

# Sensitisation & Integration

Sensitisation of Employers

Integration of Handicapped People  
into the Employment Market

The German Way



The European Year of People with Disabilities



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# Disability

## Definition

Disability is defined in § 2 Social Legislation IX for all service providers. Persons are handicapped, if their physical function, mental ability or mental health with high probability deviates longer than six months from the condition typical for the age and therefore its participation on life in the society is impaired. Included are also people, who threaten a handicap. Prevention has priority. Severely handicapped are people of whom the level of disability is or exceeds 50 per cent. About 6.6 million people in Germany are severely handicapped. About 84 per cent of these handicaps are caused by diseases. The most frequent limitation of function are: inner organs: 30 %, mental handicaps: 15 %, limbs: 15 %, spinal column, trunk, thorax: 15 %, blindness and eyesight handicaps: 5 %

# Situation

## Situation

The problem of the integration of handicapped people into the employment market is connected with the economical growth and therefore the situation on the employment market in general. Despite the growing tolerance of the German society handicapped people still face barriers to get into employment and are suffering from prejudices about their general ability to be as productive as non-handicapped and bring the same benefit to the company of employment.

# Law

## Law

On 1<sup>st</sup> October 2000 the Law for the Fight of Unemployment of Severely Disabled Persons went into force, which was worked out in cooperation with employers, handicrafts, unions and organisations of disabled people. On 1<sup>st</sup> July 2001 an amendment law for severely handicapped was introduced and went into force, which places the rights of people with disabilities on a new basis. The centre point is not anymore the welfare, but the encouragement of the self-determination and participation on the life of the society, especially on the working life. A further new centre point is the increased support of handicapped women, more as it has been in the past. Both laws intend to cut down the barriers for disabled persons to get into jobs. It is a mixture of incentives and sanctions. The rights of disabled people were improved as well as the administrative expenditures for employers were reduced, the responsibilities and contact ways were simplified and the sanctions for employers have been set new to improve their effects.

# Rights

## Rights of Handicapped People at Work

Article 3 III 2 of the German Constitutional Law says: "Nobody may be disadvantaged because of its handicap."

This intention is reflected in two main rights:

- nobody may be excluded in an application process because of disability,
- nobody may be terminated because of disability.

However, to meet the special needs of people with handicaps there are further special employment conditions, e.g.:

- Employers do have the obligation to employ a certain number of severely handicapped people. This number depends on the total number of employees in the company.

- Severely handicapped people do have a claim for one week of extra vacation.

- Severely handicapped people do have the right to refuse extra work.

The quite extensive protection against dismissal in Germany is still more extensive

for handicapped employees. Within the first no more than six month of probationary period they can be dismissed as non-handicapped people. Thereafter the employer needs to contact the integration office for approval. The integration office will refuse approval if the reason for dismissal lies in the disability itself. However it will approve when there are other important reasons, such as notification for redundancy.

# Sensitisation

## ...by highlighting the competences

There are many clichés about disabled people. The prejudices faced often mean that disabled people

- are not able to be burden of work,
- miss work for health reasons more frequently than non-disabled,
- are not flexible
- do not have the necessary qualifications.

Studies and experiences show that these prejudices have no right to exist. Handicapped people do face so many prejudices in the everyday life that their wish to be accepted and appreciated is very strong. As prejudices mean that they are less able to do a good job, they have to do the job better than non-disabled to be accepted. In addition they face many

barriers on the employment market that they feel to have to invest even more in their qualification. The consequences are that handicapped people often are better qualified and do have a higher motivation for their job. They show above-average commitment to work and high loyalty to their employer.

As handicapped persons face problems in everyday life and in everyday circumstances they need to be very flexible. This is a very important competence also in their working life and will be of high benefit for the employer.

Research Studies indicate that severely disabled people do miss work for health reasons even rarely than non-disabled.

One of the reasons may be their high motivation and loyalty.

Handicapped people do sometimes need special equipment, work environment or are unable to carry out certain duties. They may be not employable on every kind of position. However, this does not apply to most non-disabled either.

The ability of carrying out certain duties and be burden with work like compared with non-disabled employees depends on the kind of disability. Therefore it needs to be paid high attention to the question whether the person does meet the job requirements and the position will meet the person's abilities.

# Sensitisation

## ...by assistance to the employer

To reduce the unemployment rate of severely disabled people and to secure the already existing jobs there exists a wide range of assistances and supports to employers wishing to employ a severely handi-

capped person. The intention is to reduce possible additional costs which may arise to companies, and, of course, to make the employment of severely handicapped persons more attractive for

potential employers as well as the job market in general. The assistances to employers will be given, if the handicapped person will be not or not constantly employable without this assistance.

## Extraordinary Charges

In cases when connected with the employment of a severely handicapped person the employer faces extraordinary charges it is possible to receive financial assistance. That may be when the employee needs individual support or an assistant. It may be also the case when the job performance significant remains behind the performance of a non-disabled employee. The requirements to get this financial support include exhausted possibilities to enable to average job performance and to enable to independency e.g. by support of technical equipment, training or organisational changes. However it is required that the salary corresponds with the common standard and that the employer is definitely unable to cover extraordinary costs.

## Salary and Wage Costs

To encourage companies to employ severely handicapped persons financial assistance for the salary or wage costs are offered. It is given as subsidies and can cover the costs up to 70 per cent of the salary, wage or other compensation including the employers' national insurance contribution. The duration of this assistance depends mainly on the age of the employee. It can last up to three years in general, up to five years when the handicapped person is older than 50 years and up to eight years when the person is older than 55 years. In cases when the person has just finished a training which was financed with subsidies, the assistance for the employment may only last for up to one year.

## Probationary Employment

Employers who wish to employ a severely handicapped person, but may have some reservations concerning the ability to bring high benefit to the company, have the possibility to employ the person probationary. The employer will get financial assistance as a subsidy up to 100 per cent of the necessary costs of the employment. This probationary employment must not last longer than three months.

## Creation of New Work or Training Places

Employers who have the intention to create new jobs or training places for severely handicapped people get financial assistance for the necessary investments. The assistance can be subsidies or loans and can reach full cost coverage. However it will be considered what contri-

bution could be expected from the employer, which will e.g. depend on the level of the disability, the placement chances and the economical advantage of the investment for the company in general. The assistance will be given if especially effected or long-

term unemployed persons will be employed or an already employed severely handicapped person can continuously be employed only if a new job is created. The job however should be long-term assured.

## Adjustment of the Work Environment

Handicaps sometimes require a special working environment. That often effects besides the direct working place also the suitable design of entrances or social rooms. Depending on the type

of the disability financial assistance for necessary machines, equipment or technical working accessories can be given to the employer. The subsidies or loans

can reach full cost coverage but depend on the level of specific necessity and on the benefit for the company in general.

## Training

Financial assistance is given to employers for their severely handicapped employees who attend to training or further qualification when this is necessary to

reach the training and qualification objectives. The subsidy can be up to 80 per cent of the monthly trainee allowance including the employers' national insur-

ance contribution, in exceptional cases it can reach full covering. The financial assistance is granted for the duration of the training.

# Sensitisation

## ...by sanctions against companies

Public and private employers in Germany are duty-bound by law to employ severely handicapped persons. The number depends on their total number of employees and is graduated. The current rate is five per cent and applies to companies with more than 20 employees. Basis is the average annual amount of staff. If employers do not fulfil this duty they are fined heavily. To encourage companies to employ severely disabled people the compensatory charge is graduated and depends on the amount of the employment rate. It has to be paid monthly and for each missing place.

The employment rate of severely disabled persons within the company will be charged as follows:

3 % to less than 5 %  
→ 105 €  
2 % to less than 3 %  
→ 180 €  
less than 2 %  
→ 260 €

To avoid heavy disadvantages for small companies there is further graduation. Companies with up to 39 employees which does not employ at least one severely handicapped person is fined with 105 € per month. Companies with up to 59 employees are fined with 105 € when employing less than two severely handi-

capped persons, and fined with 180 € per month when employing none at all.

The graduation of the compensatory charges was introduced within the law in 2002 and has the objectives to avoid supplementary charges to companies which endeavour the employment of severely handicapped persons, to raise the charges of companies which do not fulfil the duty of employment of disabled people, and furthermore to avoid disadvantages to very small companies.

# Integration

## Integration Service

Integration offices are responsible for the collection of the compensatory charge as well as its use which must be of benefit to the disadvantaged. Furthermore it supervises the compliance of the protection against dismissal and concomitant support in the working life for severely disabled.

Sensitising and supporting employers are the tasks of the integration offices and services. They inform and advise in all matters concerning the employment of severely handicapped people.

The technical advisory service is supporting employers in all technical questions which arise by the employment of severely disabled persons. The

consultant engineers inform advice and develop concrete solutions.

They assist by the suitable selection of the work place, the preparing of a new work place and the rebuilding of an existing work place into a suitable for disabled employees.

The integration services do mainly support severely handicapped people, who are especially affected by their disability, for example persons with mental handicaps or body, sense or multiple handicaps.

The fields of duties contain two main emphasises. The security of the jobs of the severely disabled is a main emphasis. On the job activities and

psychosocial services apply to people, who face difficulties due to their disability to keep their job. Job placement services are another emphasis. This service does apply to companies which wish to employ a severely handicapped unemployed, and it does apply to severely disabled people who are unemployed and are unable due to their disability to find a job without intensive support.

The integration services furthermore support the integration of the disabled person within the company, which includes the sensitisation and dismantling of prejudices may be existing in the staff.

# Campaign

## „50,000 Jobs for Severely Handicapped“

When the Law for the Fight of Unemployment of Severely Disabled Persons went into force it was contemporaneous started an initiative to reduce unemployment of severely disabled people around 50,000 or 25 per cent on basis of the figures from October 1999. This initiative ended in October 2002 and can be described as very successful.

From October 1999

until October 2002 the amount of unemployed severely handicapped people was reduced from 189,766 to 144,292 persons. Therefore around 45,500 persons less, which is a decrease of 24 per cent. During this campaign 151,500 persons could be integrated into job (until 2001). Concerning the name of this campaign the objective was much exceeded.

In nearly 62 per cent of these integration cases financial assistance was given.

One of the reasons for this success definitely is the summarisation of formerly two support programs into one, which means reduction of bureaucracy by instead of two nowadays only one application and notification for the employer.

# Statistics

	Unemployed with health limitation	Amount in % at End of September					
	2002	with health limitations			all unemploy- ed		
		2002	2001	2000	2002	2001	2000
Unemployed total	964101	100	100	100	100	100	100
Men	573834	59,5	58,3	57,9	54,1	52,4	51,5
Women	390267	40,5	41,7	42,1	45,9	47,6	48,5
Working time							
Full time	885592	91,9	91,9	92,0	90,6	90,6	90,8
Part time	78509	8,1	8,1	8,0	9,4	9,4	9,2
Professional education							
without	366261	38,0	39,1	40,3	35,4	37,0	37,8
with	597840	62,0	60,9	59,7	64,6	63,0	62,2
factory training	545466	56,6	55,7	54,5	54,1	53,1	52,1
training college	34894	3,6	3,6	3,7	4,8	5,0	5,2
technological highschool / poly	6380	0,7	0,6	0,5	1,9	1,4	1,4
university	11100	1,2	1,0	0,9	3,8	3,4	3,4
Age							
under 20	7523	0,8	0,8	0,8	2,9	3,1	3,3
20- under 25	44847	4,7	4,3	3,9	10,2	9,5	8,9
25- under 30	53703	5,6	5,2	5,0	9,4	8,7	8,4
30- under 35	78800	8,2	7,9	7,6	11,8	11,5	11,3
35- under 40	110335	11,4	10,9	10,1	13,8	13,4	12,7
40- under 45	130034	13,5	12,4	11,3	13,2	12,4	11,6
45- under 50	141434	14,7	13,9	13,3	12,1	11,7	11,4
50- under 55	174886	18,1	17,3	15,9	12,2	11,8	10,9
55- under 60	178409	18,5	21,5	26,2	11,1	13,7	17,2
60- under 65	44130	4,6	5,8	6,1	3,2	4,1	4,3
term of unemployment							
under 1 month	78491	8,1	7,9	7,9	12,3	12,0	12,2
1- under 3 months	131008	13,6	13,9	13,0	19,2	19,5	18,6
3- under 6 months	135508	14,1	14,0	13,3	16,0	15,7	14,7
6- under 12 months	184144	19,1	19,4	18,2	19,4	19,4	18,1
1- under 2 years	198286	20,6	18,9	20,7	16,7	15,3	17,5
2 years and longer	236664	24,5	25,8	26,8	16,4	18,2	18,9
Severely disabled	148856	15,4	17,1	18,6	3,8	4,4	4,9

Data published by the Federal Employment Office



This publication is only a summary and does not claim on completeness. With the production largest care has been taken, nevertheless no guarantee for the correctness of the content can be given.

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