

Active measures for integration on the Romanian labour market of persons with disabilities ¹

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Introduction

The evolution of the legislative changes in the area of rights and protection of persons with disabilities began by adopting laws and normative acts concerning the human rights and children's rights. Starting with 1990, the year when Law 18/1990 for ratifying the Convention with regard to children's rights was approved, and continuing with laws meant to regulate human rights and rights of persons with disabilities, approved after 1990, the opportunity for improving the legislation on professional and vocational evaluation of persons with disabilities was at hand.

Starting with 2004, the social responsibility and interest, as well as the harmonizing of Romanian legislation with EU legislation, led to development of legislation regarding on professional and vocational evaluation in the field of persons with disabilities.

Assessment of persons with disabilities ²

The main normative act that regulates the rights of persons with disabilities from Romania, as well as the method of evaluation, is Law 448/2006 regarding protection and promotion of the rights of persons with disabilities.

According to this law, the Commission for the Evaluation of Disabled Adults bears the responsibility of determining the type and the degree of one's disability. The degrees of disability are *small, medium, accentuated and severe*. The types of disability are: *physical, visual, auditory, deaf blind, somatic, mental, psychic, HIV/AIDS, associated and rare diseases*.

The certificate of disability degree, released by the Commission for the Evaluation of Disabled Adults, ensures the right of adult persons with disabilities to benefit from services of professional information and counselling, labour mediation and professional training provided by the territorial agencies for employment or other authorized services.

The Individual Social Rehabilitation and Integration Programme is a document drafted by the Commission stating the activities and services needed by the disabled adult in the social integration process. It can include recommendations in terms of the therapeutic and rehabilitation services required and the most appropriate residential arrangements.

¹ The content of this paper is based on the reports elaborated under the project "Equal opportunities on the labour market" OSPHRD 15/6.2/S/5 financed by the European Social Fund implemented in Romania by the Ministry of Labour, Family and Social Protection.

² See Annex 1.

The Commission for the Evaluation of Disabled Adults may decide that classification in a disability degree is permanent or it is annually re-evaluated, in view of changing/maintaining the disability degree, according to each situation.

a) Challenges in the Romanian legislation related to the assessment of persons with disabilities

At this stage the Romanian legislation takes a rights-based approach to the social integration and inclusion of persons with disabilities. The definition of disability which is incorporated into Law 448/2006 is based on the WHO International Classification of Functioning, Health and Disability and acknowledges that disability arises from a dynamic interaction between the person and his or her environment.

The assessment is carried out by a multi-disciplinary team that incorporates medical, psychological, social, vocational and educational expertise including a social worker with a bachelor's degree, a specialised doctor, a psychologist, a psychotherapist, a kinetotherapist, an education trainer and a recovery therapist.

The template for the Individual Social Rehabilitation and Integration Programme is based on a holistic conception of the person. It should be based on the following mandatory fields with respect to assessment including: a social assessment, carried out by social workers; a medical assessment, carried out by specialised doctors; psychological assessment, administered by psychologists; a vocational or professional skills assessment, carried out by psychotherapists, education trainers or recovery instructors; an assessment of the education level, administered by psychotherapists, education trainers or recovery instructors; and an assessment of social integration skills and level, ensured by psychologists, psychotherapists, recovery instructors or social workers.

Public authorities are required to take specific measures to ensure the professional evaluation, orientation, formation and re-conversion of disabled persons. According to our legislation, any person with a disability wishing to enter the labour market or to change their job has a right to free access to professional evaluation irrespective of his/her age, impairment type and degree.

The assessment of disabled adults is acknowledged to be a complex and ongoing process, which estimates and acknowledges their social development, integration and inclusion characteristics. The process involves gathering the most complete information possible and interpreting it so as to guide the decision and intervention. The assessment is intended to be focused on the social development, integration and inclusion potential of the adult, and highlights what the disabled adult knows and is able to do, his/her abilities and habits.

The main legislative challenge to achieving a flexible and responsive system of vocational assessment in Romania arises from the conflicting roles assigned to the Commission for the Evaluation of Disabled Adults.

Professional evaluation and orientation of disabled adults must be carried out by the Commission for the Evaluation of Disabled Adults. However, the scope of responsibility, the approach and procedures of the Commission for the Evaluation of Disabled Adults are not compatible with carrying out a full exploration of vocational aspirations, needs and strengths

and carrying out a job matching process. In addition the Commission operates too far from the labour market, and has too wide a brief as it is to perform the vocational assessment function effectively.

The goals and approaches of eligibility assessment are not compatible with those of vocational assessment. The former is about entitlements to services which emphasises the type and degree of impairment. The latter is about needs and more particularly strengths. It is about what a person can do rather than what they cannot.

There is a need to consider making vocational assessment more easily available and separating the function for the determination of type, and degree of impairment and eligibility for services.

The Commissions are overburdened with current assessments and re-assessments and do not appear to be in a position to allocate more time and resource to vocational assessment. The evaluation procedures of the Commissions are to a great extent based on a dossier and social enquiry. It is primarily a documentary exercise, and face to face contact with the disabled person is minimal and certainly not sufficient to allow for an appropriate vocational evaluation process.

In terms of vocational evaluation the content of the Individual Social Rehabilitation and Integration Program filled out by the Commission is very limited and is often restricted to a general recommendation of the area of activity most suited to the individual such as sheltered unit, occupational therapy and open employment. It is rarely based on a full vocational assessment and never on a job match process.

While the ICF is specified in Law 448/2006 it is not evident in the elements which are currently being evaluated in the assessment process. There is a predominant emphasis on health, functioning, personal and social characteristics with little consideration being given to the role of the environment.

b) Social benefits for adults with disabilities

Social benefits for adults with disability are granted by request or ex officio, as the case may be, based on proving papers, according to the law.

Types of social benefits:

- monthly indemnity, regardless of income, differentiated according to the disability type (accented or severe);
- monthly complementary personal budget, regardless of income, for severe, accented or medium disability.

The requests for social benefits granted by law for the adults with disability are registered at the local public administration authority in whose territorial range the person with disability has his domicile or residence.

The adults with disability cared for and protected in public residential centres, with the exception of the "respite" type centre, and the adults with accented and severe disability who

receive income, placed into the care and protection of the personal professional assistant do not receive social benefits.

Besides, there is a series of other benefits and facilities granted according to the disability type.

c) Employing persons with disabilities on the open labour market

Employing person with handicap can be realised in the following ways: on the free labour market; at home or in protected forms (protected workplace or protected authorized unit). Persons with handicap seeking a job or already employed benefit from professional training courses; reasonable adaptation to the workplace; counselling before and during employment, as well as in the trial period, from a counsellor specialized in labour mediation; a period of trial before employment, paid, of at least 45 working days; a paid notice, of minimum 30 working days, at the termination of the individual work contract at the initiative of the employer, out of reasons non imputable to him; possibility to work less than 8 hours per day, according to the law, if he benefits from a recommendation of the evaluation Commission in this respect; excuse from payment of taxes on salary.

It should be mentioned that, aiming to encourage employment, the Romanian legislation stipulates that, once employed, a person with disabilities does not lose the right to the social benefits granted on the bases of disability certificate.

Public institutions and authorities, juridical persons (public or private) that have at least 50 employees, are obligated to employ persons with handicap in a percentage of at least 4% of the total number of employees, otherwise they may also choose to pay a certain amount to the state or purchase products or services provided by persons with handicap, employed in authorized protected units, based on a partnership agreement, in the same amount owed to the state budget. In order to encourage employment on the open labour market, economical agents that employ persons with disability benefit from a series of fiscal facilities

A new approach for integration on the Romanian labour market of persons with disabilities

As we could see in the first part of this paper, we have different initiatives in the legislation that aims to facilitate the integration of people with disabilities on the labour market, such as quota system, financial support for people with disabilities, fiscal facilities for the employers, etc.

In order to tackle the challenges of the Romanian legislation related to persons with disabilities we have developed the project "Equal opportunities on the labour market" sponsored by European Social Fund in Romania. This project will be implemented between November 2008 and April 2011 by the Romanian Ministry of Labour, Family and Social Protection in partnership with European Platform for Rehabilitation Belgium, Bernard Brunhes International France and other 4 Romanian partners.

The goal of this project is to promote social inclusion of people with disabilities by facilitating their access to vocational and rehabilitation services and by increasing the opportunities towards employment in the open labour market.

The beneficiaries of this project are people with disabilities and people with invalidity.

In this project we will concentrate on developing vocational rehabilitation services for persons with disabilities in order to facilitate their integration in the labour market.

To that effect, by April 2011 in 3 pilot regions from Romania we will set up:

- Vocational assessment and extended assessment service;
- Vocational training programme;
- Employment enterprise service;
- Supported employment service.

Vocational assessment

Vocational assessment should be designed in 2 stages. The initial stage should take place in a mainstream labour office or specialised service and be open to anyone who believes they have an occupational impairment but want to work. It should be of short duration and mainly consist of interviews and paper and pencil tests along the lines of the approach adopted by the Pilot Centres but enhanced with tools and equipment. The initial assessment should lead to a decision about the next step in the employment pathway of the individual. In the case where further information and exploration is needed in order to make this decision, the individual can be referred to an extended assessment service which provides the person with the time to explore different types of occupational activities, visit a variety of services, consult with a counsellor and plan the road ahead. We have developed a new tool for the assessment of persons with disabilities - *Job Finding Needs and Strengths Assessment Tool*. It is designed to provide vocational guidance specialist and a person with a disability the opportunity to explore the challenges and facilitators to successful job getting through an interview process. It is intended as an initial interaction with the job finder. At this stage, the tool is on pilot version and it is tested in the 3 pilot areas from Romania.

Vocational training programme

The aim of the Vocational Training programme is to provide a combination of work related social skills and personal effectiveness training coupled with career exploration and vocational skills sampling opportunities. This training is based on meeting the needs of beneficiaries, to enable them to make realistic vocational choices for training or employment based on their individual strengths, abilities, and interests. Opportunities to demonstrate the skills, knowledge, and competencies learned in the training centres will be identified within the community in efforts to encourage and facilitate beneficiaries to participate fully as active citizens in their own locality and move towards increased independence and integration to the labour market.

Employment enterprise service

The Employment Enterprise Service is a commercial enterprise and brand established for the purpose of employment of people with disabilities, but which may also employ able-bodied

people. By the end of this project we will set up 3 pilot employment enterprise services in Romania.

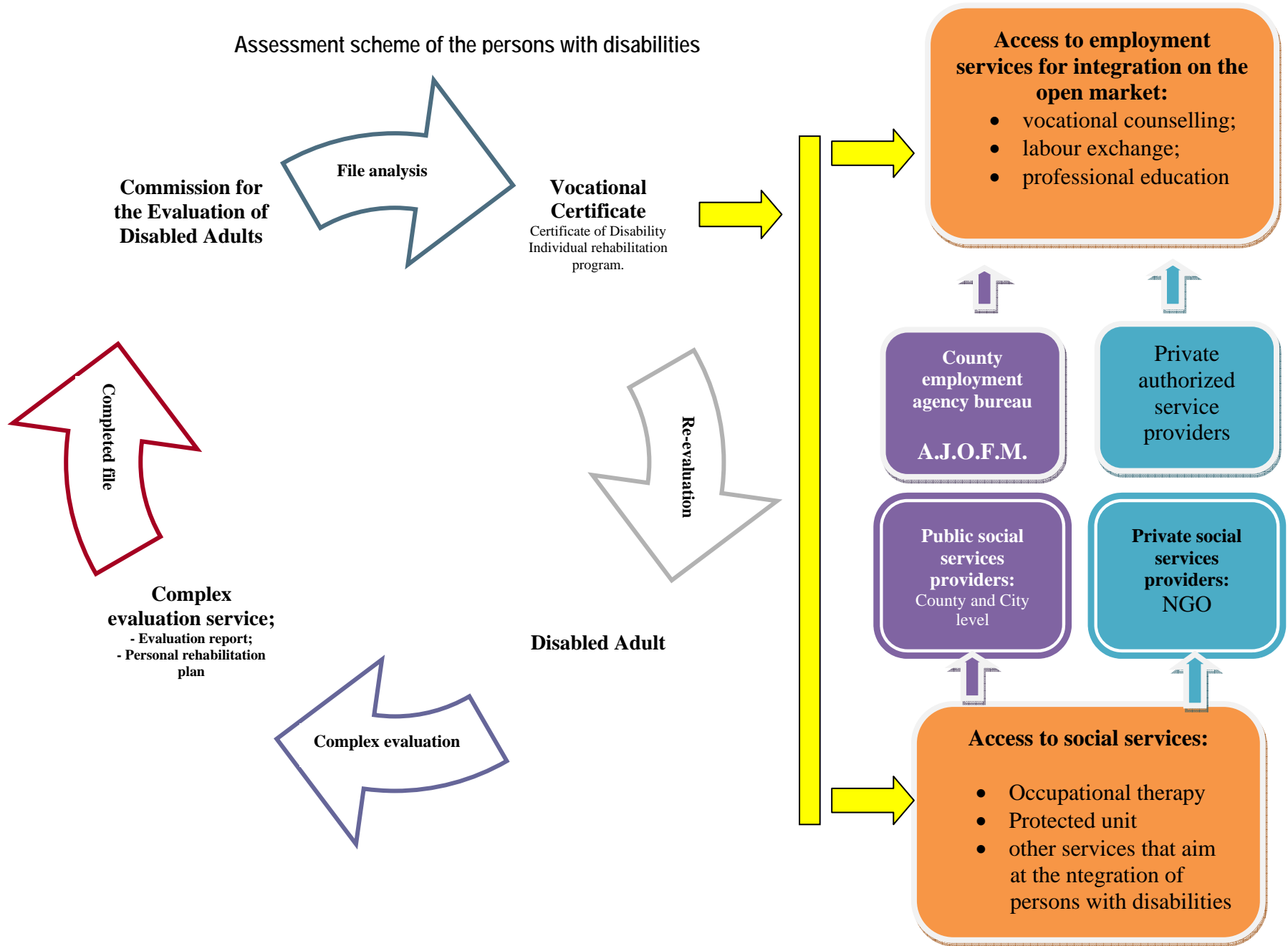
Supported employment service

Supported employment is a unique employment service for individuals who, because of disabilities, need ongoing support services in the competitive workforce. Supported employment provides assistance such as job coaches, job development, job retention, transportation, assistive technology, specialized job training and individually tailored supervision. Supported employment often refers to both the development of employment opportunities and on-going support for those individuals to maintain employment. The concept of supported employment has made it possible for individuals with moderate-to-severe levels of disabilities to become active, wage-earning members of the workforce. Vocational assessment, job search, job preparation, job placement and job coaching are components of supported employment.

A scheme of the new integrated system of vocational assessment of persons with disabilities proposed under this project is presented in Annex 2.

Annex 1

Assessment scheme of the persons with disabilities



Annex 2

The scheme of the new integrated system of vocational evaluation for people with disabilities proposed in the project "Equal opportunities on the labour market"

