



KEY MESSAGES

Employment and social benefits in the context of the European Semester and post-2020 EU Strategy: Combatting in-work poverty for persons with disabilities

Side event at the 2019 Annual Convention for Inclusive Growth

Why this topic?

In the context of the implementation and assessment of the Europe 2020 Strategy, the EU Disability Strategy 2010-2020, and the European Pillar of Social Rights, this side event explored the risk of poverty and social exclusion for persons with disabilities when entering into employment, as well as the interplay between wages and disability benefits to ensure adequate incomes.

Through this side event, attended by 64 participants, we discussed how to guarantee that employment ensures both a sustainable route out of poverty, as well as contributes to the improvement of people's overall well-being and social inclusion.

It was also an opportunity to exchange on the threat to freedom of movement posed by a lack of coordination in disability assessment and social security systems across the EU for economically active people with disabilities.

What did we discuss?

The panel discussion was moderated by Rodolfo Cattani from the [European Disability Forum](#). He was joined by presenters Mark Wheatley, Executive Director at the [European Union of the Deaf](#), Ashley Ryan, Head of Growth for [Enable Scotland](#), Loredana Dicsi, Internal Communications and Membership Officer at the European Disability Forum, and Vera Hinterdorfer, Vice-President of the [European Anti-Poverty Network](#).

The discussion focused on a number of crucial points, namely:

- The EU is obligated to promote the right to work under the UNCRPD.
- According to Eurostat, the percentage of persons with disabilities in employment is 48.1%, as opposed to an average of 73.9% for the general population;
- There is a need to ensure support to workers with disabilities without delay. The first 3 months in a new job are extremely important. What remains hugely problematic in the EU is that persons with disabilities are denied their right to

freedom of movement since, when moving to another Member State for work, disability assessment from the home country is rarely recognised. The person with a disability therefore has to undergo tests again to prove their disability, and then wait a long time to receive access to services and support that they need in line with their condition. As a result, moving abroad for work is simply not possible for many;

- If after the Revision of the [Regulation 883](#), benefits of economically active persons with disabilities are still not included in the scope of coordination, the EU should ensure that the transferability, portability and general legal system for coordination of social benefits of economically active people with disabilities is established;
- Work-related disability benefits vary enormously throughout the EU. It would be beneficial to establish harmonised minimum standards on the type of benefits and support Member States should be providing, to ensure that lower-performing countries catch up;
- Amongst people with disabilities, some are afraid to take up employment as, if they are not kept after the probation period, they may lose not only their wage but also social benefits, at least for a certain period of time;
- In some countries, such as Austria, care allowance does not count as income, and so it is not cut when a person with disabilities gets a salary from paid work;
- Some countries also allow persons with high support needs to have tax reductions, to lessen the risk of poverty and social exclusion;
- It is not the generosity of disability benefits that prevents persons with disabilities from working. In fact, the disability benefits alone rarely cover the additional disability-related outgoings of persons with disabilities;
- Another huge barrier is finding an employer able or willing to offer reasonable accommodation in line with one's needs. The denial of reasonable accommodation is recognised as discrimination in EU Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. However, what we understand as reasonable accommodation (which is to say, the adaptations one makes to a workplace to cater for the needs of a worker with disabilities to enable them to do their job) is something that needs to be standardised and properly enforced as a right throughout the EU;
- Solutions for reasonable accommodation are most effective when the employer speaks directly to the person with disabilities, understands what is needed for them to work to their full potential, and to plan adaptations around these needs.

The emerging recommendations to EU policy-makers

1) Facilitate the freedom of movement of persons with disabilities when moving across borders to live and work. This could be achieved partly through an EU Directive harmonising recognition of disability assessment in all Member States. It

could also be facilitated by creating a standard format of disability certification and agreed standards of recognition that are valid throughout the Union. This would mean that a person with disabilities moving abroad will automatically have their right for services recognised in their new country of residence and be able to take up professional activity faster and with less difficulty.

2) Facilitate the coordination of in-work benefits and services, to ensure better continuity in the support granted to a person with disabilities moving abroad. Existing EU social security coordination legislation, including Regulation 883 with regards to persons with disabilities, mostly focuses on those who are economically inactive. This must be expanded upon, as there are many economically active persons with disabilities who are able and willing to work, but require support services and reasonable accommodation for equal access to the labour market, including in cross-border situations while exercising their right to free movement.

3) Support Member States in facilitating entry to work by:

- offering flexibility in disability benefits, to prevent the risk of people losing entitlement to future disability allowance once they have entered employment. A person's condition and ability to work might change over time, and they should not risk losing their safety net because they actively sought employment;
- allowing for the continuation of disability allowance used to reimburse the cost of assistive devices, technologies, etc, while a person is in employment. The extra cost of living linked to having a disability should be minimised by the continuation of these benefits even when a person is employed;
- ensuring quality of work and employment, including living wages and access to trade unions, for workers with disabilities, including those working in sheltered workshops.

These points, which pertain to Member States' competences, should be underlined during the European Semester process, and explicitly mentioned in the Country Reports and the Country Specific Recommendations.

4) Ensure that workers with disabilities can remain on the labour market through providing adequate support and reasonable accommodation. Beyond ensuring that persons with disabilities do not face in-work poverty, assisting them in maintaining work is also a step to preventing the risk of poverty and social exclusion. It is key to ensure support from a long-term perspective. It means that the continuity of the support to workers should not only be ensured but also adapted and flexible to the evolution of the worker's need for support. The right to request flexible working time arrangement contained in the Work Life Balance Directive should be fully respected. Workers with disabilities should have access to career advancement opportunities on an equal basis with others. Furthermore, we think it would be necessary to have a

Directive harmonising reasonable accommodation standards throughout the EU for workers with disabilities and older people.



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