

## EQUALITY OF CHANCES FOR PEOPLE WITH DISABILITIES IN THE LABOUR MARKET

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**Abstract.** Due to their disability people with disabilities, more than others, are exposed to discrimination and social exclusion. The aim of study is to present the situation of people with disabilities in the labour market in Poland from the perspective of equal chances policy. The equality of persons with disabilities contributes to their higher activity in the labour market. The research shows that this social group represents much lower economic activity and employment rate than other professional groups. There are *de facto* and *de jure* differences in the perception of equal chances for disabled people. The employment rate among people with disabilities amounts almost to 15%, while in the rest of the population was over 55%. In the national and international regulations, in the ILO Convention on the Rights of Persons with Disabilities, the countries ratifying this document recognize the right of persons with disabilities to work on an equal basis with others.

**Key words:** labour market, people with disabilities equal chances, Poland

### INTRODUCTION

The purpose of a democratic state is to ensure the equal chances for all citizens of the state. The equal opportunities policy, also called equality policy, aims at providing the appropriate actions, measures and instruments for equal chances for people exposed to social and economic discrimination. The group of people who are subject to this negative phenomenon include, among others, people with disabilities, different race, gender and sexual orientation. Additionally, the factors causing unequal treatment may cover the place of residence, national origin, age, religion, and people with different views than the majority of the population. The equal opportunities policy is intended to enable all people, irrespective of their differences, full participation in every aspect of life and equal treatment.

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The policy of equality is closely related to discrimination. It is a kind of restriction, exclusion or preclusion of the person from the same equal use as the whole of the society of human rights, fundamental freedoms and resources in professional, social and economic life [Sawicka 2013]. The International Labour Organization also defined the concept of discrimination in the Discrimination (Employment and Occupation) Convention adopted in Geneva on 25 June 1958 [*Convention...* 1958].

In the literature you can find several types of discrimination based on chosen criteria. The most common division includes direct and indirect discrimination, the another one is a positive (*affirmative action*) and negative discrimination. Any restriction, exclusion or prevention of a group or individual from using all human rights, resources and fundamental freedoms on equal basis with others means discrimination in a negative sense. In contrast, positive discrimination is deliberate introduction of specific solutions (e.g. in the recruitment process the admission priority among candidates with the same qualifications have people with disabilities) which are aimed at levelling the chances of a particular occupational group [Sawicka 2012]. Labour market institutions encourage all aspects of positive discrimination which equal the chances of social groups that are in a worse situation in the labour market.

There are three types/aspects of discrimination in the labour market [Kryńska and Kwiatkowski 2013]:

- statistical discrimination – occurs when there is incomplete and imperfect information in the labour market; the employers have information about a candidate just as it is about the whole group to which potential candidate/employee belongs;
- discrimination based on prejudices and preferences applies to employees/clients and employers. It occurs when at the time of contact, for example with women or disabled people, the employers feel the peace of mind;
- discrimination linked to the existence of different kinds of monopolies in the market, e.g. trade unions, resulting in the law regulations which lead to the formation of barriers in hiring people from specified social groups.

The equality and improvement of the life standard of specific social groups have been present in economic field for a long time and they concern mainly the theory of welfare as well as the A. Sen's views. According to Sen "the equality of opportunities can contribute to a very uneven income, the equality of income can lead to significant variation of fortunes, the equality of fortunes may be accompanied by a very high inequality of happiness, the equality of happiness may include significant amounts in meeting the needs, the equality of meeting the needs may coincide with many aspects of freedom of choice and so on" [Sen 2004]. Sen [2004] believes that not only income, resources and formal freedoms should be equally distributed but also "the capabilities". These capabilities may include the important aspects related to labour market and equality – these are, among others, the ability to work or freedom of self-fulfillment enabling sensible and decent life rather than focusing only on the wealth accumulation. These capabilities make it possible to meet basic needs: food, housing, dressing, communication, transport, access to education and health care, as well as the exercise of fundamental freedoms and access to happiness. However, one should keep in mind that all this is not limited to the effective execution of basic needs [Gazon 2008].

## MATERIAL AND METHODS

### The current situation of people with disabilities in the labour market in Poland

To illustrate the present situation of people with disabilities in the labour market the data from the Central Statistical Office – Labour Force Survey (LFS) as well as the data from the Ministry of Labour and Social Policy regarding the labour market were used.

For the purpose of this article the population of people with legally recognised disabilities were taken into account, i.e. people with the appropriate document (judgement) approved by the relevant authority. The legal disability certificate or equivalent document has almost 4.2 million of Poles, including nearly 184 thousand of children aged under 16 with the valid disability certificate [*Definitions...*].

Table 1 shows the labour market basic indicators for people with disabilities and non-disabled people. The basic labour market indicators include the unemployment rate, the employment rate, the activity rate [*Methodical rules...*]. Analysing the first part of the table, one can observe how the measures for the disabled people population oscillate. Since Poland's accession to the European Union the economic activity rate was increasing and reached the value of 17.4% at the end of 2014. The employment rate has also improved in the 11 year period. In contrast, the disabled people unemployment rate which in 2004 amounted to more than 19.5%, decreased by 4.8 p.p. to 14.8% in 2014.

Table 1. The economic activity of the population in Poland, 2004–2014

Specification	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
	People with legally recognized disabilities aged 15 or above										
The activity rate	16.2	16.2	15.0	15.1	15.6	15.7	16.8	17.0	17.4	17.3	17.4
The employment rate	13.1	13.1	12.6	13.2	13.7	13.8	14.4	14.5	14.7	14.4	14.8
The unemployment rate	19.6	19.3	15.8	12.9	12.3	12.1	14.4	14.6	15.5	16.9	14.8
	Non-disabled people aged 15 or above										
The activity rate	60.6	60.7	59.4	59.0	59.4	59.8	60.0	60.2	60.5	60.6	60.8
The employment rate	49.2	50.0	51.2	53.4	55.3	55.0	54.3	54.5	54.5	54.4	55.5
The unemployment rate	18.9	17.7	13.8	9.5	6.9	8.0	9.5	9.5	9.9	10.1	8.8

Source: Own study based on GUS, BAEL.

Analysing the indicators for a non-disabled population for the period of 2004–2014 the positive trend can also be observed. The unemployment rate decreased by more than 10 p.p. In contrast to 2004, the activity rate fluctuated and increased only by 0.2 p.p. In 2014 the employment rate among people with disabilities amounted to 55.5%. Comparing these two populations one can observe that the rate of unemployment is much higher among people with disabilities than among non-disabled people. In 2014 the difference between them was 6 p.p. More than half of the non-disabled population is employed comparing to only 15% of the disable people population. Economic activity rate is also much lower.

To present the current situation of people with disabilities in the labour market in addition to the above-described rates, the breakdown of professionally active and inactive people among both populations was shown. In the group of people with disabilities there are more people professionally inactive than active. The 11 year period indicates the downwards trend as the number of professionally passive people is decreasing, whereas the number of the professionally active has not considerably changed and remains at the level of 16–17% (Fig. 1). The professionally active population consists of employed and unemployed people. In recent years the declining trend can be observed as there are significantly less unemployed people than employed.

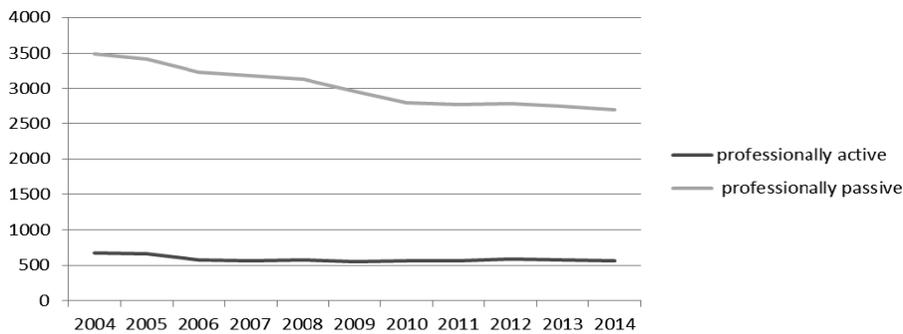


Fig. 1. People with disabilities broken down into active and inactive persons, 2004–2014

Source: Own study based on BAEL.

While analysing a non-disabled community, one can notice a completely opposite situation than in the previous population (Fig. 2). There are much more professionally active than inactive people. The active ones constitute about 60% while the passive ones about 40% of the non-disabled population. One can observe a slightly upward trend of professionally active people.

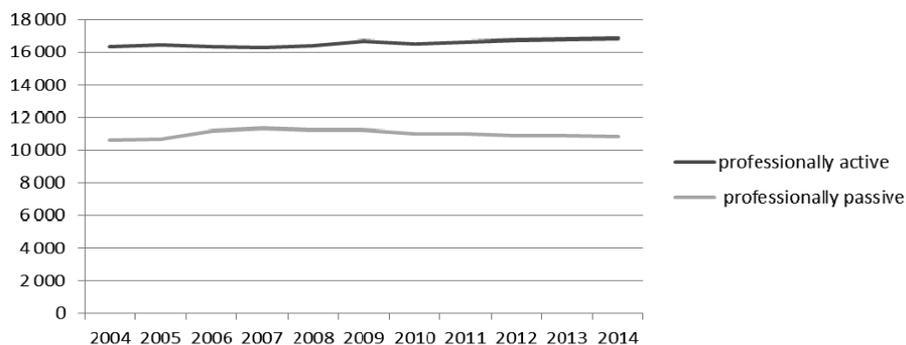


Fig. 2. The division of non-disabled people into professionally active and inactive, 2004–2014

Source: Own study based on BAEL.

## Legal aspects

The issue of equal treatment and discrimination has been the regulation subject of many international and national acts for a long time. The disabled people are entitled to all civil rights as well as to special permissions in order to improve the functioning of this group in social, professional and economic development. The permissions mainly relate to people with severe and moderate disability. They cover shorter working hours – 7 h a day and 35 h per week, additional annual leave or a fixed 21 day rehabilitation period [Garbat 2013]. Thanks to these regulations the protection against disability discrimination is ensured. Recently in Poland a change in behaviour towards people with disabilities has been observed.

The issue of equal chances and non-discrimination is included in many regulations including i.a. [*Guidelines for the implementation...* 2015]:

- 1) The Polish Constitution of 2 April 1997;
- 2) The Convention on the Rights of Persons with Disabilities adopted on 13 December 2006 (in Poland since 9 June 2012);
- 3) International Labour Organization Convention No 111, 1958;
- 4) The Treaty on European Union (O.J of 2004 No 90, Item 864, as further amended);
- 5) Act of 3 December 2010 on the Implementation of Certain Provisions of the European Union in the Field of Equal Treatment (J.O. No 254, item 1700, as further amended);
- 6) Regulation of the European Parliament and of the Council No 1303/2013 of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Agricultural Fund for Rural Development, the Cohesion Fund, the European Social Fund, the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Maritime and Fisheries Fund (OJ L 347, 20.12.2013, p. 320, as further amended);
- 7) Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 (OJ L 347, 20.12.2013, p. 470);
- 8) Partnership Agreement. Programming of the 2014–2020 financial perspective;
- 9) The European Disability Strategy for 2010–2020;
- 10) The Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe in the years 2006–2015;
- 11) Council Conclusions of 7 March 2011 on European Pact for Gender Equality 2011–2020 (JO C 155, 25.05.2011);
- 12) The Universal Declaration of Human Rights. The declaration establishes that persons with disabilities have the inherent right to respect the human dignity. It should be understood that these people have the right to decent life, like any other person [*The Universal Declaration...* 1948];

In addition to the above-mentioned regulations the following acts related to people with disabilities should be listed:

- 1) Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities of 27 August 1997 with further amendments;

- 2) Regulation of the Minister of Economy, Labour and Social Policy on disability identification and degree of identification of 15 July 2003.

The Vocational Rehabilitation Act of 1997 developed and expanded the support system for people with disabilities in the labour market by creating better conditions to undertake work by this social group and by supporting skills development and expansion of institutions promoting this community [Ciura 2011].

The position of the United Nations is of considerable importance to the disabled community. The crucial document in this regard is the UN Convention on the Rights of Persons with Disabilities which says that people shall have equal rights to live in dignity and independence and also takes into account the issues of full participation in the social life. The European Union is one of the signatories of this Convention [*The EU Disability Strategy...*].

Another already mentioned document that supports people with disabilities is the European Disability Strategy 2010–2020. It ensures the removal of barriers which make the daily functioning of people with disabilities difficult and implementation of privileges and rights which appertain to these people. It also supports all EU countries in the activities and in conducting policies aimed at people with disabilities [Ciura 2011]. In addition to the employment, the Strategy covers other areas where the assistance will be provided. These are: accessibility, participation, equality, education, social protection and inclusion, health. Each field is described in detail in the strategy [*The EU Disability Strategy...*].

### **Selected programs relating to the equalization of chances for persons with disabilities**

In order to fill the principle of equal chances and anti-discrimination, the applicable national and international legislation should be obeyed and the policy tools relating to the disabled population should be used. These include [Branka 2010]:

- raising public awareness about discrimination and regulations concerning equal treatment;
- introducing a policy of equality into the mainstream activities in each area;
- data analysing and collecting of information relating to the social groups vulnerable to exclusion and discrimination;
- using of specific compensatory measures.

Countries belonging to the European Union set their own recruitment policy which includes European guidelines. Significant role in shaping the policy for people with disabilities plays also the observation and implementation of various standards aimed at resolving issues concerning people with disabilities applied by other countries. In particular western countries such as France and Germany should be taken into consideration. The European strategy for 2020 assumes achieving an effective and sustainable growth with the employment rate at the level of 75%. Another aim of the strategy which is the reduction of poverty by 20 million people is closely connected with the activity of persons with disabilities in the labour market.

The European Social Fund is quite a considerable support as it co-finances projects that increase employment chances for people at risk of exclusion. The European Regional Development Fund financially supports the development of critical infrastructure in Eu-

rope. The European countries are responsible for priorities in the area of funding and selection of suitable projects. The projects should be accessible to people with disabilities. Few of projects concerning disability were financed within the program – PROGRESS – relating to the employment and social solidarity since 2007. The PROGRESS program is co-financing the NGOs.

At European Union level there is also a European Employment and Social Innovation Programm (EaSI). This financial instrument aims at promoting a high level quality and sustainable employment. Its task includes also the adequate and decent social protection. Another aspect of EaSI is to combat social exclusion and poverty as well as improving working conditions. In the financial perspective of 2007–2013 the EaSI programm consisted of three parts: EURES and PROGRESS and Progress Microfinance. Since 2014 these programmes form the three axes of EaSI. For the years of 2014–2020 total budget amounts to 919,469,000 (ec.europa.eu).

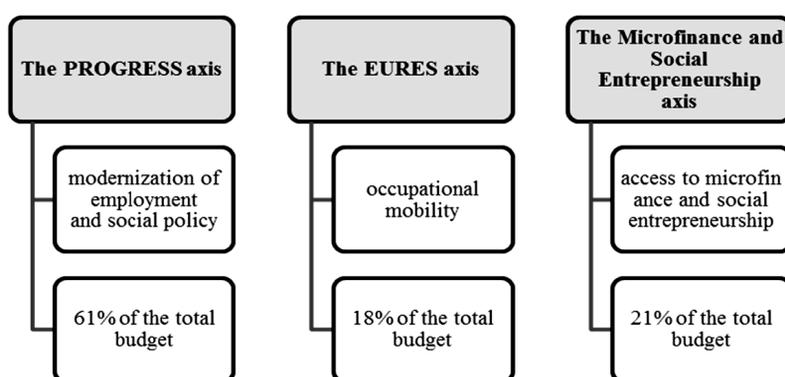


Fig. 3. The three axes of EaSI

Source: Own study.

The Operational Programme Knowledge Education Development included in the financial perspective 2014–2020, is important in the aspect of disabled people support. It strengthens the socio-professional integration of people with disabilities by [*The Operational... 2014*]:

- creating conditions for the development of instruments promoting employment and support of people with disabilities in the labour market;
- monitoring the activities of the state in the field of disability and the situation and needs of people with disabilities;
- raising the competence of personnel working in the area of social inclusion and activation of the disabled persons;
- improving the quality of social and health services as well as the care services for the disabled people.

Priority Axis II: Effective public policies for the labour market, economy and education includes the action 2.6 High-quality policies for social and work inclusion of people with disabilities which describes in details the objectives to be met by public entities. Implementation of the UN Convention and the public and private entities initiative concentrates

on raising professional and social activation of persons with disabilities. The Operational Programme Knowledge Education Development facilitates the implementation of EU regulations into the Polish economy [*Detailed Description... 2015*].

The Strategy for the Development of Human Capital includes the people with disabilities aspect. There are specific objectives which cover the employment increase, which, among others, will be executed through overcoming the reluctance of employers and maintaining the employment and professional activity among people with disabilities. Another specific objective relates to the situation's improvement of individuals and groups at risk of social exclusion, including people with different disfunctions of the body. This goal is being manifested by functioning of persons with disabilities in the open labour market and their access to the public services [*Social Capital...*].

Another strategy to support equal chances for people with disabilities is Social Capital Development Strategy. One of the horizontal rules of this strategy is to combat discrimination which, among others, emerges from disability. The important aspect to be mentioned is the directing of media education toward people at risk of social exclusion. The objectives of the Strategy include the actions aimed at reduction and prevention of digital exclusion [*Social Capital...*].

In Poland there are different entities, institutions and NGOs, etc. which take part in the professional activation of the disabled people. In accordance with the Article 34 of the Act on occupational and social rehabilitation, the Government Plenipotentiary for Disabled People was appointed. His tasks include [*Act of 27 August 1997 on Vocational...*]:

- developing of governmental programmes projects related to solving problems of people with disabilities;
- initiating measures aimed at reducing the effects of disabilities and barriers hindering disabled people from taking part in the society;
- developing and providing opinions on legislation drafts concerning employment, rehabilitation and living conditions of persons with disabilities;
- cooperation with NGOs and foundations working for people with disabilities;
- setting the assumptions for the annual material and financial plans relating to the implementation of the tasks resulting from the Act.

The advisory body to the Government Plenipotentiary for Disabled People is the National Consultation Council for Disabled Persons. It creates a platform for local authorities, government bodies and NGOs to support the functioning of disabled persons [Garbat 2013].

Additionally, a very important institution supporting the activation of disabled people in the country is the State Fund for Rehabilitation of Disabled Persons – PFRON – existing since 1991. It is a state-owned fund for special purposes operating under the Act on occupational and social rehabilitation of 27 August 1997. The income of PFRON consists mainly of funds from the mandatory monthly payments from employers who do not employ sufficient number of staff members.

Assets of the Fund are aimed at social and vocational rehabilitation of people with disabilities and their employment. Here are some activities – areas supported by PFRON [PFRON 2015]:

- compensation to the employers both from protected and open labour market for the higher costs resulting from hiring disabled people;

- refund to the employers for the adaptation and equipment costs related to creation of the positions for disabled persons;
- financing the creation and operation of occupational therapy workshops and vocational activity establishments;
- co-financing of the EU system projects;
- support of individual disabled persons by:
  - providing grants to start a business, farm or contributing to a social cooperative,
  - refunding the social security contributions,
  - financing the active labour market instruments for people registered as unemployed or seeking employment, etc.

In addition to the programs based on the EU funds, there are social policy instruments which can be supportive in equalizing chances for people with disabilities. The social policy instruments can be divided as follows: economic, legal, information, staffing (human resources, human capital), space and time management instruments. Among the economic instruments one can find consumer policy, which is regulated, among others, through the access to the paid employment; other instruments are cash benefits. Cash benefits under the social policy can be obtained from the social care, so-called MOPS (social welfare centres). Within these benefits there is a permanent allowance, a temporary allowance, designated and care benefits (including the nursing allowance, nursing benefit), family allowances and family benefits supplements ([www.mopr.bytom.pl](http://www.mopr.bytom.pl)).

## CONCLUSION

The analysis conducted shows that the subject of the equal chances for groups of people particularly vulnerable to discrimination is still valid. Despite of so many national and international regulations the employment of people with disabilities is much lower than that of the whole society. It proves that the professionally inactive population exceeds the professionally active one in the group of people with disabilities. However, among non-disabled individuals the professionally active dominate over inactive ones. The measure of unemployment – the unemployment rate – is also higher among people with disabilities than among non-disabled persons. There are institutions in the Polish labour market supporting vocational activation of people who are at a disadvantage in it.

In addition to the labour offices, the significant contribution to the promotion of the social and professional activation has the State Fund for Persons with Disabilities. It is due to supporting of various professional and personal development areas of people with certified degree of disability and imposing sanctions on employers who do not comply with the requirement to employ the adequate number of persons with disabilities.

There are differences between the real situation and the legal status. The international and national documents provide guidelines on equality of chances for disabled people and prevention against professional and social exclusion. The current situation of people with disabilities in the labour market shows that the implementation of regulations is not easy and still does not bring the desired effects.

The Equal Opportunities Policy is facing a very big challenge which is to create the conditions that will guarantee the disabled persons equal chances with non-disabled

persons, the execution of their civil rights and an activation increase in the open labour market. In accordance with the Constitution of the Republic of Poland every person has the right to work and therefore it is important to promote the employment in the labour market.

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## RÓWNOŚĆ SZANS OSÓB NIEPEŁNOSPRAWNYCH NA RYNKU PRACY

**Streszczenie.** Osoby niepełnosprawne ze względu na swoją niepełnosprawność bardziej niż inni narażone są na dyskryminację i wykluczenie społeczne. Celem badań w artykule jest przedstawienie sytuacji osób niepełnosprawnych na rynku pracy w Polsce z perspektywy polityki równości szans. Równouprawnienie osób niepełnosprawnych przyczynia się do zwiększenia ich aktywności na rynku pracy. Z badań wynika, że ta grupa społeczna charakteryzuje się niższym współczynnikiem aktywności zawodowej i wskaźnikiem zatrudnienia niż pozostałe grupy zawodowe. Są różnice *de facto* i *de legis* w postrzeganiu równości szans osób niepełnosprawnych. *De facto* wskaźnik zatrudnienia wynosi w grupie osób niepełnosprawnych tylko niecałe 15%, natomiast w pozostałej populacji ponad 55%. W regulacjach prawnych krajowych i międzynarodowych, w konwencji o prawach osób niepełnosprawnych, państwa ratyfikujące ten dokument uznają prawo osób niepełnosprawnych do pracy na zasadzie równości z innymi osobami.

**Słowa kluczowe:** rynek pracy, równość szans osób niepełnosprawnych, Polska

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