

SWOT ANALYSIS

Sheltered work provision in the EU

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EASPD acknowledges their role in this study, which would not have been possible without them, and is thankful for their cooperation.

Although a huge amount of data in the disability field is still missing, the information gathered through the experts is key in understanding the reality in the field and gives precious insights on the transposition of disability legislation in practice.

Special thanks go to the country experts, who were required to provide information both on the successful sides of their everyday work and on the negative aspects. We know it is not easy to have a clear and objective insight on its own work, especially if this concerns the quality of life of other people. We are confident that all persons interviewed operate with the sole scope of improving other persons' lives and we hope that their efforts will be recognized and rewarded.

INTRODUCTION

The needs of persons with disabilities in the employment field are complex, and they do not always match the current market offers; moreover, jobs need to be tailor-made to the individuals, they should provide for reasonable accommodation, if needed, and they should aim at meaningfulness and at the highest possible quality of life for each individual.

This report is the result of ongoing debates around the theme of employment for persons with (intellectual¹) disabilities in which many disabled people's organizations, service providers and decision makers have been involved since many years. Employment provides many opportunities for social participation: from economic independence, to family formation, to a sense of contributing to the national economy and wellbeing. Unfortunately, all over the world there is a sizeable gap between working conditions and employment trends of persons with disabilities and those of persons without disabilities.

Many attempts have been done to offer work opportunities to persons with intellectual - and not only - disabilities in the labour market, however, as of today, employment for this group of the population is still not fully exploited, not to say that a large percentage of people with (intellectual) disabilities are not working at all. Moreover, the open labour market seems not to be capable to offer adequate and enough working opportunities for people whose needs may vary significantly.

Part of the difficulty in grasping the reality is due to the lack of reliable data which prevents to understand the processes laying behind this specific group of the population; in fact, not only it covers and hides the issues linked to employability of people with disability, but it also does not allow to fully understand their impact on society.

This report is a study on how sheltered workshops provide for work and rehabilitation to persons with (intellectual) disabilities and how this is done in compliance with the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD). For the purposes of the research, attention was paid specifically to Article 26 and 27 who describe the rights and the services of persons with disabilities with regard to rehabilitation and work.

The two articles cover two types of services that are - in the majority of cases - both foreseen in sheltered workshops. Rehabilitation (Article 26) is essential to fulfill the needs of training and to maintain on a long standing basis the professional skills learned; moreover, it serves as a means to improve social skills and, thus, enhance personal development. On the other side, work and employment (Article 27), are often specifically organized with individualized programs and adaptations that allow persons with intellectual disabilities (and not only) to carry out meaningful and useful working activities.

In this study a SWOT analysis was carried out to analyze strengths, weaknesses, opportunities and threats of the different models of sheltered work all over Europe.

Being aware that plenty of information is missing and/or is difficult to collect, we wanted to gather an insight on the quality of sheltered workshops in the EU, and we wanted to do so by analyzing the point of view of different stakeholders. Users/workers and persons who are in direct contact with them have a very different perception of the issues than politicians who are deciding on the basis of more theoretical information. We wanted to bridge these two worlds that look very far away from each other, but are nonetheless strictly connected on a daily basis.

The study was built on the information collected through a questionnaire. It did not aim at gathering a quantitatively comprehensive picture of disability as we believe this could be done only once definitions are put clearly and once we could combine quantitative data and qualitative information.

¹ These structures-working places are meant primarily for persons with intellectual disabilities, however, they are opening more and more also to people with a different background such (i.e. persons with mental health problems, persons from socially disadvantaged categories, persons with severe and multiple disabilities and persons with traumatic brain injuries).

The outcomes of the SWOT analysis should allow clarifying the needs of the persons according to their disabilities, reaching a wider understanding of their work and employment needs. Also, the results provide material for further developments in the sector.

Having the UN CRPD as a reference point, the SWOT also helps understanding what the added value provided by sheltered workshops is and what should improve and/or change in current sheltered services. The Convention, in fact, offers a vision, which is yet to be implemented in reality, with sometimes some massive gaps between the principles laid down in the text and the reality on the ground; the SWOT will therefore allow to identify the complex and mixed needs of persons willing to carry out working activities and not (yet) able to do so without proper tailored support.

EXECUTIVE SUMMARY

This report is a qualitative study on the way sheltered workshops in the European countries are or are not compliant with the UN CRPD.

To this purpose a SWOT analysis was conducted in order to analyze strengths, weaknesses, opportunities and threats of the different models of sheltered work all over Europe. A questionnaire was used to carry out the research and has been distributed to country experts, governmental bodies, international organizations and users' organizations in order to have a comprehensive spectrum of the point of view of the different actors involved in the sector.

The analysis highlighted positive and negative sides of sheltered workshops and a possible way forward.

The strength of sheltered workshops is the possibility they give to persons with (intellectual) disabilities to have working opportunities that meet their needs and that would not be available, at least for many of them, in the open labour market. They offer ad-hoc support to their users/workers in all fields of their life, thus beyond their working needs, and provide for vocational rehabilitation and training and social networking opportunities. However, some concerns were raised on the specificity of the sheltered workshop setting which, by giving a special legal status to its users/workers, is not providing them with the full range of labour law rights; moreover the setting is considered by many as segregating and not fully promoting inclusion. Another concern derives from the fact that sheltered workshops remain for many the only working opportunity granted in the course of life as the transition towards the open labour market is still very low and does not seem as an optimistic possibility for all.

The research allowed also to identify a few actions as the desired developments for the future:

- a stronger development of the supported employment methodology may limit the entry into sheltered workshops only to persons who are the least autonomous and require a high level of support
- the establishment of greater connections with the open labour market through internships and/or other formula
- use sheltered workshops' expertise to support employers in the open labour market
- enhancement of flexibility for the shift from one model of work and employment to the other, including in the reverse way.

Many open issues regarding sheltered workshops lead to questioning the processes behind the little data available, as well as to reflect on what the real needs for people with (intellectual) disabilities are, how we should respond to them and whether the open labour market is the best solution for all.

Sustainability is one of the answers to all services and working opportunities offered to persons with disabilities as it enables self development and a career perspective and leads to a higher degree of independence for the individual. Nonetheless, quality and availability of services, professionalism of trainers and individualized support and assistance are as important to guarantee equal opportunities to persons with disabilities.

1. INSIGHT ON THE REQUIREMENTS SET FORTH BY THE UN CRPD

The Convention brings about a new perspective on social sector policies, setting out principles and obligations in terms of positive actions to be taken; however, international legislation is lacking guidelines on how to effectively implement them.

Considering the right to work, employment has to be seen as more than the simple provision of work related activities: employment is related to the enjoyment of a number of fundamental rights.

The Convention deals with the right to work and employment stressing, in particular, the following points:

- priority should be given to participation to the open labour market and all efforts should be done, through reasonable accommodation, to achieve this;
- persons with disabilities should, in any case, enjoy their labour rights as others.

As the study on the meaning of Article 26 and 27 of the UNCRPD with regard to sheltered settings² showed, a number of issues not tackled by the Convention are relevant for sheltered employment. While it is clear that Article 26 deals with habilitation and rehabilitation, there is no clearness on how habilitation and/or rehabilitation should be understood. Being limited-in-time processes or lifelong ones, the two “treatments” seem eventually to overlap, not only as to what concerns the timeframe, but also with regard to objectives and outcomes. This issue is certainly worth further exploration if sheltered settings are to provide also rehabilitation services.

As to Article 27, given that it covers the entire spectrum of the labour market, it still opens a breach on how inclusive and open working environments should be meant and whether this would automatically exclude protective and supportive forms of employments that take specifically care of vulnerable people in need of extra support, or whether this would include them, provided they meet the requirements set in article 27.

If the labour market is considered as a continuum, employment and work programmes may differ one from the other according to the prevalence of different working related criteria: the environment features (i.e. the working conditions), the payment schemes (including both salary and social security benefits) and the outcomes of the employment programme. A minimum set of requirements needs to be guaranteed, as well as a certain degree of flexibility, in order to allow everyone to work according to its skills and abilities.

A thematic study on the right to work from the United Nations High Commissioner for Human Rights³ reaffirms that protection from discrimination covers all forms of employment: in the open labour market as well as in sheltered or supported employment schemes.

Moreover, according to the study, sheltered, protective and supportive environments should be considered as a transitional arrangement meant to promote a shift towards the open labour market, but they should also provide ongoing support to those who, for a variety of reasons, may be unable to assume employment in the open labour market.

Sheltered workshops therefore seem to be best suited for persons with high support needs, but they could cover at the same time a very important role in supporting and training people towards the shift to the open labour market.

² Analysis of the legal meaning of Article 27 of the UN CRPD (EASPD, 2012)

³ Human Rights Council 2013. Thematic study on the work and employment of persons with disabilities

2.

RESEARCH METHODOLOGY

2.1 The world of work for persons with (intellectual) disabilities

The employment sector for persons with disabilities in Europe is varied and took different directions in the course of the years according to the development of society and to the approach to disability needs and requirements in the different countries or regions.

In the EU “work” and “employment” are often used with overlapping and/or mixed meanings. For the purposes of this study “work” will be considered as a physical or mental effort or activity directed towards the production or accomplishment of something, whilst “employment” will be considered as a contract between two parties, one being the employer and the other one being the employee.

Ideally the labour market may be considered as a continuum where the maximization of work performance with no individual support is placed on one end and a full-day individual support with little or close to zero work performance lies on the other end. This way it is possible to identify four types of work and employment schemes for persons with disabilities:

- The **open labour market**, where no specific support for persons with disability is foreseen.
- **Supported employment**, where persons with disability, working in the open labour market, are supported through tailored supervision and assistance on an ongoing basis.
- **Sheltered work and employment⁴**, for persons who are not or not yet well performing in the open labour market and are thereby given the possibility to undertake work-related activities in parallel with rehabilitation programmes in a protective and supportive environment, with ongoing supervision and assistance.
- **Occupational services** - only in some Member states - for persons whose severe disability allows only engaging in minimal work related activities (in some other Member States, occupational services do not propose work-related activities but only day care programmes).

Every person in the lifespan may be placed at a different level of the continuum and may shift towards a lower need of support and a higher work performance, or, on the contrary, towards a higher need of support with a lower working performance. Persons may shift to different work and employment schemes in both directions, on a temporary or on a long-lasting basis, according to changes in health conditions, aging processes and the related changing needs and professionalization which may lead to greater expertise and major independence.

The four employment schemes do not differ only for the type of support which is provided, but they differ also on account of *entry requirements, working conditions, remunerations and disability allowances*:

Entry requirements

Access to the labour market for persons with (intellectual) disabilities may be regulated by specific requirements based, in some cases, on a “working disability label”, which gives, together with the “entitlement” to specific tailored support, also the right to disability benefits both to the user-employee and to the employer, who receives funding to compensate the loss in production that might be incurred. The working disability label, where existing, is a precondition for being entitled to participation to sheltered workshops programmes as it recognizes a reduction in the functional capacities of the individual when performing job tasks.

⁴ In this study the following definition of sheltered workshops was used: “services offered to persons with a disability who, due to their impairment, are currently not able to work in the open labour market. The disability hinders them to cope with the demands in a competitive open labour market. Due to the type and degree of their disability, those persons rely partly on sustainable, structured and lasting support schemes. In some member states of the European Union a special labour status is recognised. Common for all is the need for a daily structured support which employers on the open labour market are not able to supply. This support is very often not limited to the work place, but very often contains therapeutic and other additional supports to stabilize and further develop social and personal skills” (Project “Quality Work Settings for All, 2011).

Working conditions

Depending on the specific segment of work and employment scheme in which a person is working, there is a varying range of requirements and obligations linked to the position.

In the open labour market, which is a competitive market, the work position is strictly linked to performance with the objective to reach the highest production and the best quality. This implies a certain pressure on the employee as the position is very result-oriented and he may be questioned if results are not achieved.

Sheltered settings are, on the contrary, part of the so called “protective and supportive environment settings” where persons are not pressured to achieve a certain result, but are instead supported in order to be able to perform according to their skills.

The two models above were conceived with different objectives and for different populations, though the latter has been specifically envisaged for more vulnerable people whose skills are not/ not yet sufficiently developed to allow to successfully work in the open labour market.

Remunerations and disability allowances

Regardless of the type, each activity carried out is by definition linked to a return which might be a service, an achievement at personal level (i.e. acquisition of competences) or a return in money; when there is a monetary gain in the form of a wage a labor relationship is put into place and duties and obligations are clearly definable.

In the EU persons with disability may receive specific disability allowances meant to cover at least part of the extraordinary expenses linked to their disability.

For persons with intellectual disabilities that are not working in the open labour market, the mixture of disability benefits and compensations generates differentiated earnings: in some cases there is no real salary, but only a “replaced payment” which is usually lower than the minimum wage agreed by the labour law, whilst in other cases the disability allowance is given aside of the salary. The different situation of sheltered workshops users/employees reflects different working conditions (with regard to wages, trade union rights, work representations, etc.) and individualized support (supported employment method, vocational rehabilitation, social skills training, etc.).

Though the four types above are the most clearly defined, member states have different approaches and definitions, sometimes varying even at national level. In many member states there are other types of work and employment schemes that are not clearly identifiable in one single scheme as their features are common to more than one type; moreover, a clear-cut distinction between the types that are closer in the continuum is not always possible, which accounts for “grey zones” and/or overlaps between them.

The overall framework of work and employment schemes for persons with disabilities suggests there is a variety of ad-hoc solutions that are not always easily classifiable and whose characteristics are not always well understood.

2.2 Methodology

The present research aims at exploring the adherence of sheltered workshops to the UN CRPD principles. Given that there is no reference in the text of the Convention, and that their potential inclusion in the text arose many concerns⁵, it is of utmost importance to clarify their linkages to the Convention and see how the Convention could be used in order to implement and provide the correct type of services for persons with (intellectual) disabilities. Sheltered workshops are indeed widely spread and serve, at the moment, 2 to 3 million people in Europe.

In this paper, the point of view from different stakeholders will be considered in order to have a comprehensive panorama spreading from the grassroots to the political level.

In the study attention was drawn to Article 26 and 27 of the UN CRPD which are both covering aspects dealt with by sheltered workshops. While in some countries sheltered workshops have a

⁵ See “Analysis of the legal meaning of Article 27 of the UN CRPD” (EASPD, 2012)

clear-cut approach in their statute, most often they seem rather to serve a double function which is not easily classifiable under either of the two Articles of the Convention.

2.2.1 Objectives

The study focuses on the work and employment scheme where support is mostly needed and is the key element enabling persons to carry out their work and their everyday activities: sheltered work and employment.

As the most relevant international framework for disability policies is the UN CRPD, sheltered work will be dealt with looking at Article 26 (Habilitation and Rehabilitation) and Article 27 (Work and Employment) and analyzing how sheltered workshops comply with their requirements. Strengths, weaknesses, opportunities and threats were analysed and constitute the core of the discussion.

Overall, the analysis should lead to a greater understanding of sheltered work, given there are huge differences all over Europe, and it should allow identifying models of good practice as well as pointing out changes and improvements needed.

2.2.2 Tools

This study was conducted by means of a questionnaire that was distributed to different groups of stakeholders and experts in disability policies and services; the answers were collected either by email or through oral interviews.

The questionnaire, to be found further below in annex, was conceived to gather a broader understanding of the concept of sheltered workshops and its role in the fast developing social services sector. The experts were asked to reflect on the concept of sheltered work and explain how it is organized in their country or international organization and what its positive and its downsides are.

The questionnaire was structured to tackle the following areas:

- evaluation on the concept of sheltered work (characteristics & expectations)
- compliance to Article 26 & 27 of the UN CRPD (text to be found further below in annex)
- strengths, weaknesses, opportunities and threats of sheltered workshops
- potential areas for future exploitation of sheltered workshops.

The questionnaires differ only in that country experts were asked to give information for their country, whilst international organizations and broader bodies were required to base their answers taking into consideration the European framework.

2.2.3 Participants

As the study aims at a broad comprehension of the concept of sheltered work and how that is compliant or not with the principles outlined in the UN CRPD, an effort was made to cover as much as possible the most relevant actors with different positions in the disability field. The questionnaires were distributed to six main key groups of stakeholders:

- Country experts, working on the field and/or in direct contact with sheltered workshops. The following countries were contacted: *Austria, Belgium, Bulgaria, the Czech Republic, France, Germany, Ireland, Italy, Poland, Romania, Spain, Sweden, Switzerland, The Netherlands, Turkey and the United Kingdom*
- International organizations in the field of work and employment:
 - The *European Employment Forum*
 - The Global Applied Disability Research and Information Network on Employment and Training (*Gladnet*)
 - The European Foundation Center (*EFC*)
 - The International Labour Organization (*ILO*)
 - The European Union of Supported Employment (*EUSE*)
 - *Workability Europe*
- Internationally recognized experts in the field of disability:
 - Maria Veronica Reina (Global Partnership for Disability and Development)

- Prof. Gerard Quinn (University of Galway)
- Organizations representing social dialogue at European level:
 - trade unions representing employees: the *European Federation of Public Service Unions (EPSU)* and the *European trade Union Confederation (ETUC)*
 - organizations representing the employers: *Business Europe*, the *European Centre of Employers organizations representing the employers (CEEP)* and the *European Association of Craft, Small and Medium-sized Enterprises (UEAPME)*
- Organizations representing the interests of people with disability: the *European Disability Forum (EDF)*, *Inclusion Europe* and *Nous Aussi* (French association of persons with disability).
- European governmental bodies:
 - the *European Commission* (Disability Unit)
 - the *European Parliament* (Disability Intergroup)
 - the *Council of the European Union*
 - the *Council of Europe* (Social Cohesion and Integration Division).

3. THE VOICE OF PERSONS WITH DISABILITIES

3.1 The European Disability Forum

The European Disability Forum does not have any position paper regarding sheltered work, however, in its response to the European Commission communication: “Modernising social protection for greater social justice and economic cohesion: taking forward the active inclusion of people furthest from the labour market⁶”, they point out that [...] “*Other types of work in “sheltered employment companies⁷” should be supported provided their social utility of providing access to and encourage disabled workers to enter the mainstream labour market and providing employment opportunities to those that due to the severity of the impairment cannot access the mainstream labour market. The rights of disabled workers in this type of undertaking should be the same as any other worker in society, which is not currently the case in some countries where disabled workers in sheltered employment companies are not considered workers and barriers remain to allow them to move into mainstream labour market*”.

3.2 The users

Interview to Cédric Mametz, President of Nous Aussi (French association of persons with intellectual disabilities)

What is the Right to Work in your opinion?

“The Right to Work consists in having a job like everybody else, no matter what job. It’s the possibility to show that we can do and produce something, that we are able to express our abilities.

Not all disabled people have the possibility to be in the open labour market. The intellectual disability scares employers. They see our difficulties before our abilities.

Everybody should have the right to his own opportunity. ESATs and EAs give opportunities to everybody”.

Why is it important?

It’s important because it allows us to have an income. It’s important to earn my life with my personal efforts.

When we work we contribute to the chain of life. We are a ring of the chain like everybody else; we participate to the evolution of society.

Moreover we are proud of what we do. It’s rewarding. We feel useful. We do things well. We have a professional awareness.

In addition there is the social side. Work keeps us away from isolation. You don’t know solitude when you are working. You work with other persons, but you are also supported by professionals who are there to help you to do your work, to perform in your working activities.

What do you need exactly to access work?

First of all, we need to be supported. Support allows us to be more self-confident, not to feel alone. Support enables us as well to progress, to enrich ourselves from the professional point of view, and to learn. It is important.

The current laws allow us to get engaged in all aspects of our life with the support programmes in group homes and in ESATs. We want to have our life.

We also need to have an adapted work setting: tolerant persons that trust us. The working stations are adapted with pictograms showing what needs to be done. The working rhythm should correspond to our skills.

⁶ See www.edf-feph.org

⁷ «Sheltered workshops» is an alternative terminology used by European regulations on the field of public procurement and state aids. EDF prefers to call them “sheltered employment companies” since this reflects better the reality of these undertakings.

We do experience difficulties but we are not useless.

What are your requests for the future?

Our income is not adequate to meet the increase of the cost of daily life (e.g. the rent, the bills, food). In the ESAT we don't earn a real wage and when the earning increases, the disability allowances decrease.

We should also be considered as workers and not as users because we are working like everybody else. It's important to have the statute of employee, but this should not penalize the less skilled persons.

And we want to be able to express ourselves when we do not agree with the management. We are more and more consulted and this is important. It's important to stop being considered as children. We should be addressed as adults. Our parents only are allowed to consider us as children. It's important too to be able to choose our job according to our abilities. ESATs should be given the possibility to have types of jobs which meet the demands of all.

4. COUNTRY EXPERTS

Sheltered workshops are organized in a different way in the European countries; therefore, a general description valid for the entire European Union would not make justice to the multi-varied reality on the field.

In this study countries were selected on the basis of their historical tradition in the provision of protective and supportive work, but also geographic and economic criteria were taken into account in order to respect as much as possible a wide coverage of the European territory.

The experts called to respond to the questionnaire were selected amongst those with direct expertise in service provision in sheltered workshops. Most of them are engaged in several services for persons with disabilities, even included different type of services in the employment sector, thus, they have a wide knowledge of the issues and the needs of persons with disabilities.

The countries contacted were: Austria, Belgium, Bulgaria, the Czech Republic, France, Germany, Ireland, Italy, Poland, Romania, Spain, Sweden, Switzerland, The Netherlands, Turkey and the United Kingdom. Out of these, the Czech Republic, Spain and the United Kingdom dropped out as there was no interest in being involved in the study; in Bulgaria, there seem to be no services close - in terms of concept - to sheltered workshops; in Turkey services are still in a very early stage and are not yet sufficiently well-structured to be eligible for this study. Lastly, Poland does have a strong tradition of sheltered workshops, however, the language barriers prevented to have a swift exchange of communication.

For each country figures and facts on the population and its employment situation are provided; special attention is then given to the structure of sheltered work in the country and how its features comply with the requirements set by Article 26 and 27 of the UN CRPD.

In particular, concerning the data on population, employment and unemployment rate, sources available on Eurostat were consulted to draw statistics and figures: the total of the population refers to the 1st January 2011⁸, the employment rate is based on people aged 15-64 and refers to figures of the last month of 2011⁹ and the unemployment rate refers to people aged 15-64 in the last month of 2011¹⁰.

Information on the status of the UN CRPD signage and ratification was drawn from the UN CRPD official website¹¹.

4.1 Austria

General information

Population: 8 404 252

Employment rate: 72,1%

8

<http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&language=en&pcode=tps00001&tableSelection=1&footnotes=yes&labeling=labels&plugin=1>

9

<http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&language=en&pcode=tsiem010&tableSelection=1&footnotes=yes&labeling=labels&plugin=1>

10

<http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&language=en&pcode=tsiem010&tableSelection=1&footnotes=yes&labeling=labels&plugin=1>

11 <http://www.un.org/disabilities/countries.asp?id=166>

Unemployment rate: 4,1%

Nr PWD working in sheltered workshops: approximately 19.000 (not included in the unemployment statistics)¹²

UN CRPD: ratified on 26.9.2008, **OP CRPD:** ratified on 26.9.2008

Sheltered workshops features

Sheltered workshops in Austria have different names according to the region they belong to; they may be called “day care structures”, “occupational therapy centers” or “day care centers”. These structures have been put into place for persons with disability who cannot meet the work requirements of the open labour market due to their physical, mental or psychiatric condition and attend these structures to preserve or further develop their abilities. Persons with disabilities receive “pocket money” while staying in facilities offering such services and funds are predominantly provided by the Länder (federal states).

The final aim of these services is to provide support to persons with disability in order to further develop their skills and ensure their inclusion into society.

Sheltered workshops & UN CRPD

SWOT analysis	
<p>Strengths</p> <ul style="list-style-type: none"> ▪ Provision of vocational training and educational support ▪ Carry out working experiences in the open labour market such as secondments, outplacements and mentoring job schemes 	<p>Weaknesses</p> <ul style="list-style-type: none"> ▪ No real wages (only “pocket money” reimbursements) ▪ No full enjoyment of labour rights
<p>Opportunities</p> <ul style="list-style-type: none"> ▪ Establish a closer cooperation with companies in the open labour market ▪ More flexibility in work arrangements 	<p>Threats</p> <ul style="list-style-type: none"> ▪ Benefits and allowances for PWD are much higher when working in sheltered workshops rather than in the open labour market

In general, compliance to Article 26 is pretty much covered as more and more programmes offer vocational and rehabilitation activities to their users. Peer support, however, could be improved.

As to Article 27, the main issue is represented by the lack of real remunerations for the workers. Moreover, to make the work environment more inclusive a greater cooperation with the open labour market would be much appreciated: this could take the form of apprenticeships, cooperation with supported employment services, etc.

4.2 Belgium

General information

Population: 10 951 266

Employment rate: 61,9

Unemployment rate: 7,1%

Nr PWD working in sheltered workshops in Flanders: ca 16.000 in 67 sheltered workshops

UN CRPD: ratified on 2.7.2009, **OP CRPD:** ratified on 2.7.2009

Sheltered workshops features in Flanders

¹² From ANED’s “Report on employment of disabled people in European countries, Austria”, <http://www.disability-europe.net/content/aned/media/AT-%20ANED%202009%20Employment%20Report%20Final.pdf>

Sheltered workshops in Flanders provide paid work to people with disabilities under a labour contract which guarantees the same labour-law rights (such as the minimum wage) as to people working in the private sector.

Sheltered workshops are normal firms which operate on the market, but with a social aim – which makes them part of the social economy. They receive subsidies from the government to compensate for the reduced working capacities of the disabled workers and to provide for an adapted working environment.

Sheltered workshops have a union representation (i.e. the enterprise council) and at federal level there is a committee where employer organizations and unions are represented and where collective agreements are made. Agreements are also made at regional level between employers, unions and the Flemish government on labour matters that are of regional competency (e.g. training).

Sheltered workshops & UN CRPD in Flanders

SWOT analysis for Belgium – Flanders	
<p>Strengths</p> <ul style="list-style-type: none"> Provision of working opportunities to people who would not be able to find a job in the open labour market 	<p>Weaknesses</p> <ul style="list-style-type: none"> Transition to the open labour market is not easy due to little or no provision of long term support to employees in the open labour market
<p>Opportunities N/A¹³</p>	<p>Threats</p> <ul style="list-style-type: none"> The type of work offered to persons with disabilities has to be organized in a way that it is feasible for them, as well as profitable for the economy, otherwise it would not be sustainable. This is not always evident as the automation of many industrial processes has made some activities not necessary and/or not demanded anymore

Sheltered workshops in Flanders are not conceived as medical rehabilitation centers, although they do offer opportunities for vocational rehabilitation and development. They are required to draw personal development plans for their employees which contain actions to advance their competencies and, in some cases, also to prepare the transition to a regular working environment. This requirement will be strengthened in a forthcoming re-organization of the whole sector of sheltered employment in the new legislation to be issued in 2014.

Due to the existence of clear labor contracts for sheltered workshops employees, in Flanders it is pretty evident and unambiguous that sheltered workshops do not fall under the legislation of Article 26. With regard to Article 27, sheltered workshops in Flanders are in line with some of its prescriptions (i.e. equal remuneration, exercise of trade union rights), but they seem to lack adherence to the provision of general technical and vocational guidance programmes, placement services and vocational and continuous training, the acquisition of work experience in the open labour market and professional rehabilitation. The latter are however made, at least partly, available by external organizations.

4.3 France

General information

Population: 65 048 412

Employment rate: 63,8

Unemployment rate: 9,9%

Nr PWD working in sheltered workshops: 118.211users in 1345 ESATs

UN CRPD: ratified on 18.2.2010, **OP CRPD:** ratified on 18.2.2010

¹³ No information was provided by the expert interviewed

Sheltered workshops features

Sheltered workshops are known as “ESATs” (Etablissement et Service d’Aide par le Travail). ESATs are special workplaces for persons excluded from the labour market due to the special support they need because of their disability and to which the mainstream labour market is not providing a solution. These work places are defined by:

- an adapted work situation
- ongoing support in their life project
- an economical project to serve a social mission.

In the ESATs work activities are adapted to the person’s needs and they allow personal development and economic production in the framework of the personal life plan of the users.

ESATs have developed three types of services that answer to the different needs of their users. These services may sometimes coexist in the same ESAT and they all belong to the same legal framework:

- ESATs proposing professional activities adapted to the individual needs (within the ESAT, with sheltered workshop units in the open labour market environment or through outplacements)
- “ESATs hors mur” proposing individual outplacements in the open labour market keeping the benefits of medical and social support
- “ESATs in transition” for those who need to regain experience that would smooth their transition towards the open labour market.

ESAT users have an “assistance and support contract through their work” which implies, in contrast to an employment contract (which induces a relationship of subordination between employer and employee), that they “guide” the ESAT through their specific needs and aspirations (as defined by their personal life plan). ESATs do not only offer a working opportunity, but mostly they act as a life coaching of the person through a global approach that takes into consideration aspirations, skills, competences and personal choice.

Work activities become therefore a means for social and professional inclusion.

Sheltered workshops & UN CRPD

SWOT analysis	
<p>Strengths</p> <ul style="list-style-type: none"> ▪ Know-how in terms of support at and through the work ▪ Individualized work planning adapted to the skills and the needs of the persons ▪ Protection against the risk of poverty ▪ Offering job opportunities to persons with severe disabilities who are not able to find a job in the open labour market 	<p>Weaknesses</p> <ul style="list-style-type: none"> ▪ Financial difficulties ▪ Psychological, pedagogical, financial and institutional barriers in developing vocational training programmes ▪ The social security and the benefits received in the ESATs do not promote an attitude towards the transition to the open labour market ▪ Only around 3% of sheltered workshop users make the transition to the open labour market ▪ Shifting to the open labour market and backwards is not a smooth process ▪ Reluctance in the management of sheltered workshops to cooperate as much as possible with the open labour market ▪ Full legal status as employee is missing ▪ No real salaries apply, but only replaced payments ▪ The general conditions of the workshops infrastructures are often not that good due to the lack of financial means
<p>Opportunities</p> <ul style="list-style-type: none"> ▪ There are legislative measures adopted for 	<p>Threats</p> <ul style="list-style-type: none"> ▪ Financial issues may threaten the sheltered

<p>employment of persons with disabilities. Institutional and political barriers to their full implementation need to be removed</p> <ul style="list-style-type: none"> ▪ Ergonomists could contribute significantly to the shaping of the work station and of the work activities ▪ Specialized training for support staff could benefit the users 	<p>workshop model reducing the variety of services that are currently offered</p> <ul style="list-style-type: none"> ▪ Lack of understanding on the value of sheltered workshops to promote the development and integration of persons with intellectual disabilities ▪ The political world underestimates the importance of ESATs in fostering the development and the integration of persons with disabilities in society
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Because of the special individualized plans they provide ESATs seem to be in line with Article 26 of the UN CRPD. In fact, they promote the development of personal autonomy, they offer work settings adapted to the individual needs as well as possibilities for vocational training on the basis of a multidisciplinary assessment and by means of a multidisciplinary team (i.e. support workers, psychologists, trainers, etc.).

ESATs in France derogate from the Labour law for what concerns disabled workers, therefore there is no labour contract, but there is a special statute for the users. ESAT users do earn a salary but they are not subject to the obligations as well as the sanctions foreseen by a typical work contract.

4.4 Germany

General information

Population: 81 751 602

Employment rate: 72,5

Unemployment rate: 5,6%

Nr PWD working in sheltered workshops: 297.670 users in 724 workshops

UN CRPD: ratified 24.2.2009, **OP CRPD:** ratified on 24.2.2009

Sheltered workshops features

The concept of sheltered workshops in Germany has been developed in 1974 mainly for people with intellectual disabilities who are deemed incapable to work under the conditions of the open labour market. Today also people with mental health problems, persons with severe and multiple disabilities and persons with traumatic brain injuries are working in workshops. The users are considered not able to perform for more than three hours per day under the working conditions of the open labour market. The German Social Code (Book IX, section 136) establishes these working opportunities, ensuring in practice no unemployment among people with intellectual disability in Germany.

Enrollment in sheltered workshops foresees a 2 years period of vocational training and qualification which has the aim to prepare persons to the work in the sheltered workshop.

People working in sheltered workshops have a right to a general social insurance for health and personal care and to a pension plan (for which the contributions are calculated on the basis of 80% of the average monthly income of employed people in Germany, instead of on the basis of the actual low wages earned in the sheltered workshops). Work insurance as well as other labour law rights (such as holidays, maternity leave, etc.) broadly apply, but not in their entirety as workshops users have a legal status which is only similar to that of employees working in the open labour market.

Sheltered workshops & UN CRPD

SWOT analysis	
<p>Strengths</p> <ul style="list-style-type: none"> ▪ Provision of working opportunities to people who would not otherwise be able to find a job in the open labour market 	<p>Weaknesses</p> <ul style="list-style-type: none"> ▪ Only around 1% of sheltered workshop users make the transition to the open labour market ▪ Full legal status as employee is missing

<ul style="list-style-type: none"> ▪ Prevention of unemployment ▪ Provision of vocational training ▪ Promotion of the transition to the open labour market ▪ Provision of rehabilitation ▪ Promotion of the access to a “community” that supports the person not only on work related issues but also on his entire life 	<ul style="list-style-type: none"> ▪ No real salaries apply, but only replaced payments
<p>Opportunities</p> <ul style="list-style-type: none"> ▪ Sheltered workshops should create more opportunities for work in the open labour market ▪ A stronger focus should be put on activities in order to create more jobs in inclusive settings in the open labour market 	<p>Threats</p> <ul style="list-style-type: none"> ▪ The economic crises may lead to important cuts in funding for services for people with disabilities, thus leading to a reduced quality of life

Sheltered workshops in Germany do partly apply some of the prescriptions outlined in Article 26 as they provide comprehensive rehabilitation measures and services in the areas of health, education, employment and social services. These rehabilitative measures ensure support to the workshop users in their everyday life, even including outside of the workshops and promote therefore personal development and participation to the life of the community.

Regarding Article 27, workshops are either already fulfilling or they are working on the implementation of its requirements.

Some requirements fall under the authority of the State, such as employment in the public sector.

Workshops are actively engaged in promoting opportunities for career advancement in the open labour market and provide assistance in finding, obtaining, maintaining and returning to employment.

One major issue is represented by the lack of real wages for workshop users. The system of institutions which are providing people with disabilities with financial means is very complex. Financial means are given by different sources depending on a system based on the causes and circumstances of the disability, the type of employment held in the open labour market in the past (if applicable) and several other factors. This system allows to comply with the legal claim of the person with disability of rehabilitation and other benefits and if the person’s needs are changing, the amount of financial means is adjusted to the new circumstances.

4.5 Ireland

General information

Population: 4 480 858

Employment rate: 59,2

Unemployment rate: 14,7

Nr PWD working in sheltered workshops:

UN CRPD: signed on 30.3.2007, **OP CRPD:** not signed yet

Sheltered workshops features

Since Ireland is undergoing a major renovation of employment service provision sheltered workshops are going to be remodeled. The concept of “sheltered workshop” has become redundant and does not fit with the services available at present. At the moment old “sheltered workshop based services” are in transition to a recommended future model of service provision which proposes a choice of 12 personal support services for adults with disabilities, underpinned by the core values of person centeredness, community inclusion and active citizenship and quality.

Sheltered workshops & UN CRPD

No SWOT analysis is available as the related questions were considered as not applicable by the expert due to the current revision of the sheltered occupational sector in Ireland. However, for what concerns Article 26, the major concerns for a full compliance are due to the limited resources that determine a limited availability of services. Compliance to Article 27 is not applicable at this stage.

4.6 Italy

General information

Population: 60 626 442
Employment rate: 56,9
Unemployment rate: 9,3%
Nr PWD working in sheltered workshops:
UN CRPD: ratified on 15.5.2009, **OP CRPD:** ratified on 15.5.2009

Sheltered workshops features

In Italy there is no tradition of sheltered workshops as in other (northern) European countries. The closest concept to sheltered workshops are the “cooperatives” that provide persons with disabilities, in particular persons with intellectual disabilities, with an opportunity to carry out various job tasks. Cooperative users are members of the cooperative they work in and do not earn a salary, but they participate to the dividends of the cooperative according to its statute. Cooperatives have been set up with the aim of promoting the development of society in the social sector, although they are formally considered enterprises. In particular, Type A Cooperatives provide socio-medical and educational services, while Type B Cooperatives have the aim of promoting professional integration of people in disadvantaged conditions (i.e. persons with disability, persons with psychosocial problems, etc). In the latter the majority of workers are disabled people whom are tutored by non-disabled workers in carrying out several tasks in various activities (i.e. agricultural, commercial, industrial activities, etc.).

Sheltered workshops & UN CRPD

SWOT analysis	
<p>Strengths</p> <ul style="list-style-type: none"> Cooperatives play an important role in involving persons with disabilities in social activities 	<p>Weaknesses</p> <ul style="list-style-type: none"> Participation in the community is not fully guaranteed Users of cooperatives do not receive a salary for the work they carry out
<p>Opportunities</p> <ul style="list-style-type: none"> Cooperatives should be more open to the community In times of economic crisis cooperatives are preferred to the open labour market in terms of inclusion as the open labour market is even more difficult to reach 	<p>Threats</p> <p>N/A¹⁴</p>

As cooperatives mainly depend on on-demand jobs, they often suffer from lack of continuity in the work opportunities they offer. Professional rehabilitation is therefore carried out with ups and downs and without a long term perspective. This is certainly not fully in line with Article 26.

¹⁴ No information was provided by the expert interviewed

With regard to Article 27, many prescriptions are not respected as they are not foreseen in the statute of the cooperative: workers of cooperatives are not employees, therefore they only participate to the dividends of the cooperative without getting a real salary with real labour-law rights. Also participation to vocational programmes and acquisition of experience in the open labour market are not guaranteed on a continuous basis.

4.7 The Netherlands

General information

Population: 16 655 799
Employment rate: 74,9
Unemployment rate: 4,9
Nr PWD working in sheltered workshops: around 100.000
UN CRPD: signed on 30.3.2007, **OP CRPD:** not signed yet

Sheltered workshops features

In the Netherlands, there is a mixture of sheltered and supported employment schemes, organized in specific organizations outside of the open labour market (the “sociale werkplaatsen”) which are difficult to distinguish from each other.

The number of persons that have access to sheltered or supported employment is fixed at 100.000; at the moment there is a waiting list of ca. 30.000 people that would like to work in sheltered or supported employment.

Persons with disability working in sheltered workshops get a subsidy which is above the minimum wage (until 2012 it was 27.500 Euro per person per year, but from 2013 the amount will be reduced to 22.500 Euro per person per year).

Currently the entire system of sheltered and supported employment is under revision: this will lead to a reduction of places in sheltered work by 70.000 units, so there will be only 30.000 places left. The underlying idea is that the most skilled persons should work in the open labour market, while the most severely disabled who would not have a chance to work in the open labour market could remain in sheltered work.

Sheltered workshops & UN CRPD

SWOT analysis	
Strengths <ul style="list-style-type: none"> ▪ Know-how in creating individualized schedules for persons with disabilities ▪ Training provision on social and work related skills ▪ Empowerment of employees in order to get a job in the open labour market ▪ Possibility to support employers in the open labour market to employ persons with a disability 	Weaknesses <ul style="list-style-type: none"> ▪ Most sheltered workshops do not support enough their employees to get a job in the open labour market ▪ The “sheltered attitude” might not lead to inclusion but rather to segregation
Opportunities <ul style="list-style-type: none"> ▪ Possibility to create an easy access to the open labour market by supporting employers 	Threats <ul style="list-style-type: none"> ▪ Government cuts in financing ▪ The number of employees admissible to sheltered workshops keeps shrinking and this doesn’t translate into an increase into the number of persons with disabilities getting into the open labour market

5.

INTERNATIONAL REPRESENTATIONS

At European level many organizations are fighting to ensure rights of persons with disabilities in the employment sector are fully respected and implemented.

Their participation to this study is of utmost importance as they are the link with the disability world of work and deal with the related issues in a multidisciplinary approach.

The European wide perspective of these cross-national organizations brings in a homogeneous view when analyzing the topic, though the huge differences existing amongst countries is to be taken into consideration.

In particular, from the ones contacted, three international organizations were willing to take part to the study: Gladnet, Workability Europe and the European Union of Supported Employment (EUSE). While Gladnet has a more research oriented profile and is mostly involved in research and innovation development, Workability Europe has a more “grass roots” characterization and brings about the direct experience of its member organizations. Last, EUSE has a very specific approach and deals with supported employment on an exclusive basis.

5.1 Gladnet

The Global Applied Disability Research and Information Network (GLADNET) brings together research centers, universities, enterprises, government departments, trade unions, and organizations of and for persons with disabilities. Its goal is to advance competitive employment and training opportunities for persons with disabilities.

GLADNET's objective is to promote disability policy and program reform with emphasis on integrated training and employment options for working age persons with disabilities.

Sheltered workshops & UN CRPD

SWOT analysis	
Strengths <ul style="list-style-type: none"> ▪ They offer job opportunities to persons with severe disabilities who are not able to find a job in the open labour market 	Weaknesses <ul style="list-style-type: none"> ▪ The sheltered workshop paradigm is not in line with the current citizen approach ▪ Low rate of transition towards the open labour market
Opportunities <ul style="list-style-type: none"> ▪ Open themselves more to the outside world, increasing the cooperation with the open labour market 	Threats <ul style="list-style-type: none"> ▪ The concept of sheltered workshop does not contribute to integration and participation in society

5.2 Workability Europe

Workability Europe represents providers of work and employment services to people with disabilities in Europe. Workability Europe cooperates with the European Institutions and strives to contribute to EU's Disability and Social Agenda.

Sheltered workshops features

Sheltered workshops run by Workability Europe's members provide work for people with disabilities who cannot or do not want to work in mainstream employment due to a variety of reasons, such as prejudices in society or health and other issues limiting their ability to compete with other job seekers in the mainstream labour market.

Sheltered workshops provide:

- special employment tailored to the special needs of persons with disabilities

- support to people with disabilities in finding adequate and rewarding employment
- access to employment in the open labour market for people with disabilities

Sheltered workshops provide quality employment for persons with disabilities and others distant from the labour market and, therefore, play an extremely important role both for the quality of life of persons with disability and also for society as a whole in that they support and drive the economic productivity. Sheltered workshops generate income for their employees through a wide range of commercial contracts and therefore allow those employees to participate in the productive economic cycle, reducing their risk of poverty.

They are facilitators to access the open labour market as they also provide tailored vocational training, job seeking advice as well as supported employment in the mainstream labour market. This way they allow persons with disabilities to work in a variety of environments, reflecting the individual's choice on how they want to conduct and pursue their working life.

Sheltered workshops & UN CRPD

SWOT analysis	
<p>Strengths</p> <ul style="list-style-type: none"> ▪ Provision of working opportunities to those not willing or not able to work in the open labour market ▪ Support to those willing and able to progress to find a job in the open labour market 	<p>Weaknesses</p> <ul style="list-style-type: none"> ▪ Reduction of funding ▪ Reduction of number of places available to users/workers in sheltered workshops
<p>Opportunities</p> <ul style="list-style-type: none"> ▪ Public authorities do not apply the special clause to foster tendering from social businesses 	<p>Threats</p> <ul style="list-style-type: none"> ▪ Governments assume that all persons with disabilities are able to or want to work in mainstream employment, thus funding and subsidies to sheltered workshops are being reduced

Sheltered workshops that are members of Workability Europe provide equal remuneration for work of equal value and in some cases are paid over the national minimum wage. They provide and facilitate access to vocational guidance programmes, placement services and vocational and continuing training in recognition of the need for life-long learning and they promote the acquisition by persons with disabilities of work experience in the open labour market through supported employment programmes.

With regard to labour and trade union rights the situation varies from country to country depending on the national laws.

Overall sheltered workshops members of Workability Europe do provide rehabilitation services, as prescribed in Article 26 and are adhering to a great extent to the prescriptions of Article 27.

5.3 European Union of Supported Employment (EUSE)

The European Union of Supported Employment (EUSE) was established in 1993 to facilitate the development of Supported Employment throughout Europe. Supported Employment assists people with significant disabilities (physical, intellectual, psychiatric, sensory and hidden) to access real employment opportunities, of their own choice, in an integrated setting with appropriate ongoing support to become economically and socially active in their own communities.

Sheltered workshops & UN CRPD

SWOT analysis

Strengths N/A ¹⁵	Weaknesses <ul style="list-style-type: none"> ▪ Funding systems of sheltered prevent the allocation of funds in the open market ▪ No integration of disabled people in the community ▪ Sheltered workshops do not support the change of perception of society towards disabled people
Opportunities <ul style="list-style-type: none"> ▪ Engaging with more actors in the field of employment 	Threats <ul style="list-style-type: none"> ▪ The segregated environments promoted by sheltered workshops create societal barriers and promote a message of non-acceptance of disabled people as equal citizens

The European Union of Supported Employment does not consider sheltered workshops as adhering to Article 26.

With regard to Article 27 EUSE claims that the essence of the Article itself, the provision of an “open, inclusive and accessible environment” is not respected in the first place. Also vocational guidance programmes are not fully fulfilled as they should provide information and access to learning opportunities beyond the workshop.

¹⁵ No information was provided by the expert interviewed

6. SOCIAL PARTNERS

The European Social Dialogue is one of the main instruments for employment and social policy at EU level and it refers to the discussions, consultations, negotiations and joint actions undertaken by the social partner organizations which represent the two sides of industry: the trade unions and the employer organizations.

While social dialogue for persons with no specific needs is overall well organized and functioning across the EU, when it comes to persons with disabilities there is regrettably very little information available and even more no ad hoc representations.

Employment and working conditions of people with disabilities are not especially dealt with in the agreements. So far the only real pressure is the legal obligation on employers to employ a defined number of people with disabilities (according to the quotas legally binding in each State) and the legal protection of employees with disabilities from dismissal. However, the obligation to employ a quota of disabled people is often not met, with employers preferring instead to pay a fine as a compensation for not fulfilling the quota obligation.

At present, on one side there is still an issue linked to an under-representativity of persons with disability in any workplace for several reasons ranging from accessibility issues, to direct and indirect discrimination, and, on the other side, there might not be a specific request from disabled people to be represented in a special section in trade unions.

In sheltered workshops, the situation is more peculiar due to the atypical contracts concluded within them. Sheltered workshop users in fact have a special “legal status” that is similar but not equivalent to a formal working contract, therefore, they are not entitled with formal labour law rights. In some countries some representative mechanisms for sheltered workshop users are in place; however, they are obviously not based on the same prerogatives as for official trade union bodies. Representation bodies in sheltered workshops, when existing, act on the basis of different conditions and for different scopes.

Presumably atypical working contracts used in many countries need to be further clarified and developed at national level before sheltered workshops be actually in the position to advocate for a unified organism that would represent them at national and cross national level.

7. GOVERNMENTAL BODIES

In the study particular attention was given to the European Institutions as, after the conclusion of the UN CRPD by the European Union on 23.12.2010, they are channeling their work in the field of disability towards the fulfillment of the requirements set forth by the Convention and the implementation of its prescriptions as requested.

The EU promotes the active inclusion and full participation of disabled people in society, in line with the EU human rights approach to disability issues. It does so through different political tools.

Four bodies are looking at disabilities issues from their respective competencies: the European Commission, the European Parliament, the Council of the European Union and the Council of Europe, whose position versus sheltered workshops is analyzed further below.

General information on the European Union

Population (EU 27): 502.476.606

Employment rate:

Unemployment rate: 10%

% PWD¹⁶: 15%

Nr PWD working in sheltered workshops: 2 to 3 million people (estimated)

UN CRPD: concluded by the European Union on 30.03.2007, **OP CRPD:** concluded on 23.12.2010

7.1 European Commission

Within the European Commission, it is the Disability Unit of Directorate General Justice that takes care of disability related issues. The main objective of the EC Disability Unit is to enable people with disabilities to enjoy their rights and to promote equal opportunities for them at EU level.

Its objectives are carried out through different actions:

- by facilitating the cooperation of the EU Member States in the development of their disability policies;
- by endeavoring to ensure that the disability perspective is taken into account in the Commission's own internal affairs and in the formulation of relevant Community legislation, programmes and policies.
- by raising awareness throughout the European Union by supporting non-governmental organizations and relevant activities (e.g. the organization of the European Day of Persons with Disabilities).

SWOT analysis filled in by the European Commission representatives	
Strengths <ul style="list-style-type: none"> ▪ Development of professional and social skills ▪ Support in finding a job in the open labour market 	Weaknesses <ul style="list-style-type: none"> ▪ They might perpetuate a culture of segregation if transition to the open labour market is not aimed at
Opportunities <ul style="list-style-type: none"> ▪ They might play an important role in the transition towards supported employment in the open labour market 	Threats <ul style="list-style-type: none"> ▪ Perpetuation of a segregated culture

7.2 European Parliament

¹⁶ Data available on the European Disability Forum website: www.edf-feph.org

In the European Parliament disability matters are dealt with within its Disability Intergroup, an informal grouping of Members of the European Parliament from all nationalities and most political groups who are interested in promoting the disability policy in their work at the European Parliament as well as in the national contexts.

A strong position with regard to sheltered workshops was made in the Resolution of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020. In particular, in paragraph 50 and 51 the European Parliament stresses that (50) *“sheltered workshops and integrated workplaces, though not on an equal footing with participation in the open labour market, are valuable ways of accompanying and supporting all people with different disabilities and at different stages of life, including by means of reasonable accommodation in the transition towards an open labour market, and takes the view that unjustified denial of reasonable accommodation (Article 5 of Directive 2000/78/EC) should be seen as a form of discrimination, in accordance with Article 2 of the UNCRP; notes that in some Member States, sheltered workshops and quotas can be used as a transition to the open labour market, with the provision of specific facilities for people with disabilities and of staff trained to meet their needs; stresses that, in large undertakings, the appointment of representatives from among people with disabilities, allowing them to speak for themselves, should be welcomed, as should a strengthening of closer cooperation between relevant local NGOs and SMEs; stresses that personal assistants should be supported if necessary, since this would significantly improve the opportunities for people with disabilities to gain a foothold in the labour market”* and, moreover (51) it *“Stresses the importance of transition programmes which, firstly, offer opportunities for work, beginning with sheltered workshops and progressing to the open labour market, and, secondly, create a more flexible framework for the transition from professional rehabilitation to other forms of employment in the course of implementing the Europe 2020 Strategy”*.

By means of the mentioned Resolution the value of sheltered workshops is particularly recognized in their role of supporting people with disabilities in no matter what stage of life, and as facilitators for fostering the shift towards the open labour market.

7.3 Council of the European Union

The Council of the European Union recently issued the Conclusions “Support of the implementation of the European Disability Strategy 2010-2020” and with regard to the sheltered employment sector it invites the Member States and the European Commission, in accordance with their respective competences, to “pursue further progress” “by taking the necessary and adequate steps, including the following”: *“aim to increase the employment opportunities of persons with disabilities including persons with reduced working capacity and develop cooperation in the context of the labour market, including, for example, supported and, where necessary, sheltered employment, and in the context of social protection and educational systems”*.

Sheltered workshops are considered as a means to increase employment opportunities of persons with disabilities.

7.4 Council of Europe

The Council of Europe section dealing with disability issues is the Social Cohesion and Integration Division.

One of the most important and recent positions concerning sheltered workshops in the EU is included in the Council of Europe Disability Action Plan 2006-2015, which was adopted by the Committee of Ministers of the Council of Europe on 5 April 2006, and is addressed to all 47 member states of the Council of Europe.

The relevant excerpt from the Council of Europe Disability Action Plan 2006-2015 is Action Line 5: Employment, vocational guidance and training.

In the action employment is seen as a key element for the social inclusion and economic independence of all citizens of working age; the action line seeks also to ensure career choices and to

lay the foundations through structures and support in order to ensure real choices. All measures apply to public as well as private employers.

Social enterprises (such as social firms, social co-operatives) which are part of the open employment, or sheltered workshops are referred to as structures that may contribute to the employment of disabled persons.

In particular, with regard to specific actions to be carried out by Member States, the Council of Europe calls for ensuring *“that support measures, such as sheltered or supported employment, are in place for those people whose needs cannot be met without personal support in the open labour market”* and for supporting *“people with disabilities to progress from sheltered and supported employment to open employment”*.

Therefore, though in the text the specific dedicated action on employment remarks the promotion of the open labour market for persons with disabilities, it also recognizes the value of sheltered workshops in guaranteeing valid job opportunities with the support needed.

8. ANALYSIS OF THE RESULTS

In this section a discussion on the results coming from the analysis of the questionnaires is presented. As the study aimed at investigating qualitatively into the concept of sheltered workshops, only few selected key experts were given the questionnaire to answer to. This allowed asking very specific questions that would be difficult to deal with for people not familiar with the specific terminology and political frame of the sector.

The study was mainly conducted by means of a questionnaire ranging over simple questions on sheltered workshops to more technical ones regarding their links to the UN CRPD.

We did not take for granted that a full understanding of the Convention was known. Although only key experts were selected to take part to the research, we did realize that many concepts of the Convention are not that clear. It is not about language issues, but, it is about how to interpret the implementation of the Convention in practical terms; little, close to no prescriptions are available in this regard and this certainly opens huge points in question.

We assume that difficulties in interpreting the questions, especially those regarding the applicability and the compliance with Article 26 and 27, are reflected in some poor answers or rather in their scarce adherence to the questions proposed.

The discussion that follows addresses four clusters that emerged from the analysis: features common in most workshops in Europe, overall compliance to the UN CRPD, sheltered workshops' role in promoting the transition towards the open labour market and their expertise in dealing with persons with (intellectual) disability.

8.1 Common features of sheltered workshops in Europe

The main characteristic of sheltered workshops is that they provide a protective, supportive and safe environment for vulnerable people who would normally have little-close to zero opportunities to work in the open labour market. Users of sheltered workshops are mainly persons with intellectual disabilities, but in recent years, sheltered workshops have started to open their doors to other groups of the population, like persons with psychosocial disorders, persons with psychiatric illnesses, people belonging to socially disadvantaged groups and people suffering from post-traumatic brain disorders.

The typically protective and supportive settings they offer have been created ad hoc to meet the needs of people who have different skills and are not or not yet able to cope with the demands of the open competitive labour market. The underlying idea, however, is also that the protective and supportive setting would enhance the social and professional skills in order to pursue their personal development in society and prepare those most skilled to move to the open labour market.

Many respondents, in this regard, envisage a stronger input from sheltered workshops to promote the transition to the open labour market, but, as of today, the percentages of those who make it are still very low. Also possibilities to have stronger contacts (i.e. via internships, secondments, etc.) within the open labour market are considered still too weak and passible of improvements.

A peculiarity of sheltered workshops is that, because of their unique environment combining a rehabilitation and a work programme, they mostly enjoy an ad hoc legal framework that preserves them from the obligations and the rights of the Labour Code. This is a crucial point, in fact, the unclear relationship between the rehabilitation character and the professional goals is considered by many as unfair and it draws much criticism as many users, not having the "employee status", are not given a salary, but only a replaced payment, usually below the minimum wage (this is not the case for Belgium and The Netherlands though).

Another issue that calls for opposite opinions is the character of "segregation" that may be conveyed by sheltered workshops, as basically within the sheltered workshop structure persons with (intellectual) disabilities do not work with persons without disabilities and are thus liable of not being

sufficiently included in the community. On the other side, the peculiar environment where the focus is put on the performance of the activity rather than on the result obtained, is recognized to be a qualitatively rich environment that encourages people to exploit their own skills and facilitates and enhances social skills.

8.2 Sheltered workshops and the UN CRPD

Sheltered workshops differ sensibly in the type of services they offer: all of them provide for work opportunities adapted to the individual needs and skills of the users, but some have also a strong rehabilitative component which is part of their programmes. In others the rehabilitative part is the *raison d'être* of the programmes offered.

The UN CRPD deals with rehabilitation and work matters in *Article 26* and *27* respectively.

Article 26 (Habilitation and Rehabilitation)

Article 26 emphasizes the role of States Parties in implementing the Article prescriptions. It concerns particularly three areas:

- 1) Organization at the earliest possible stage of habilitation and rehabilitation services that could support participation and inclusion in the community
- 2) Continuous training for professionals and staff
- 3) Use of assistive technologies.

Looking at the requirements set forth by Article 26 (Habilitation and rehabilitation), compliance of sheltered workshops mainly depends on their internal scope.

Those who are considered rehabilitation structures offer a range of services based on a multidisciplinary assessment, personal development plans and aimed at attaining the maximum independence as well as inclusion and participation in the larger community. Peer support seems to be somehow an aspect that could be improved in this regard.

In general, there is strong agreement on the fact that sheltered workshops, where offering rehabilitation services, do attain the objectives of Article 26, in some countries they do it with a wide if not full coverage of its prescriptions, in other ones to a smaller extent.

What emerges from the answers to the questionnaire is a massive concern for the restriction of rehabilitation services due to budgetary issues. This prevents arranging the most suited services to users, both in terms of availability and in terms of duration of the programmes. This is an issue especially in Ireland and Italy where programmes, as a consequence of low and not structural budgets, are organized according to funding possibilities and not to the users' needs. In France, instead, ESATs provide rehabilitation services through individualized planning, promoting autonomy and personal development; however, the inhomogeneous spread of ESATs in the French territory does not facilitate equal access to all users.

Article 27 (Work and Employment)

Article 27 recognizes the right of persons with disabilities to work and to gain a living by participating in a labour market and a work environment that is open, inclusive and accessible, including for those acquiring a disability during the course of employment.

When it comes to Article 27 (Work and Employment) answers were more uneven as compared to Article 26 as, besides the scope of sheltered workshops in the countries considered for the study, the different legislation in place grants different rights and obligations to users and employers:

Prohibition of discrimination

Overall, the parties consulted report no infringement of discrimination procedures and attitudes towards the users of sheltered workshops.

Get equal remuneration for work of equal value

One of the main issues that arose from the interviews is the payment received by the users for their work; users of sheltered workshops do not always have a labour relationship, this leading to a different payment treatment, being it replaced payments, substantially lower than the minimum salary level of the country, or, in some cases (The Netherlands, Belgium), to a salary in line with the national Labour Law legislation.

Exercise of labour and trade union rights

This very much depends on the type of contract in place: in the case of a labour employer-employee relationship, trade unions are guaranteed (e.g. Belgium).

Where the relationship is not work type related (France, Italy) this is not possible. In France there are some ways for workshop users to let their voice heard, however, this is not based on the same prerogatives given to regular employees by the Labour Code.

Have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training

Vocational training programmes are in most cases part of the core activities of sheltered workshops. Where this is not the case (Belgium) it's because those services may be provided by external organizations. The range of activities varies a lot from country to country and is very much budget-linked: this is, sometimes, limiting the potential deriving from these activities.

Promote the acquisition of work experience in the open labour market

The acquisition of work experience in the open labour market is a delicate issue. There are contradictory opinions thereabout with some believing in a too little effort made by sheltered workshops to build up relationships with the open labour market and from the sheltered workshops side there is a growing perception of a reluctance from the open labour market to open up to them.

Promote vocational and professional rehabilitation, job retention and return-to-work programmes

This represents certainly a weakness of the system, especially for those countries where being accepted in sheltered workshops goes along with being eligible to subsidies, allowances and benefits that are often not entirely kept once the protective and supportive environment of the sheltered workshop is left. An additional issue is represented by a lack of flexibility in making the transition from one programme/scheme of work and employment to another. Problems such as the partial loss of disability benefits, the reduction in support on the workplace to the user/employee and the general loss of support in all aspects of life may act as a barrier.

8.3 Intra-job mobility

Transfers from sheltered employment to the open labour market (and the other way around) are seen as a much envisaged opportunity for sheltered workshop users and many wish for these opportunities to be more and more available.

The lack of flexibility is considered as the greatest weakness in this regard. Critics are oriented both towards a fable and not enduring support to the employee in the open labour market, and on the other side, sheltered workshops are claimed to keep with them the best users for their own return without sufficiently promoting the shift towards the open labour market.

The issue is quite sensitive, but there is a general agreement on the fact that sheltered workshops have the know-how to promote and ease the transition and should have a central role in this respect, however, a greater involvement of all economic and political actors is highly urged.

8.4 Potential of sheltered workshops

Sheltered workshops are recognized by all respondents as having a thorough know-how in dealing with persons with disabilities.

Their expertise seems to many respondents somehow underestimated and not sufficiently recognized and exploited.

One of their possible developments, as suggested by some, may be that of gradually extending their range of activities by becoming, for example, knowledge and support agencies for all disabled people (not only those working in sheltered workshops). This might help also to establish stronger relations with the local community and to become an integral partner in shaping the developments of disability policies in the larger society.

9. CONCLUSIONS

As an end to this study we may consider three clusters of argumentations that define the work done in and by sheltered workshops:

Sheltered workshops added values:

- they offer people with disabilities working opportunities that meet their needs and that wouldn't be available, at least for many of them, in the open labour market
- they support persons with disabilities and their families not only on job related issues but on all aspects of the individual development
- they promote and fulfill learning opportunities and social networking.

Sheltered workshops weak points:

- the transition rate to the open labour market is very low
- labour law rights (e.g. minimum level wages and trade unions) are not fully guaranteed
- the workshop environment is not considered very inclusive as, in some countries, it does not promote contacts with people without disabilities.

Sheltered workshops desired developments:

- a stronger development of the supported employment methodology may help limit the entry into sheltered workshops only to persons who are the least autonomous and require a high level of support
- more internships and/or cooperation with the open labour market should be promoted
- more support to employers in the open labour market should be organized through sheltered workshops' expertise
- return to sheltered workshops should always be a possibility and should be facilitated whenever necessary.

Further below we will focus our argumentations from the different angles considered to carry out the research, this may help to understand how the topic was analyzed and what the conclusions we came up with are.

Disability

At present there is no one unique and agreed definition of disability. Until very recently, all disability related issues were treated on the basis of a medical approach, and so was the definition of disability. With the introduction of the social and human rights based model, disability is now understood as the result of the interaction between the individual's impairment and the barriers created by society (be it social, environmental and/or attitudinal ones).

While the medical model puts the responsibility on the "individual", the social model stresses society's responsibility to include and accommodate the needs of all persons, including people with disabilities. The lack of a clear definition on disability partly explains the lack of statistics and figures available on the topic in Europe; however, it is noteworthy to say that in none of the countries considered for the present research specific questions on disability were to be found in their national population surveys¹⁷.

This highlights a regrettable lack of interest in gathering a thorough picture of the disability sector, and, at the same time, the need for stronger awareness raising activities. Probably, also information coming from the grassroots level should be conveyed in a more efficient way in order to reach the interest of more stakeholders.

Data collection is vital for a correct interpretation of the disability sector and the persons involved and until only rough percentages will be available it will be difficult to give to the debate on disability, and hence to sheltered workshops, the attention it deserves.

¹⁷ Information to be found on DOTCOM, the Disability Online Tool of the European Commission, <http://www.disability-europe.net/dotcom>

Data collection

One of the huge obstacles to a study like the one presented was given by the lack of data and by the inconsistencies in the usage of definitions. The two issues are strictly interlinked and came across often at all stages of the research.

Different sources at national and cross national level release, in fact, different figures, which are therefore not fully reliable. The inhomogeneous definitions used in the different countries (sometimes varying also at national level, especially when disability is a regional competence) are not comparable because within their concepts different populations with different characteristics are included, and, moreover, they mostly don't seem to explain where the remaining population, which has not been categorized, somehow disappears. In general, inconsistencies were mainly found with regard to percentages of people with disabilities, information about their employment or unemployment situation and the spread of people with disabilities in the different work and employment schemes. A lack of consistency is also to be recognized with regard to work and employment schemes across Europe which, in some cases, is responsible for an overlap between the definition of sheltered workshops models, supported employment models and occupational services in the different countries.

When people with disabilities looking for a job are registered in employment registers, it may be possible to partly track their situation, however, it is likely that people who can't find a job in the long run prefer to live on lower standards with the subsidies they receive and stop looking for a job. A system to keep track of those excluded from the labour market for different reasons should be put in place.

In the sector of sheltered work an additional difficulty consists in the different "special" statuses given to the users/workers. The existence of a "working disability" in some countries is somehow misleading in the interpretation of the results as, while it constitutes mainly a "certificate" giving the possibility to people to enroll in sheltered workshops, it also leaves them out from unemployment statistics even if they do not officially have an employment contract.

Data available are therefore too weak to allow drawing a good picture on the work and employment situation of people with disabilities. This represented a huge limit to the study, and also because of this we decided to focus mainly on qualitative information.

Sheltered workshops at present

The starting point of all discussions around work and employment is to make sure that work is freely chosen or accepted. Work is a form of participation in society and it fulfills, amongst others, the need for self-development and for social integration. Last but not least the income received through a work activity allows having a dignified life and helps preventing the risk of poverty.

Persons with (intellectual) disabilities do have a right to work like all persons without disability, however, the peculiarity of their disability makes indispensable some form of support, tailored made and for most of them needed on a long term basis. This support requires ad hoc personnel from a multi-professional team and adapted equipment according to the specific needs.

Nowadays self-determination of persons with disabilities is fully recognized, and so is their freedom of choice, also within sheltered workshops. Nonetheless, sheltered workshops are yet very much unfairly linked to the stigma of segregating settings with a mainly occupational therapy character. Sheltered workshops were created mostly by families of persons with disabilities to place their relatives in safe, protective, supportive and non-judgmental environments where persons with disabilities could carry out activities at their best performance level without being evaluated for the results achieved. This led to a "separation" of persons with disabilities from persons without disabilities and today it is one of the hardest criticized features of sheltered workshops, although in the past this model was meant to protect vulnerable people. Today it seems that this topic is very sensitive and is responsible for reluctance in the related discussions, representing still a taboo which hinders opinions or limits them at very discreet and careful answers.

While all respondents recognized the positive role sheltered workshops might have with regard to their know-how on training needs for persons with disability, only few identified it in the first place as strength when asked about it in an earlier question. This certainly suggests that even within the sheltered workshops environment there is no full consciousness of their potential. The consequence is that the image conveyed to the external world is not being positively further enhanced.

Sheltered workshops are currently undergoing massive changes and may thereby be considered as permeable entities adapting to their workers and to society's needs, at least in countries where they are thoroughly set and developed. Changes are due to the development of society, to the continuous endurance towards the improvement of the quality of life of the users, and also to the adaptations required because of a more diversified population attending them. The new challenges brought upon concern:

- the increase of life expectancy of sheltered workshop users/workers due to improved health conditions
- the increase of the percentage of sheltered workshop users/workers who have psychological disorders or psychiatric problems
- the increase of the number of vulnerable and disadvantaged people who are more and more directed to sheltered workshops as they hardly manage to find and to keep a job in the open labour market.

The conditions above, together with the changes and the new demands of society, pose a set of new issues to be taken into consideration in the planning of activities and in structuring support programmes to persons with disabilities.

Rehabilitation

The sheltered workshop environment is peculiar because it gives the opportunity to learn and develop skills in a professional environment, where there is no pressure to achieve results in a limited timeframe and where the human and the social side are as important as the working activities finally performed. In this environment people have a unique possibility to train their social skills and to learn by practice how communication and interpersonal relations are important for the individual and collective wellbeing and for the achievement of successful professional results. Indeed, often, these skills are not fully mastered by the time the person ends its education path, and it is often in the working life that people are faced with frustrations and poor results. Trying out and experimenting their abilities in an evaluation-free environment proves to be a very good training ground that increases self-esteem, self-confidence and satisfaction.

The human logic approach, centered on the development of the individual rather than on its economic productivity, is central in sheltered workshops and is the key success factor that leads to the growth of the individual. The individual is supported by professionals like psychologists, career consultants, and therapists that look at specific issues for each user/worker.

It is the overall environment that is considered rehabilitative and this is why sheltered workshops claim their double nature: they are professional and rehabilitation settings where working goals are reached through a high investment on socio-relational aspects and where the individual development is fostered through the achievement of concrete professional results.

Society

In a society which is developing at a very quick pace progress is a benefit to all, but keeping up with time does not always go in parallel with developments in a concrete and realistic way.

The development of society has to be fostered and to be aimed to with the underlying objective of protecting and enhancing support to the most vulnerable ones at risk. It is because of their needs that support for persons with disability is needed in a greater proportion than for others and it is the responsibility of the less vulnerable to take care of and to protect them.

Free choice and free acceptance of work opportunities should be respected and promoted and, in the case of employment for persons with (intellectual) disabilities, they should lead to be in the position to freely choose if more or less support is needed and to be guaranteed flexibility to move from one type of work and employment scheme to the other, without a sensitive loss of rights or benefits. More and more disability allowances, higher for those most in need of support, are acting as an obstacle to promote smooth shifts towards work and employment schemes with less support. Also, return-back possibilities should be more available for those who are not able anymore to cope with the open labour market requirements and for those whose skills become poorer with time.

The low percentage (around 2/3%) of people who make the transition to the open labour market, is widely considered as the negative side of sheltered workshops. While those percentages need to be better analyzed to understand what is blocking the process, they also tell us that the obstacles to

overcome are at least partially underestimated and concrete efforts should be done by all actors in society if we aim to give persons the best work and employment option according to their needs.

On one side society seems not to be fully ready yet to accommodate the (multiple) needs of persons with (intellectual) disabilities, on the other side there are not enough job opportunities available to persons with (intellectual) disabilities. Yet the Convention clearly states that working environments should be inclusive and allow for a full participation, but, at present what emerges is a greater need for cooperation between the different actors: employment agencies, employers (in the private and public sector) and specialized working companies such as sheltered workshops who have experience in giving support and providing people with disabilities with working opportunities.

Achievements of the study

This research on the role of sheltered workshops vis à vis the UN CRPD highlights once again that there is a huge variety in the way these services are organized in Europe.

One of the biggest issues for sheltered workshops is their “double nature”: that is the fact that they encompass rehabilitation and work related activities in their programmes. This is, in another way, also their strength: when such programmes, tailored to the persons’ individual skills and needs, are well organized and offer a broad range of services, they represent a unique opportunity of development while receiving at the same time the adequate support. In sheltered workshops the “needs logic” comes before the “economic logic” and attention is paid to the quality of life of the individual and not to his economic gain.

This study aimed to bring more understanding on the variety of issues that sheltered workshops and their users have to fight on daily and we trust having been able to open up the discussion on this topic which concerns 2 to 3 million people only in Europe.

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ANNEX I

Article 26 of the United Nations Convention on the Rights of Persons with Disabilities

Habilitation and rehabilitation

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

(a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;

(b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

Article 27 of the United Nations Convention on the Rights of Persons with Disabilities

Work and employment

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.

States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

(a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

(b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favorable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;

(c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;

(d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;

(e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;

(f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;

(g) Employ persons with disabilities in the public sector;

(h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

(i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;

(j) Promote the acquisition by persons with disabilities of work experience in the open labour market;

(k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

ANNEX II

Questionnaire for country experts

English version

1. **According to you, what are the characteristics of sheltered workshops?**
2. **What is your opinion of sheltered workshops in your country?**
3. **What do you expect from sheltered workshops for persons with (intellectual) disability?**
4. **Do sheltered workshops in your country comply with the requirements of Article 26 of the UNCRPD?**

Article 26 of the UNCRPD concerns rehabilitation and habilitation. Habilitation and rehabilitation (including peer support) cover a wide range of actions in the areas of health, employment, education and social services, which have the objective of allowing the full participation of persons with disabilities in their communities.

5. **Do sheltered workshops in your country comply with the requirements of Article 27 of the UNCRPD?**

Article 27 recognizes the right of persons with disabilities to work and to gain a living by participating in a labour market and work environment that is open, inclusive and accessible, including for those who acquire a disability during the course of employment.

Key elements of this Article concern the following:

- Prohibition of discrimination with regards to all matters concerning all forms of employment
- Get equal remuneration for work of equal value
- Exercise labour and trade union rights on an equal basis with others
- Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training
- Promote the acquisition by persons with disabilities of work experience in the open labour market
- Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities

6. **What should sheltered workshops do to be able to comply with the requirements set by the UNCRPD, in particular to those stating that the work environment should be 'open, inclusive and accessible'?**
7. **What features should working environments have to adapt to the needs of persons with (intellectual) disabilities?**
8. **Can sheltered workshops play a role in the transition to the open labour market (as mentioned in the European Disability Strategy)? If so, how?**
9. **Are there strengths in sheltered workshops in your country? If yes, please explain**
10. **Are there weaknesses in sheltered workshops in your country? If yes, please explain**
11. **Are there missing/not reached yet opportunities for sheltered workshops in your country? If yes, please explain**

12. Are there threats in the concept of sheltered workshop in your country? If yes, please explain
13. Can sheltered workshops play a role in training needs of persons with (intellectual) disabilities? If so, how?

Questionnaire for country experts

French version

1. Selon vous, quelles sont les caractéristiques du travail protégé?
2. Quelle est votre opinion sur le travail protégé dans votre pays ?
3. Qu'attendez-vous du travail protégé pour les personnes en situation de handicap (intellectuel)?
4. **Le travail protégé dans votre pays, est-il conforme aux obligations de l'Article 26 (Adaptation et Réadaptation) de la Convention des Nations Unies relative aux droits des personnes handicapées (CNUDPH) ?**

L'article 26 de la CNUDPH traite de l'adaptation et de la réadaptation. Au sens de la Convention, l'adaptation et réadaptation (y compris l'entraide entre pairs) couvrent un large éventail d'actions dans les domaines de la santé, de l'emploi, de l'éducation et des services sociaux, dont l'objectif est de permettre la pleine participation des personnes handicapées dans la société.

Le texte de la CNUDPH est disponible au lien suivant :
<http://www.un.org/french/disabilities/default.asp?id=1413>

5. **Le travail protégé dans votre pays, est-il conforme aux obligations de l'Article 27 (Travail et emploi) de la Convention des Nations Unies relative aux droits des personnes handicapées (UNCRPD)?**

L'article 27 reconnaît le droit des personnes handicapées de travailler et de gagner leur vie en participant à un marché du travail et un milieu de travail qui est ouvert, inclusif et accessible, y compris pour ceux qui ont acquis un handicap en cours d'emploi.

Le texte de la CNUDPH est disponible au lien suivant :
<http://www.un.org/french/disabilities/default.asp?id=1413>

Les éléments principaux de cet article sont les suivants:

- Interdiction de la discrimination fondée sur le handicap dans tout ce qui a trait à l'emploi sous toutes ses formes
- Obtenir l'égalité de rémunération pour un travail d'égale valeur
- Exercer les droits syndicaux et du travail sur la base de l'égalité avec les autres
- Permettre aux personnes handicapées d'avoir effectivement accès aux programmes d'orientation technique et professionnelle, aux services de placement et de formation professionnelle et continue offerts à la population en général
- Favoriser l'acquisition par les personnes handicapées d'une expérience professionnelle sur le marché du travail ordinaire
- Promouvoir la réadaptation professionnelle, le maintien de l'emploi et le retour à l'emploi pour les personnes handicapées.

6. **Que doit faire le secteur du travail protégé pour se conformer aux exigences fixées par la CNUDPH, en particulier celles indiquant que le milieu de travail devrait être «ouvert, inclusif et accessible à tous»?**
7. **Quelles sont les caractéristiques que le milieu de travail doit revêtir pour s'adapter aux besoins des personnes en situation de handicap (intellectuel)?**

8. **Le travail protégé peut-il jouer un rôle dans la transition vers le marché du travail ordinaire (comme mentionné dans la Stratégie Européenne 2010-2020 en faveur des personnes handicapées)? Si oui, comment?**
9. **Quels sont les points forts du travail protégé dans votre pays?**
10. **Quelles sont les faiblesses du travail protégé dans votre pays?**
11. **Y-a-t-il des opportunités manquées par le travail protégé dans votre pays? Si oui, lesquelles?**
12. **Y-a-t-il des menaces pesant sur le concept de travail protégé dans votre pays? Si oui, lesquelles?**
13. **Le travail protégé peut-il jouer un rôle dans les besoins de formation des personnes en situation de handicap intellectuel? Si oui, comment?**

Questionnaire for EU governmental bodies representatives, experts, representatives of persons with disabilities and social dialogue representatives

- 1. According to you, what are the characteristics of sheltered workshops?**
- 2. What is your opinion of sheltered workshops in the EU?**
- 3. What do you expect from sheltered workshops for persons with (intellectual) disability?**
- 4. In general, knowing that there are huge differences from country to country, do sheltered workshops comply with the requirements of Article 26 of the UNCRPD?**
 - a. Article 26 of the UNCRPD concerns rehabilitation and habilitation. Habilitation and rehabilitation (including peer support) cover a wide range of actions in the areas of health, employment, education and social services, which have the objective of allowing the full participation of persons with disabilities in their communities.
- 5. In general, knowing that there are huge differences from country to country, do sheltered workshops comply with the requirements of Article 27 of the UNCRPD?**
 - a. Article 27 recognizes the right of persons with disabilities to work and to gain a living by participating in a labour market and work environment that is open, inclusive and accessible, including for those who acquire a disability during the course of employment.
 - b. Key elements of this Article concern the following:
 - c. Prohibition of discrimination with regards to all matters concerning all forms of employment
 - d. Get equal remuneration for work of equal value
 - e. Exercise labour and trade union rights on an equal basis with others
 - f. Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training
 - g. Promote the acquisition by persons with disabilities of work experience in the open labour market
 - h. Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities
- 6. What should sheltered workshops do to be able to comply with the requirements set by the UNCRPD, in particular to those stating that the work environment should be 'open, inclusive and accessible'?**
- 7. What features should working environments have to adapt to the needs of persons with (intellectual) disabilities?**
- 8. Can sheltered workshops play a role in the transition to the open labour market (as mentioned in the European Disability Strategy)? If so, how?**
- 9. Are there strengths in sheltered workshops in the EU? If yes, please explain**
- 10. Are there weaknesses in sheltered workshops in the EU? If yes, please explain**
- 11. Are there missing/not reached yet opportunities for sheltered workshops? If yes, please explain**
- 12. Are there threats in the concept of sheltered workshop in the EU? If yes, please explain**

13. Can sheltered workshops play a role in training needs of persons with (intellectual) disabilities? If so, how?