or work colleagues, compared to 25 % among workers without disabilities. One in eight job seekers with a disability stopped their attempts to find paid work due to the discrimination that they experienced.¹³

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

Tax relief

Tax relief¹⁴ is available to public and private employers who hire employees with a disability who are eligible to be hired for a specially created job under the job agreement scheme – or an employee in receipt of a disability benefit or an employee over 55 years of age receiving any other income benefit. Tax relief is only available for new employment contracts, not for those workers who were employed six months prior to the new contract. This means that an employer cannot get tax relief for employees

⁹ European Semester 2020-2021 country fiche on disability equality, Netherlands, available at: <https://ec.europa.eu/social/BlobServlet?docId=23942&langId=en>; Knapen, J., Grosscurt, R. and Boeije, H. (2020) *Werken met een beperking: verdiepingstudie participatiemonitor. Arbeidsomstandigheden van mensen met een lichamelijke beperking* (in-depth study participation monitor), *Nivel kerncijfers participatie* (Core data on participation), Utrecht, Nivel.

¹⁰ *Eindevaluatie van de Participatiewet*, <https://www.scp.nl/publicaties/publicaties/2019/11/19/eindevaluatie-van-de-participatiewet>.

¹¹ *UWV Monitor Arbeidsparticipatie Arbeidsbeperkten 2020* (monitor of labour participation of workers with a disability), available in Dutch at: <https://www.uwv.nl/overuwv/Images/uwv-monitor-arbeidsparticipatie-arbeidsbeperkten-2020.pdf>;

UWV Monitor arbeidsparticipatie arbeidsbeperkten 2021 (Monitor of labour participation of workers with a disability), available in Dutch at: <https://www.uwv.nl/overuwv/kennis-cijfers-en-onderzoek/kennis-onderzoeken/uwv-monitor-arbeidsparticipatie-arbeidsbeperkten-2021.aspx>.

¹² *Arbeidsmarkt in kaart: werkgevers 2017* (Labour market inventory, employers 2017), Netherlands Institute for Social Research SCP 2017, available in Dutch at: <http://digitaal.scp.nl/arbeidsmarktinkaat-werkgevers2017>.

¹³ European Semester 2020-2021 country fiche on disability equality, Netherlands, available at: <https://ec.europa.eu/social/BlobServlet?docId=23942&langId=en>.

¹⁴ This tax relief is governed by the Salary Costs (Incentive Allowances) Act (*Wet tegemoetkomingen loondomein*), available in Dutch at: <https://wetten.overheid.nl/BWBR0037522/2022-01-01>.

who acquired an illness or disability during their employment and whose contract the employer wants to extend. An employer will receive tax relief if the employee has been assessed as eligible by the administrative authority, UWV, or the municipality. Employees should apply for an eligibility assessment and submit the eligibility decision to their employer. Employers need to submit the eligibility decision to the tax authority in order to get the tax relief.

The tax relief is granted on the condition that the new employee works more than 1 248 hours a year for an hourly wage between EUR 10.48 and EUR 13.12 per hour. An equivalent relief system has been introduced for young employees who earn minimum youth wages. The tax relief can be given for a maximum of three years per employee.¹⁵ The Government announced its intention to grant tax relief for indefinite periods starting in 2024, and this tax relief has been introduced to replace the former reduced social security contribution system.

The number of workers with a disability who are eligible to be hired for a job under the job agreement scheme, for whom tax relief is given to employers, is estimated to be around 43 000.¹⁶

Reduced social security contributions

There is no general reduction of social security contributions other than an automatic social security reduction when an employer is allowed to pay less wages or no wage at all.

Paying no wage and wage subsidy

The option to pay no wage is available for employers in two ways.

The first is the 'trial placement' initiative, which allows for public and private employers to employ a person with a disability on a trial basis for a period of two to six months. To prevent abuse, employers must declare to UWV in advance that they intend to hire a candidate after the trial placement for at least six months.¹⁷ Trial placement was granted by UWV for 3 835 workers with a disability in 2021.¹⁸ The number of trial placements was much higher in 2015, when 7 600 workers worked on a trial basis.¹⁹

Employers may also apply to municipalities to invite people with disabilities to work as volunteers for a maximum of three months (or in exceptional cases for a period of two

¹⁵ UWV web page describing all the conditions for obtaining tax relief. This web page informs employees about their rights and helps employers to obtain the tax relief – available at: <https://www.uwv.nl/particulieren/overige-onderwerpen/loonkostenvoordeel/detail/voorwaarden-per-doelgroep>; A further web page with a description of tax relief conditions, aimed at employers, has been produced by the private consultancy firm OAZ – available at: <https://oaz.nl/nieuws/de-voorlopige-berekening-wtl-2021/>.

¹⁶ Estimation based on data from Netherlands Statistics as quoted in the *UWV Monitor arbeidsparticipatie arbeidsbeperkten 2021* (Monitor of labour participation of workers with a disability), p. 68, available in Dutch at: <https://www.uwv.nl/overuwv/kennis-cijfers-en-onderzoek/kennis-onderzoeken/uwv-monitor-arbeidsparticipatie-arbeidsbeperkten-2021.aspx>.

¹⁷ UWV webpage on the instrument: <https://www.uwv.nl/particulieren/voorzieningen/voorzieningen-werk/detail/voordelen-en-regelingen-voor-uw-werkgever/proefplaatsing>.

¹⁸ *Kwantitatieve informatie 2021 UWV*, April 2022, p. 48, available in Dutch at: <https://www.uwv.nl/overuwv/Images/uwv-kwantitatieve-informatie-2021.pdf>.

¹⁹ *UWV Monitor arbeidsparticipatie arbeidsbeperkten 2021* (Monitor of labour participation of workers with a disability), <https://www.uwv.nl/overuwv/kennis-cijfers-en-onderzoek/kennis-onderzoeken/uwv-monitor-arbeidsparticipatie-arbeidsbeperkten-2021.aspx>.

years) without wages and without a contract, during which time these volunteers may retain their benefit. The aim is to build up work experience.²⁰ It is not known how many trial placements were granted to employers via municipalities.

Employers are allowed to pay less than the legally required minimum wage if the worker has a benefit under the Young Disabled Persons Act 1997²¹ and if they are assessed as having a productivity of less than 75 % of average productivity. This is called exemption from paying standard / minimum wage, with the reduced salary being compensated through a benefit under the Young Disabled Persons Act. The assessment will be performed by UWV upon request. In 2021, the number of wage dispensations granted was 10 113.²²

Paying less than the minimum wage has the additional benefit that social security contributions by employers are also automatically lowered. Paying less than the minimum wage is allowed by UWV for a period of six months to five years with regular renewals. The employee will receive a benefit to supplement their wage.

Employers are obliged to pay at least the minimum wage to all other categories of persons with a disability, but they may apply to UWV or municipalities for wage subsidies to compensate for the lower productivity rates of these employees. These wage subsidies for the employer can be as much as 70 % of the minimum wage, plus 23.5 % of the obligatory social security premiums paid by employers. The subsidies can be granted for an indefinite period.²³

UWV reports that, for 55 % of workers who had a disability before their 18th birthday, a wage subsidy was given to their employers.²⁴ In 2021, all municipalities together granted 29 680 wage subsidies to employers (for unemployed workers of whom a large proportion have a disability).²⁵

Employers who hire a person in receipt of a disability benefit or a benefit under the Participation Act,²⁶ or who are eligible for sheltered work, are granted 'no-risk' insurance for these employees. This means that they are not obliged to provide sick pay during the first two years of an illness as they are obliged to do for all other employees. The take-up of no-risk insurance is high, as it is granted automatically to employers by UWV if their employees are eligible.

²⁰ *Werkervaringsplaatsen* (work experience places), instrument described in a guide for employers, Brochure Stappenplan AWWN, available in Dutch at: <https://www.opnaarde100000.nl/wp-content/uploads/2015/09/Brochure-Stappenplan-AWWN-2.pdf>.

²¹ Wage Exemption Young Disabled Persons Act (*Besluit Loondispensatie Wajong 2010*) available in Dutch at: <https://wetten.overheid.nl/BWBR0020119/2010-08-19>.

²² Quantitative information (*Kwantitatieve informatie 2021 UWV*, April 2022, p. 48), available in Dutch at: <https://www.uwv.nl/overuuv/Images/uwv-kwantitatieve-informatie-2021.pdf>.

²³ A guide for employers, *Brochure Stappenplan AWWN*, <https://www.opnaarde100000.nl/wp-content/uploads/2015/09/Brochure-Stappenplan-AWWN-2.pdf>.

²⁴ *UWV Monitor arbeidsparticipatie arbeidsbeperkten 2021* (monitor of labour participation of workers with a disability), <https://www.uwv.nl/overuuv/kennis-cijfers-en-onderzoek/kennis-onderzoeken/uwv-monitor-arbeidsparticipatie-arbeidsbeperkten-2021.aspx>.

²⁵ Netherlands Statistics CBS: *Re-integratie-/participatievoorzieningen; type; status voorziening en regio*.

²⁶ Participation Act (*Participatiewet 2003*), available in Dutch at: <https://wetten.overheid.nl/BWBR0015703/2022-04-01>.

Municipalities have the discretionary freedom to grant further bonuses to employers, such as a fixed premium, if they offer a job contract of at least six months to an employee with a disability.

Strengths and weaknesses of tax relief and wage subsidies

Almost all financial incentives and instruments for employers are specifically aimed at the group of young people with a disability acquired before their 18th birthday who are eligible for the job agreement and quota for workers with disabilities and who have not been in employment yet. Eligibility criteria and conditions are limited in scope to people who are earning around the minimum wage or less.

This means that employers who invest in reasonable accommodations and in training their workers with a disability run the risk of losing wage subsidies when accommodation and training ensures higher productivity, promotion and higher wages. The workers themselves have no financial means to invest in education and training due to low wages and also because they are often just offered temporary contracts.²⁷

Another effect is that there are limited to no incentives for employers to keep employees on in employment when they become chronically ill or acquire a disability during their employment. Employers are not entitled to receive a wage subsidy, tax relief or no-risk insurance for these workers simply because there were already in their employment.

The group of people who have been in employment and who are entitled to a disability benefit is, at 600 000, almost three times as large as the group of workers with a disability (slightly above 200 000) who are entitled to tax relief and wage subsidies within the job agreement and quota for workers with disabilities.²⁸

A weakness of the tax relief and wage subsidy system, therefore, is that it is aimed at a large but nonetheless minority group of workers with disabilities on the Dutch labour market, and the system does not stimulate the provision of training, promotion and long-term employment.

A further weakness of the system is that the majority of employers do not know about the available financial incentives, as the Netherlands Institute of Social Research notes in its evaluation of the Participation Act.²⁹ Those employers that do know about them sometimes refrain from using them because of the complexity of the procedures.³⁰ In its evaluation report on the Participation Act, the Netherlands Institute of Social Research provides interviews with two employers, one of whom is successful in hiring employees with a disability using tax relief, job coaching and on-the-job training

²⁷ *Eindevaluatie van de Participatiewet*,
<https://www.scp.nl/publicaties/publicaties/2019/11/19/eindevaluatie-van-de-participatiewet>.

²⁸ UWV data on types of disability benefits in 2021, *UWV Monitor arbeidsparticipatie arbeidsbeperkten 2021* (Monitor of labour of participation workers with a disability),
<https://www.uwv.nl/overuwv/kennis-cijfers-en-onderzoek/kennis-onderzoeken/uwv-monitor-arbeidsparticipatie-arbeidsbeperkten-2021.aspx>, p. 4.

²⁹ *Eindevaluatie van de Participatiewet*,
<https://www.scp.nl/publicaties/publicaties/2019/11/19/eindevaluatie-van-de-participatiewet>, p. 263.

³⁰ *Eindevaluatie van de Participatiewet*,
<https://www.scp.nl/publicaties/publicaties/2019/11/19/eindevaluatie-van-de-participatiewet>, pp. 263-265.

courses,³¹ while the other, who hires jobseekers with a disability, feels it his responsibility, but deliberately refrains from using wage subsidies as he considers the procedures too complex and expensive.³²

Research on the effects of reduced social security contributions and a no-risk policy for elderly employees shows that these measures have little to no effect. This suggests that such an incentive specifically aimed at employees with a disability will have similarly few effects, while research into the effect of the trial placement option shows a positive effect of 20 % more hiring of elderly employees.³³

The tax relief incentive is easier to use for employers, compared to the reduced social security contribution system which was in place before the tax relief system. Employers need only submit the eligibility decision to the tax authority, along with submitting wage data for all employees. This places the procedural burden on employees, who will have to apply for a decision on eligibility. Employees will need help from an employer, a reintegration consultant or a job coach in order to become aware of this possibility and to get such a decision.

Although the evaluation of the Participation Act by the Netherlands Institute for Social Research states that the tax relief and wage subsidy instruments are unknown to a majority of employers, it also shows that employers that do have knowledge of these instruments find them an essential condition for hiring a worker with a disability, even though the tax relief or wage subsidies do not provide enough incentive in themselves to offer a contract. The tax relief and wage subsidies have a positive effect on the duration of temporary contracts.³⁴

Workers with a disability who are entitled to a disability benefit are supported by UWV in seeking work, and their potential employers will get support from UWV. Workers with a disability who are not entitled to a disability benefit but only an unemployment benefit under the Participation Act will get funding for reintegration out of the budget of the municipality. A weakness of this division is that municipalities are paying income benefits and wage subsidies out of the same budget (in contrast with UWV, which has a separate budget for wage subsidies). Municipalities are hesitant in offering wage subsidies in order to keep enough budget for the benefits that are available. Furthermore, municipalities refrain from offering a wage subsidy for workers who are not entitled to an income benefit as the cost of a wage subsidy in such cases is not compensated for by not having to pay a benefit.³⁵

³¹ Executive director of Microfix NV, Ton Bussche, as quoted in *Eindevaluatie van de Participatiewet: Samenvatting* (final evaluation of the Participation Act: summary) (2019),

<https://www.scp.nl/publicaties/publicaties/2019/11/19/eindevaluatie-van-de-participatiewet>, p. 11.

³² Director/business owner Peter van Beugen, as quoted in *Eindevaluatie van de Participatiewet: Samenvatting*, <https://www.scp.nl/publicaties/publicaties/2019/11/19/eindevaluatie-van-de-participatiewet>, p. 13.

³³ 'Wat maakt oudere werknemers aantrekkelijk?' (What makes elderly employees more attractive?), SEO-rapport nr. 2012-63, https://25cjk227xfsu3mkyfg1m9xb7-wpengine.netdna-ssl.com/wp-content/uploads/2020/04/2012-63_Wat_maakt_oudere_werknemers_aantrekkelijk.pdf.

³⁴ *Eindevaluatie van de Participatiewet*, <https://www.scp.nl/publicaties/publicaties/2019/11/19/eindevaluatie-van-de-participatiewet>.

³⁵ *Eindevaluatie van de Participatiewet*, <https://www.scp.nl/publicaties/publicaties/2019/11/19/eindevaluatie-van-de-participatiewet>.

According to research, employers tend to favour employees with a physical disability, who they consider to be predictable in their behaviour and in socialising within the company, and for whom accommodations can be stable and predictable. 51 % of employers who are willing to hire job seekers with a disability will hire only people with a physical disability (which is the smallest group among job seekers with a disability); 24 % are willing to hire jobseekers with a psychosocial disability and 23 % would take on jobseekers with an intellectual disability.³⁶

In its evaluation of the Participation Act, the Netherlands Institute for Social Research found the overall combined effects of quota, tax relief and wage subsidies to be limited. The majority of young people with a disability find a job without any help from either UWV or their municipality and without the employer using either tax relief or a wage subsidy.³⁷ National statistics show no improvement in employment prospects nor in dependency on benefits (from either UWV or municipalities, in accordance with the Participation Act).³⁸

2.3 Reasonable accommodation

The Act on Equal Treatment on the Grounds of Disability and Chronic Illness 2003 (*Wet gelijke behandeling op grond van handicap of chronische ziekte*) has prohibited discrimination on the ground of disability in employment and vocational education since 2003.³⁹ A refusal by an employer to allow for or to provide for reasonable accommodation constitutes discrimination based on disability. The Institute for Human Rights⁴⁰ can be consulted or asked for a formal opinion by employees who are refused a reasonable accommodation. Such an opinion is a non-binding verdict.⁴¹

Work accommodations can be obtained through the Work and Income According to Labour Capacity Act⁴² for all employees in private or public organisations. Self-employed workers cannot apply for any accommodation via this act and will have to pay for accommodations by themselves.

Applications for accommodations can be made to the administrative authority, UWV, which will assess eligibility, and whether and what contributions are due. Contributions may vary according to the type of device. One rule is that the 'usual costs' of a provision should be paid by the employer or the employee.

³⁶ *Eindevaluatie van de Participatiewet*, <https://www.scp.nl/publicaties/publicaties/2019/11/19/eindevaluatie-van-de-participatiewet>, p. 269.

³⁷ *Eindevaluatie van de Participatiewet*, <https://www.scp.nl/publicaties/publicaties/2019/11/19/eindevaluatie-van-de-participatiewet>, p. 264.

³⁸ European Semester 2020-2021 country fiche on disability equality, Netherlands, available at: <https://ec.europa.eu/social/BlobServlet?docId=23942&langId=en>.

³⁹ Act on Equal Treatment on the Grounds of Disability or Chronic Illness (*Wet gelijke behandeling op grond van handicap of chronische ziekte*) (2003), available in Dutch at: <https://wetten.overheid.nl/BWBR0014915/2020-01-01>.

⁴⁰ College voor de Rechten van de Mens (The Netherlands Institute for Human Rights), <https://mensenrechten.nl/en/netherlands-institute-human-rights>.

⁴¹ College voor de Rechten van de Mens (The Netherlands Institute for Human Rights), *Jaarverslag en monitor discriminatiezaken 2020* (annual report 2020), p. 14, available at: <https://mensenrechten.nl/nl/publicatie/607f92051e0fec037359cb27>.

⁴² Work and Integration According to Labour Capacity Act 2005 (*Wet werk en inkomen naar arbeidsvermogen*), <https://wetten.overheid.nl/BWBR0019057/2019-01-01>.

Work accommodations range from adaptation of cars and adapted individual transport (compensation for the costs of a wheelchair taxi) to provisions such as adapted work stations or ramps. They can also involve devices and services such as electronic equipment, adaptations to laptops, braille readers and sign language interpreters (for a maximum of 15 % of working time) and job coaching.

In analysing cases of discrimination on the ground of disability in the workplace, the National Institute for Human Rights (which rules on matters of discrimination based on disability) will take into consideration the availability of adaptations and the full compensation of costs. Any accommodations that can be provided via UWV will be considered as reasonable, and refusal by the employer would be considered as discrimination based on disability. Accommodations can also include agreements on reducing working hours for particular employees or advice on 'job carving' (splitting existing jobs into simpler tasks that can be performed by workers with a psychosocial or intellectual disability).

There is no exhaustive list of accommodations that can be provided and funded by UWV. Theoretically, all newly invented accommodations can be financed and provided if UWV assesses them as reasonable, proportionate and cost effective. Formally, it is the employee who will have to apply to UWV for the work accommodations. Providing expensive renovations within buildings (e.g. installing lifts or providing accessible toilets), will not be financed by UWV.

In 2021, the number of reasonable accommodation measures provided by UWV to employers was 1 969. The majority of these reasonable accommodation provisions were not technical provisions or adapted transport but payments to employers for internal job coaching (in 1 735 cases), with the job coaches coaching workers who had been placed through the job agreement and quota for workers with disabilities. Provisions were granted to employers only 234 times outside the job agreement in 2021.⁴³

The number of reasonable accommodation provisions directly granted by UWV to employees with a disability was 27 927 in 2021 (of which 16 403 involved job coaching). The majority of reasonable accommodations, including job coaching, are granted to workers with disability working within the job agreement and quota for workers with disabilities, meaning that these employees are working at the minimum wage level.⁴⁴

This makes a total of almost 30 000 provisions for reasonable accommodations (either for employers or employees) for a total of around 9 million workers in the Netherlands. The total number of people receiving a disability benefit of any kind was 807 000 in 2021.⁴⁵

Being permitted to work at a lower speed or lower productivity rate or through part-time employment is also perceived as a work accommodation. If people with a disability can

⁴³ *Kwantitatieve informatie 2021 UWV*, April 2022, pp. 48-49, <https://www.uwv.nl/overuwv/Images/uwv-kwantitatieve-informatie-2021.pdf>.

⁴⁴ *Kwantitatieve informatie 2021 UWV*, April 2022, pp. 48-49, <https://www.uwv.nl/overuwv/Images/uwv-kwantitatieve-informatie-2021.pdf>.

⁴⁵ *Kwantitatieve informatie 2021 UWV*, April 2022, p. 4, <https://www.uwv.nl/overuwv/Images/uwv-kwantitatieve-informatie-2021.pdf>.

function in a job but do not have the same productivity as their co-worker without a disability, their work accommodation will be to work full time but with part-time pay. These kinds of accommodations are financed via wage subsidies and tax relief and will not be included in the UWV statistics on reasonable accommodation.

Non-technical solutions such as job coaching and wage subsidies are dominant. Technological accommodations such as braille readers and sign language interpreters are not well represented.

People who are self-employed cannot apply for such accommodation. This hinders entrepreneurship among people with a disability. People working on short-term temporary contracts will also have difficulty in obtaining work accommodations, as the UWV procedures for applying for accommodations may take eight weeks. 36 % of all workers in the Dutch labour market work on temporary contracts, on-call contracts or self-employed contracts. They will face difficulties in obtaining accommodations.

A weakness of the system is that, as with the financial incentives, provisions for reasonable accommodation tend to be aimed at workers working within the job agreement and quota for workers with disabilities. The number of provisions granted for the potentially larger group of workers with a disability who have had a career and who work above the minimum wage level is limited.

Another important weakness of the system is that provisions for accommodations are usually aimed at compensating for the working capacity limitations of individual workers with a disability. The system does not address how employers should organise the work within their companies for all workers or how they should design job specifications. Employers who were asked why they are hesitant about hiring workers with a disability state, in 41 % of cases, they have no suitable adapted jobs available.⁴⁶ There is no general inclination among employers to analyse job specifications, nor is there a determination to design jobs aimed more at people with certain kinds of disabilities. In a letter to Parliament in April 2022, the Minister of Social Affairs and Employment notes that 'employers' usual inclination is to hire applicants who fit within the job specification and could start the job without any induction'.⁴⁷ The proposal in the letter is to experiment with a financial incentive to stimulate employers to change that habit. It is unclear, however, what a financial stimulus would change in the general inclination of employers to look for the perfect applicant.

2.4 Other relevant actions targeted at employers

The Netherlands ratified the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) in 2016. Part of the implementation plan for the CRPD, *Onbeperkt Meedoen* (the Unlimited Participation programme) is a campaign to agree on plans for each economic sector to increase accessibility among companies about customers with a disability. This also raises awareness among employers on hiring

⁴⁶ *Arbeidsmarkt in kaart: werkgevers 2017* (Labour market inventory: employers 2017), Netherlands Institute for Social Research SCP 2017, <http://digitaal.scp.nl/arbeidsmarktinkaat-werkgevers2017>.

⁴⁷ Letter to Parliament, 22 April 2022, available in Dutch at: <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/04/13/kamerbrief-actieplan-dichterbij-dan-je-denkt-korte-termijn-aanpak-krapte>.

employees with a disability.⁴⁸ The implementation plan for employment under Article 27 of the CRPD is the job agreement and quota for workers with disabilities, combined with tax relief and wage subsidies.

A group of 2 000 companies promoting socially responsible entrepreneurship⁴⁹ founded an organisation called *De Normaalste Zaak* (Normal Business) in 2013.⁵⁰ It organises awareness raising among employers on the value of becoming inclusive companies in general and hiring job seekers with a disability in particular. It provides information about the quota and job agreement scheme and the financial instruments available for employers, as well as organising regional networks of socially responsible employers, participating in pilots and projects on an inclusive labour market and exchanging good practices.

Municipalities and the administrative authority UWV cooperate through 35 regional organisations called 'employer service points', with the aim of facilitating and supporting employers who want to hire job seekers with a disability and helping them access financial incentives such as tax relief and wage subsidies.⁵¹

2.5 Examples of good practice

*De Normaalste Zaak*⁵² can be considered an example of good practice because it organises awareness raising among employers on the value of becoming inclusive companies in general and hiring job seekers with a disability in particular. It provides information via its website on good practice and does outreach work with employers, organising regional meetings between employers and thus facilitating peer-to-peer information exchange between human resource management professionals within the companies. An extra exchange platform has been organised by *De Normaalste Zaak* for employers who operate on a national scale.

The regional employer service points are also a good practice example, as they offer support and knowledge on employing job seekers with a disability on a regional basis within a general framework of mediation between employers and jobseekers.⁵³

⁴⁸ *Programma Onbeperkt Meedoen* (Unlimited Participation programme), available in Dutch at: <https://www.rijksoverheid.nl/onderwerpen/rechten-van-mensen-met-een-handicap/programma-onbeperkt-meedoen>.

⁴⁹ Organisations of socially responsible entrepreneurs, MVO Nederland, <https://www.denormaalstezaak.nl/over-de-normaalste-zaak/bestuur/>.

⁵⁰ See: <https://www.denormaalstezaak.nl/over-de-normaalste-zaak/>.

⁵¹ *Werkgevers Servicepunten* – see: <https://www.werk.nl/werkgevers/wervingsadvies/werkgeversservicepunt/>.

⁵² See: <https://www.denormaalstezaak.nl/over-de-normaalste-zaak/>.

⁵³ The insurance company is called de Goudsche. Its website dedicated to hiring jobseekers with a disability is at: <https://www.ondernemenmetpersoneel.nl/aannemen/werving-en-selectie/personeel-met-een-arbeidsbeperking-aannemen>.

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

The national employers' organisation AAVN has published action plans, guides and other material promoting inclusive workforces and hiring jobseekers with a disability. An example is the web page headed '*verschil smaakt naar meer*' ('get a taste for differences'), praising the economic and social value of diversity within the company.⁵⁴ An online guide and action plan for employers who wish to contribute to the quota and job agreement scheme is also available from AAVN.⁵⁵ The guide mainly offers information on financial incentives and eligibility criteria.

De Normaalste Zaak offers information on the quota and job agreement scheme, on financial instruments for employers, on recruiting and hiring and on good practices.⁵⁶ One example of a good practice published on the website of *De Normaalste Zaak* is a public/private cooperation agreement between the Ministry of Finance and ISS, a private firm that offers services such as cleaning, logistics, reception and facilities management. The Ministry of Finance pays ISS to recruit and train 15 workers with a disability each year and to place them in a job at the Ministry (or with another employer after that year).⁵⁷

All national employer organisations have cooperated on an internet guide plus toolbox called 'On to 100 000 jobs', which contains good practices and information on the quota and job agreement scheme.⁵⁸ This website presents a wide range of employers of different sizes and from different economic sectors, who offer jobs within the quota and job agreement scheme. An example of good practice is provided the national supermarket Albert Heijn, which set its own quota of employees with a disability and set up its own basic vocational training for employees with a disability who have not acquired a diploma (including in special education).⁵⁹

An indirect way of advising employers is offered by the administrative authority, UWV, which offers jobseekers with a disability an online tool to assess their eligibility for wage subsidies and tax relief via a potential employer and calculates the potential profit for the employer. Jobseekers can print the conclusion in the form of a 'personal financial résumé' so the employer sees in a glance what the actual relief on wage costs can be for a particular applicant.⁶⁰

⁵⁴ AAVN (2020), '*Verschil smaakt naar meer*', <https://www.aavn.nl/publicaties/brochure/verschil-smaakt-naar-meer/>.

⁵⁵ AAVN (2020), '*Mensen met een beperking aan de slag helpen Instrumenten en stappenplannen voor werkgevers per doelgroep van de banenafpraak*', <https://www.aavn.nl/app/uploads/2020/07/brochure-Mensen-met-een-beperking-aan-de-slag-helpen-WEBVERSIE-juni-2020.pdf>.

⁵⁶ See: <https://www.denormaalstezaak.nl/over-de-normaalste-zaak/>.

⁵⁷ Web page with an example of good practice in public/private cooperation: <https://www.denormaalstezaak.nl/zo-ziet-een-succesvolle-publiek-private-samenwerking-op-maatschappelijke-impact-eruit/>.

⁵⁸ '*Op naar de 100 000!*', <https://www.opnaarde100000.nl/over-ons/>.

⁵⁹ Webpage on the Albert Heijn good practice example (in Dutch): https://www.opnaarde100000.nl/portfolio-items/week1000voorbeelden_albert-heijn/?portfolioCats=12.

⁶⁰ UWV – calculating tool: <https://www.uwv.nl/particulieren/voorzieningen/voorzieningen-werk/detail/voordelen-en-regelingen-voor-uw-werkgever/regelhulp-financieel-cv-voordelen-voor-uw-werkgever>.

A private insurance company presents information on a dedicated website for employers who are considering hiring people with a disability.⁶¹ Apart from information on financial incentives, the company also offers information on recruiting and hiring, organising internships and 'job carving' (splitting existing jobs into simpler tasks that can be performed by workers with a psychosocial or intellectual disability). All information is offered for free. Employers can obtain personal advice on insurance issues via the website, which thus serves as a marketing tool.

There is no evidence available on how the guides, websites or advice services are being used by employers other than the conclusion in the report *Eindevaluatie van de Participatiewet* (final evaluation of the Participation Act) that the majority of employers do not know about the availability of support and financial incentives.⁶²

⁶¹ De Goudsche, <https://www.ondernemenmetpersoneel.nl/aannemen/werving-en-selectie/personeel-met-een-arbeidsbeperking-aannemen>.

⁶² *Eindevaluatie van de Participatiewet*, <https://www.scp.nl/publicaties/publicaties/2019/11/19/eindevaluatie-van-de-participatiewet>, p. 263.

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

3.1 Support available to employers for making reasonable accommodation

Employers are legally obliged to hire consultants offering reintegration and medical services, in accordance with the Labour Conditions Act 1999,⁶³ which aims to enforce safe labour conditions and quick reintegration of employees on sick leave. Employers can use these services to get general information and to organise and plan reasonable accommodations for their employees who acquire a disability.

The administrative authority UWV offers information on its website aimed at employers regarding reasonable accommodation.⁶⁴

Two hospitals, an applied sciences university and a network of private reintegration consultants set up a website with information for employers on work accommodations for people with disabilities.⁶⁵

There is no evidence available on the effectiveness of the above support other than statistics showing a very low number of provisions of reasonable accommodation.⁶⁶

3.2 Partnerships to assist employers to make reasonable accommodations

The Coalition for Technology and Inclusion is a partnership that was formed in 2018 by UWV, research institutes, private employers, representatives of employer organisations, the ministry of Social Affairs and Employment and a national council of recipients of unemployment and disability benefits. The partnership was a follow-up on two studies on the use of ICT technology in enhancing labour participation for people with disabilities.⁶⁷ The Coalition for Technology and Inclusion funded, researched and published about 15 pilot projects which tested the usability of reasonable accommodations on a trial basis, not on a large scale in companies. This partnership is unique in that it seeks cooperation between a broad coalition of employers, potential employees, science and government.

Apart from the Coalition for Technology and Inclusion, the same partnerships advocating for support and incentives as mentioned in chapter 2 are also advocating for reasonable accommodation. The impression is that advisers focus on offering wage subsidies as a reasonable accommodation, as this offers employers compensation for the perceived lower productivity of employees with a disability, with further focus on 'job carving' (splitting existing jobs into simpler tasks that can be performed by workers with a psychosocial or intellectual disability), rather than on technical innovations.

⁶³ Labour Conditions Act (*Arbeidsomstandighedenwet*) 1999, <https://wetten.overheid.nl/BWBR0010346/2021-07-01>.

⁶⁴ UWV web pages on reasonable accommodation aimed at employers: <https://www.uwv.nl/werkgevers/werknemer-is-ziek/loondoorbetaling/samen-werken-aan-re-integratie/detail/hulp-van-uwv/vergoedingen/voor-welke-kosten-mag-ik-ee-vergoeding-aanvragen>.

⁶⁵ *Kennisbibliotheek Chronisch Werkt; Hogeschool Rotterdam, Erasmus Medisch Centrum, Universitair Medisch Centrum Groningen, cooperating in samenwerking met arbeidsdeskundigen en ervaringsdeskundigen*, available in Dutch at: <https://www.kennisbibliotheekchronischwerkt.nl/>.

⁶⁶ See: *Kwantitatieve informatie 2021 UWV*, April 2022, Section 2.3, pp. 48-49, at: <https://www.uwv.nl/overuwv/Images/uwv-kwantitatieve-informatie-2021.pdf>.

⁶⁷ See: <https://www.technologievoorinclusie.nl/>.

These partnerships comprise *De Normaalste Zaak*, 'On to 100 000 jobs' (the online guide drawn up by national employer organisations),⁶⁸ and employer service points.⁶⁹

There is no evidence on the effectiveness of these various partnerships.

⁶⁸ Op naar de 100.000! – see: <https://www.opnaarde100000.nl/over-ons/>.

⁶⁹ See: <https://www.werk.nl/werkgevers/wervingsadvies/werkgeversservicepunt/>.

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

The Coalition for Technology and Inclusion funded and researched 15 pilot projects on the use of digital innovation technology in providing reasonable accommodation.⁷⁰ The Coalition published reports on the 15 pilot projects, as well as a guide on the specific digital innovations and equipment which were tested in these projects, on how to use them and on where to purchase them.⁷¹ Examples of reasonable accommodations which were tested in the pilot projects were:

- development of a communication application for nonverbal workers;
- testing an eyeglass with a camera and the ability to read and speak digital texts for workers who cannot see or who cannot read;
- a project to monitor (with smart watches and checklists) the energy levels of workers who run the risk of being overloaded in their work;
- development of an exoskeleton for workers in physically hard working conditions;
- development of a system of nine linked microphones and an application which converts speech to text in order to enable deaf workers to 'listen' (via speech-to-text software) and respond in group conversations with colleagues;
- development of augmented reality glasses to guide a worker through complicated work processes within a warehouse;
- development of an application combined with a specific working tool (hedge cutter) to provide feedback to workers with limited strength and concentration ability.⁷²

The publications of the Coalition for Technology and Inclusion provide practical information and tested examples of using innovative digital and technical equipment to enable workers with different types of impairment to work in regular jobs with a potentially high productivity level. This contrasts with other initiatives which focus more on general ideas such as job coaching, 'job carving' and working part time, with the inherent assumption that disabled workers work at a low productivity level.

⁷⁰ *Coalitie voor technologie en Inclusie* (Coalition for Technology and Inclusion) – see: <https://www.technologievoorinclusie.nl/overcti/>.

⁷¹ All publications by the Coalition for Technology and Inclusion are available at: <https://www.technologievoorinclusie.nl/publicaties/>.

⁷² See: <https://www.technologievoorinclusie.nl/challenge/>.

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

Municipalities and the administrative authority UWV cooperate with the national organisation of sheltered work employers, Cedris, through a national advisory programme. Their website, with the title 'together for the customers', offers guidance on applying for reasonable accommodation. One piece of good practice offered on their website is an example of technical solutions available for blind workers.⁷³ Cedris used to be the main organisation to offer work (and reasonable accommodation) to employees with disabilities.

4.3 Examples of individual reasonable accommodations which reveal good practice

The administrative authority, UWV, provides examples of individual reasonable accommodation, thus illustrating good practices. These examples are mostly technical solutions, such as providing adapted chairs, walking aids and visual aids. The examples given are not anonymised, however.⁷⁴

⁷³ *Samen voor de Klant* web page, containing an example of good practice, available at: <https://www.samenvoordeklant.nl/praktijk/voorzieningen-maken-arbeidsparticipatie-mogelijk-voor-mensen-met-een-functiebeperking>.

⁷⁴ UWV web page on inspirations for individual accommodations: <https://inspiratie.uwv.nl/meedoen/voorzieningen/>.

5 Recommendations and guidance regarding good practice and reasonable accommodation

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

Provide individual provisions such as sign language interpreters or adapted individual transport to job applicants during the application process.

The administrative authority, UWV, could decide more swiftly on providing and changing individual provisions for reasonable accommodation for individual workers with a disability. Procedures for setting up such provisions may take up to eight weeks with UWV. This takes too long for job applicants if new employers want them to start quickly in a new job.

5.2 Recommendations regarding good practice and reasonable accommodation in initial employment

Raise awareness among employers that reasonable accommodations can be obtained to compensate for specific impairments (e.g. sign language interpreters, braille readers or adapted transport) for employees who are in the much broader group of workers with a disability who fall outside the scope of the restricted criteria for the job agreement and quota for workers with disabilities.

Raise awareness among partnerships of employers that providing more innovative and technical solutions for reasonable accommodations enables workers with different types of impairments to work in regular jobs with a potentially high productivity level.

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

Grant provisions for temporary work and to allow workers to transfer these provisions from one job to another without continuous renewal of eligibility assessments.

Raise awareness among partnerships of employers that providing more innovative and technical solutions for reasonable accommodations enable workers with different types of disability to work in regular jobs with a potentially high productivity level in which career development is inherently accepted.

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

Provide reasonable accommodations for employees who develop an impairment while in employment.

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