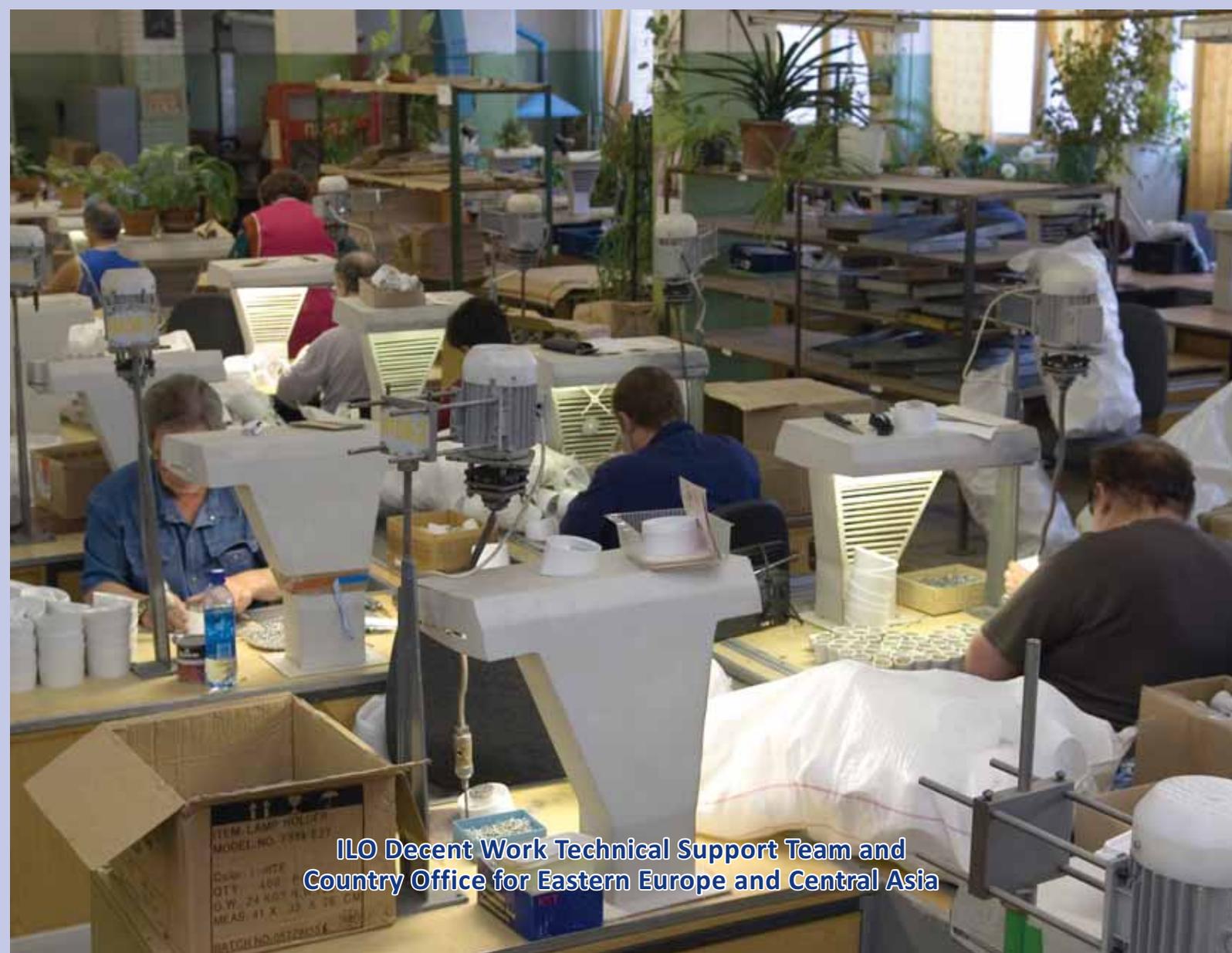




International
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Organization

Advisory report on vocational rehabilitation and employment of people with disabilities in Eastern Europe and Central Asia

Alena Nesporova
Olga Koulaeva



ILO Decent Work Technical Support Team and
Country Office for Eastern Europe and Central Asia

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1 Introduction

The number of people with disabilities in the countries of Eastern Europe and Central Asia (EECA) is large and constantly growing. There are various economic, social and demographic reasons for this. However, the labour market situation is not favourable for people with disabilities since the majority are jobless or excluded from the labour market altogether and living on social benefits, despite the wish of many to work. Moreover, employment opportunities for people with disabilities have deteriorated over the last 20 years. Hence, the protection of their human rights and fundamental freedoms – which includes the right to work – is a priority for politicians and decision-makers in these countries. People with disabilities will be able to enjoy their right to work and equal opportunities with other people only when there are powerful policies in place targeted at their full inclusion in the labour market and society and improved living conditions.

Several EECA countries have already adopted international standards related to the rights of people with disabilities. However, they need to harmonize their national legal frameworks with these norms and, consequently, introduce implementation mechanisms which contribute to the inclusion of people with disabilities in the labour market. This advisory report aims to provide recommendations on the development of such mechanisms.

Beginning with a brief historical background on disability issues, the report provides an overview of the current labour market situation of people with disabilities in the EECA region and identifies the main challenges faced by them (section 3). It then discusses the main United Nations (UN) and International Labour Organization (ILO) international standards related to the rights of people with disabilities (section 4). The report further draws on information from ILO-commissioned country studies in Armenia, Azerbaijan, Belarus and the Russian Federation to review national legislation and policies regulating/protecting and promoting employment of people with disabilities. In section 5 the report analyses the relevant national legislation of these four countries and its compliance with international labour standards. On the basis of this analysis as well as international experience, it provides advice for the EECA region on desired amendments to legislation that would ensure better protection of people with disabilities against discrimination, and improve the regulation and promotion of their vocational education and training, vocational rehabilitation and employment. Then follows an analysis of: the national quota/levy systems as to their efficiency and effectiveness (section 6); access of people with disabilities to mainstream and special vocational education and training (section 7); availability of and access to vocational rehabilitation (section 8); and the scope of job placement services and employment promotion policies for people with disabilities (section 9) in the four above-mentioned countries. Each section provides recommendations directed toward improving the design, scope, range and effectiveness of these

national policies for all the EECA countries. The recommendations are based on international experience reviewed in relevant ILO materials, reference to which is duly provided.

The report aims at improving the knowledge of staff of institutions responsible for providing vocational education and training, vocational rehabilitation, and job mediation and placement services to people with disabilities, and for those operating programmes boosting employability and promoting the (re-)employment of people with disabilities based on relevant international trends in legislation, policymaking and programming. Section 10 discusses the roles of government, social partners and non-governmental organizations (NGOs), including organizations of people with disabilities, in stimulating the labour market and ensuring labour market inclusion and social integration of people with disabilities. Finally, the conclusions and recommendations of the report are summarized in section 11.

The authors would like to thank their ILO colleagues Barbara Murray, Debra Perry and Makiko Matsumoto for their very useful comments on earlier drafts of this report.

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2 Background

Previously, in countries of Eastern Europe and Central Asia (and, earlier, in the Soviet Union), disability was generally approached from a health-care perspective. People with disabilities received benefits or pensions in accordance with the duration and grade (category/group) of their disability, based on medical certificates. The rehabilitation system focused primarily on medical rehabilitation, leaving many aspects of social and vocational rehabilitation in the shadows.

Rehabilitation, including rehabilitation to work, was set as an objective at the national level in the Soviet Union after the Second World War. A network of training and retraining programmes was established for those who had completely or partially lost their ability to work during the war. Since many of these people were of working age, they were often keen to find a job despite their reduced capacity to work.

The whole system of state support for people with disabilities, in terms of both their social protection and employment, was centralized. On the one hand, people with disabilities were protected by the state: they had access to specialized schools and other educational institutions, workplaces were created for them and – depending on the degree of their impairment – their earnings were supplemented by disability pensions/benefits.¹ However, this also created barriers between those with disabilities and the rest of society and this was accepted as natural, even by people with disabilities themselves.

Consequently, social policy concerning people with disabilities mainly focused on benefits and compensation, and not on the accessibility of work or the workplace, or on the adaptation of tools for such workers. The amount of compensation depended on the grade of disability, which was defined by medical examinations and certificates (see box 1). Since the medical approach to disability issues was predominant, special (medical and labour) commissions existed to recommend suitable jobs and to also establish restrictions on the selection of occupations by people with disabilities. These restrictions also covered the length of working time, night work and duty travels, while workers with disabilities were entitled to longer leave periods and some other privileges. This was meant to protect them from further damage to their health but at the same time it also tended to limit their chances of finding a job that would make good use of their capacity, since the experts of the assessment commissions did not take the demand for labour into account.

¹ No distinction was made between state support to persons disabled from birth or an early age and to persons who acquired a disability later in life.

Box 1
Categories of disability in the former Soviet Union

Disability group I consisted of people who had lost their work ability at 100 per cent and needed permanent attendance.

Disability group II consisted of people who had lost their work ability at 100 per cent but did not need permanent attendance.

Disability group III consisted of people who had lost their work ability at 50 per cent and did not need permanent attendance.

Job placement of people with disabilities was normally arranged in line with the principles of a state planned economy: people holding a grade III disability worked in regular, usually less demanding jobs, while those with a more severe disability were generally employed in either a sheltered workplace in a normal enterprise, or a sheltered enterprise – the latter usually belonging to an organization of disabled people. Sheltered enterprises received support from the state, and in a centrally planned economy they had no problem with sales/distribution of their products – this was guaranteed through government orders and was rather independent of real demand.

The transition from a centrally planned to a market economy brought tremendous changes to the labour market, and left little room for economic activities based on artificially supported demand. Most sheltered jobs and sheltered enterprises could not compete under these new market conditions and were shut down after the withdrawal of state support. Faced with competition in the labour market, people with disabilities found themselves at a disadvantage when looking for jobs.

Over the last 20 years, the governments of many EECA countries have started to promote the social inclusion of people with disabilities. As is elaborated in the following sections, legal frameworks have gradually been established which place the guarantee of rights and freedoms for people with disabilities as their main policy objective. New criteria have been formulated to define not only limitations in work ability, but also how they could be compensated for. Rehabilitation is now defined as a system which includes medical, social and vocational aspects and requires the involvement of different stakeholders, as well as the co-ordination of their activities. These policies not only offer support to people with disabilities through pensions and benefits but also increasingly focus on their rehabilitation and integration into social and economic spheres. Although the basic elements of the Soviet approach can still be found in existing practice, some new aspects have begun to emerge, which reflect international standards and are designed to ensure equal opportunities for people with disabilities.

A wide range of organizations is involved in the rehabilitation of people with disabilities, among them health-care organizations, rehabilitation centres, the public employment service (PES), educational institutions for children with disabilities, and offices of medical and social

assessment. It is still the case that a person with disabilities has to endure medical and social assessment and classification in order to be able to work. However, medical expertise is now supplemented by assessments of residual work ability, designed to recommend sectors and occupations in which a jobseeker could find a job. Nevertheless, these recommendations may not be realistic, since the actual state of the labour market is not taken into consideration, on account of the lack of cooperation between different institutions charged with these assessments. A range of policies to promote the employment of people with disabilities has been launched in many countries but, due to persistent legal obstacles, the low level of PES staff expertise on disability issues, shortage of funding and prejudices of employers, only a limited number of eligible people are benefiting from these policies. Thus, much work still has to be done to fully implement these new approaches, so that people with disabilities can exercise their constitutional rights while fully using their capacities. This report aims to contribute to the achievement of this long-term goal.

3 The labour market situation of people with disabilities

Reliable data on the proportion of people with disabilities within the total population are not available for most countries. This is also true for EECA countries. The only available data source is official figures on people with administratively recognized disability, which often underestimate the actual prevalence rate due to different national definitions of disability, eligibility for this status, privileges associated with it and other factors. According to a recent report jointly produced by the World Health Organization (WHO) and the World Bank,² people with disabilities constitute 15 per cent of the global population. However, national estimates are usually well below this proportion. Table 1 provides the estimated prevalence of disability in EECA countries calculated by the United States Agency for International Development (USAID).³ These calculations were based on available national and international disability statistics as well as estimates made by national organizations of people with disabilities.

Table 1. Estimated prevalence of disability in selected Eastern European and Central Asian countries

Country	Year	Population (million)	Estimated no. of people with disabilities	Estimated prevalence of disability (per cent of total population)
Armenia	2006	3.07	148 656	4.9
Azerbaijan	2007	8.58	281 000	3.3
Belarus	2007	9.70	512 500	5.3
Georgia	2006	4.43	213 000	4.8
Kazakhstan	2005	15.15	403 400	2.7
Russian Federation	2007	142.10	13 014 000	9.2
Tajikistan	2000	6.17	104 272	1.7

Source: USAID, op. cit.

² World Health Organization (WHO) and World Bank. *World report on disability*, WHO (Geneva, 2011).

³ United States Agency for International Development (USAID). *The prevalence of disability in Europe and Eurasia. Final Report*. USAID (Washington, 2009).

The estimated prevalence of disability (see table 1) ranges from 1.7 per cent in Tajikistan to 9.2 per cent in the Russian Federation. The prevalence of disability depends on the average age of the national population, among other factors, since disability tends to increase with age. Five of the seven countries in table 1 (the exceptions being Azerbaijan and Tajikistan) have a high proportion of older people in their population and still have rates of disability well below the global average of 15 per cent estimated by the 2011 *World report on disability*. However, prevalence is also very low in Azerbaijan and Tajikistan. These low rates thus point to the underestimation of disability in all countries of the region.

ILO-commissioned, unpublished country reports⁴ provided the latest figures on disability prevalence (see table 2). Interestingly, comparison of tables 1 and 2 shows that disability prevalence has remained stable over the last four to five years in Belarus and the Russian Federation while it has increased in Armenia. The Russian country report also presented development trends with regard to the number of people with disabilities; the number more than doubled between 1995 and 2010, from 6.3 million to 13.1 million.

Table 2. Disability prevalence in Armenia, Belarus and the Russian Federation

Country	Year*	Estimated prevalence of disability (per cent of total population)
Armenia	2011	5.8
Belarus	2011	5.3
Russian Federation	2010	9.2

Source: National statistical data quoted in relevant country reports.

Note: * latest available data.

The WHO European Health for All Database provides figures on the development of newly recognized disability cases (see table 3).

4 *Report on vocational rehabilitation and employment of persons with disabilities in the Republic of Armenia* (Yerevan, 2011);

Report on vocational rehabilitation and employment of persons with disabilities in the Republic of Azerbaijan (in Russian) (Baku, 2011);

Report on vocational rehabilitation and employment of persons with disabilities in the Republic of Belarus (in Russian) (Minsk, 2011);

Report on vocational rehabilitation and employment of persons with disabilities in the Russian Federation (in Russian) (Moscow, 2011).

Hereafter, these are referred to simply as the relevant “country report”.

Table 3. Newly recognized disability cases in selected countries of Eastern Europe and Central Asia

Country	Newly recognized disability cases*			
	First available data since 1990		Last available data	
	Year	Number	Year	Number
Armenia	1990	270.56	2011	470.04
Azerbaijan	1997	183.12	2010	290.36
Belarus	1993	839.31	2011	531.97
Georgia	2001	266.23	2006	518.94
Kazakhstan	2002	262.55	2011	288.81
Kyrgyzstan	1991	231.98	2011	236.66
Russian Federation	1990	517.2	2001	834.50
Tajikistan	1991	165.58	2009	171.84
Turkmenistan	1991	258.00	2011	920.98
Uzbekistan	1995	1095.8	2011	67.99

Source: WHO. European Health for All Database (HFA-DB) (<http://www.euro.who.int/hfad>, accessed on 8 August 2013).

Note: * Number of people granted disability status and appropriate social benefits during the given calendar year, per 100,000 population.

Table 3 demonstrates diverging trends among ten selected EECA countries. In Belarus and Uzbekistan, the number of people with newly granted disability status declined – most spectacularly to less than one-tenth of the number in 1995 in Uzbekistan – while it increased in all the other countries. Among the latter, the number of newly recognized people with disabilities entering the national disability systems almost quadrupled in Turkmenistan, almost doubled in Armenia and Georgia and steeply increased in the Russian Federation, while Kazakhstan, Kyrgyzstan and Tajikistan recorded only small increases. Nevertheless, differences among countries are remarkable and should be mainly attributed to specificities of their social systems and changes in national social legislation (besides the age factor mentioned above).

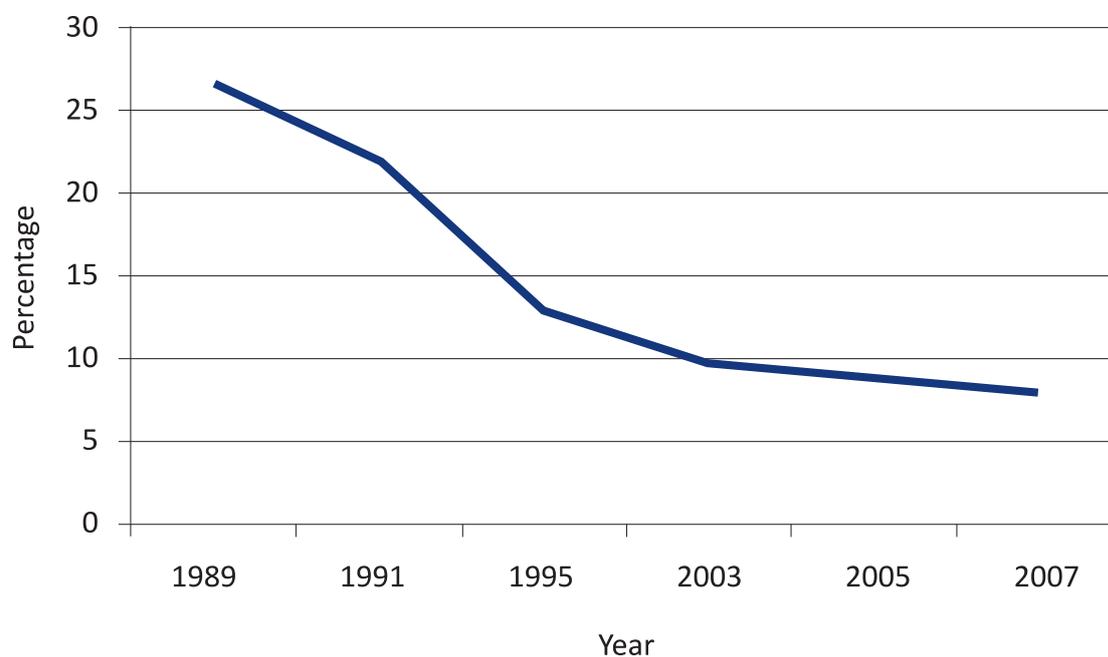
Only a few countries provide more details, such as of gender, age or length of disability. According to the above mentioned UNAID report, in 2006 in Armenia, 42.1 per cent of the total number of people with disabilities were women, 64.6 per cent had permanent disability and 65.1 per cent were of working age. In the Russian Federation, 41.9 per cent were of working age. Amongst newly recognized disability cases, 75.3 per cent of those in Azerbaijan were of working age, while 48.1 per cent of those in Georgia were women. According to the ILO country report on the Russian Federation, 46.7 per cent of people with disabilities in the Russian Federation were of working age in 2009.

The scarce data on labour market participation and employment of people with disabilities show that only a fraction are currently employed, and that their employment has steeply declined during the transition period after the breakup of the Soviet Union up until today.

According to the WHO European Health for All database, only 5.5 per cent of the disabled persons of working age were engaged in regular employment in Azerbaijan in 1999, while this share was 7.4 per cent in Kyrgyzstan in 1997, 8.3 per cent in Tajikistan in 2005 (down from 11.2 per cent in 1993) and 6.5 per cent in Uzbekistan in 1999 (down from 34.1 per cent in 1992). These are the latest available data.

In the **Russian Federation**, the Ministry of Healthcare and Social Development⁵ has estimated that some 600,000 people with disabilities are currently employed while other sources put this number at only 400,000. This corresponds to between 8 and 11 per cent of the total number of the working age population with disabilities.⁶ The Federal Target Programme “Social Support of Invalids for 2006–2010”, prepared in 2005, estimated that only 15 per cent of people with disabilities of working age were engaged in professional activity. According to an auditing report of the Accounting Chamber of the Russian Federation conducted in 2008,⁷ of the total population with disabilities, the proportion of those employed had steadily declined over the previous 18 years (see figure 1). Statistics from the All-Russia Association of Disabled Persons show that the number of working people with disabilities declined sevenfold between 2002 and 2010.

Figure 1. Proportion of employed people in the total population with disabilities in the Russian Federation, 1989–2007 (per cent)



Source: Accounting Chamber of the Russian Federation.

5 After the 2012 presidential elections a new government structure was introduced in the Russian Federation; the Ministry of Healthcare and Social Development was transformed into the Ministry of Healthcare and the Ministry of Labour and Social Protection.

6 Russian country report, p.12.

7 Quoted in the Russian country report, p.12.

In **Belarus**, a sociological survey conducted by the Labour Research Institute under the Ministry of Labour and Social Protection in 2009–10 found the employment rate of people with disabilities to be 17.2 per cent, while the total employment rate reached 76.7 per cent in 2010. Sheltered enterprises are still operational in Belarus. They are owned by the Belorussian Society of Disabled Persons. Of 104 enterprises of this type, 70 are located in Minsk, the country's capital. These sheltered enterprises exist in a number of economic sectors: 19 in sewing and knitting; 16 in the wholesale and retail trade; 27 in services; and 42 in construction, repairs, manufacture and other sectors. These enterprises employ 2,842 workers, of whom 1,524 are people with disabilities. If the proportion of people with disabilities at an enterprise exceeds 50 per cent, the enterprise is eligible for tax exemptions.

In **Armenia**, the proportion of people with disabilities who are of working age and considered to be employed according to the national definition is 21.4 per cent. Of these, only 9 per cent are actually working; the remainder are students and land owners. These are categorized as employed persons with disabilities, but are actually not workers.

Findings from several surveys conducted in EECA countries show that a majority of people with disabilities of working age wish to work and to have income from work rather than from social transfers. Yet only a fraction are actively seeking work, for a number of reasons, discussed below. Labour force surveys do not provide data on the unemployment rate of those with disabilities. The only data on the unemployment of this group comes from the unemployment register of the PES, as illustrated in table 4. Data is also available on the number of people with disabilities participating in active labour market policies (programmes) (ALMPs) conducted by the PES, as referred to in the following sections.

Table 4. Number of people with disabilities registered as unemployed at the public employment service and as a proportion of total registered unemployment in selected countries

Country	Year	No. of people with disabilities registered as unemployed at the PES	People with disabilities as a proportion of total registered unemployment (per cent)
Armenia	2005	1 335	n.a.
	2008	1 793	n.a.
	1 January 2011	1 170	1.3
Azerbaijan	2005	203	0.6
	2010	423	0.9
Belarus	Beginning of 2010	1 272	3.2
	End of 2010	1 074	3.2
Russian Federation	2004	65 372	4.4
	Beginning of 2011	136 528	8.6

Sources: Armenian country report, p.11; Azerbaijan country report, p.36; Belarusian country report, p.6; Russian country report, p.13.

Interestingly, while the majority of all registered jobless persons in the **Russian Federation** are women (56.1 per cent in 2011, down from 65 per cent in 2007), those registered as disabled and jobless are primarily men (57.9 per cent in 2011, up from 52.6 per cent in 2007). Furthermore, those with disabilities in urban areas register as jobseekers more often than those in rural areas (only 31.3 per cent of the latter registered in early 2011).⁸ This increased interest in registration at the PES is at least partially connected with changes in administrative regulation. The groups of disability traditionally applied as grounds for decision-making concerning prospects of employment for a person with disabilities (see box 1) have been complemented by grades of work ability also established by the Medico-Social Expertise Office (MSEO). Identification of a certain grade of work ability by the Office results in a decrease in the amount of disability pension, which stimulates people to start their job search through various channels, including the PES.

Over the last five years in **Belarus**, the number of unemployed people with disabilities has remained stable. No information is available on either the gender or age of jobseekers with disabilities.

In **Armenia** in early 2011, 56.7 per cent of registered jobseekers with disabilities were women; 47.5 per cent were aged 50 or over and 41.9 per cent were between 31 and 50 years of age.⁹ In **Azerbaijan** in 2010, 70 per cent of registered jobseekers were men and 30 per cent women.¹⁰

There are multiple explanations for the low – and, in many countries, still declining – employment level of people with disabilities, as well as for their minimal – although recently slightly increasing – representation in registered unemployment.

First, private employers in particular tend to be disinterested in hiring workers with disabilities, since they perceive them to be less productive and more costly than non-disabled workers. The current labour market situation with large numbers of non-disabled jobseekers in many EECA countries facilitates this attitude of employers. An exception is when workers with disabilities possess special skills that employers need and cannot find among non-disabled jobseekers. Some employers may rightly point out that their enterprise requires a special workplace environment that is not conducive to the employment of workers with more severe impairment. Special arrangements to accommodate workers with disabilities – such as working time restrictions, special leave, workplace adjustments and so on – may also make employers more reluctant to hire such workers, particularly if they are to bear the additional costs of these. Consequently, some workers hide their disability, and do not make use of these arrangements in order to be hired or to retain their current job.

Another explanation relates to the inaccessibility of many jobs in an open labour market for people with disabilities. Public transport is not adjusted to the transportation needs of these

8 Russian country report, p.13.

9 Armenian country report, p.11.

10 Calculation based on Azerbaijan country report, p.36.

people, while most cannot afford – or cannot use – private means of transport to get to work. Most buildings are not easily accessible for wheelchair use, while modern forms of work, such as teleworking from home, remain underdeveloped. Some of those with disabilities may live in areas where jobs are scarce but living costs are low and can therefore be covered by their social benefits. For such people it is not feasible to commute regularly to areas with higher demand for labour, and they do not have the financial means to relocate.

Under the Soviet regime, the state established and ran, or financially supported, special enterprises operated by associations of disabled people. In these enterprises, the majority of staff were workers with disabilities who therefore benefited from adjusted workplaces, adjusted or flexible working time and other special conditions, which allowed even those with more severe impairments to be engaged in gainful activity. But under new economic conditions after the breakup of the Soviet Union, most of these enterprises could not compete in the open market when state subsidies were reduced and state orders disappeared. Only a small fraction of these enterprises have survived, which severely limits employment opportunities for workers with more severe disabilities.

Many of those who have been disabled from birth or an early age lack vocational skills or possess skills which are not in demand in the labour market. This is the consequence of mainstream national education and training systems which are not well adapted to the inclusion of people with disabilities. Where special education and training facilities do exist, they usually only offer training in a limited number of professions for which there is little demand. Additionally, such facilities do not have enough places for all those in need of education, training and retraining who cannot attend regular education and training, and are inaccessible for many due to distance or various other obstacles to relocation. This also applies to those who do have vocational skills but, due to their acquired disability, cannot use them and have to be retrained.

Psychological issues are also preventing people with disabilities from seeking employment. The traditional perception of being an “invalid”, and difficulties encountered when looking for work, lower the self-esteem of jobseekers with disabilities. As a result, they tend to not seek higher education which offers skills demanded by employers, and give up looking for regular jobs; nor do they possess the skills to market themselves sufficiently to employers.

Persons with disabilities may also be discouraged in their active job search by the low quality of available vacancies, for which they may be overqualified or which frequently only offer a low salary that does not compensate for higher costs connected with their acceptance of employment. Registration as a jobseeker at the public employment service is often not sought for either, due to actual or presumed additional costs associated with required periodical visits to the local employment office and little attention devoted to persons with disabilities with regard to job placement assistance there as well as very limited access to active labour market programmes (as will be detailed later).

Finally, economic considerations are crucial to understanding the low interest of people with disabilities in seeking employment, and thus their low employment levels. Disability benefits or pensions often provide a low albeit guaranteed income. Entering the labour market requires a recommendation from the MSEO or its equivalent, often leading to a reassessment

of a person's disability group and thus a reduction or even abolition of their pension. On the other hand, a lack of suitable jobs means that recognition of work ability does not automatically guarantee job placement. Thus, persons with disabilities not only face competition in the labour market, but may also be concerned that they risk losing disability benefits – which would only be replaced by unemployment benefits which may be lower.

The nature of all these challenges will be developed further in the following sections.

4 International norms on people with disabilities

Historically, the term “invalid” or “handicapped person” expressed the contention of society that the person in question could not take care of himself or herself or be a full member of society, and that they could only work under special conditions or were not capable of work at all. This consideration was embedded in national legislation and was mainly based on medical assessment. It guaranteed to such people the provision of social transfers and services to compensate for their low or lack of income, but also tended to segregate them from society.

The ILO Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99) defined a “disabled person” as “an individual whose prospects of securing and retaining suitable employment are substantially reduced as a result of physical or mental impairment”. It also stipulated the term “vocational rehabilitation” as a process enabling disabled persons to secure and retain suitable employment. It requested that vocational rehabilitation services should be made available to all disabled persons, whatever the origin and nature of their disability.

Since the end of the 1960s, the new human rights approach of the UN has gradually incorporated people with disabilities. In 1971, the UN Declaration on the Rights of Mentally Retarded Persons was adopted. The Declaration proclaimed that mentally retarded persons should enjoy the same rights as other citizens, including the right to education, training and rehabilitation, as well as the right to perform productive work or to engage in any other meaningful occupation to the fullest possible extent of their capabilities. The scope of this Declaration was enlarged to all people with disabilities in the UN Declaration on the Rights of Disabled Persons, adopted in 1975. The 1975 Declaration called for these rights to be extended to all disabled persons without discrimination. Disabled persons should thus have the right to education, vocational training, counselling and job placement services, as well as the right to secure and retain employment or to engage in useful, productive and remunerative occupations.

The ILO Human Resources Development Convention, 1975 (No. 142) called on all member States to develop comprehensive and coordinated policies and programmes of vocational guidance and vocational education and training, closely linked with employment, for all. The Convention calls for vocational guidance to be available for all children, young people and adults; and also for appropriate programmes for “all handicapped and disabled persons”. The related Recommendation No. 150 has a special clause devoted to handicapped and disabled persons (clause 53), which calls for their access to general vocational guidance and training programmes; only when the nature and severity of their disability does not allow it should

specially adjusted programmes be provided. These measures should ensure as far as possible that these people are integrated into a productive life and a normal working environment.

The main ILO instrument promoting the employment of people with disabilities is the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), accompanied by the related Recommendation No. 168. This Convention slightly amends the term “disabled person” to “an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognised physical or mental impairment”. It calls for ILO member States to formulate, implement and periodically review a national policy on vocational rehabilitation and the employment of disabled persons. It states that this should be based on the principle of equal opportunity between both disabled and non-disabled workers, and also between male and female disabled workers. Any special measures in favour of workers with disabilities should not be regarded as discriminating against other workers. Workers with disabilities should also have access to programmes and services available to non-disabled workers, where possible. Specific parts of this ILO Convention will be referred to in the following sections. The ILO Code of Practice on Managing Disability in the Workplace¹¹ that sets as its objective “... to provide practical guidance on the management of disability issues in the workplace” should also be mentioned in this context.

In the EECA region, four countries to date have ratified Convention No. 159: Azerbaijan (in 1992), Kyrgyzstan (in 1992), the Russian Federation (in 1988) and Tajikistan (in 1993).

Since the mid-1980s there has been an increasing shift from a “caring” to a “rights-based” model. This has emerged since the political and expert debate led to an agreement on the need for a multiple approach to disability and for strengthening the protection of the human rights of people with disabilities. This process resulted in the adoption of the UN Convention on the Rights of Persons with Disabilities in December 2006. Article 1 stipulates that the purpose of this Convention is “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include those who have long-term physical, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”. The principles of this Convention are: respect for inherent dignity, individual autonomy including freedom of choice and independence of persons; non-discrimination; full and effective participation and inclusion in society; respect for difference and acceptance of persons with disabilities; equality of opportunity; accessibility; equality between men and women; and respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

The Convention determines general as well as specific obligations of the States parties to the Convention. General obligations include the adoption of all appropriate legislative, administrative and other measures to implement the rights recognized by the Convention; adoption

11 ILO. *Managing disability in the workplace. ILO code of practice*. ILO (Geneva, 2000).

of all appropriate measures, such as to create, modify or abolish existing laws, regulations and practices that constitute discrimination against persons with disabilities; consideration for the human rights of persons with disabilities in all policies and programmes; ensuring that public authorities and institutions act in conformity with the Convention; taking into account all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise; provision of accessible information to persons with disabilities about mobility aids, devices and assistance technologies, including new technologies, as well as other forms of assistance, support services and facilities; and promotion of the training of professionals and staff working with persons with disabilities in the rights recognized in the Convention so as to better provide the assistance and services guaranteed by those rights.

Article 27 of the Convention is devoted to work and employment. The Convention obliges States parties to recognize the right of persons with disabilities to work, on an equal basis with others, and to safeguard this realization through appropriate steps. This includes the prohibition of discrimination on the basis of disability, such as in matters of recruitment and employment, continuation of employment, career advancement, and safety and health at work. Persons with disabilities should have sufficient access to vocational guidance, placement services and training, as well as to vocational and professional rehabilitation, job retention and return-to-work programmes. They should also be provided with reasonable accommodation in the workplace. States parties are also obliged to employ persons with disabilities in the public sector, to promote their employment in the private sector and to encourage self-employment through appropriate measures.

To date, the 2006 UN Convention has been signed and ratified by Armenia (in 2007 and 2010 respectively), Azerbaijan (2008 and 2009 respectively) and the Russian Federation (2008 and 2012 respectively). Georgia, Kazakhstan and Uzbekistan have signed (in 2009, 2008 and 2009 respectively) but not ratified the Convention, whereas Turkmenistan has not signed but has ratified the Convention (in 2008).

International labour standards form the basis of national legal frameworks.

5 Legislation concerning people with disabilities

In the former Soviet Union, labour legislation and social policy tackled this issue by mainly focusing on compensation for hardships caused by disability and obstacles to work. This compensation was ensured by the provision of social transfers, pecuniary compensations and medical services. However, in the second half of the 1980s, perestroika led to new political, economic and social approaches, including towards people with disabilities. Among other results, this led to the ratification of ILO Convention No. 159. In the follow-up to this ratification, the Supreme Council of the Soviet Union approved a new Concept of State Policy in Relation to Invalids, and adopted a new Law on the Basic Principles of Social Protection for Invalids in the Soviet Union, on 11 December 1990. The Law shifted focus from the protection of people with disabilities through social transfers and compensations to the promotion of rehabilitation and social integration. This concept and Law influenced the approach to disability of newly independent states after the breakup of the Soviet Union.

In the **Russian Federation**, the federal Act on Social Protection of the Disabled (1995) stipulated for the first time that state policy should guarantee equal possibilities to persons with disabilities, in terms of rights and freedoms granted to other citizens under the Constitution of the Russian Federation. This Law has been amended several times subsequently, and promulgates minimum standards in order to ensure their implementation. The new legislative framework no longer focuses on purely medical aspects of disability but also emphasizes the rights and privileges of people with disabilities and establishes the rehabilitation system. A person with disability is defined as one who has a health impairment which permanently restricts physical capacity, and requires social protection and assistance. It classifies three types of disability: severe impairment (group I), less severe impairment (group II) and light impairment (group III). The level of impairment and the need for vocational rehabilitation is assessed by specialists at the Medico-Social Expertise Office (MSEO) and is reflected in the individual rehabilitation programme.

The Russian Federation's Act on Social Protection of the Disabled, as well as the federal Act on the Employment of the Population in the USSR (the latter adopted in 1991 and since amended several times), formulate the employment promotion policy concerning people with disabilities. This policy is based on the provision of special conditions and measures to protect and promote the employment of these workers. These measures include special job quotas in enterprises above a certain size; encouraging employers to create new jobs suitable for people with disabilities, including special jobs for those with more severe impairment; the requirement to establish individual programmes of rehabilitation; determination of working

conditions in line with these individual programmes of rehabilitation; access to employment services, training and retraining of people with disabilities, as well as the creation of conditions for and promotion of their entrepreneurial activity and self-employment. In the Act on the Employment of the Population in the USSR, people with disabilities are listed as one of the vulnerable groups in need of special intensive assistance in (re-)employment. However, a person with a disability can obtain the status of unemployed person only when he or she submits their individual programme of rehabilitation that includes a conclusion on the recommended nature of a job and its working conditions.

Working conditions for people with disabilities are determined by the Labour Code of the Russian Federation, as well as by some other normative acts. The federal Act on Education stipulates that Russian citizens with a disability have the right to state-financed education, upon condition of being referred by the Federal Service on Labour and Employment more than once (other Russian citizens require only one referral). Concrete provisions of the legislation and the concepts of employment policy will be elaborated in specific sections below. People with disabilities who cannot work – or who work in low paid jobs – are still entitled to social transfers and appropriate social services.

However, unlike the Constitution, the above-mentioned laws do not prohibit discrimination, e.g. in hiring and firing, employment contracts, promotion and working conditions. The Labour Code prohibits discrimination in relation to sex, race, colour of skin, etc. but it does not specifically mention disability.

In 2009, a comparative legal analysis of Russian legislation on the rehabilitation and social protection of people with disabilities with the UN Convention on the Rights of Persons with Disabilities was conducted and found no contradiction in the spirit of the two.¹² However, this is rather surprising in view of the lack of prohibition on disability-related discrimination in the Russian legislation.

After gaining independence, **Belarus** adopted the following laws to regulate social protection and employment promotion for people with disabilities: the Act on Social Protection of the Disabled (November 1991), the Act on Social Services (May 2000), the Law on Education of Persons with Special Needs (May 2004), the Act on Employment of the Population (June 2006) and the Act on Prevention of Disability and Rehabilitation of the Disabled (June 2008).

Until 2009, the definition of a person with disabilities was identical to the Russian definition of 1995, as stated above. The amendment to the Act on Social Protection of the Disabled enacted in October 2009 updated this definition to fully comply with the 2006 UN Convention. A disabled person is now defined as “an individual with permanent physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder his/her full and effective participation in the life of society on an equal basis with other citizens”. Any discrimination on the grounds of disability is forbidden and the state guarantees equality of opportunities for all citizens. This anti-discrimination clause does not exclude special

¹² R. N. Zhavoronkov. Comparative legal analysis of federal legislation of the Russian Federation in the area of rehabilitation and social protection of persons with disabilities and the UN Convention on the Rights of Persons with Disabilities (in Russian). Publishing House “Papyrus”, (Moscow, 2009).

protection measures for persons who are unable to compete in the labour market as a result of factors over which they have no control.

The amended Act on Social Protection of the Disabled obliges the Government at national and local levels to ensure the necessary adaptation of transport, housing and social infrastructure in line with the principle of accessibility.¹³ However, it does not include any provision on “reasonable accommodation” and universal design, which hinders its further elaboration in lower level normative acts regulating its implementation. Belorussian legislation also proposes sanctions if the accessibility provision has been overlooked in newly constructed buildings, but does not specify them.

Besides the right to free education for all citizens that is embedded in education acts,¹⁴ the Law on the Education of Persons with Special Needs envisages special measures for facilitating access to education for such persons, as well as professional training. The Act on Employment of the Population guarantees the right to work and equal opportunities for all citizens. For those who cannot compete in the labour market it offers additional guarantees, which are implemented through state targeted programmes of employment promotion. These programmes propose employment promotion measures for people with disabilities, as well as support to employers for the preservation and creation of jobs for such people.

These positive measures are further elaborated in the 2008 Law on Prevention of Disabilities and Rehabilitation of Invalids that specifies the goals and content of medical, social and vocational rehabilitation as well as adaptation to work for people with disabilities. People with disabilities are still classified into three categories according to the severity of their impairment. This categorization is determined by the Medico-Rehabilitation Expert Commission (MREC), which designs an individual rehabilitation programme for each person with disabilities. This programme contains three parts: medical rehabilitation, vocational and labour rehabilitation, and social rehabilitation. The Laws on Social Protection of the Disabled and on Social Services guarantee special support to people with disabilities, both in and out of employment, by providing them with social transfers and social services in line with their needs and income level.

In **Armenia**, aside from general norms on education, employment and social protection for people with disabilities, the Act on the Social Protection of the Disabled (adopted in May 1993) is the key regulatory norm on the employment and social protection of this group. The guarantee of the right to work, as well as the definition of a person with disabilities and the process of determining this status and its category is similar to Russian legislation. In line with this law, the Government’s guarantee of employment includes subsidies and tax concessions to special enterprises and organizations which employ people with disabilities, such as job quotas, reservation of suitable jobs, job creation subsidies, wage subsidies and tax reduc-

13 Understood broadly as the accessibility of services, education, rehabilitation, buildings, infrastructure and environment in general.

14 This comprises the right to free primary education, free vocational education and training in state vocational training facilities, and free higher education based on the competitive selection of students. However, youth with disabilities may benefit from preferential treatment during the selection process.

tions. However, in practice, neither quotas nor other measures are applied, except for wage subsidies and tax concessions when employing a person with disabilities. The reason why other measures are not used stems from the absence of lower level norms regulating their implementation. The law further determines the conditions for vocational rehabilitation and hiring and firing, income tax concessions and conditions of work for people with disabilities in line with general rules and their individual rehabilitation plans.

General guarantees provided to all unemployed people, as well as additional guarantees for jobseekers with disabilities to assist them in re-employment and provide them with income support during unemployment, are stipulated in the Law on Employment of the Population and Social Protection in Case of Unemployment. The Act on the Social Protection of the Disabled secures the right of people with disabilities to education and vocational training and obliges the state to create the necessary conditions for organizing primary, secondary and higher level education, as well as vocational training, for these people in mainstream education facilities. If this is not possible, special state educational facilities can provide this education in line with the Law on Education of Persons who Need Special Conditions of Education (2005) provided that persons with disabilities meet the selection criteria. According to the Act on the Social Protection of the Disabled, people with disabilities are entitled to social transfers and social services depending on their disability group and level of income.

Azerbaijan has recently passed a new Law on Prevention of Disability and Limitation of Health Abilities of Children, Rehabilitation and Social Protection of Persons and Children with Constrained Health Abilities (“Law on Prevention of Disability”, 1992). The Law defines a disabled person as “an individual with limitations in activity as a result of mental or physical impairment from birth or as a consequence of sickness or injury, [who] is in need of social assistance and protection. These limitations are expressed in the full or partial loss of ability and possibility of self-service, movement, coordination, social contacts, self-control and engagement in work activity”. Disability status is accorded as a result of an assessment by the Medico-Social Expert Commission that determines the reasons for disability, the disability group (I, II or III, with the same specification as in the three countries discussed above) and the duration of disability/timing of re-assessment. On the basis of this assessment the Commission formulates an individual rehabilitation programme that includes medical, vocational and social rehabilitation and adaptation as well as social protection.

The Labour Code contains, along with general rights and obligations of employers and workers in labour relations, special provisions on working conditions and entitlements of people with disabilities, such as the maximum length of the working week, extended leave with and without pay, etc., in line with their state of health and individual rehabilitation programme. The Law on Employment of the Population obliges the state to organize, besides employment promotion policies for all jobseekers, special measures directed to employment promotion and social protection of jobseekers with disabilities. These special measures include job quotas/levies, subsidies for employers hiring people with disabilities above the quota, subsidies for creating special jobs for people with disabilities and temporary job subsidies.

The above-mentioned Law on Prevention of Disability stipulates that primary, secondary, vocational secondary and higher education for people with disabilities should be provided in

mainstream education facilities and only if necessary in special facilities – special schools or special departments of vocational and training facilities, schools and specialized faculties of universities. These are regulated by the Law on Education (Special Education) of Persons with Limitations in Health Abilities (2001). Social transfers to people with disabilities are regulated by the social protection legislation as well as by the Law on Prevention of Disability.

A comparative analysis of the common and special labour legislation concerning people with disabilities in the four countries mentioned above shows their very similar development. Belarus has recently adopted a rights-based model and discrimination against people with disabilities in employment is strictly forbidden there. Armenia, Azerbaijan and the Russian Federation do not yet have anti-discrimination provisions on the ground of disability in their labour legislation and, as the ILO Guidelines¹⁵ make clear, it is recommended to include them. Such provisions should concern the prohibition of discrimination against people with disabilities in access to employment, type of employment contract, hiring, job preservation, promotion, remuneration, access to training, occupational safety and health, and employment termination. As ILO Convention No. 159 stipulates, any provision of special privileges or affirmative action in favour of people with disabilities should not be considered as discrimination against non-disabled people as long as it compensates for the disadvantages caused by the impairment. However, it will be important to review the valid labour legislation, especially the lower level norms, to determine whether they indeed promote the labour market and social inclusion of people with disabilities and do not give ground for any unnecessary discrimination or prejudices against them. Furthermore, international experience clearly shows how important it is that the burden of proof of discrimination/non-discrimination in the field of employment should be shifted away from workers with disabilities who bring a claim to court, and onto employers.

Apart from in Belarus, national legislation in these countries does not include the concept of “reasonable accommodation” of the workplace, which is important for removing barriers to employment of people with disabilities. The concept of reasonable accommodation assumes close cooperation of the state with enterprises but avoids placing a disproportionate burden on employers or service providers of any kind. It would be useful to insert this concept into national legislation. This is closely related to the fact that the parts in national legislation related to motivation of employers to create new jobs or reserve suitable jobs for people with disabilities are “toothless”. As will be further developed in the following sections, employers do not maintain quotas and neither reserve suitable jobs for, nor hire people with disabilities since there are no effective sanctions in place. Employers also claim that the additional costs of hiring a worker with disabilities with (presumably) lower labour productivity, shorter hours of (actual) work and in need of workplace adjustment are not sufficiently or at all compensated by the state, which may threaten their competitiveness. While more research evidence is needed on this issue, national legislation could consider both introducing effective sanctions in case of non-observance of quotas and strengthening financial support to employers.

15 ILO. *Achieving equal employment opportunities for people with disabilities through legislation: Guidelines*. ILO (Geneva, 2007).

Finally, the four ILO country reports and other available literature show a big gap between national legislation in favour of workers with disabilities and the observance of this legislation in everyday life. There are a number of reasons for this besides those mentioned above – the absence of lower level norms enforcing the implementation of the legislation, the lack of effective sanctions and the low level of support to employers. The reasons include the still underdeveloped institutional framework – in the first place, there is weak national labour inspection for combating discrimination against persons with disabilities but, in addition, there is a lack of institutions ensuring easy access for people with disabilities to appropriate education and training and vocational rehabilitation according to their needs, and facilitating their full involvement in the labour market and in society. Also, effective policies promoting non-discrimination, employment and social inclusion of people with disabilities are still underdeveloped and underfunded. These issues and how to address the existing deficiencies will be discussed in the following sections.

6 Quota/levy system

Job quota systems are used by many countries to promote the employment of people with disabilities. Under such a scheme, employers employing a certain minimum number of staff are requested to ensure that a proportion of the jobs they offer are filled by workers with disabilities, as established by the law or by a decision of the government or through another mechanism. This quota may be in the form of a recommendation (non-binding), or be binding but without any sanction to enforce it; or may be accompanied by a levy (fine) for its non-observation (the quota/levy system). The size of the levy is important since negligible levies do not have any enforcement capacity, while high levies can impose too heavy a burden on employers, who cannot cope with this obligation, e.g. for production reasons. These levies are then used to finance training and vocational rehabilitation for people with disabilities, job creation incentives for employers, the costs of accommodating people with disabilities within workplaces and other measures promoting their employment.

While the quota system works relatively well in some countries, such as Germany, France, Austria and Poland, many other countries struggle to enforce quota due to the lack of cooperation with employers; some have, therefore, even abolished the quota system. In contrast, another group of countries, in particular Anglo-Saxon and Scandinavian countries, have never adopted a quota system and fully rely on anti-discriminatory legislation which prohibits any discrimination based on disability, but which also contains provisions obliging employers to adjust the working environment to the special needs of people with disabilities. If a person feels discriminated against due to their disability, the legislation also specifies the means through which they can defend and assert their rights, including through the courts.

All four countries examined here – Armenia, Azerbaijan, Belarus and the Russian Federation – have a quota/levy system built into their legislation, although with caveats, as described below.

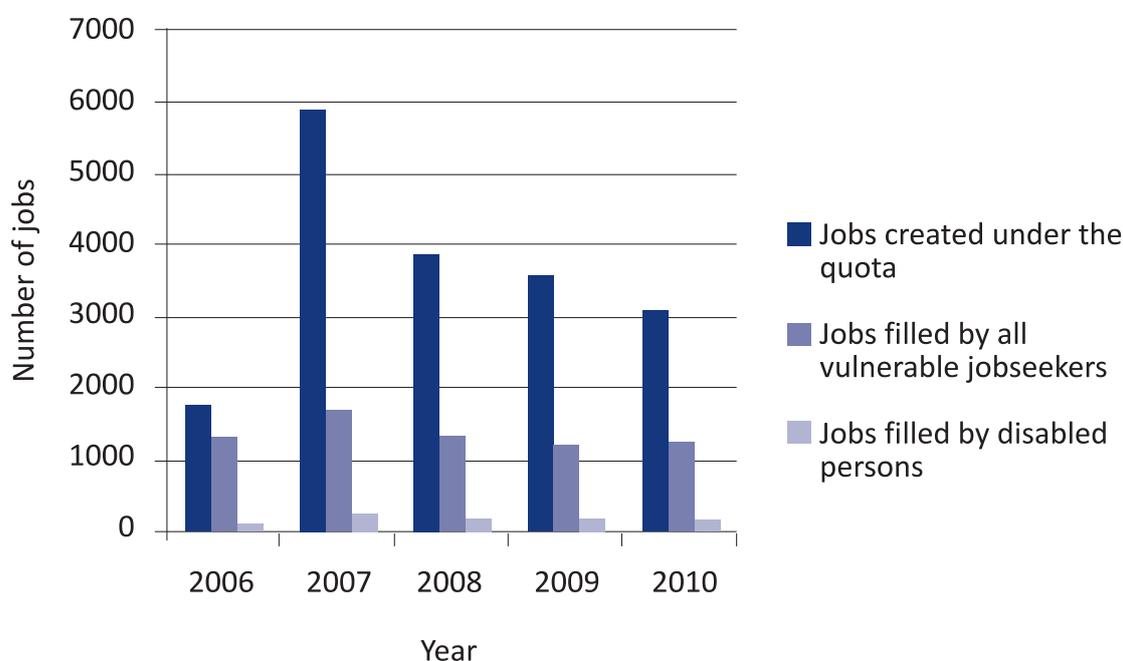
The **Armenian** Law on Employment of the Population – valid from 1993 to 2005 – obliged the Government to set a quota for workers with disabilities. If the employers did not fill this quota they had to pay into the Employment Fund a levy equal to the average annual salary. However, the new Law on the Employment of the Population and Social Protection in Case of Unemployment, adopted in 2005, no longer includes this measure. This is discrepant with the Act on the Social Protection of the Disabled (1993), which is still the main regulatory framework for disability issues. The latter law stipulates that guarantees of employment to people with disabilities are ensured by the state. This is done through setting quotas for organizations to hire people with disabilities and for the implementation of measures in favour of people with disabilities envisaged by the legislation. Nevertheless, the quota has never

been established by the Armenian Government and therefore the system has actually never worked.

In **Azerbaijan**, the Law on Employment of the Population does not specifically list job quotas as a measure to promote the employment of vulnerable groups – including people with disabilities. However, Decree No. 213 (2005) on the “Rules on Implementation of Quota for Persons in Special Need of Social Protection and Encountering Difficulties in Job Placement” stipulates such a quota and determines which organizations are excluded from this obligation. The quota is equal to 3 per cent of the average number of employees (but at least one workplace, which should be made available specifically for a person with disabilities) in enterprises employing between 25 and 50 workers; 4 per cent (of which half, i.e. 2 per cent, are for persons with disabilities) in enterprises with 50 to 100 workers; and 5 per cent (again, of which half, i.e. 2.5 per cent, are for persons with disabilities) in enterprises employing more than 100 workers. The organizations not covered by this Decree are state bodies, elected central and local governments (except for non-elected officials), research and education facilities (except for non-research and non-pedagogical positions) and organizations financed from the state budget and subordinated to the army, the juridical system, the national security system and the penitentiary system.

In line with Decree No. 213, all enterprises and organizations, regardless of their ownership, except for those mentioned above, are obliged to report on their number of workplaces and staff as at 1 July each year to the local employment office. In line with the labour market situation, this office suggests in which enterprises the quota should be applied and also proposes concrete quotas for each category of vulnerable people, including those with disabilities. This proposal is assessed by the local Coordination Committee on Employment Promotion and then approved by the head of the local government. Employers who do not meet the quota are penalized by having to pay to the state three times the national average monthly wage for each month that such a workplace was not created and occupied. However, given the very limited number of people with disabilities placed in such jobs every year, this tool does not seem to be effective. Using data covering the period 2006–10, figure 2 demonstrates that only a small proportion of jobs created under the quota are actually filled by vulnerable groups of workers and just a fraction by people with disabilities. It also shows a dramatic decline in the number of quota jobs since the peak achieved in 2007. Actual figures thus lag far behind the provisions of Decree No. 213.

Figure 2. Quota jobs and their filling by vulnerable jobseekers including persons with disabilities in Azerbaijan, 2006–10



Source: National statistics as quoted in the Azerbaijan country report, p.25.

In **Belarus**, the Act on Social Protection of the Disabled sets an obligation for enterprises, regardless of their ownership, to reserve a certain percentage of their jobs for people with disabilities. These quotas are to be established by local governments or by special state programmes. Every year, local employment offices, in cooperation with associations of persons with disabilities, elaborate social protection bodies and trade unions' local job placement programmes for people with disabilities, within which they fix concrete job quotas in line with the labour market situation in their region, the number of jobless people with disabilities in need of special support, and the possibilities which local enterprises have to create suitable jobs for such people. Article 16 of the Labour Code obliges employers to conclude a labour contract with the people with disabilities reported by the employment office, otherwise these employers risk a lawsuit. However, an employer can justify the refusal to hire a person with disabilities for reason of his/her lack of required skills, production considerations, the high costs of adjusting the workplace or other reasons – which is often the case and no sanction is imposed. Therefore, the employment programmes envisage additional stimuli on employers to hire workers with disabilities, in particular partial or even full compensation of the costs of workplace adjustment or wage subsidies, as will be developed further below. Between 2006 and 2010, the number of people with disabilities placed in quota jobs was declining, as was their proportion of the total number of jobseekers with disabilities registered in employment offices, which fell from 25 per cent in 2006 to 20 per cent in 2010.

The **Russian Federation** has recently made important changes in its quota/levy system. Before 1 January 2005, the quota was set at 3 per cent of the average number of employees

in all enterprises with more than 30 workers. However, in regions facing high numbers of jobseekers with disabilities, local governments had the power to increase the quota. If an enterprise did not meet the quota it had to pay a levy into the regional fund for each month of vacancy in a quota job (which was often the preferred option). The regional fund then used this revenue to subsidize the creation of suitable jobs for people with disabilities elsewhere. However, these provisions have been changed by the amendment to the Act on Social Protection of the Disabled of 1 January 2005. The quota is now applicable to enterprises with more than 100 workers, so that small and medium-sized enterprises, which are now important job creators in the Russian Federation, are no longer obliged to contribute to employing people with disabilities. The level of quota has also changed: it should not be less than 2 per cent or more than 4 per cent of the average number of employees. At the same time, the levy is no longer imposed, which means that the quota now functions more as a recommendation than an enforcement measure.

These changes have led to a significant reduction in the number of jobs available under the quota for people with disabilities. They have also resulted in a sharp decrease in funds created by levies which could be used for job placement of such people, while the quality of these jobs has also deteriorated. Nevertheless, some territorial entities (subjects) of the Russian Federation, such as Moscow, Saint Petersburg, the Samara region and others, have maintained the obligation to pay levies into the regional fund in the event of non-observance of a job quota. However, deeper analysis of the use of such funds for supporting the employment of people with disabilities in suitable jobs in other enterprises does not show satisfactory results.

The change in the Russian quota system described above has resulted in a significant decrease in the number of people with disabilities placed in quota jobs: in 2004, 16,400 people with disabilities were placed in such jobs; in 2010, their number had declined to a mere 4,900.¹⁶

This short overview of the national quota/levy systems in these four EECA countries reveals some of their important shortcomings, which diminish their actual impact on improving the labour market situation of people with disabilities. This is also the reason why many EECA countries are sceptical about the usefulness of this system.

International experience, however, shows that a quota/levy system can be a useful tool for the labour market inclusion of people with disabilities if its parameters are set in a way acceptable for all the three parties involved – people with disabilities, employers and the state – and, even more importantly, if the system is consistently implemented. Anti-discrimination legislation is very important for shaping positive public attitudes to people with disabilities and for obliging the state to create favourable conditions for their social inclusion. However, in countries facing difficulties with law enforcement, such as the EECA countries, it would not be advisable to rely only on this legislation for improving the employment prospects of people with disabilities. Therefore, policy-makers can consider maintaining and improving the national quota/levy systems in the EECA countries but complementing them with other

¹⁶ Russian country report, p.59.

employment promotion measures, in the first place with broader access to appropriate vocational education and training and vocational rehabilitation, as will be developed further below.

First of all, quota rates would need to be fixed realistically, with regard to the general labour market situation and the specific employment situation of people with disabilities while also taking into account enterprise possibilities and concerns. Since there are large regional labour market diversities but also regional and sectoral differences in the capacity of enterprises to provide suitable jobs for people with disabilities in all the EECA countries, it would be useful to provide the option of fixing the regional rates to regional tripartite constituents in close collaboration with the associations of people with disabilities rather than to have one national rate.

Since job placement of those with more severe impairment is a particular problem, countries might consider the experience of Germany and France and fix the quota only for such hard-to-place people with disabilities (while using other promotion measures for people with light disabilities), or have two quotas – one for people with disabilities in general and within it a special quota for those with more severe impairment.

The system can also offer employers more options for meeting the quota depending on their concrete situation. If, for example, for production reasons it would be difficult for an employer to employ people with disabilities up to the quota level, they should be able to decide to pay compensation (a levy), or to provide and finance apprenticeships or on-the-job training to such people, or to subcontract part of production to sheltered enterprises or buy products from them.

Small and medium-sized enterprises are now the main job creators in many countries. If the quota/levy system excludes them and covers only large enterprises it may significantly restrict employment opportunities for people with disabilities. On the other hand, the costs of workplace accommodation may become too high for especially small enterprises, which are often struggling to survive harsh competition in the market. Therefore, countries usually set the minimum size of enterprises subject to the quota at between 20 and 50 employees, depending on the concrete situation in the country with regard to the distribution of employment by size of enterprise. This circumstance also needs to be taken into account by the EECA countries but it seems that the current minimum size of enterprises covered by the quota/levy system in the Russian Federation, fixed at 100 employees, is too high.

The enforcement of the quota system needs to be achieved through (re-)establishing a levy. The levy needs to be fixed at a level that would encourage the recruitment of people with disabilities or would accumulate enough funds for promoting their employment elsewhere through other measures. Again, its level should be negotiated among the parties involved.

The collection and use of levies also needs to be reshaped. In many countries, levies are collected and placed in a special fund. Statutory bodies responsible for this fund administer both the collection of levies and distribution of collected funds to institutions in charge of the implementation of employment promotion measures for people with disabilities. In other countries, levies are collected into the general employment fund, the social fund or even the

state budget, and it is usually the responsibility of the PES in collaboration with the government, the social partners and the associations of disabled people at national, regional or local level to control and enforce the collection of levies and their effective distribution. The EECA countries should decide which system would be more appropriate for them but international experience seems to prefer the establishment of a special vocational rehabilitation fund. This would increase the transparency of spending to ensure that the collected funds will be used solely for programmes and measures in favour of people with disabilities.¹⁷

¹⁷ These recommendations are further developed in ILO Guidelines, *op. cit.*

7 Vocational education and training for people with disabilities

The acquisition of professional skills, which are demanded by the labour market, can significantly increase the chances of people with disabilities of finding and keeping a job. The state should thus put special emphasis on supporting those with disabilities to gain the right vocational skills.

As already discussed in section 5, all four EECA countries reviewed here guarantee in legislation the right to vocational education and training for all people with disabilities, which should be provided primarily in mainstream educational institutions or, if necessary, in special facilities. These countries have also adopted some special policies to promote access for people with disabilities to this type of education and training.

In **Armenia**, people with disabilities who have passed entrance examinations to a state or licensed non-state education and vocational training institution enjoy priority admission. If they are more severely impaired (disability groups I or II) or hold the status of a child with disabilities, and are engaged in full-time study or training, they are entitled to a scholarship, regardless of whether they receive social benefits or a pension. Jobseekers with disabilities who are registered at the State Employment Service Agency can be placed in a vocational training programme and receive a monthly stipend equal to 50 per cent of the national minimum wage. The education and training of a person with disabilities has to be in line with his or her individual rehabilitation plan. Training is also part of the vocational rehabilitation that will be discussed in greater detail in the next section.

Yet, in reality, the number of people with disabilities, particularly the more severely impaired, who take part in mainstream vocational education and training is very low. According to the Armenian country report, in 2010 only 41 people with disability grade I or II entered vocational training programmes provided by institutions run by the Ministry of Education and Science, while 43 were admitted to higher education. The year before, these figures were 38 and 157 respectively. The Armenian Ministry of Labour and Social Affairs has directly provided training in computer programming for 20 people with visual impairment every year since 2007. In training organized and financed by the PES for registered jobseekers, the number of new trainees with disabilities varied annually between 48 and 98 in the period 2004–10.¹⁸ No figures are available on training provided by special facilities.

¹⁸ Armenian country report, pp. 20-21.

The main reason for this very low involvement in vocational education and training is its inaccessibility for many people with disabilities since public transport and educational institutions are very rarely adjusted to their needs and limitations, as documented by the Armenian and other country reports. Another reason is a narrow choice of professions for which training is provided which may not match the interests and capabilities of people with disabilities and may not meet labour market demand. In addition, there is a shortage of teachers/instructors or social assistants on the one hand, and technical equipment on the other, who or which would help students/trainees with disabilities overcome their limitations and gain the maximum benefit from studies or training.

Azerbaijan facilitates access for people with disabilities to mainstream vocational education and training by providing assistance to pass entrance examinations. For those with more severe impairment, the state provides specialized education facilities or allocates special departments in vocational training centres, technical secondary schools and universities. As in Armenia, training or studies have to correspond with a person's individual rehabilitation plan. Pensions and stipends are paid in full to students and trainees with disabilities during their studies, with students in disability group I or II receiving a 50 per cent supplement. All citizens, including those with disabilities, have the right to vocational guidance from local employment offices, and registered jobseekers can be referred to vocational training at the cost of the PES.

There are only a few figures on the number of people with disabilities who participate in vocational education and training every year, but they indicate the very low level of participation. According to statistics published by the PES, only four registered jobseekers with disabilities received PES-financed vocational training in 2005, and this fell to zero in 2006. In 2007 and 2008, the number of trainees increased to 75 and 96 respectively, but then fell again to just seven in 2009 and 19 in 2010.¹⁹ Training was offered in computer skills as well as for blue-collar professions including dressmaking, locksmithing and others. Explanations for the limited number of people with disabilities in vocational education and training are similar to those in Armenia, namely, very limited access to mainstream education and training due to transport and construction barriers, as well as a lack of technical aid devices, few places in special schooling and training facilities, and a lack of staff specialized in assisting students and trainees with disabilities.

In **Belarus**, those with more severe disabilities can benefit from support measures to provide them with vocational education and training. These measures include admission to vocational-technical schools without competition for youth who hold the disabled child status and those who hold disability grade I or II (if they receive positive marks in entry interviews), as well as priority in admission (*ceteris paribus*) for persons holding disability group III. People with disabilities enjoy priority in admission to schools of secondary special and higher education if they achieve the same marks as other applicants. Those with disability grade I or II and a secondary general education have the right to enrolment in a distance or evening form of secondary special education or university education. This will be financed by the state, if

¹⁹ Azerbaijan country report, p.26.

this specialization is not prohibited from a medical point of view. Moreover, students or trainees with disabilities in the daily form of study/training are also entitled to a stipend, regardless of income from other benefits. Those who are enrolled in vocational education facilities or special schools, and are either of disability grade I or II or hold the status of a child with disabilities or a former soldier who became disabled due to injury or sickness when fulfilling military tasks, are also entitled to a 50 per cent increment. If a person with disability does not qualify for a regular stipend, he or she receives a social stipend. In addition, those of disability grade I or II are accommodated in student dormitories free of charge and receive some other services free.

The **Russian Federation** guarantees to those who hold disability grade I or II or the status of a disabled child and who have passed entrance examinations to state or municipal secondary or higher vocational education facilities, admission to these facilities without any competition if their intended profession is not prohibited to them on medical grounds. Professional education in such facilities is also provided free of charge. Recently, a new trend can be observed towards an increase in the number of vocational education facilities which implement various models of vocational education for people with disabilities. According to the Russian Ministry of Education, there is a network of specialized centres of vocational education for people with disabilities, including five main methodical centres for education and 51 boarding schools, of which seven provide post-secondary, 19 secondary and 25 initial vocational education and training. People with severe disabilities receive vocational education in special schools, which combine learning with medical and social rehabilitation. However, according to one survey, 68 per cent of people with disabilities consider special schools not to be prestigious, and believe that they do not give them good employment prospects for the primary labour market.²⁰ The reasons are numerous, including the acquisition of professions which are not in demand in the labour market and the lower quality of education, which is undervalued by employers. Moreover, the regional network of such schools is rather sparse and therefore often requires people with disabilities to relocate in order to study, which is not always feasible.²¹

According to ROSSTAT statistical data, in 2009, 26,070 people with disabilities studied in state universities, 14,847 in secondary professional schools and 24,994 in facilities providing initial vocational education and training, a total of 65,911 people. In comparison, since 2002, this number has increased by some 23,000, i.e. by more than 50 per cent. Since integration of people with disabilities into mainstream education is considered the best option, higher attention has recently been paid to the adaptation of schools by removing access barriers and equipping schools with special computers or specialized aid tools. In 2009, 18 universities had separate faculties or centres for the education of people with disabilities and/or had established specialized programmes for such students, in particular for students with visual or hearing impairment. These programmes have received support from the Ministry

20 O. Sinyavskaya and S. Vasin: "Socialnaya integraciya molodykh lyudey s invalidnostyu" [Social integration of youth with disability], Presentation prepared for the UN seminar "Social Integration of Youth with Disability", St Petersburg, 22–24 Dec. 2003, <http://www.socpol.ru/publications/pdf/Disability.pdf> [in Russian].

21 Idem.

of Education and are financed from the federal budget. However, an increasing number of other universities, at their own initiative or with the help of grants, have also started providing education to groups of students with disabilities and have developed their own models of education. A survey conducted among 214 universities in the Russian Federation, i.e. 25 per cent of all universities financed from the state budget in 2009, revealed that 55 per cent of all students with disabilities were studying in one of three specializations: economy and management, health care, or education and pedagogy.²² Despite this visible recent progress, obstacles to vocational and higher education of youth with disabilities persist. According to the Russian country report they include: architectural barriers that restrict accessibility for wheelchair users; absence of special computers for blind students or hearing aids for those with hearing impairment; absence or low level of knowledge among pedagogical staff of methods of work with people with disabilities; low level of tolerance of students of their disabled peers; and many students with disabilities having an insufficient level of pre-university education. Some universities try to overcome the latter impediments through preparatory or additional courses for students with disabilities and additional education for their staff in the methodology of teaching people with disabilities. Nevertheless, even at the federal level any norm on the combined organization of learning and rehabilitation processes under the condition of integrated education is not yet elaborated. The choice of programmes is more driven by medical constraints and is often regionally determined, which narrows educational opportunities for applicants with disabilities. Schools are not motivated financially either to open their courses for students with disabilities or to adapt their premises and methods of teaching accordingly.

The territorial structures of the Federal Service on Labour and Employment (FSLE) are organizing and subsidizing vocational orientation as well as training and retraining of jobless people with disabilities. Some territorial entities of the Russian Federation, such as the Republic of Mordoviya, the Ulyanovskaya and Irkutskaya oblasts and others, even have their own target programmes on vocational training of jobless people with disabilities, within which they not only collect information on such people but also inform them about the labour market situation and organize their training in professions lacking in the labour market. They even try to monitor their employment after finishing the training. However, in general, such information is not collected by FSLE. Nevertheless, the increased attention of FSLE in recent years to promoting the employment of jobless people with disabilities through vocational training has had tangible results: in 2006, 7,869 people with disabilities completed vocational training; in 2010, their number increased by 50 per cent to 11,720.²³

All four countries analysed here thus recognize the importance of people with disabilities having relevant skills for their employment, and have launched measures promoting their privileged access to general and vocational education and training. However, many of these measures have so far rather remained on paper as their implementation is facing a number of impediments. The countries have not yet developed the necessary methodological approach for the integration of people with disabilities into the mainstream general and vocational

22 Russian country report, pp. 36-37.

23 Russian country report, p.43.

education and training system. This approach would require first of all that the range of professions deemed suitable for people with disabilities be expanded in line with the possibilities opened up by new information technologies and in line with the real demand for skills in the labour market, while observing medical constraints. The educational facilities should also become well informed about the labour market situation and trends in the country and in different regions, in order to provide up-to-date education and training for professions demanded by employers. The quality of education and training needs to be further improved so that employers are convinced that they will get highly skilled workers. The pedagogical staff of these facilities need to develop good knowledge about the specific needs of people with diverse disabilities in the learning process, and how new technologies and aids can help overcome their health constraints and contribute to their using their capacities to the full. This approach should also be supported by the availability of special equipment and aid devices for people with disabilities in the educational facilities. It also includes the adaptation of facility buildings to make them accessible for students and trainees with disabilities as well as the provision of transportation from homes to these facilities for those with mobility problems.

Training services provided to jobless people with disabilities by the public employment service (PES) also need to be further expanded and improved. It is recommended to review and extend the range of professions for which training is provided, taking into account vacancies available in the local labour market and possibilities for workplace adjustments subsidized by the PES. The PES should consider improving the quality of training provided to jobless people with disabilities by turning to the best training providers and extending the length of courses to provide relevant and in-depth skills. Close cooperation with employers in the form of subsidized internships for school leavers with disabilities or subsidized training of jobless people with disabilities in professions directly demanded by the employer can greatly increase their employment prospects. In any case, the PES should monitor (re-)employment of people who have completed training, promote it further through organizing job fairs or subsidized employment if necessary, and use the lessons learned for improving its services to people with disabilities (see also section 9 on job placement services and employment promotion policies).

In addition, the motivation of some people with disabilities to take up vocational education and training needs to be stimulated. People with disabilities who lack relevant vocational skills and self-confidence with regard to their capability to acquire them should have access to psychological support. This support would help them discover their capacity to learn as well as to cope with the constraints upon them and would encourage them to undertake vocational studies or training in the professions sought in the labour market. The education, labour market and social security systems should work together to provide them with services necessary for gaining the right professional skills to enable them to fully use their capacities and get a job, while not trapping them in the welfare system nor letting them fall into poverty if a suitable job is not immediately available.

8

Vocational rehabilitation of people with disabilities

Vocational rehabilitation is part of a comprehensive rehabilitation process which includes medical, labour, social and other forms of rehabilitation. In accordance with article 7 of the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), “the competent authorities shall take measures with a view to providing and evaluating vocational guidance, vocational training, placement, employment and other related services to enable disabled persons to secure, retain and advance in employment; existing services for workers generally shall, wherever possible and appropriate, be used with necessary adaptations”. The objective of vocational rehabilitation is improvement of disabled persons’ living standards and their social inclusion.

The existing systems of vocational rehabilitation in EECA countries have many common features.²⁴ Vocational rehabilitation includes assessment of a jobseeker’s work ability, elaboration of an individual rehabilitation programme, career guidance and vocational counselling, skills development and job placement services. Since it is a complex process, it requires the active involvement of different institutions and coordination of their activities. As stated in the previous sections, key responsibility generally rests with the agencies or offices of medico-social expertise. The recommendations of these institutions determine the whole vocational rehabilitation process.

In **Armenia**, vocational rehabilitation of people with disabilities is regulated by the Act on the Social Protection of the Disabled which, in line with Convention No. 159, stresses that “vocational rehabilitation includes vocational counselling, vocational training, professional adaptation and job placement” (article 9). The state agencies responsible for vocational rehabilitation are the Medico-Social Expertise Agency (MSEA), the State Employment Service Agency (SESA) and the Vocational Rehabilitation Centre for people with disabilities in Gyumri. All these institutions are under the Ministry of Labour and Social Issues of the Republic of Armenia, which holds key responsibility for disability inclusion.

MSEA has one of the key roles in the rehabilitation of people with disabilities. Its recommendations are mandatory for all state organizations which are involved in this process at

²⁴ Whereas section 5 of this report gives a broad overview of the existing legal frameworks concerning people with disabilities and their correlation with international labour standards, this section refers to the national laws in order to better understand how they variously interpret vocational rehabilitation.

its different stages. They lay the foundation for measures to be undertaken by SESA to place people with disabilities in jobs. MSEA carries out an assessment of work ability limitations, establishes a category/group of disability and makes conclusions on possible pathways to rehabilitation. Based on the results of the assessment, it defines the forms and scope of social security for each person with disabilities. It also approves the individual rehabilitation plan which all relevant bodies are obliged to honour. If impairment has resulted from work-related injuries, a person with disability might need to change his/her occupation. In this case, vocational guidance must be given as part of his/her rehabilitation process; however, the capacity of state agencies to provide this type of service is weak and needs to be strengthened.

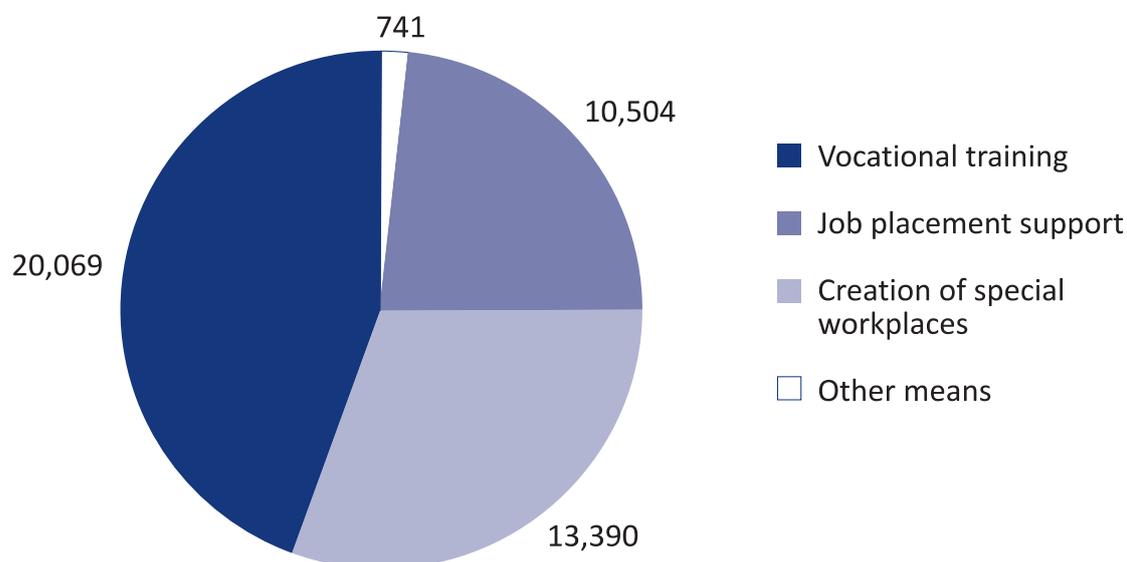
SESA should contribute to work ability assessment and development while taking into account the conclusions of MSEA and also the labour market situation. It should offer to people with disabilities suitable training in skills demanded by the labour market which would increase their employability. Besides, SESA should offer them, where needed, participation in other ALMPs aimed at their job placement (see section 9).

The Vocational Rehabilitation Centre for people with disabilities was established in Gyumri, the second largest city in Armenia, in 2008 and became operational in 2010. The objectives of the Centre are to assess the work ability of people with disabilities and to improve it through their participation in training programmes equipped with special technical means and tools in line with their needs. The Centre functions in close cooperation with the regional employment service in Gyumri. However, no information is available to date on its functioning and the number of people provided with its services.

A recent analysis by MSEA of the health condition and labour market situation of a wide group of people with disabilities showed that, at the end of 2010, 44,704 people with disabilities were in need of different forms of vocational rehabilitation.²⁵ It recommended vocational training, job placement support, creation of special workplaces and other forms of rehabilitation (see figure 3). Again, no data are published on the total number of people to have undergone complex vocational rehabilitation. The number of people who participated in some active labour market programmes is given below (see section 9).

²⁵ Armenian country report, p. 22.

**Figure 3. Recommendations on vocational rehabilitation in Armenia
(no. of participants)**



Source: Armenian country report, p.22.

In **Azerbaijan**, disability is still often treated from a medical point of view and consequently medical rehabilitation is the most essential part of the rehabilitation process. Nevertheless, the need to develop vocational rehabilitation is recognized. Within the framework of international technical cooperation projects, tests are being developed for assessment of the work ability of people with disabilities.

The same medical approach is still dominant in Belarus. Section 7 of the Act on Prevention of Disability and Rehabilitation of the Disabled defines vocational rehabilitation as a complex of measures aimed at complete or partial restoration of the abilities of people with disabilities and enhancing their employability. This complex includes vocational counselling, vocational training and skills development.

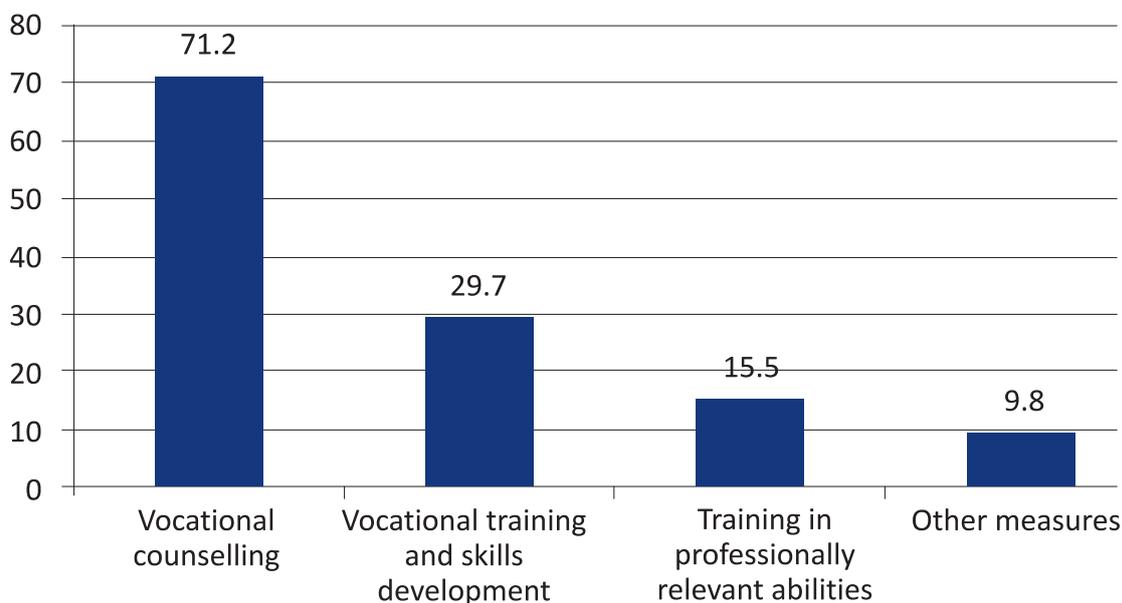
The Ministry of Healthcare has overall responsibility for rehabilitation of people with disabilities in Belarus. Different state bodies account for different aspects of rehabilitation; however, lack of coordination among them becomes a constraint to the effective return to work of people with disabilities. The agencies in charge of labour and employment can be invited by the territorial Medico-Rehabilitation Expert Commissions (MRECs) to participate in joint actions concerning rehabilitation, yet their participation is not mandatory. Links between MRECs and employment centres are often weak and recommendations provided by MRECs concerning employment hardly take into account labour market trends. These Commissions must first estimate and categorize the degree of disability. Based on this assessment, a decision is made concerning necessary rehabilitation activities and duration of the rehabilitation process, which is then embedded into an individual rehabilitation programme. One section of the programme concerns vocational rehabilitation and should include recommendations regarding possible occupations, opportunities for job placement, skills development programmes and required adjustments in the workplace, including work schedules. This section

is supposed to contain information about educational institutions, social protection agencies and sheltered enterprises which must be involved in implementation of the individual rehabilitation programme; it is also supposed to prepare people with disabilities for employment promotion and job placement services through compensatory measures. In practice, MREC experts, being focused primarily on medical rehabilitation, do not have sufficient competence to provide guidance in matters requiring good knowledge of the labour market. Thus, individual rehabilitation programmes are often quite vague in their recommendations concerning possible job placement and return to the world of work.

Vocational counselling services are provided by the PES which, based on assessment of a jobseeker's work ability and interests, informs them about job opportunities and guides them in their job search.

According to information from the MRECs, about 90 per cent of people with disabilities in Belarus require medical rehabilitation and services, while more than 60 per cent of people with disabilities of working age are in need of career guidance, vocational training and re-training, support in job placement and social assistance.²⁶ A sociological survey conducted by the Labour Research Institute in Minsk among people with disabilities who wish to get a job confirms this conclusion and demonstrates which measures should be applied for their employment promotion (see figure 4).²⁷

Figure 4. Proportion of people in need of certain active labour market measures in the total number of jobless people with disabilities seeking employment in Belarus, 2010 (per cent)



Source: Shevchenko, S.V. et al.: *Survey of the situation of invalids in the Republic of Belarus*. Labour Research Institute of the Ministry of Labour and Social Protection of the Republic of Belarus (Minsk, 2011), p. 51.

²⁶ Belarusian country report, p. 36.

²⁷ Shevchenko, S.V. et al.: *Survey of the situation of invalids in the Republic of Belarus*. Labour Research Institute of the Ministry of Labour and Social Protection of the Republic of Belarus (Minsk, 2011).

The survey further shows that, for those disabled as a consequence of congenital disease, the most important rehabilitation measures are training in professionally relevant abilities (18.4 per cent) and career guidance (17.8 per cent), since most of these people do not have any vocational skills and work habits. For those who, due to contracted disease or impairment, cannot continue working in their profession, skills upgrading or reskilling play a key role, since more than half of them already have vocational education of different levels. Among this category, 62.8 per cent requested vocational training and skills development, 57 to 59 per cent vocational counselling and training in professionally relevant abilities, and 61.3 per cent participation in other measures. In cases where limited work ability results from trauma, people with disabilities mostly request training in professionally relevant abilities (24.5 per cent of respondents) or participation in other measures (25.8 per cent) – see Shevchenko, *op. cit.* However, no information is available on the actual number of people with disabilities who have taken part in any of these measures.

A Comprehensive Social Services Development Programme for 2011–15 has been adopted in Belarus, which foresees prevention of disability as well as rehabilitation of people with disabilities. The following indicators are set to measure progress in the area of vocational rehabilitation:

- increased number of people with disabilities return to the labour market upon completion of vocational education and training programmes;
- more vocational education and training and other educational institutions deliver training courses to people with disabilities.

In the **Russian Federation**, the 1995 Act on Social Protection of the Disabled classifies rehabilitation as a system and process of complete or partial recovery of the capabilities of people with disabilities to household, social and professional activities. In accordance with this law and compliance with Convention No. 159, vocational rehabilitation includes vocational counselling, vocational training, job placement support and workplace adaptation. The legislation envisages an individual rehabilitation programme as a tool for the effective social inclusion of people with disabilities. As in many other EECA countries, individual rehabilitation programmes have to be elaborated by the Medico-Social Expertise Office (MSEO). It establishes the cause and group of disability, the scope and duration of the rehabilitation process, and measures of social protection, and gives recommendations in respect of vocational counselling and vocational education or training for recommended occupations.

MSEO may directly refer people with disabilities for vocational rehabilitation to educational institutions and rehabilitation centres, or vocational rehabilitation may start with career guidance and vocational counselling provided by the territorial structures of the Federal Service on Labour and Employment (FSLE). FSLE offices inform people with disabilities about available jobs and skills requirements for different occupations, as well as the content and conditions of jobs in general. They also provide individual consultations and support to increase the motivation of people with disabilities to seek work. Moreover, they refer jobless people with disabilities to training programmes, thus contributing to increasing their employability. FSLE officers stress that one of the shortcomings of individual rehabilitation programmes is that they do not take into consideration the actual local labour market situa-

tion. MSEO recommendations often do not allow for matching the skills of people with disabilities to jobs, as their conclusions refer to occupations not in demand in the labour market.

There are some 600 rehabilitation centres and units in the Russian Federation. Their service packages are not standardized; however, many of them are involved in educational and training activities, as well as in assisting people with disabilities to seek jobs. These centres, which are normally subordinated to the regional departments of social protection, are funded by budget allocations. Based on psychological tests and diagnostics for people with disabilities, rehabilitation centres advise on suitable occupations, the skills needed to (re-)enter the labour market, appropriate training programmes and social rehabilitation.

The above analysis demonstrates that, in all four countries reviewed here, the effectiveness of vocational rehabilitation of people with disabilities needs to be increased through better coordination of activities between the agencies of medico-social expertise and the public employment service (PES). Whereas the agencies of medico-social expertise should retain their major role in health-care aspects of expertise and rehabilitation, it is recommended that the PES should be mandated by the government as the key stakeholder having overall responsibility for coordination of all issues concerning vocational rehabilitation.

From this point of view, PES activities should focus in the first place not on limitations on work ability (which is normally one of the main conclusions of a medico-social expertise agency) but on assessments of the capabilities and potential of jobseekers with disabilities and on development of programmes that would make full use of their capacity at work. PES personnel should be trained in modern methods of assessing residual capacity to work and improving it through relevant skills training and the application of technical aids designed for the needs of people with disabilities. Career guidance and vocational counselling based on local labour market analysis and projection is an important part of vocational rehabilitation. Participation of people with disabilities in vocational rehabilitation programmes and the effectiveness of these programmes should be set as important PES performance indicators. Allocation of sufficient resources, as well as annual monitoring and evaluation of vocational rehabilitation programmes, also needs to be secured. Detailed statistics on the number of people with disabilities provided with vocational rehabilitation and the outcomes of rehabilitation in terms of job placements would be instrumental in such performance monitoring and evaluation. Cooperation between agencies of medico-social expertise and the PES needs to be facilitated and joint teams, both for work ability assessment and implementation of rehabilitation programmes, promoted.

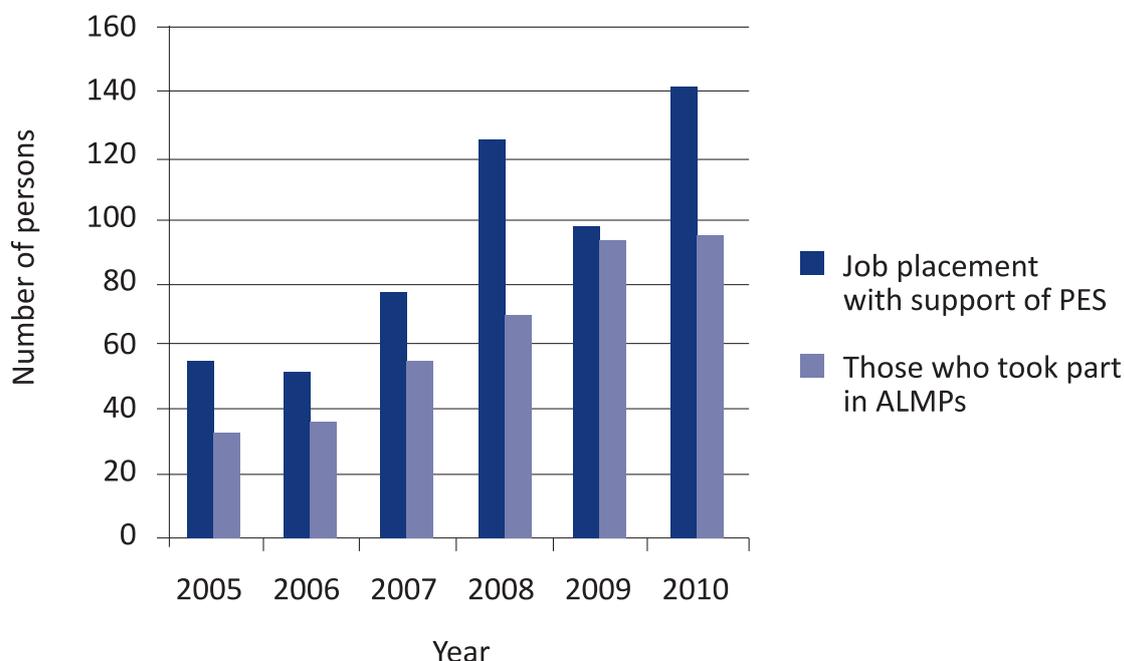
9 Job placement services and employment promotion policies

In the Soviet Union, people with (usually more severe) disabilities who were interested in getting jobs were placed in sheltered enterprises administrated by non-governmental organizations (NGOs), such as the Society of Disabled People, the Society of Blind People, etc. These organizations used to own about 2,500 small and medium-sized enterprises which provided employment to a large number of people with disabilities. However, as discussed above, most of these enterprises did not survive transition to a market economy as their products or services were not competitive in the open market. The number of sheltered enterprises has decreased significantly since 1991, and this has had an adverse effect on employment of people with disabilities, as both those laid off from these enterprises and new labour market entrants were suddenly exposed to open and often intense labour market competition. Nevertheless, surveys among people with disabilities show that most prefer to be employed in their own profession, often on a part-time basis or with flexible working hours, by a company operating in the open labour market. According to FSLE, only about 20 per cent are interested in working at sheltered enterprises.

In the last 10 to 15 years, labour market institutions in the EECA countries, beginning with the PES, have improved their capacity with respect to employment promotion for people with disabilities. Many EECA states have been introducing international norms and standards, studying existing best practice and launching active labour market policies (ALMPs) for vulnerable groups in the labour market, such as wage subsidies and reasonable accommodation programmes for people with disabilities.

In **Armenia**, as mentioned above, people with disabilities are designated by labour legislation to be one of the vulnerable groups in the labour market and SESA is assigned to promote their employment. In recent years, the number of people with disabilities placed in regular jobs (in the open labour market) in Armenia with support of the State Employment Service Agency (SESA) has been growing (see figure 5).

Figure 5. People with disabilities placed in jobs or ALMPs with support of SESA in Armenia: total number and of which those placed after completion of any ALMP, 2005–10



Source: Armenian country report, p.23.

Armenia is one of the leading EECA countries in terms of variety of ALMPs for people with disabilities, although the size of these programmes is quite modest.

The *wage subsidies* programme provides compensation to an employer hiring a person with disability, amounting to 50 per cent of the salary; the subsidy cannot exceed the minimum wage. Duration of the programme is two years for people with disabilities in groups I and II and one year for those in group III. In 2009, 107 people with disabilities and, in 2010, 91 people with disabilities took part in this programme.²⁸ The programme is most efficient for small and medium-sized enterprises.

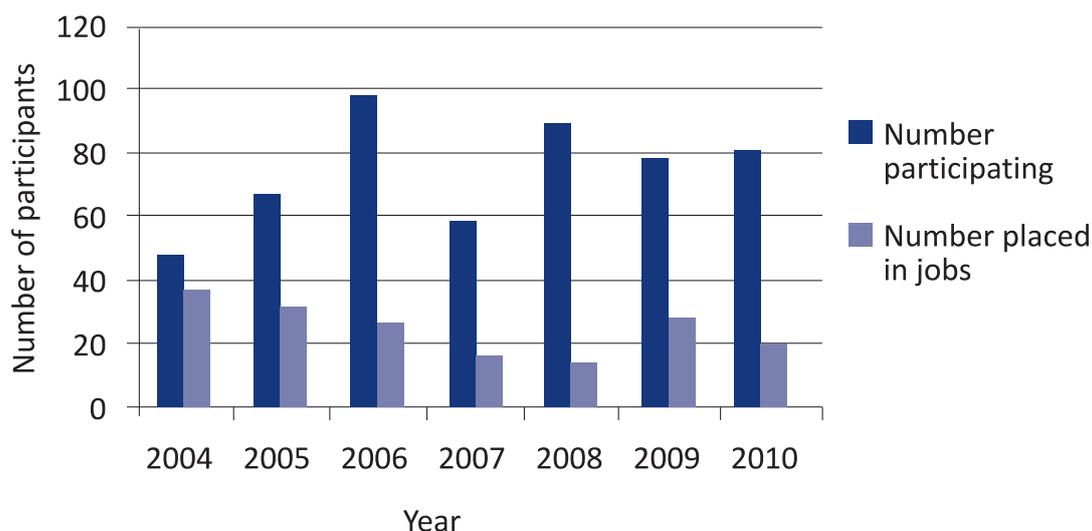
The major constraints for implementation of this ALMP include application of the programme without proper assessment of jobseekers' work ability and job placement of people with disabilities at workplaces not adjusted to their needs. This has to be avoided by all means, as it can have serious adverse effects on their continuing to work in this position as well as, in the event they have to give it up, on their new job search motivation.

Vocational training programmes are part of vocational rehabilitation (see sections 7 and 8). They have been implemented by SESA since 1995. The aim of vocational training pro-

²⁸ Armenian country report, p. 26.

grammes is to improve the competences of jobseekers and to develop skills which match labour market demand. Figure 6 demonstrates the efficiency of SESA vocational training programmes.²⁹

Figure 6. Participation of people with disabilities in vocational training programmes in Armenia, 2004–10



Source: Armenian country report, pp. 27–28.

Upon completion of training programmes, about 50 per cent of jobseekers, on average, get a regular job, while only 30 to 50 per cent of people with disabilities do so, according to SESA data.³⁰ The efficiency of vocational training programmes can be increased if they are combined with other ALMPs, especially those which motivate employers to provide jobs to people with disabilities. In addition, since many educational institutions providing training courses to the unemployed in cooperation with SESA do not have specifically trained staff or special equipment to deliver services and programmes to people with disabilities, investing in this area would greatly increase the intake of people with disabilities as well as the quality and relevance of their training.

Internship at enterprises shows higher efficiency in terms of job placement, since it is designed in accordance with labour demand by a concrete employer. However, the number of participating people with disabilities is quite low and their proportion of the total number of jobseekers taking part in this ALMP has varied in recent years between 5.4 and 10.3 per

²⁹ The number of job placements after completion of vocational training programmes in figure 6 is included in the number of job placements after completion of any ALMP in figure 5.

³⁰ Armenian country report, p. 28.

³¹ Calculation based on the Armenian country report, p.28.

cent.³¹ Low availability of this programme to people with disabilities can be explained by inaccessibility of employment centres' buildings and enterprises, and by public transport not being adapted to their limitations, but also by the lack of interest by employers.

Self-employment and support for entrepreneurship is as yet quite limited in scope. Only four people with disabilities took part in this programme in 2009 and eight in 2010.³² The *public works* programme is also offered to people with disabilities with the aim to maintain their attachment to the labour market through temporary employment, mitigate labour market tensions and give them some additional income. The proportion of people with disabilities in the total number of public works participants has moved between 5 and 6 per cent in recent years and in absolute terms this programme placed the highest number of people with disabilities, e.g. 431 in 2010.³³ However, as is the case of public works programmes in general, transition of their participants after completion of their assignment to a regular job (in the open labour market) is very low unless such programmes are combined with relevant vocational training.

Adaptation of workplaces for people with disabilities is being piloted in Ashtarak, Abovyan and Yerevan with ILO support and involvement of social partners. Employers' costs for reasonable accommodation (i.e. purchase of necessary equipment, introduction of flexible working hours, additional breaks) are compensated by SESA. Implementation of the programme has made it possible to place people with disabilities from the test group in jobs, even those of disability group I. Piloting the programme has revealed that employment officers are prepared to assess the work abilities of people with disabilities but lack competence concerning possible workplace adjustment tools and aids.

The employment promotion law has recently been amended and three new ALMPs in favour of people with disabilities introduced as of 1 January 2011. These new programmes include compensation of the costs of relocation for work for jobseekers with disabilities, support to employers for organizing apprenticeships, and compensation of employers who benefited from experience of the above-mentioned ILO pilot programme for their workplace adjustment costs.

In **Azerbaijan**, ALMPs facilitating employment of people with disabilities are implemented by the State Employment Service (SES) under the Ministry of Labour and Social Protection of Population. SES holds job fairs for different groups of jobseekers, among them people with disabilities. In the period 1997–2010, participation in job fairs resulted in job placement of 1,043 people with disabilities. In addition, during this period, 5,398 people with disabilities took part in *public works* and 7,533 people with disabilities in vocational training courses, according to information from the Ministry.³⁴ Between 1999 and 2010, 403 people with disabilities were placed in temporary jobs with SES assistance.

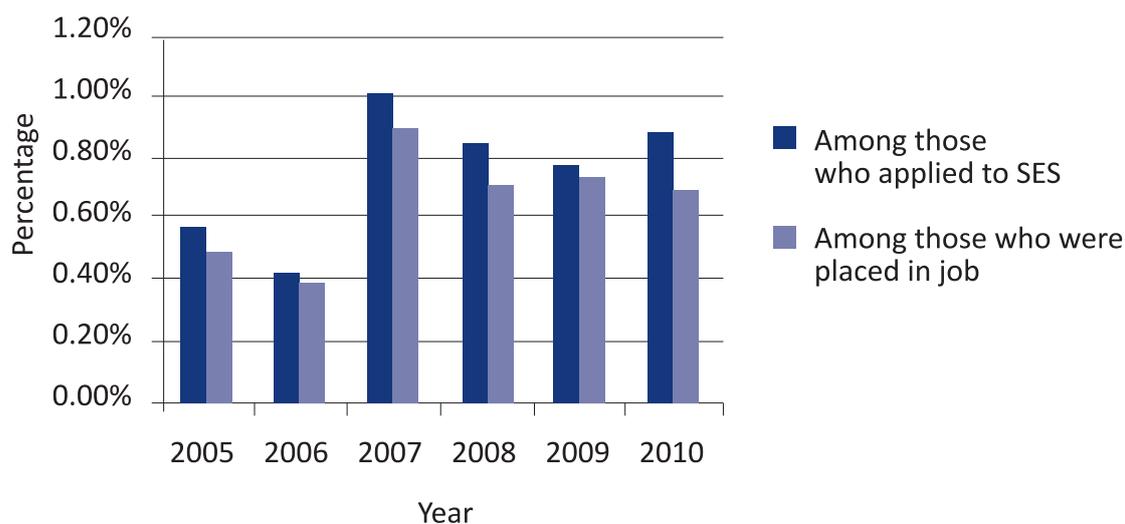
32 Armenian country report, p.29.

33 Armenian country report, p.29.

34 Azerbaijan country report, p.34.

Nevertheless, the proportion of people with disabilities who obtain services from SES still remains very low (see figure 7).³⁵

Figure 7. Proportion of people with disabilities among SES job applicants and placements in Azerbaijan, 2005–10 (per cent)



Source: Calculations based on Azerbaijan country report, p. 36.

Improvement in the labour market situation for people with disabilities in Azerbaijan requires cooperation among different state institutions; however, this has yet to be developed. Furthermore, SES should introduce targeted ALMPs for people with disabilities that would address barriers to their entry into employment and include incentives for employers.

In **Belarus**, some 30,000 people of working age apply every year for retirement due to disability. Of all people with disabilities who retain the capacity to work, 85 per cent are not in jobs.³⁶ This makes employment promotion for people with disabilities a priority for the country and this is reflected in the annual employment promotion programmes. Apart from quota, as described in section 6, these programmes anticipate the following ALMPs for disability inclusion.

Employers who provide jobs to people with disabilities receive *tax exemptions and subsidies for job creation*. Where the proportion of people with disabilities exceeds 3 per cent of the total enterprise workforce, the employer receives compensation from the budget of the public employment service (PES) for the costs of *workplace adaptation* for each new job adjusted

³⁵ This very low number explains why the efficiency of SES in placing these people in jobs seems to be so good: it is the result of intensive support concentrating on a handful of persons with disabilities that would be hardly sustainable in the case of their larger numbers.

³⁶ Belarusian country report, p. 36.

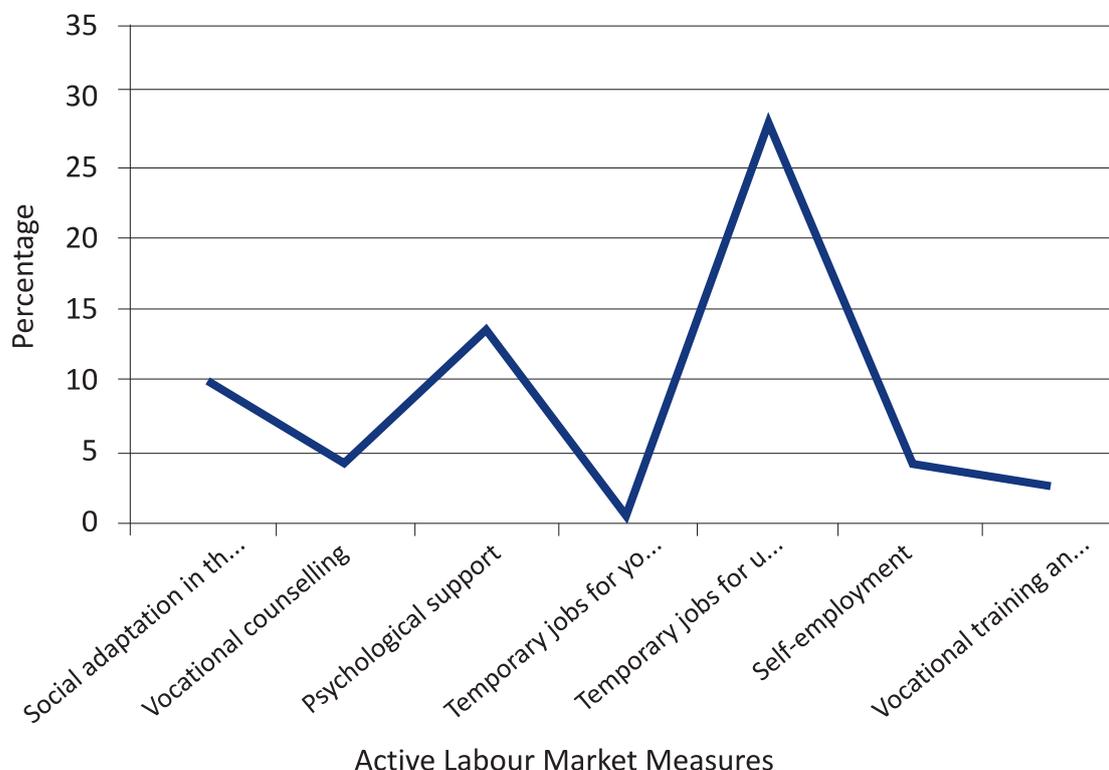
for a person with disabilities. Workplaces created and/or adjusted with PES support have to be reserved for people with disabilities for at least three years, and the number of workplaces available for this group should not decrease within a three-year period. Employers are obliged to hire people with disabilities when workplaces which have been adjusted with PES support become vacant, under the condition that the jobseekers sent by the PES have the required skills.

People with disabilities in Belarus participate in ALMPs designed not specifically for them but for all groups of jobseekers. They take part in *public works* and *self-employment programmes*. In the latter, people with disabilities are entitled, as are other registered unemployed, to a non-repayable start-up subsidy (calculated on the basis of the subsistence minimum), but do not get any additional benefits.

In accordance with the Medico-Rehabilitation Expert Commission (MREC) and PES recommendations, people with disabilities can benefit from a programme supporting their *adaptation to work*. The adaptation is tailored to their new job and is aimed at development of the skills necessary for this job. It is conducted at enterprises and lasts from six to 12 months under the guidance of a mentor. The costs of adaptation are covered by the PES. However, upon completion of the adaptation period, if no vacancies are available, the employer is not obliged to recruit the person with disabilities. In such a case, the PES has to provide support in job placement with the use of measures such as *reasonable workplace accommodation*, promotion of *flexible working hours*, and environmental adjustments. However, there are some challenges hindering successful implementation of these measures, among them the resource gaps at the PES for funding ALMPs. In the event that special equipment and technical tools for reasonable accommodation are not available on the domestic market, the PES has to obtain a permit to import them.

Implementation of labour market policies in the **Russian Federation** is assigned to the constituent territories. To promote disability inclusion, special ALMPs are designed, such as *sheltered workplaces*, *sheltered enterprises*, *job quotas* and *vocational training* programmes. In recent years, funds for targeted ALMPs for people with disabilities have been allocated from the federal budget, as well as from the budgets of the regions. The proportion of people with disabilities taking part in diverse ALMPs in 2010 ranged from 0.1 per cent to 28.6 per cent (see figure 8).

Figure 8. Proportion of people with disabilities participating in ALMPs in the Russian Federation, 2010 (per cent)



Source: Federal State Statistical Service data referred to in the Russian country report, p. 57.

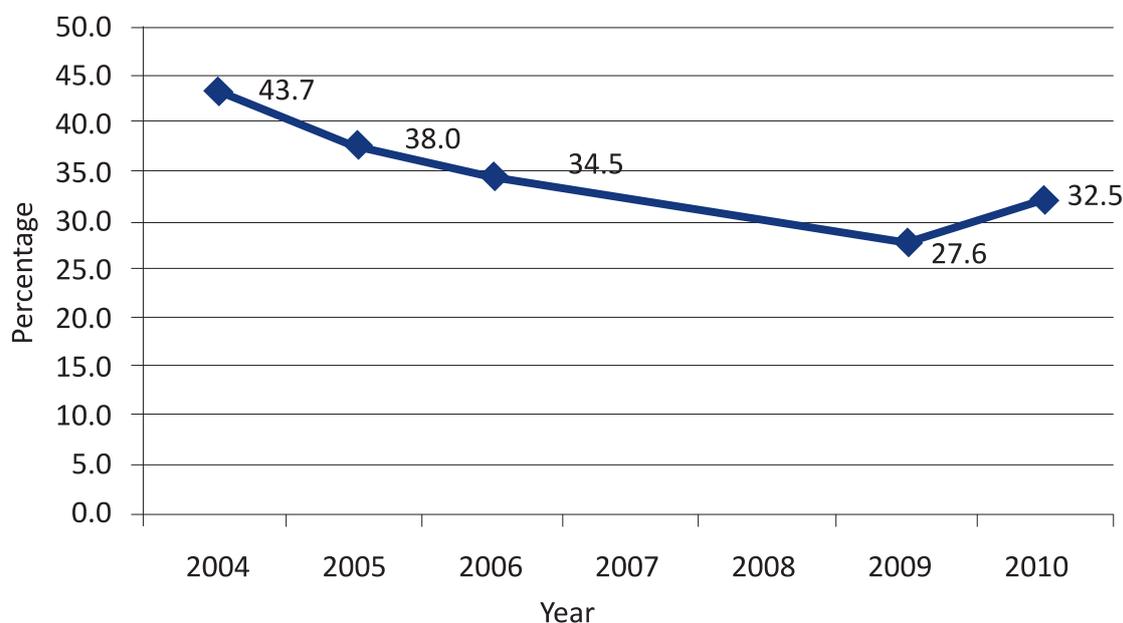
Despite the rather modest proportion (4.9 per cent) of participants in the *vocational counselling* programme, in absolute terms this was one of the largest measures, which accommodated 160,000 people with disabilities in 2010. They received individual consultations and guidance with regard to choice of occupation, vocational training and future employment opportunities. People with disabilities were one of the target groups of the *temporary jobs for unemployed* programme. The average duration of these jobs was about two months; however, most of them required only low skills. *Social adaptation* is another type of targeted ALMP designed for jobseekers who need information and knowledge on how to look for and successfully get a job. Participation in the programme should result in improved job search skills (e.g. how to write a résumé, how to prepare for an interview). Many people with disabilities are in need of retraining and/or skills development. To increase their employability and occupational mobility, in 2010 around 12,000 people with disabilities were directed by PES to *vocational training* programmes.³⁷ Participation in vocational training courses had to be in line with recommendations in their individual rehabilitation programmes.

³⁷ Section 7 provides data on all levels of vocational training and education for people with disabilities at state institutions, whereas section 9 focuses on vocational training programmes for the registered unemployed.

One of the major constraints to job placement of people with disabilities is the low number of workplaces adapted to their needs. The state regulation in this respect is either based on establishment of a quota³⁸ (see section 6) or anticipates incentives for employers to provide vacancies to people with disabilities. One of these incentives is the introduction, in 2010, of compensation for the costs for *adaptation of workplaces* to the needs of people with disabilities. Initially, this scheme was part of crisis management measures aimed at reducing tensions in the labour market during the economic downturn. However, its effectiveness has been recognized by policy-makers and the decision was made to keep it operational in the post-crisis period and increase the amount of disbursement from 30,000 to 50,000 roubles per workplace.

Some conclusions on the effectiveness of ALMPs for people with disabilities can be made based on data of the Federal Service on Labour and Employment (FSLE): 268,200 people with disabilities were looking for a job with FSLE support in 2010, of whom 87,200 (32.5 per cent) were placed in jobs. However, a comparison of job placement rates shows that the proportion of all registered unemployed who found a job with the support of FSLE (62.1 per cent) was twice as high as the proportion of jobseekers with disabilities who did so.³⁹ Moreover, this latter proportion has recently decreased by more than 11 percentage points (see figure 9).

Figure 9. Proportion of people with disabilities who found a job with FSLE support in the Russian Federation, 2004–10 (per cent)



Source: Russian country report, p.59.

³⁸ It has to be stressed here that workplaces created for people with disabilities in accordance with quota, though being reserved for them, are not necessarily adjusted to their needs.

³⁹ Russian country report, p. 59.

Apart from the national ALMPs, there are also regional and local programmes for people with disabilities targeted at reducing tensions in the regional labour markets. For example, in the Tumen region in 2010, employers could not only be reimbursed for the costs of *reasonable accommodation* but also receive *wage subsidies* and compensation for *annual leave costs* and *costs of mentors*. A number of Russian regions are also organizing *job clubs* for people with disabilities, which provide special consultations and guidance for their members.

People with disabilities do not have any privileges in comparison with other jobseekers in terms of access to most ALMPs, except for those designed for them, including special training programmes. Career guidance and vocational counselling, as well as psychological support, are developed not for specific groups but for all categories of jobseekers. Moreover, when providing job placement services to people with disabilities, employment officers have to take into account their individual rehabilitation programmes, which do not always correspond to the local labour market conditions.

This review of current ALMPs for people with disabilities applied in four EECA countries demonstrates that the effectiveness of ALMPs would greatly improve if they were part of a comprehensive system of vocational rehabilitation and job placement of people with disabilities. The PES should take overall responsibility for this system. Since the legislative framework in these countries states that vocational counselling, vocational rehabilitation and employment of people with disabilities are considered to be essential parts of the rehabilitation process, these issues must be listed as the subject areas of PES operational activities,⁴⁰ with corresponding allocation of funds, objective setting and evaluation of results.

The PES should then coordinate the activities of all state bodies and other stakeholders involved in the vocational rehabilitation and job placement system for people with disabilities, among them regional governmental bodies, agencies with medico-social expertise, educational institutions, employers' organizations, trade unions and NGOs. It is recommended to set up regional/local advisory councils attached to regional/local employment offices which would advise on institutional arrangements and policies promoting disability inclusion in the region.

Social partners have to be among the key stakeholders in the vocational rehabilitation and job placement system for people with disabilities, and the PES has to build trustworthy relationships with employers in this respect. From the employers' perspective, reasonable accommodation often implies not only additional costs for adjusting the workplace and making sure that workplace equipment complies with occupational safety and health norms and regulations, as flexible working hours, additional breaks and other privileges may also bring additional costs. Therefore, the PES must motivate employers to offer jobs to people with disabilities through reduced taxes or subsidies on investment in the adaptation of workplaces, compensation of costs for technical aids, subsidized (re-)training of people with disabilities and/or compensation for the costs of mentors, wage subsidies and other measures.

40 All three levels of the PES – national, regional and local – are referred to here. Performance criteria should be set for all of them and breakdown of budgets has to be done accordingly.

The conclusion can be drawn from the analysis above (see sections 8 and 9) that successful disability inclusion requires careful assessment of work ability and skills, to be performed by health-care personnel in close collaboration with employment counsellors and other PES specialists, such as occupational therapists, psychologists and experts in career guidance and vocational counselling. Since not every employment centre has specialists with the necessary competence, mobile teams of such specialists could be organized which could even include representatives of medico-social expertise agencies. These mobile teams could visit employment centres by request and provide services there to people with disabilities.

Skills development programmes for people with disabilities play a major role in increasing their employability but they should also be complemented by other ALMPs if necessary. Wage subsidies are one of the frequently used ALMPs (see box 2).

Box 2
Wage subsidies

Employers who, by referral of the PES, create or retain jobs for people with disabilities may be compensated financially through a wage subsidy. The purpose of the wage subsidy is to promote disability inclusion and to provide support to people with disabilities in obtaining or retaining employment where their competences and skills are used to the best effect. Efficiency of this measure could be increased if the level of subsidy were differentiated according to the assessed work ability of a person with disabilities, instead of the 50 per cent of wage compensation currently applied in some countries in all cases. Moreover, the share of wages compensated by the subsidy could gradually decrease in line with experience gained by the worker and improvement of his/her skills as reflected in higher/growing labour productivity.

There is evidence of effective implementation of policy measures for job placement of people with disabilities in different countries and regions, and knowledge sharing between them could be to the benefit of all key stakeholders.

10

The role of governments, social partners and non-governmental organizations in labour market inclusion of people with disabilities

Effectiveness of vocational rehabilitation depends on the coherent interaction of different institutions and agencies operating in the spheres of education, health care, social protection and employment services with employers' and workers' organisations, organizations of people with disabilities and other NGOs. Successful disability inclusion, on the one hand, requires that funds for policy implementation are secured; on the other hand, properly organised, it can have a positive income on public spending (see box 3).

Box 3

Fiscal effects of vocational rehabilitation and employment of people with disabilities

As stated in the ILO report *Managing disability in the workplace*, op. cit., pp. v-vi, "... disabled people not only have a valuable contribution to make to the national economy but ... their employment also reduces the cost of disability benefits and may reduce poverty". Disability inclusion can also have positive macroeconomic and fiscal effects.

In 2000 the Government of Sweden conducted a study on the reform of the rehabilitation system in the country. Among other issues, the study contains cost efficiency calculations of the state investment in rehabilitation. The conclusion is that each SEK 1 spent on rehabilitation saves the state budget SEK 9. When people with disabilities are placed in jobs with decent income they are no longer in need of the same state support. This leads to a decrease in the following types of public spending: health insurance, sick leave pay, pensions, occupational incidents insurance, unemployment insurance, income support, costs of medical visits, residential support and some others. The calculation does not reflect the qualitative aspect concerning positive changes in a person's life style which is of high value in terms of human rights.

Source: Sverige Utredningen om den Arbetslivsinriktade Rehabiliteringen. *Rehabilitering till arbete – en reform med individen i centrum. Slutbetänkande av Utredningen om den arbetslivsinriktade rehabiliteringen* [Rehabilitation for work: A reform centring on the individual: Final report on work-oriented rehabilitation]. Fritzes offentliga publikationer (Stockholm, 2000), pp. 127, 515–520.

For disability inclusion to be an important policy priority it requires national implementation mechanisms with the involvement of different stakeholders. An overview of their roles and cooperation is given below.

In **Armenia**, as stated above, key responsibility for disability inclusion rests with the Ministry of Labour and Social Issues. Taking into consideration the multi-faceted character of rehabilitation, a National Committee on Disability Issues, chaired by the Minister for Labour and Social Issues, was created by the decision of the Prime Minister in February 2008. Representatives of nine state bodies and eight non-governmental organizations (NGOs) are members of the Committee which focuses on promoting equal rights and opportunities for people with disabilities. Social partners also actively support labour market inclusion and decent employment of people with disabilities. In April 2009, they signed the National Tripartite Collective Agreement with the Government. The follow-up action plan calls for measures promoting employment of vulnerable groups in the labour market. In the course of implementation of this plan, the Republic Union of Employers of Armenia (RUEA) organized training in job search skills for 105 young people with disabilities. RUEA also took an active part in the selection of enterprises where a pilot programme of workplace accommodation and job placement of people with disabilities was carried out, with ILO support, in Ashtarak, Abovyan and Yerevan (Shengavit). The first candidates were placed in jobs in November 2011.

NGOs, especially organizations of people with disabilities, are important actors in employment promotion programmes for people with disabilities. They focus on protection of their members' rights and organize public awareness raising campaigns to break stereotypes and draw attention to the challenges people with disabilities face in society and, specifically, in the labour market. The overall objective of their activities is to achieve equal rights for people with disabilities and their social integration. NGOs organize vocational training programmes and support entrepreneurship activities by their members. They have also initiated the establishment of the first Virtual Employment Centre for Persons with Disabilities in Armenia (www.jobs.disability.am) and, together with the State Employment Service Agency (SESA), organize job fairs for people with disabilities. With SESA's support, NGOs have also launched a programme of social enterprises in which people with disabilities can find employment.

In **Azerbaijan**, the Government coordinates the activities of relevant state bodies, workers' and employers' organizations aimed at employment promotion in general and for people with disabilities in particular. NGOs are also invited to cooperate on the design and implementation of policies supporting disability inclusion.

In **Belarus**, social protection, as well as employment promotion of people with disabilities, is the task of the Government. State policy defines the responsibilities of state institutions in respect of medical, social and vocational rehabilitation. Both the Ministry of Labour and Social Protection and the Ministry of Healthcare have departments dealing with issues of rehabilitation and employment of people with disabilities. The Medico-Rehabilitation Expert Commission is the public health-care agency which is in charge of categorizing people with disabilities, proposing individual rehabilitation programmes and making recommendations on actions for their application to the PES, as described above.

The involvement of social partners in vocational rehabilitation and employment of people with disabilities in Belarus is still weak and needs to be strengthened. One reason for their limited engagement is that collective bargaining has not yet become common practice. However, NGOs – primarily organizations of people with disabilities – take part in discussions and consultations with the responsible state agencies regarding the legal framework and other aspects of disability inclusion. NGOs support entrepreneurship and self-employment of people with disabilities through the provision of advisory services. They also organize training in job searching for young people with disabilities and inform them about existing employment opportunities. NGOs assist people with disabilities in assessing their work ability and interests, as well as informing them about their rights at work.

The Government of the **Russian Federation** is currently taking steps to harmonize the existing mechanism of vocational rehabilitation and employment of people with disabilities with the provisions of the UN Convention on the Rights of Persons with Disabilities and its main standard – non-discrimination on the basis of disability. In this respect, the regulatory and legal framework has to be further developed and funds have to be allocated for various measures to strengthen the institutional capacity of state bodies and improve cooperation among them.

The following government bodies share responsibilities for vocational rehabilitation and employment of people with disabilities at the federal level: the Ministry of Labour and Social Protection, the Ministry of Healthcare and Social Development, the Federal Medical and Biological Agency and the Federal Service on Labour and Employment (FSLE). The Federal Medical and Biological Agency is a federal executive authority responsible for the performance of 83 regional Medico-Social Expertise Offices (MSEOs) in all constituent territories of the Russian Federation, all local MSEOs, rehabilitation centres and sheltered employment enterprises. At the regional and local levels vocational rehabilitation programmes are carried out by MSEOs, social protection agencies, FSLE, educational institutions, health-care authorities, NGOs and sheltered employment enterprises.

The Presidential Council for the Disabled was founded by Presidential Decree No. 1792 of 17 December 2008. The Decree defines the Council as a consultative body established to assist the President in carrying out his responsibilities to coordinate efforts of the federal, regional and local self-government authorities, public organizations, research and other organizations in matters pertaining to people with disabilities in the Russian Federation and resolving the problems they face.⁴¹

In the constituent territories of the Russian Federation, councils on disability issues have been established. As a rule, these councils are headed by the governors of the regions. Council membership is comprised of deputy governors, chairpersons of the regional branches of all major organizations of people with disabilities and heads of the departments of the regional administration. The councils participate in design of respective policy, consultation on its implementation, required amendments to legislation and other related issues. It is not

41 <http://www.nashepravo.org/index.php?name=Pages&op=page&pid=215>

yet common practice for social partners to be involved in the activities of the councils. Therefore, strengthening of the social dialogue in regard to disability inclusion has to be further developed yet.

Traditionally, NGOs – mainly organizations of people with disabilities – have been one of the main stakeholders in policies and practices concerning all aspects of the life and work of people with disabilities. They maintain this role today and are key exponents of their members' interests.

In 2011, state subsidies amounting to 60.7 million roubles were allocated to the societies of people with disabilities for job creation. Fourteen programmes were presented by a number of regions (Saint Petersburg, Ulyanovsk, Archangelsk, Moscow, Tambov, Murmansk and Kurgan). The following selection criteria were applied: (a) at least 30 people with disabilities had to be placed in jobs for a period of not less than six months; and (b) at least 30 per cent of the costs had to be covered by the organizations participating in the tender. Based on these criteria, two NGOs were selected for implementation of their programmes with funding from the federal budget: the All-Russian Society of Blind People (allocation of 57 million roubles for employment of people with disabilities at the Society's enterprises, for job creation and workplace accessibility); and the regional NGO, Perspektiva (allocation of 3.6 million roubles for training and job placement of people with disabilities in the open labour market). The programmes resulted in 159 people being placed in jobs by the All-Russian Society of Blind People and 33 by Perspektiva.

These two NGOs facilitate job creation for people with disabilities and offer employment support measures, such as job placement at social enterprises. However, the efficiency of measures such as these in the market economy is limited and, despite any positive impact they might have, they should be considered as a step towards inclusion of people with disabilities in the open labour market.

11 Summary and concluding remarks

This advisory report has documented the current, bleak, labour market situation of people with disabilities in Armenia, Azerbaijan, Belarus and the Russian Federation and in the EECA region in general. During the transition to a market economy, enterprises had become increasingly reluctant to employ these people due to their perceived lower productivity and/or the high costs of workplace accommodation. Sheltered enterprises which had provided employment to workers with more severe impairment were mostly closed down after the withdrawal of state support. As a result, the employment rate of people with disabilities has declined considerably and now only a small percentage of them are employed. Many laid-off workers with disabilities gave up further active job search, either immediately or after having spent some time in registered unemployment, and withdrew from the labour market altogether. Their negative experience has often discouraged other people with disabilities to enter the formal labour market and many either rely on social welfare or hold informal jobs. This is the reason why people with disabilities now constitute only a fraction of the total number of unemployed.

This report has aimed to provide some recommendations for consideration by decision-makers on how to reverse this situation through legislative, institutional and policy changes, designed and implemented in partnership with all the relevant stakeholders. They arise out of the current practice in the four countries reviewed – Armenia, Azerbaijan, Belarus and the Russian Federation. However, the findings and conclusions of this report, based on international experience accumulated in the ILO, are similarly valid for other EECA countries. The main recommendations detailed above are summarized below.

On the positive side, all four countries reviewed have adopted new national legislation protecting and promoting employment of people with disabilities. Nevertheless, only the Belorussian legislation follows the rights-based approach that strictly prohibits discrimination on the ground of disability, while the other three countries do not have such anti-discriminatory provisions in their legislation. Similarly, only Belarus has introduced into legislation the concept of “reasonable accommodation” of the workplace that is important for removing barriers to employment of people with disabilities.

Therefore, it is highly recommended that anti-discriminatory provisions on the ground of disability and the concept of reasonable workplace accommodation be inserted into relevant national labour and social legislation.

The ILO’s unpublished four country reports have also pointed to the large gap between national legislation and its enforcement in everyday life. To address this, countries should adopt the lower level norms necessary for proper implementation of the legislation and strengthen

institutions controlling its observance, such as national labour inspections as well as the enforcement tools at their disposal – these are efficient sanctions but also positive incentives. This has to be combined with the formulation of effective policies promoting employability, employment and social inclusion of people with disabilities, as well as institutional capacity-building, implementation and adequate operational funding.

If these countries decide to continue their quota systems, they should consider making important changes in these systems to increase their efficiency. The quotas should be feasible with regard to both the general labour market situation and the specific employment situation of people with disabilities, but should also take into consideration enterprise possibilities. In view of large regional labour market disparities, it is recommended to enable the fixing of regional rates by regional tripartite bodies in close collaboration with the associations of people with disabilities. Enforcement of the quota system should be effected through establishing a levy that would support the hiring of people with disabilities or would accumulate sufficient funds for promoting their employment through other measures. The levy amount would also be agreed among the tripartite constituents and the associations of people with disabilities. Employers could also be offered more options to meet the quota, depending on their concrete situation, e.g., besides employing people with disabilities or paying a levy, they could provide apprenticeships or on-the-job training to such people, subcontract part of production to sheltered enterprises or buy products from them, or pay compensation (i.e. a levy). International experience shows that the establishment of a special vocational rehabilitation fund for collected levies increases the transparency of spending collected funds and ensures that they will be used solely for programmes and measures in favour of people with disabilities.

The lack of or mismatch between the vocational skills of people with disabilities and labour market needs is a serious impediment to their employment. While all four countries reviewed guarantee by law the right of all people, including those with disabilities, to vocational education and training and have also adopted some special policies to promote access for people with disabilities to this type of education and training, preferably in mainstream educational institutions, the participation of people with disabilities is still low. Identified obstacles to their participation range from the low quality of their primary education, through architectural and transportation barriers restricting accessibility for wheelchair users, unavailability of special teaching and training equipment for people with specific disabilities, the low level of knowledge of pedagogical staff of methods of work with such people, to the sparse network of special training institutions important for people with severe disabilities, the limited number of professions for which they provide training and their low prestige. To overcome these obstacles, it is recommended to review and expand the variety of professional education in line with skills demand in the labour market, organize preparatory courses for those with an insufficient level of primary education, adapt buildings and use new technologies and aid devices to increase accessibility of mainstream education and training, and improve the quality of training in special educational institutions. People with disabilities who are demotivated should also be offered psychological support to encourage them to take part in appropriate vocational education and training.

Vocational rehabilitation plays an important role in helping people with disabilities retain or secure employment through the combination of medical, labour, social and other forms

of rehabilitation. While vocational rehabilitation systems exist in all four countries, the key institutions responsible for them are the medico-social expertise agencies and their territorial structures which, on the basis of their assessments, suggest individual rehabilitation programmes mainly focusing on medical rehabilitation. Narrow medical aspects thus often prevail over labour market aspects. It is thus recommended to broaden the focus and increase the effectiveness of vocational rehabilitation through better coordination of work between these agencies and the public employment service (PES). While the former should continue to deal with the health-care aspects of disability assessment and rehabilitation, the latter should concentrate on assessment of residual capabilities and the potential of jobseekers with disabilities and suggest relevant skills training in mainstream or specialized institutions, combined with the application of suitable aid devices according to need that would strengthen the employability of these people and lead towards job placement. Allocation of sufficient resources and annual monitoring and evaluation of vocational rehabilitation programmes are important conditions for their success.

Employment of people with disabilities can further be promoted by job placement services and appropriate active labour market policies (ALMPs) provided by the PES. The range of ALMPs includes job clubs, internships, wage subsidies, subsidies for adaptation of workplaces, vocational training/retraining schemes, self-employment/business start-up promotion and public works schemes, as well as some special programmes, such as sheltered jobs, sheltered enterprises, mentoring programmes and others. Some of these programmes as well as intensive job placement assistance are already provided by the PES in the four countries reviewed, although their size in terms of financial allocation and number of participants is usually very limited. Their success greatly depends on good assessment of jobseekers with regard to their strengths and obstacles for (re-)employment and, on the basis of good assessment, their referral to the most appropriate programmes addressing these obstacles. International experience shows that the effectiveness of ALMPs increases when they are part of a comprehensive system of vocational rehabilitation, combining appropriate ALMP if necessary and job placement. The PES should take overall responsibility for this system; accordingly, their capacity needs to be built further, with corresponding allocation of funds and regular monitoring and evaluation of results.

The PES should work in partnership with relevant state bodies and other stakeholders, among them the agencies of medico-social expertise, as mentioned above, as well as regional governments, educational institutions, private employment agencies, enterprises, employers' organizations, trade unions, organizations of people with disabilities, and other NGOs active in this area. It is recommended to set up national and regional/local advisory councils attached to employment offices at the same level which would advise on institutional arrangements and policies promoting labour market and social inclusion of people with disabilities. Finally, it will also be important to launch a public campaign to positively influence the general public toward supporting initiatives to stimulate labour market and social inclusion of people with disabilities.

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