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Proceedings of the International
Symposium on Job Retention and Return
to Work Strategies for Disabled Workers

Proceedings of the
International Symposium
on
Job Retention and Return to Work Strategies
for Disabled Workers

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Washington D.C., 20 - 21 May 1998

Vocational Rehabilitation Branch
Employment and Training Department
International Labour Organization

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FOREWORD

The **International Symposium on Job Retention and Return to Work Strategies for Disabled Workers** concluded the first phase of the project on "Job retention and return to work of people with disabilities". This important research was driven by some fundamental questions: What happens to people who become disabled during their working career? Do they retain their jobs with their last employers? Do they return to the open labour market and search for employment elsewhere? How well are they assisted in either retaining their jobs or finding a new one? Do they give up seeking employment altogether? If so, why? The determination of the nine participating countries: Australia, Canada, France, Germany, the Netherlands, New Zealand, Sweden, the United Kingdom (UK) and the United States (US) to find answers to these questions and to share in the cost of this project was motivated by common social and economic concerns.

All participating countries adhere to the principle of equal treatment and opportunity in training and employment for people with disabilities. This should lead, in principle, to more jobs for people with disabilities. However, the number

of people receiving disability benefits and the costs of these benefits has been escalating in most of the countries, encouraging them to take a hard look.

These two seemingly contradictory facts led to further legitimate questions: Are we investing funds for keeping people with disabilities out of work, instead of investing in the goal of their economic and social inclusion? What is wrong with our policies and practices and what needs to be changed?

The purpose of the comparative analysis of job retention and return to work policies and practices in the eight countries was, therefore, to find out:

- What policies and programmes work efficiently and cost effectively?
- How can one country benefit from the experience of another?
- In what areas do we need more information, action or research to promote strategies for job retention and return to work that benefit people with disabilities, enterprises and society at large?

The International Symposium on Job Retention and Return to Work Strategies for Disabled Workers was organized by various agencies of the United States' Government, notably the US Social Security Administration, in cooperation with the ILO in order to discuss the results uncovered by the project in its first phase. The findings of the initial research and the discussions of the meeting have uncovered promising solutions as well as areas requiring further scrutiny and commitment to action. On the basis of these findings, as well as other projects and activities, the ILO will formulate a proposal for the second phase of this project.

The ILO thanks the following institutions for their contributions in kind and in cash, and acknowledges that without their commitment and inputs this joint and comparative work would not have been possible:

Canada (Human Resources Development)

France (Association Nationale de Gestion du Fonds pour l'Insertion Professionnelle des Handicapés (AGEFIPH))

Germany (Ministry of Labour and Social Affairs)

Netherlands (National Institute for Social Insurance)

Sweden (Swedish Council for Work Life Research)

UK (Department for Education and Employment and the UK Post Office)

US (Social Security Administration)

I. BACKGROUND

The International Symposium on Job Retention and Return to Work Strategies for Disabled Workers, hosted by the US Government, was held in Washington D.C. on 20 and 21 May 1998.

The meeting was designed as an integral part of the first phase of an international project on Job Retention and Return to Work Strategies for Disabled Workers.

The project was planned in two phases. It was designed and implemented by the Vocational Rehabilitation Branch of the International Labour Organization (ILO) and supported by the Global Applied Disability Research and Information Network on Employment and Training (GLADNET). The research activities for phase one were coordinated by the Research Co-ordination Unit of the Social Policy Research Unit, University of York.

The goals of the overall project are to:

- identify effective policies and practices in support of workers whose prospects of remaining in employment are jeopardized by disability;
- identify functional and cost effective relationships between labour market policies, social security programmes, support services, and workplace practices which favour job retention and rapid return to work for disabled workers in the spirit of equal opportunity and treatment; and
- promote strategies for job retention which result in gains for governments, social security and insurance agencies, employers, unions and disabled workers.

Phase one began in 1997 and nine countries participated in the desk-based research: Australia, Canada, France, Germany, the Netherlands, New Zealand, Sweden, the United Kingdom and the US (Australia joined at a later stage). National informants were recruited from research institutes in the participating countries to prepare national reports and a Project Advisory Group followed this process. Each report covers five themes: employment and labour market policies; benefit and compensation programmes; employment support and rehabilitation services; adaptation of work and workplace; and measures developed and implemented by enterprises. *(A list of the project reports and papers prepared under phase one of the project is listed in Annex V).*

A *Key Issues* paper which drew on all the country reports (except Australia) was then prepared by the Social Policy Research Unit at the University of York as the main background document for the International Symposium on Job Retention and Return to Work. The purpose of the *Key Issues* paper was to inform, stimulate and pave the way for constructive discussion of questions for further exploration in the second phase of the project. Special appreciation goes to the researchers who wrote the country papers and the *Key Issues* paper.

Comparative research projects of this kind are costly undertakings. It was thanks to the generous support, both in cash and in kind, from private and governmental institutions in the participating countries, as well as the ILO's own resources, that a successful cost sharing formula was reached. Special thanks goes to the following institutions in: Canada (Human Resources Development); France (Association Nationale de Gestion du Fonds pour l'Insertion Professionnelle des Handicapés (AGEFIPH); Germany (Ministry of Labour and Social Affairs); the Netherlands (National Institute for Social Insurance); Sweden (Swedish Council for Work Life Research); UK (Department for Education and Employment and the UK Post Office); and the US (Social Security Administration).

II. THE MEETING

The International Symposium on Job Retention and Return to Work Strategies for Disabled Workers was hosted and co-sponsored by key US Government agencies, including the US Social Security Administration, the Department of Labor, the President's Committee on Employment of People with Disabilities, the Department of Education, the Department of State, and the National Council on Disability. It brought together stakeholders from countries participating in the research, interested observers, governments and their agencies, workers' and employers' organizations, organizations of/for persons with disabilities, service providers and insurers and researchers. Over 140 participants debated the key issues, explored strategies for job retention and return to work and proposed items for an agenda for the future.

The two-day symposium followed a programme that combined plenary sessions to introduce the five key issues identified in phase one of the project with working group sessions to examine current strategies applied by different actors in different countries. In addition, the working groups were to identify priority issues and promising strategies for phase two of the project. *(A copy of the programme is found in Annex I and a list of participants in Annex VI).*

The symposium was followed by a one-day colloquium on the same subject. The event was also hosted and organized by the Office of Disability of the Social Security Administration, in conjunction with the other US sponsors. It was open to a much wider US audience of public and private stakeholders. The colloquium was a success, providing an opportunity for researchers involved in the project and present at the symposium to share their initial findings, answer questions and benefit from the views of other individuals and organizations interested in the issue.

Day one of the symposium

Opening session

On behalf of the US Social Security Administration, which co-hosted the symposium, Deputy Commissioner Ms. Susan Daniels welcomed participants to

two days of stimulating discussion, debate and information-sharing in the enormously important arena of job retention and return to work. She conveyed greetings from the US Commissioner of Social Security, stressing his commitment to move forward resolutely on return to work issues, to ensure that everyone benefited from the current vibrant US economy, and to advance further proposals for opportunities to stay at work and return to work.

Ms. Daniels welcomed Mr. Ali Taqi, Assistant Director General of the International Labour Organization (ILO), and his colleagues. Ms. Daniels thanked the symposium co-sponsors: the President's Committee on Employment of People with Disabilities, the US Department of Labor, the US Department of Education, the National Council on Disability and the International Labour Organization.

She thanked all the national co-sponsors who had contributed in cash and in kind to the International Research Project on Job Retention and Return to Work Strategies for Workers with Disabilities and special thanks also went to the Social Policy Research Unit from the University of York.

Ms. Daniels also gave the concluding speech of the opening session. She drew attention to the reasons behind the US Social Security Administration's interest in promoting return to work and job retention as follows:

- The large and rapid increase of new benefit applicants: The number had increased from about 2 million people a year in the early 1990s to 3.5 million a year in the mid 1990s - almost double the number of people declaring themselves out of the workforce and seeking income maintenance.
- The increasing number of younger applicants: Previously, disability benefits were primarily for those workers who were near retirement. In the 1990s, the programme began to attract people in their 20s and 30s in unexpected numbers leading to a rapid increase in young people applying for disability benefits.
- The large increase in the number of people applying for benefits who had mental impairments: It was recognized that changes in the economy had produced a new form of work incapacity. So many jobs now required good interpersonal skills and the ability to handle complex information, putting people who had mental impairments at a great disadvantage.

She stated that the combined programmes of social insurance and income benefits based on means-testing rose from about 4 million beneficiaries in the middle of the 1980s to over 8 million by the middle of the 1990s. Cost increased from about US\$25 billion to about US\$75 billion a year.

Ms. Daniels continued by stating that the culmination of several important social and technical changes experienced in the US during the last decade had resulted in enormous changes in social attitudes towards disabled persons. During the late

1980s, students who graduated from secondary schools had a life-time access to free, appropriate, integrated public education despite their disabilities. In the 1990s, the US experienced an explosion in medical technology for treating heart conditions which resulted in relatively rare heart impairment applicants.

She referenced the rapid development and use of various technologies and attitude change regarding people with disabilities. For example:

- Assistive devices have enabled much greater accessibility to the built environment for people with mobility impairments and also for those with low vision and communication impairments.
- Passage of the Americans with Disabilities Act (ADA) in 1990, now codified into law, extended the same civil rights protections to people with disabilities as those afforded to women and racial minorities.
- Passage of significant legislation exemplified by the ADA referenced a shift in values. People with disabilities had clearly established that the locus of the problem was not with them, but with society's laws, rules, environment, and expectations. The society in which people with disabilities live defined both their working capacities and their handicaps.
- In 1992 the Harris Poll asked thousands of Americans if it was acceptable to discriminate against people with disabilities: Seventy-five per cent said "no" - evidence of remarkable social change.

Ms. Daniels asserted that despite the significant strides just summarized, the most glaring failure has been the inability to achieve employment by people with disabilities in the workplace. She cited several reasons beyond that of demographics and the recession of the early 1990s:

- People with disabilities were afraid to lose their publicly funded health care on return to work. This problem was compounded by both a lack of confidence in existing incentives meant to enable the retention of health care benefits and by the inability to purchase insurance in employment.
- The structure of the social security disability insurance system required that people with disabilities were either on or off benefits. Such a system ignored the fact that people have the capacity to do some work all the time, or work full-time some of the time. People's needs change over time.
- Existing return to work services in the US reflected the lack of choice caused by rigid policies which were made more difficult by hard-to-understand work incentives. In addition, young people felt that adults who plan for them emphasize dependency, depressing their expectations.

Finally, Ms. Daniels informed the meeting that over the past three years, the Social Security Administration had been working with Congress and with other administrative departments to form an employment strategy. They also worked with a panel to develop the best ways of providing the security that people needed when they cannot work, alongside opportunities to get back in the workforce.

Mr. John Lancaster, from the President's Committee on the Employment of People with Disabilities, extended the welcome of the President's Committee Chairman, Tony Coehlo. Mr. Lancaster laid out some of the reasons why the United States was concerned with job retention and return to work issues for people with disabilities. He stated that 30 million working age persons had disabilities in the US. Of those, 14 million had severe disabilities - where the individual would need the assistance of another person or of a wheelchair or an assistive speaking device to carry out daily activities. Only 26 per cent of people with severe disabilities aged between 18 and 64 years were employed compared with about 82 per cent of the general population. The situation was worse for certain demographic groups: only 18 per cent of African Americans with disabilities; 21 per cent of Hispanics and 22 per cent of wheelchair users were employed.

Mr. Lancaster stressed how the vast majority of people with disabilities wanted to work. A 1994 poll of unemployed people with disabilities showed that 79 per cent of them wanted to work and 84 per cent between the ages of 16 and 44 wanted to work. A 1997 poll of 1,145 people who worked full-time showed that 93 per cent of them said they would return to work if they had a disability that had taken them out of the workplace. The top three reasons given were because they liked to work, because they liked their particular job and because they needed and wanted their paycheque.

He added that there was no legitimate reason why people with disabilities were not working if one considered the rehabilitation and education programmes, pioneering work in supported employment and natural supports on the job as well as accomplishments in job accommodations and assistive technology.

Quite apart from the enormous costs to social security programmes, Mr. Lancaster pointed out that the costs to society were larger. It costs in excess of US\$300 billion a year for unemployment benefits among working age Americans with disabilities - in the form of housing supports, welfare, workers compensation, social security, lost taxes, lost productivity, Medicare and Medicaid health care programmes for people with disabilities.

Mr. Lancaster explained that the US was just beginning to address these issues. A 1994 General Accounting Office (GAO) report found that programmes focusing specifically on employment assistance constituted a relatively small proportion of all government disability programmes. Only 26 out of 130 focused on getting people into jobs. Those 26 programmes only received around four per cent of the total federal funding on disability programmes.

On March 13 1998, the President signed a new Executive Order to tackle many of these difficult issues, many related to job retention and return to work. President Clinton formed a high level inter-agency task force to establish serious inter-agency co-ordination to re-focus policies on getting people with disabilities into the workforce, ensuring that people with disabilities already in the workforce stay

there, and that workers who become injured on the job return to the workforce as quickly as possible.

Mr. Lancaster argued that if changes were made in social security, health care, rehabilitation and training, and more people with disabilities were available and looked for work, the issue of concern to employers of the unmet demands for skilled workers could be tackled. He added that it was also necessary to start addressing attitudinal barriers. Attitudinal barriers were beginning to fall as a result of workers' needs on the one hand and the positive experiences of employers when employing people with disabilities on the other. Employers who had not employed people with disabilities, and even some who had, needed more education and more support to dispel the myths about people with disabilities. They needed to learn about the resources that were available to employ people with disabilities, such as the Job Accommodation Network (JAN) which provided free advice to employers on how to accommodate people with disabilities in the workplace and various employer tax credits, although more needed to be done to create incentives. Insufficient economic incentives had created a reluctance for people with disabilities to leave the rolls of the Social Security Administration or, in some cases, the safety of a workers' compensation programme, to return to work.

Mr. Lancaster felt that employers often thought that it cost too much to employ people with disabilities. However, he explained that many people with disabilities did not need any accommodations and, for those who did, the average cost of a job accommodation in the US was in the region of US\$200, according to a JAN study. For every dollar an employer spent on a disability-related job accommodation, the company saved US\$34 in workers' compensation and other insurance savings, training for new employees, increased productivity and reduced turnover.

In a 1995 poll of business owners, Chief Executive Officers and top managers, 87 per cent of businesses that reported hiring people with disabilities said that they would encourage other employers to do the same. There was a need to persuade more employers - of large, medium and small enterprises- to hire and retain people with disabilities and recommend that other employers do likewise.

Mr. Lancaster concluded that the US needed to address four major areas. The first, which did not apply to the other participating countries, was the absence of a universal health care system and the phenomenon of people with disabilities remaining on the social security rolls to gain access to Medicare or Medicaid programmes. The second was to create some true economic incentives for people with disabilities so that there was financial incentive to leave workers compensation or social security rolls and get back to a job. The third area was to address other barriers: access to transportation in rural areas; access to information technology; adequate personal assistance services on-the-job; and sufficient supported employment. Finally, the area of rehabilitation, education and job training for people with disabilities needed to be examined. He stressed

that too many people with disabilities were being trained for service jobs which will not exist in the future or which were low paid, rather than in jobs which gave opportunities for upward mobility and advancement. There was a need to train people for the opportunities of the future which were to be found in technologies and healthcare.

In his Keynote address, Mr. Ali Taqi, Assistant Director General, International Labour Organization, affirmed that the issue addressed at the symposium went right to the heart of ILO principles and concerns. He explained that for almost 80 years, the International Labour Organization had worked to defend worker rights, improve working and living conditions, and enhance employment opportunities for working age women and men throughout the world. It was the first international organization formally to examine the situation of workers with disabilities and to adopt, in 1955, recommendations for governments concerning their vocational rehabilitation. In 1983, the International Labour Conference adopted ILO Convention No. 159 on the Vocational Rehabilitation and Employment of Disabled Persons, which remained the only binding international instrument of its kind in the field of disability.

Mr. Taqi explained that a country ratifying this Convention committed itself to formulate, implement and periodically review a national policy on the vocational rehabilitation and employment of persons with disabilities. Such a policy should aim at ensuring that vocational rehabilitation measures were made available to *all* categories of disabled persons, and should promote employment opportunities in the open labour market. It should be based on the principle of equal opportunity between disabled workers and workers generally, and should respect equality of opportunity and treatment for both women and men with disabilities. Perhaps most importantly in practical terms, the Convention stated that 'Special positive measures aimed at effective equality of opportunity and treatment between disabled workers and other workers shall not be regarded as discriminating against other workers' (Article 4).

He added that ILO Convention No. 159 had been ratified by 59 countries, including five of those participating in the symposium- Australia, France, Germany, the Netherlands and Sweden. In all, 26 countries in Europe, 15 in Latin America, seven in Asia and 11 in Africa have ratified the Convention.

Mr Taqi said that in June 1998 the International Labour Conference in Geneva was to examine a survey by the ILO Committee of Experts on the application of the provisions of Convention No. 159 by all ILO member States regardless of whether they had ratified the Convention. The Committee's report urged that disability issues be specifically included among other grounds for non-discrimination which were explicitly recognized in the international standards of the ILO. Mr. Taqi said he was very pleased and proud to inform the audience that President Clinton had, in the last few days, approached the Senate for its advice and consent with a view to the ratification of ILO Convention No. 111 on discrimination in employment and occupation. While this Convention, which was

considered one of the ILO's fundamental human rights conventions, did not explicitly cover disability, the ILO believed that the importance this would give to non-discrimination in general would have extremely positive effects on workers with disabilities, as well as those who suffered discrimination for various reasons.

The June Conference was also to examine a new draft Declaration of Principles concerning fundamental workers' rights, as well as a follow-up mechanism. The draft Declaration was prepared in close consultation with the tripartite constituents of the ILO, composed of governments, workers' and employers' organizations. Mr. Taqi explained that the purpose of the Declaration was to promote the fundamental principles and objectives of the ILO and, in particular, freedom of association, the right to organise and to bargain collectively, the elimination of forced labour, the effective abolition of child labour, and elimination of discrimination in employment in all its forms. The Declaration provided ILO member States with an historic opportunity to recommit themselves, as well as the Organization, to these fundamental principles. Mr. Taqi emphasized the ILO's fundamental principles as it was important to recognize present efforts in that context. For the ILO, the promotion of job retention and return to work by people with disabilities who could and wanted to continue to work was nothing less than a question of basic workers' rights and social justice.

Mr. Taqi observed that a combination of factors had led to increasing international interest in the situation of workers who lose their jobs, or whose continued employment was at risk due to illness or disability. Staying in work had often become more difficult for workers with disabilities because of perceptions, or rather mis-perceptions, related to pressures on enterprises to remain competitive in an increasingly global market. The escalating costs to public and private insurance systems of compensating workers who left employment due to disability were driving a search for strategies to keep such workers, who could and wanted to work, in employment. Some enterprises had found job retention to be a cost-effective option and had developed their own practices for promoting this. Likewise, governments in some countries had set up special measures which were designed to encourage return to work.

Mr. Taqi continued by asking: What was meant by job retention and return to work? For the purpose of the ILO/GLADNET study, 'job retention' meant staying with the same employer, with the same or different duties or with the same conditions of employment. 'Return to work' referred to the resumption of employment by a disabled worker who no longer had an employment relationship. The term 'disabled worker' covered an individual who became disabled, injured or ill, and whose prospects, therefore, of continuing or advancing in employment, were jeopardized.

But why was job retention and return to work important? Mr. Taqi insisted that the ILO believed that it was not only the best way to respect the rights of disabled

workers who could and wanted to continue to work, but that it also made economic sense. It could:

- restore individual earning capacity and a sense of self-worth;
- strengthen the economic and emotional well-being of families;
- enable employers to retain experienced and motivated employees and avoid the costs of hiring and training a replacement worker;
- benefit the economy by maintaining a tax payer rather than a tax consumer.

Mr. Taqi explained how governments became increasingly aware of the costs of worker compensation, disability benefits and the costs of other supports for unemployed workers with disabilities. The figures provided a compelling case for a more determined effort.

In addition to governments, many corporations, unions, private insurance companies, rehabilitation service providers and medical practitioners, in a growing number of countries, also recognized the costs of disability and the benefits of return to work. They had established new policies and practices making re-employment the primary objective for disabled workers who could and wanted to continue to work. New approaches to medical and vocational rehabilitation which emphasize early intervention and rapid return to work had shown positive results. Unions were becoming increasingly involved in return to work through the direct provision of services and through disability management programmes in the workplace. Private insurance providers were introducing more flexible arrangements so that workers who became disabled and who attempted a gradual transition to work did not lose their benefits.

Mr. Taqi added that enterprises, in particular, were seeking and introducing ways to reduce and manage costs related to disability. One approach attracting widespread interest and application was 'disability management in the workplace'. Enterprise disability management programmes sought to co-ordinate efforts to prevent occupational accidents and disease, reduce financial loss due to illness and injury, return workers with disabilities to work, and to increase productivity. Model programmes emphasized early identification and evaluation of workers at risk, rapid medical intervention, management of insurance and other disability costs, job accommodation and job retention. In order to better document and evaluate disability management programmes and practices in a variety of countries, the ILO and the Canadian National Institute of Disability Management and Research signed a Memorandum of Understanding in May 1998 concerning a joint research project. The ILO hoped, Mr. Taqi said, that the results of this research project, in addition to all the efforts made at this symposium and efforts to be made by participating countries, would lead to the development and adoption of a new Code of Practice on the Management of Disability-related Issues in the Workplace, probably in the year 2000.

Mr. Taqi asked that if the growing costs of disability benefits were such a major concern, and if job retention and return to work could provide positive benefits to both the individual and society, why in virtually every country were workers who became disabled not generally returning to work?

The project's analysis of the situation suggested that while any one component of a national system of legislation, regulation, social security benefits, workers compensation, vocational rehabilitation services, or enterprise level practices would favour return to work, the system as a whole would not. In fact, to the disabled worker, the overall system would offer many incentives not to return to work, or disincentives to doing so. This was often due to fragmented, uncoordinated and often contradictory policies and practices in different parts of national systems.

In addition, discriminatory practices continued to deny many persons with disabilities, as well as workers who became disabled, access to the world of work. The ILO was concerned that such practices would be undermining the special efforts of governments designed to create equality of opportunity and was exploring with Cornell University in the US the possibility of a joint research project into anti-discrimination practices, particularly at enterprise level.

Recent developments in many countries designed to promote access to employment by people with disabilities in general, such as legislation to combat discrimination, laws requiring barrier-free access to buildings, transport and communication, as well as new concepts of disability, all favoured the retention of workers who became disabled. But policies designed for persons with disabilities in general would not be adequate to support the continuing employment of workers whose capacity to continue in the job was affected by ill-health or disability. This was particularly true for those workers suffering from so-called 'new' occupational diseases, some of which were not yet recognized in many countries as being occupational diseases, such as those related to stress, and workers who had invisible disabilities. In fact, some schemes which promote entry into work for disabled persons may actually have a negative impact on efforts to keep workers in work who became disabled. This is why additional strategies were required to address the growing phenomenon of workers with work qualifications and experience who found themselves unwillingly unemployed due to illness or disability.

The ILO believed that workers who became disabled, and more generally, all persons with disabilities, should not be pushed to the margins of society. Mr. Taqi continued by saying that persons with disabilities had a great deal to contribute to society. Many workers with severe disabilities could, with appropriate accommodations, contribute and earn through participation in work. The ILO promoted freely chosen, quality employment for working age men and women in all countries and all occupations. Should one accept anything less for those men and women with disabilities who could and wanted to work?

In concluding, Mr. Taqi stressed that:

- Disabling illness and injury could have an enormous impact on workers and their families, affecting daily lives, physical needs, emotional well-being, social interactions and economic stability.
- It was fundamental to empower individuals with disabilities to remain in control of their lives, to help themselves to work, and to retain the ability to earn a living.
- The immediate preoccupation of workers who become ill or disabled is whether and when they would be able to continue or return to work. This desire is reduced the longer the individual remains away from working life.
- The employer was the key to successful maintenance or rapid re-entry into work of a worker who becomes disabled, the prevention of disability and workplace conditions which lead to injury, the prevention of occupational disease and impairment, as well as the promotion of job retention and return to work;
- While legislation, policies and practices could encourage and provide financial and other incentives for job retention and return to work, the achievement of equality of opportunity in employment also depended upon the extent to which individuals and societies overcome discriminatory tendencies based on prejudices and beliefs that persons with disabilities are somehow different and less capable.

The purpose of the gathering in Washington was to examine the 'key issues' in job retention and return to work emerging from the ILO/GLADNET study and to help identify promising strategies deserving further enquiry and action. Mr. Taqi observed that it was the first time for so many stakeholders from so many countries to come together to examine and to further job retention and return to work strategies for workers with disabilities, a timely and important task. Mr. Taqi wished the symposium well in its work, and looked forward to learning of its conclusions and using them to enhance opportunities for people with disabilities throughout the world.

Plenary session: Presentation of the emerging issues identified in phase one of the project

On behalf of the project team, Ms. Patricia Thornton, Research Project Co-ordinator, Social Policy Research Unit, University of York, introduced the project and the emerging key issues. She explained that the project was breaking new ground because:

- it was the first cross-national project to focus on job retention for workers with disabilities;
- the range of inter-related policies and practices it set out to explore was comprehensive;
- the enterprise was placed at the centre of the project;

- within a single framework, it brought together eight countries- with different traditions and institutions and different approaches to promoting equality in employment for disabled persons - to identify common solutions to the common problem of how to prevent workers from losing their jobs unnecessarily through ill-health or disability.

Ms. Thornton stated that the symposium marked the culmination of the first exploratory and descriptive research phase. At the same time it heralded the start of a collaborative research and development programme building upon the needs and concerns of disabled workers, enterprises and governments alike.

Thanks to the efforts of the national research teams, the project had published comprehensive descriptions of public policies and enterprise activities in support of job retention and return to work in eight countries. In addition, project partners in Australia produced an interim report in time for the symposium. These invaluable resources provided detailed and informed commentary on national systems.

Ms. Thornton went on to explain how the *Key Issues* paper drew on the eight country reports and how the paper:

- identified policies, programmes and practices which can support job retention and return to work in national systems;
- identified the barriers to effective policies and practices and some of the facilitating factors to remove those barriers;
- began to explore transferability from one system to another- the potential and the constraints;
- began to construct strategies which link policies and programmes efficiently and equitably.

The Project Research Coordinator explained that the purpose of the symposium was to consult with national experts who shaped and made policy and put it into practice- encompassing persons with disabilities, trades unionists, employers, policy-makers and administrators. Their role was to bring their perspective to the issues identified, raise questions, identify common interests and formulate a relevant and realistic plan for cross-national research and development in the next phase of the project.

Although "Job retention was a big issue", it was remarkable that it was not known how many people lost their jobs unnecessarily because of ill-health or disability. It was known how many end up drawing disability benefits or registering as unemployed. But little was known about how they got there- what prompted the loss of employment, what opportunities were missed to prevent illness or injury becoming a disability, or what interventions for work resumption were attempted and failed. In most of the study countries, the process of leaving employment, and the actions required to retain people who became disabled in work had received comparatively little attention.

Ms. Thornton said that, until recently, the prime policy response to the under-representation of disabled people in employment had been to promote entry and re-entry to work- through active labour market measures, practical services for disabled job seekers, measures to remove the disincentives to taking up work- and to make staying out of work less desirable- through tightening of eligibility for disability benefits and reduction of benefit levels. Policies targeted at employers had generally concentrated on encouraging the hiring of persons with disabilities.

It was only now being recognized that one answer to the problem of unacceptably high levels of unemployment and benefit dependency, and the waste of human resources, was to take action to avoid loss of employment in the first place. This could be achieved by supporting the employees at risk and by making it easier for the employer to retain them. In many countries, job retention had only recently emerged as a distinct policy option. The research showed that the level of *activity* devoted to job retention, and the salience of the issue, varied considerably from country to country.

Job retention was not just a public policy issue. Enterprises had their own policies and practices- both formal and informal. Enterprises were increasingly developing their own services and systems to manage disability in the workplace and the US was a fore-runner in this respect. In some systems, a sizeable proportion of companies had no obligations towards disabled people under the law because of the restricted scope of public policy. Importantly, many workers at risk of leaving work because of ill-health or injury fell outside the scope of measures targeted at persons with disabilities. The outcome for them depended critically on how actors within the enterprise react. In some countries it is now national policy to locate with the employer those responsibilities which were previously held by the state or its agencies.

Opportunities to stay in work depended on how enterprises responded to the occurrence of ill-health, injury or disability. How public policies encouraged, complemented or constrained activities at the enterprise level was a key question for discussion.

Across the study countries, a number of developments were working in favour of retention of workers with disabilities. For example:

- It was increasingly accepted that impairment did not mean disability, and that changes to the work environment and patterns of work could make all the difference to staying in the job.
- In many countries, measures introduced with the principal aim of promoting take-up of employment by persons with disabilities were having a significant impact on keeping people in work who became disabled. The Americans with Disabilities Act was a good example with evidence suggesting that it was people who became disabled in work who were lodging claims of unfair dismissal.

- In some systems, benefit and compensation programmes were placing rehabilitation and return to work at the top of their priorities.
- Employers increasingly recognized that it was in their own interests to keep disabled workers in their employment, to demonstrate social responsibility, out of loyalty to their employees, to reduce insurance costs and loss of productivity, and to avoid losing valued workers.

Ms. Thornton went on to stress that in many respects, policies and practices which favoured work retention could be a great deal more effective. For example:

- Laws which protected the employment of workers with disabilities had limited effects because of the way they were framed or put into practice. The law would swing into action only once the job was lost.
- Definitions of disability would require evidence of long-term impairment and exclude many workers whose prospects of staying in the job were affected by ill-health.
- Services for rehabilitation came on the scene too late and were often not set up to provide support in the workplace.
- Employers' ability to make adaptations were constrained by lack of incentives, inadequate advice on what was required, lack of funding and excessive red-tape.
- In general, public services for rehabilitation and adaptations were not directed towards enabling support within the enterprise.

Of course, she continued, there were competing perspectives on effectiveness. Early intervention and incentives to return to work could save money but may not be in the best interests of the disabled worker.

Efficiency should also be considered. The fundamental premise of the project was that job retention was more likely to be a reality if the parts within the system work together in greater synergy. This was perhaps the most challenging task for the symposium. Ms. Thornton therefore went on to ask: How could strategies be developed so that employment policies, benefit programmes, rehabilitation and employment support services, practical services for adaptations and enterprises policies did not conflict? How could strategies be developed so that good practice in one part of the system was not cancelled out by inadequacies elsewhere?

The need for better co-ordination emerged repeatedly: Co-ordination of fragmented policy responsibilities; co-ordination of services to support the individual in the return to work process; and co-ordination of actors within the enterprise to manage the occurrence of disability. At all levels, new players were emerging in this already complex field- insurers, independent sector providers, injured workers' organizations- often with quite different priorities and philosophies.

There was also the issue of equity. Efficient and effective policies and practices should also be fair. Workers with disabilities should not be treated unfairly

because of their age, gender, minority group, type or severity of impairment; occupation, the sector in which they work or the terms of their employment. In some systems, employers could have considerable discretion to choose whom to support and whom to let go. Employees who were more valued could be selected and workers who were less qualified, and easier to replace, missed out.

The drive to reduce costs of sickness absence and lost production tended to focus on short-term sickness and disability, and left out workers who were more severely disabled and who required long recovery periods. In some systems, workers insured under work injury or accident compensation schemes had more opportunities to return to work than workers who became injured or ill for other reasons - the latter often received no comparable rehabilitation and support services to return to work.

There was a tendency to focus on the needs of people with physical and sensory impairments. The fact that in several countries high proportions of recipients of disability benefits had mental health problems suggested that the needs of this group for support to stay in work were inadequately met.

Inequity between disabled people who already had jobs and those seeking employment was a major issue which arose time and again. The knock-on effect of policies designed to promote job retention was that employers were reluctant to hire workers with disabilities if they were likely to impose costs. A strategy for job retention would be acceptable only if this major problem could be overcome.

Finally, Ms. Thornton emphasized that it was vital to listen to the voices of persons with disabilities. To date, we knew very little about the experiences of the worker with disabilities or the person who became ill or disabled in work. There was a danger of focusing too closely on the financial and economic arguments for job retention and return to work. These were important motivators but ultimately the quality of the work retained, and the satisfaction of the disabled worker with the process, should be the measures of successful strategies for job retention and return to work.

Workshops: Presentations of the five themes

After the introduction of the key issues, Mr. Neil Lunt, Massey University, New Zealand, gave a presentation on Disability Employment Policies for Job Retention and Return to Work. This was followed by a paper presented by Mr. Eskil Wadesjö, Swedish Institute for Social Research, which dealt with Six Key Issues in Benefit and Compensation Programmes. The third theme covered Employment Support and Rehabilitation Services, and was presented by Mr. Erwin Seyfried, Research Unit for Vocational Training, Labour Market and Education, University of Berlin, Germany. The fourth was presented by Mr. Edwin de Vos, NIA-TNO, the Netherlands and it dealt with Adaptation of Work and the Workplace. Mr. Wolfgang Zimmermann, National Institute Management and Research, Canada introduced the fifth theme on Enterprise Strategies by

providing the analysis of the questionnaire responses from the initial eight countries that participated in the project. (*Annex II contains the five above-mentioned thematic presentations by the members of the project team*).

In the afternoon of the first day of the symposium, workshops were organized around the following five themes that were presented in the morning's plenary session:

- Employment Policies.
- Benefit and Compensation Programmes.
- Employment Support and Rehabilitation Services.
- Adaptation of Work and the Workplace.
- Enterprise Strategies.

(*Annex III presents the summaries of the discussions of the workshops*).

Day two of the symposium

Plenary session: Strategies for job retention and return to work

In the morning plenary session, Ms. Thornton showed how the symposium so far had examined the five main themes, the emerging issues and lines for investigation. The next task was to consider how the different elements which made up the system could link together, efficiently and equitably, into more coherent strategies for job retention and return to work. Ms. Thornton illustrated what was meant by 'strategies' with the examples below.

An enterprise could have a policy of creating a part-time position for a returning employee - perhaps in response to legal requirements to make accommodations. But the benefit system was not designed to supplement part-time earnings and the worker could not return to the job without losing benefit entitlement. Moreover, public funding for workplace adaptations was not available for part-time positions and it was not 'reasonable' to expect the employer to invest in the adaptations. In other words, the system as a whole was not efficient. A strategy, in this scenario, could involve relaxing the rules on eligibility for funding of adaptations or a more radical change to social or private insurance benefits. An ideal strategy would do both and perhaps extend to reconsideration of the concept of 'reasonable' accommodation, and take account of the growing demand for part-time work.

Ms. Thornton emphasized that one should not get locked into the policy level and the rules for policy implementation. A strategy needed to consider practice as well as policy and the roles of the different actors in the process. The person who might return to part-time work could be deterred by a physician inadequately informed about workplace adjustments. The worker could be unaware of his or her rights under the law. Co-workers could be resistant to what might be seen as

a privileged position for the returning worker. A strategy, then, might need to include individual advocacy and disability equality training in the workplace.

Discussions in working groups, she suggested, should develop strategies which linked the design of policy, the rules for implementation, the implementation processes and the activities of the different actors- in enterprises, service-providing organizations, agencies, the independent sector and government departments.

Finally, Ms. Thornton listed the five areas identified by the project, where coherent strategies were most essential:

- early identification and definition of people whose continued employment and quality of life were threatened because of illness or disability;
- strategies to accommodate disability in the workplace;
- co-ordination of rehabilitation services;
- income maintenance in work; and
- strategies to promote action by employers.

Ms. Thornton urged that participants in the discussion sessions needed to break out from professional or disciplinary boundaries, look across the five main themes, and consider how elements within them could contribute to strategies.

Workshops: Identification of priorities for the future

After the plenary session, five new working groups were set up to discuss and suggest strategies in the context of: 1. Strategies for Definition and Early Identification of Disabled Workers; 2. Strategies for Accommodation for Job Retention; 3. Strategies for Coordination of Rehabilitation Services; 4. Strategies for Income Maintenance in Work and 5. Strategies to promote Action by Employers. The main findings of the five workshops are presented under section III below (*Annex IV presents the summaries of the workshop discussions on proposed strategies and priorities for research in phase two of the project.*)

Closing session

After the workshops, the participants met in plenary and **Ms. Gabriele Stoikov**, Chief, Vocational Rehabilitation Branch, ILO, Geneva thanked all the participants for their contributions and explained that the symposium results would be used to design and plan for the second phase of the International Project on Job Retention and Return to Work Strategies for Disabled Workers.

The closing remarks for the symposium were given by Ms. Daniels on behalf of the host and sponsors of the symposium.

III. SUMMARY OF DISCUSSIONS AND POINTERS FOR THE FUTURE

Phase one of the project was entirely a research desk-based exercise. Although information was gathered on policy approaches and practices and their outcomes wherever possible, there was no empirical investigation. New research and development is required, not only to fill gaps on the outcomes of particular policies and practices, but also to aid the understanding of processes by which outcomes are achieved and to illuminate the perspectives of different actors. In the light of discussions at the international symposium, the levels briefly outlined below appear to be the most significant for further action.

National Coordination

National level policies and programmes are often disjunctive and in conflict with one another. Participants may not accept help to stay in the labour force or return to work because of the complexity of the programmes. In order to fix costly disincentives, we must examine inter-locking elements, such as access to long-term health insurance or trial work periods within the cultural and political realities of countries.

The Enterprise

Enterprises understand very well how to achieve maximum efficiencies with their labour force. Research has so far not paid enough attention to the enterprise. Therefore, future action must define the most effective work retention and return to work policies in enterprises. Enterprise practices which make it difficult for people with disabilities to stay employed need to be identified.

The Individual with Disabilities

Research results state that most people with disabilities want to work. Much less is known about why some individuals stay employed, why others do not, and why some can take advantage of disability discrimination legislation. Future action should include finding out the reasons why some people succeed in staying in or returning to the workplace.

Participants working in different sessions echoed one another in observing that extra funds would not solve the problem of fragmented services caused by the lack of coherence of national level policy. Solving problems requires that the entire service system with its numerous strategies be understood. Above all, strategies need to be consonant with the environment in which they will be used.

Effective disability management must consider emerging disabilities - people with mental impairments, including mental illnesses, those with HIV and AIDS. We must learn how to design strategies tailored to specific groups of disabilities.

The workshop sessions concluded that certain strategies need further study. The following findings by the participants are organized according to topical areas of the workshop sessions themselves.

Accommodations in the Workplace

The effective application of accommodation strategies affects each of the three levels above. The primary function of such strategies is to minimize the mismatch between the individual's requirements and the environment. Material and non-material solutions can be built in the policy and enterprise area. An example of non-material accommodation may be the coming together of small businesses to pool their employee liability risks so as to lessen the cost of purchasing such insurance. Participants identified effective practices and provocative questions such as:

- What is the effect on job retention and return to work if unions create disabled worker committees advocating the use of accommodations in the workplace? (For example, in the health and safety area).
- Recognizing the basic reluctance of enterprises to employ disabled workers, what information would enterprises find most useful to lessen their fears?
- Should benefits and compensation programmes pay for accommodations to achieve successful return to work and work retention results?
- Which accommodation strategies, material and non-material, work best for people with mental impairments?
- Should the workplace use the approach of matching the accommodation to the individual, as compared to the approach of using universal designs?

Early Intervention

Concrete strategies on retaining the individual, or promoting effective re-entry by the individual into the workplace, need to be tested in the operational settings in which they will be used. Enterprise-based prevention, early identification and other disability management programmes, including models for coordination of enterprise activity, need to be explored.

- Does gender make a difference in taking advantage of early intervention strategies?
- What is the relationship between the increased stressors of the workplace and the increase in mental illnesses?
- Do the service delivery models basing their design on human rights approaches effectively increase access to accommodation methods?
- Access to medical records is restricted due to privacy laws aiming to protect the employee. To what extent do privacy rules inhibit disclosure of a health problem or injury, deterring the individual from seeking early intervention help?

- To what extent do sickness absences and the use of incentives to reduce absenteeism, create health problems?

Benefit and Compensation Programmes

Every culture should consider that disabilities do exist - including mental illnesses. Areas for further inquiry include:

- Does the use of "one stop shops" or "single gateways" in a work resumption process that includes benefit eligibility assessment promote successful results?
- What insurance-related incentives help individuals retain jobs and help the employer retain the disabled worker?
- Does the use of a trial work period, while the individual retains the benefit, help return to work?
- Would an expedited re-application process for disability benefits positively affect the rate of return to work and job retention?
- Would supplementing the earnings of disabled workers with social security benefits result in improved return to work and job retention outcomes?
- What can be learned from private insurance companies' experience with work retention?
- Is the practice by private companies who self-insure for liability insurance an incentive which reduces costs?
- Does increased accountability of the public programmes to both the individual and the enterprise improve the effectiveness of job retention and return to work?

Support Toward Employment

Participants agreed that rehabilitation services, tailored to the needs of the individual and the employment opportunity, greatly contribute to successful outcomes in work retention and return to work processes. Quality standards for rehabilitation services incorporating both disabled peoples' and employers' criteria warrant development. No one model of external service directed at the individual or the enterprise works best. Rather, the models used must pay attention to realities in different environments: work, the enterprise, and the individual. Discussions generated the following concrete suggestions on possible incentives.

- Which cooperation strategies among key agencies make a positive difference in job retention or return to work outcomes?
- Would enabling the beneficiaries themselves to choose the rehabilitation service have a positive impact on job retention and return to work?
- Would the effectiveness of rehabilitation provided as part of a job retention or a return to work process improve if reimbursement were conducted on the basis of actual costs rather than at a flat rate?

- Would the number of individuals on the social security disability rolls decline if rehabilitation is paid for by savings from social security benefits?
- Does the involvement of co-workers have any impact on work retention and return to work?

IV. POINTERS FOR THE FUTURE

A particularly valuable feature of the international symposium was the opportunity to tap the views of policy makers, practitioners and disabled peoples' representatives on emerging issues and to complement the issues already identified in the review of existing policies in the study countries. Looking across the reports of the symposium working groups and the plenary discussions, the following pointers emerged to guide the direction of future action:

National Policies and Trends

1. *Changing employment conditions*: Given the apparent trend towards mobility in employment, short-term employment contracts, casual work and multiple jobs, the emphasis should be on 'work retention' rather than returning to the same job or the same employer.
2. *Changing characteristics of the population*: The project needs to look ahead to the challenges of meeting the needs of a younger population and emerging conditions threatening work retention, notably psycho-social conditions, mental illnesses, HIV and Aids.
3. *Employment practices and conditions causing disabilities which lead to job loss, notably mental pressures*: The project might examine detrimental factors in the organization of work and explore solutions.
4. *Approaches to accommodation- taking into account changing demand and employment conditions*: 'Non-material' adaptations will be the issue of the future.
5. *Partnerships*: Cooperation between employers, employers' associations, workers' organizations, disabled peoples' organizations and service-providing bodies needs to be assessed. Within the enterprise, models of multi-disciplinary and joint management-labour collaboration should be evaluated.

The Enterprise

1. There was considerable interest in policies and practices within the enterprise for the management of disability. The project should identify practices at enterprise level and examine their transferability to similar systems, as opposed to taking models designed for one system and trying to apply them in another.

2. A research agenda composed of the "toughest challenges" defined by employers.
3. Evaluating the effectiveness of policies and services from two perspectives - employers and disabled workers.
4. The need for effective provision and utilization of information to shape practice in the workplace. This means researching information needs, utilization of existing sources and barriers to implementation.

The Individual

1. The focus should shift to include the individual as a key actor in the process. This would necessitate the use of research methods which explore, for example, the individual's wishes and expectations and factors which influence the individual's decision-making processes.
2. Lessons can be learnt from looking at how employed people who become injured, ill or disabled retain employment or return to work, including individual strategies, interventions and support systems. The project should focus on "success stories".
3. Models should be explored where the worker is empowered to manage his or her disability both within the workplace and in the return to work process.

The findings of phase one of the project, together with the workshop outcomes and suggestions for future examination, point the way toward identification of areas requiring further scrutiny and commitment to action. These findings, combined with the rich material from other projects and activities, pave the way for the ILO to carry the project into its second phase.