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# **Case Studies on Employment of People with Disabilities in Small and Medium Sized Enterprises**

France

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**EUROPEAN FOUNDATION**  
**for the Improvement of Living and Working Conditions**

**CASE STUDIES ON EMPLOYMENT  
OF PEOPLE WITH DISABILITIES IN  
SMALL AND MEDIUM SIZED ENTERPRISES**

**FRANCE**

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# CHAPTER 1

## GENERAL CONTEXT OF THE RESEARCH

### 1.1 Summary of the General Aim

#### 1.1.1 Topical issues concerning the employment of disabled persons

Despite the legislative efforts made in most developed and developing countries to promote the employment of disabled persons, it must be said that the results to date have been very disappointing.<sup>1</sup> In every country in which national statistical data enable us to assess their level of representation in the labour force, it emerges that the percentage of disabled persons who have a proper job is significantly lower than that of able-bodied persons. Disabled jobseekers encounter more serious difficulties than others before finally obtaining employment, a fact that is reflected in far longer periods of registered unemployment for disabled persons than for other jobseekers.<sup>2</sup> Many of them ultimately abandon their job-hunting entirely after a long period of inactivity. Most of them seem to be quicker to accept “pensioning-off”, which may entitle them to receive a number of benefits, allowances or other advantages under social security legislation.

Disabled persons generally express a desire to work, and those who do work tend to express satisfaction with their employment. The “employability” of disabled persons is therefore the area where improvements are needed. An artificial and coercive improvement is brought about by measures of positive discrimination, such as payroll or recruitment quotas or laws against discrimination in the recruitment of staff, measures which many countries have adopted to increase employers’ awareness of disabled persons; there is also the “carrot” approach, whereby government wage subsidies, reduced statutory deductions and recruitment premiums are offered to employers as an incentive to recruit disabled persons. These schemes are reinforced by improved careers guidance, better vocational training and measures to prepare disabled persons for job-hunting and to support them in their quest for employment. Practical barriers to the employment of disabled persons are removed by means of specific adaptations to workstations or working hours and by technical facilities and human assistance.

Although everyone can agree on the ultimate objective, the means of achieving it are the subject of widespread debate. The proponents of quotas implicitly hypothesize that disabled persons must first enter the workplace, even if their entry is originally somewhat “forced”, if

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<sup>1</sup> N. Lunt and P. Thornton, *Employment Policies for Disabled People. A review of legislation and services in fifteen countries*. Social Policy Research Unit, York, 1993, and

D. Velche, *L’insertion professionnelle en milieu ordinaire des personnes handicapées dans l’Union Européenne: diversité ou convergence des politiques sociales?* in *Handicaps et Inadaptations - Les Cahiers du CTNERHI*, 1995, pp. 65-66, 123-157.

<sup>2</sup> S. Manilla, *Subsidized Employment for Finnish Disabled Jobseekers?* in S. Bengtsson (ed.), *Employment of persons with disabilities. Colloquium in connection with a research project. Conference paper*. Social Forsknings Intituttet, Copenhagen, 1995, pp. 174-187,

D. Velche and E. Bald, *Chômage et handicap*, in *Actes des Cinquièmes Entretiens de l’Institut Garches*. Institut Garches, Paris, 1992, pp. 129-139, and

D. Velche, *L’Emploi des personnes handicapées*, in A. Triomphe (ed.), *Les personnes handicapées en France. Données sociales - 1995*. CTNERHI and INSERM, Paris, 1995, pp. 127-250.

the working world is ever to recognize the skills of disabled persons and if disabled persons are to come to terms with the constraints of working life, in cases where they have long been out of work, or with the implications of their disability, in cases where they have only recently been stricken by it. The opponents of this “proactive” obligation, for their part, believe that the idea of recruiting anyone “as a disabled person” is legally flawed from the outset and is fundamentally at odds with the ultimate objective, since it isolates disabled employees by making colleagues doubt their competence on the grounds that the employer has used disability as a selection criterion rather than competence alone, which is deemed to be the key to employee status.

### **1.1.2 Advantages of small enterprises**

The way in which a disabled employee is welcomed seems to be crucial. It is therefore legitimate to consider one of the factors that influence the quality of the reception he or she is accorded, namely the size of the enterprise.

Firstly, the conditions of recruitment are generally different in small enterprises than in large companies. The question is to what extent these differences operate in favour of disabled candidates for employment in small businesses.

Secondly, most economic analysts are observing today that, whereas large companies are feeling the full brunt of international competition and are tending to trim their workforces in an attempt to remain competitive, small enterprises seem to be the only ones which are genuinely creating jobs. Being more versatile, they are able to take advantage of changes in the market structure. They therefore represent a potential source of employment for all types of people, including the disabled. Their dynamism cannot be ignored. While it is true that, in France at any rate, small enterprises do not possess such great employment potential as large enterprises, it is nevertheless the small businesses which are currently demonstrating the greater dynamism and which are creating more work in the service sector, where a large number of jobs do not require physical strength.

So although, as we shall see, the acquisition of employment in small and medium-sized enterprises does pose specific problems, there is no doubt that they do possess two decisive advantages in their proximity and their diversity. Their large number and the broad range of activities they offer within a single geographical area make them a potential source of employment for disabled persons whose mobility is restricted, which is the case with most of them. That is the reason why, despite all the difficulties it entails, opening this economic domain to disabled persons remains a key objective.

Lastly, in numerous countries, including France, the conditions under which the employment of disabled persons is promoted vary widely between large and small enterprises. First of all, small enterprises are rarely required to employ disabled persons, even in countries where such an obligation is one of the mainstays of national social policy. This means that we can compare two models - the obligatory system which is applicable to large companies and the less artificial operation of the system based on employability as it functions in small businesses.



It is clear that better knowledge of the particular obstacles confronted by employers and employees in this domain would be the key to more direct means of intervention than those available in relation to large companies. It may be noted in general terms, for example, that financial incentives such as recruitment premiums, reductions in indirect labour costs, the possibility of reducing wage bills, government grants to cover training and adaptation of the workplace, etc., seem to hold a far greater appeal for small businesses, provided that their acquisition does not involve an excessive administrative input. In the more difficult cases, such as employees with an intellectual disability, better conditions of integration are often observed, since the support given to that person is more personalized - sometimes, it is true, rather paternalistic or overprotective - and the assistance of external specialists in such cases is more readily tolerated and even sought.

### **1.1.3 Hypotheses, methodology and limits of the research**

Even if it is true, as Annable<sup>3</sup> noted in respect of Canada, that the adverse conditions for disabled persons cannot be entirely ascribed to a dismissive or indeed hostile attitude amongst employers, it is nevertheless a fact that employers still harbour prejudices regarding the professional competence of disabled persons and ultimately take a highly discriminatory attitude, as indeed that author freely acknowledges. In France, a research project conducted by Jean-François Ravaud and his collaborators<sup>4</sup> demonstrated categorically, and very recently too, that employers were refusing to consider applications for employment from disabled persons (paraplegics in this case) even before any telephone or visual contact had been made with the person concerned. The study established that the greater the size of the enterprise, the greater was the discrimination towards the disabled applicant.<sup>5</sup>

It is therefore essential to identify the factors that have induced employers to recruit disabled persons, particularly employers who were under no obligation to do so. A study of a number of approaches was necessary, irrespective of whether they had succeeded. Our original idea of a postal survey of numerous enterprises was abandoned in favour of a survey based on interviews in only three enterprises.

#### ***Limits of the methodology adopted***

Given our lack of knowledge of these companies' contributions to the employment of disabled persons, it was possible to conduct the survey proper without any concern as to how representative the sample might be. Moreover, the opportunities for contacting this type of enterprise were not good enough to offer any hope of collecting a sample that would reflect their diversity. Since the aim enunciated in the invitation to tender was that of achieving a better understanding of why and how employers do or do not employ people with disabilities

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<sup>3</sup> G. Annable, *Canadian job-seekers with disabilities: recent research on qualifications and experiences*, in Office des Personnes Handicapées du Québec (OPHQ) (ed.), *Elargir les horizons. Perspectives scientifiques sur l'intégration sociale*. Editions MultiMonde - OPHQ - Ibis Press, Montreal, 1994, pp. 821-826.

<sup>4</sup> J.F. Ravaud, B. Madiot and I. Ville, *Discrimination Towards Disabled People Seeking Employment*, in *Social Sciences and Medicine*, 35, (8), 1992, pp. 951-958, and

J.F. Ravaud, *Approche expérimentale de l'attitude des entreprises envers les personnes handicapées en situation de recherche d'emploi*, in Office des Personnes Handicapées du Québec (OPHQ) (ed.), *Elargir les horizons. Perspectives scientifiques sur l'intégration sociale*. Editions MultiMonde - OPHQ - Ibis Press, Montreal, 1994, pp. 827-832.

<sup>5</sup> J.F. Ravaud, *op. cit.*, 1994, p. 831.

and to examine the causes of this within the national legal and institutional framework as well as its effects, it was felt that these three interviews would suffice.

In order to study the conditions for the success or failure of efforts to integrate disabled persons into the labour force in such enterprises and to keep them there, these three case studies were therefore compiled on the basis of the content of semi-structured interviews with the people who had played a part in these decisions.

The research was to be undertaken in three phases:

- first of all, the collection and analysis of what is known in France about the conditions relating to the employment of disabled persons in the private sector (legislative context, local programmes, quantitative and qualitative findings, etc.), and especially what can be said about the specific nature of the situation as it affects small enterprises;
- secondly, a survey of employers and disabled employees in a limited sample of small enterprises in order to observe the operation of the legal and institutional mechanisms as closely as possible through actual experience of the reality and the difficulties of integration;
- finally, a comparison of the points of view expressed in the survey with the data already available on larger companies with a view to isolating the particular features of integration as it occurs in small businesses and identifying the types of intervention to be explored, if any.

On the other hand, given the limited nature of the sample under examination, a number of hypotheses that could be made about the factors which are liable to determine the behaviour of entrepreneurs would be impossible to verify. If we nevertheless refer to such hypotheses below, we do so from the perspective of the collective work on the whole set of countries participating in the research. What we cannot prove to be significant on a national scale may yet emerge as part of a significant trend in the wider context.

### ***Employment prospects governed by long-term integration prospects***

Today, whether the State chooses to impose measures on them, tries to encourage them or relies on their goodwill, employers are certainly expected to play their part, but disabled people are also required to develop their own potential to adapt to the expectations of the labour market. The available range of familiarization courses, training courses and job-hunting seminars just keeps growing. It must be emphasized, however, that although these two primary conditions - the decision of the employer and the preparation of the applicant - are the prerequisite of the first voluntary step of recruiting a disabled person, they are not enough to ensure that the aim of integration will be achieved, for integration, in other words the development of identification with the workforce and the enterprise and of recognition as a colleague and employee - is sometimes a lengthy process. In this gradual and more uncertain development, the role of other people and of the public at large is decisive, but the process cannot be forced or imposed by law, nor is it normally open to inducement in any form. However, integration is precisely the aim that must be pursued if people with disabilities are not to be directed along a path where they will soon become weary and disillusioned.

These long-term integration prospects now govern placement efforts, for job opportunities are difficult to obtain and too scarce to be squandered. In view of the impersonal standardized recruitment procedure of the large enterprises and the highly subjective face-to-face approach generally adopted by the small entrepreneur, there are good reasons for assuming that different conditions of recruitment will automatically apply in each type of enterprise. The relative impact of a newcomer on the future of an enterprise will vary with the size of the enterprise. The freedom available to the head of human resources (or personnel manager) - the employer in the case of small businesses - to shape working relations between colleagues is distinctly more limited in small enterprises. If relations are bad, the head of a small business has less latitude to put the disabled person into a different department. And fear among the workforce that the incapacities of their new colleague will be a burden on them is increased in a small business by the greater likelihood of being personally confronted with the problem. The risks of collective rejection are liable to be all the greater if every precaution has not been taken. Conversely, however, it is often argued that the "human" size of small enterprises means that the disabled person is likely to experience better support there - beginning with the negotiation of the terms of employment, because the employer will be more familiar with the constraints of the job in question than would be the case in a large company, and then as the employee begins to perform his or her daily duties, because any difficulties that arise can be more easily discussed in a small enterprise. Although it is more difficult to create a set of conditions under which people with disabilities will obtain work in a small enterprise, for those who do find such employment the integration process is more natural.

### ***Problem of information deficits***

Since they are more directly targeted by official information and the promptings of the labour authorities in the various *départements*, and even by the campaigns of AGEFIPH and the placement programmes run by the *départements*, it may be said today that large enterprises are well on the way to obtaining as much information as they require in this domain. The same is not true of the owners of small and medium-sized businesses, and numerous surveys have shown that neither they nor their disabled employees are very familiar with the various forms of assistance available to them.

Given this lack of information through official channels, the first hypothesis that we had reason to pursue was that the inclination to accept the idea of employing a disabled person or to give a permanent contract to a disabled person who is already on the payroll depends far more on favourable past or present experiences with such employees than on the nature or seriousness of the disability or even any financial assistance on offer. We believed that the employer would regard it as a measure to which he had personally committed himself rather than as a company policy dictated by statutory obligation or official encouragement or assistance. It must, however, be admitted that the resources which have been made available from the fund managed by AGEFIPH have done much to ensure that small enterprises are becoming progressively more aware of the means of assistance to which they are entitled if they recruit disabled persons.

### ***Sectors of activity***

Access to employment or continuation in employment depends, as we have seen, on the enterprise having the technical facilities to meet the particular needs of people with disabilities. This being the case, not all sectors of activity are equally well equipped to satisfy that requirement. The level of initial training of employees determines their chances of permanent employment. We therefore took as our second hypothesis the idea that acceptance of disabled workers by small and medium-sized enterprises depends on the sectors of activity of the enterprises and especially on the technological plane on which they operate, recourse to technical aids being limited by the extent to which enterprises are already equipped with such facilities, on the average level of training required by the enterprise and on the “professional culture” to which it subscribes. On this last point, it is impossible to disregard the customs which govern relations between employees and employers in certain occupations, relations which are often based on social status. These unwritten traditions, sometimes inherited from the guilds which regulated working practices under the *Ancien Régime*, play a role in small French enterprises that is akin to that played by trade union representation in large companies. Disabled persons who are not steeped in this common professional culture, in other words those stricken by disability before they had amassed any professional experience, will find it more difficult to gain access to sectors of activity governed by custom.

Unfortunately, the constraints on the survey (in terms of time and the number of case studies) will not allow us to verify this hypothesis. It would take a more extensive study to provide any clear indications on this point. Besides, it must be conceded that certain jobs, such as secretarial posts, are fairly independent of the technology or professional structure that dominate the enterprise. Nevertheless, we shall look for evidence of this factor in the available statistical data and in the few studies that have been compiled in France on small enterprises.

### ***Individual characteristics***

There is one dimension that cannot be ignored, namely the characteristics of the disabled person and the manner in which he or she manages the relationship between disability and employability. There is in fact a great deal of evidence that some people who have met with accidents have delayed their return to work, sometimes without full justification and with damaging consequences for themselves, while others have rushed back to work to the detriment of their health, thereby running the risk of relapse or deterioration. The greatest difficulty encountered by local placement agents and all those who help to provide access to employment for disabled persons lies in forming a realistic judgement of their professional potential: some disabled persons make light of their inexperience, while others are too timorous and have no belief in themselves; many people who have met with accidents find it difficult to accept their new physical limitations. This inability among disabled workers and job applicants to change the way they see themselves is a source of conflict between them and their employers and colleagues.

But other factors also intervene - age, sex and qualifications.<sup>6</sup> The “employability” of disabled persons falls sharply as their age increases.<sup>7</sup> Like all other young people, of course, young disabled persons suffer from their lack of experience. Women, for their part, have greater difficulties than men.<sup>8</sup> The most general problem, however, is that of a lack of training among people with a disability, whether congenital or acquired in childhood or adult life, and this deficit impairs their prospects of adapting to developments in the labour market.

With regard to the role of the disability, we hypothesize that the decision to engage and/or retain the services of a disabled worker is determined to a greater extent in small and medium-sized enterprises by the employer’s perception of the impact that the worker’s disability will have on the general morale of the workforce and on working relations than by objective considerations regarding production quality. Even though quality does have a part to play, any shortcomings can be rectified or minimized by cooperative arrangements if the disabled person is appreciated and plays a useful role, but this will not happen if relations deteriorate.

Once again, it will be difficult to substantiate these hypotheses on the basis of the small number of cases studied. Where statistics are available, they will be analysed, but we are well aware that there will be little prospect of our being able to differentiate between small and large enterprises.

## ***1.2 The French Context***

The legal provisions adopted in France have gradually evolved over the past decade from a sham obligation, a dead letter, into a realistic approach to the problem, whereby the employer is given the option of various means to the same compulsory end. If he himself does not employ disabled persons at all or does not employ a sufficient number of them, he may help to improve the “employability” of disabled persons by contributing “voluntarily” to a mutual fund, a new - albeit artificial - expression of a sort of collective responsibility incumbent on employers in this domain.

This change of political outlook means that a more active search for effective solutions is starting to take the place of conscience-salving formalities. It involves exploring all the avenues that might lead to increased participation by disabled persons in economic life. This transcends mere compliance with a formal obligation and will therefore tend to enlist the aid of companies whose smaller size exempts them from compulsory recruitment of disabled staff.

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<sup>6</sup> D. Velche, *L'insertion professionnelle des personnes handicapées : facteurs d'échec et de réussite*, in *Actes du 116ème Congrès national des Sociétés savantes, Section Histoire de la Sécurité Sociale. Les invalidités ou handicaps. Chambéry, 29 avril - 4 mai 1991*. Association pour l'Etude de l'Histoire de la Sécurité Sociale, Paris, 1992, pp. 361-377, and

D. Velche, S. Kevassay (with contributions by E. Bald), *Emploi / Non emploi des personnes handicapées : déterminants et conséquences. Rapport de CRE remis à l'INSERM*. CTNERHI, Paris, 1995.

<sup>7</sup> D. Velche and E. Bald, *Chômage et handicap*, in *Actes des Cinquièmes Entretiens de l'Institut Garches*. Institut Garches, Paris, 1992, pp. 129-139.

<sup>8</sup> D. Velche, *L'Emploi des femmes handicapées : situation en France et comparaisons internationales*. Contribution to the European colloquium on the vocational training and employment of women with a disability, organized by Protheus in Kortrijk, Belgium, on 26 March 1993.

### 1.2.1 French legislation on access to employment for disabled persons

Since the beginning of the 1980s in France there has been an observable rekindling of interest in the integration of disabled persons into the ordinary working environment. Since the beginning of the century, of course, France has had laws designed initially to promote the employment of the war-wounded but subsequently extended to those permanently incapacitated by industrial accidents and then gradually to all persons with functional incapacities, but these laws generally appear to have been largely ignored or applied at the sole discretion of enterprises as a means of continuing the employment of their staff who had sustained serious injuries or contracted incapacitating illnesses.<sup>9</sup> For the others, cast aside in large numbers, there was only inactivity and a pension based on their employment record,<sup>10</sup> a pension which was no higher than the barest subsistence level in most cases and which did little to promote social integration, since it created a chasm between disabled persons' standards of living and those enjoyed by their fellow citizens; the alternative - because it was relatively simple - was a job in a special workshop for the disabled.

The transformation of economic conditions since the first oil crisis of 1974 has certainly played a decisive role in changing attitudes. Although successive French Governments, by rekindling interest in the integration of the disabled into the mainstream working environment, were responding to criticisms of the legislation in force at that time and aligning themselves foursquare with internationally accepted ideas, their primary motivating factor was undoubtedly an awareness that society could not continue indefinitely to bear the full cost of supporting a population that was continuously growing as a result of increased life expectancy at a time when the hitherto constant and strong economic growth was tailing off. The first step was to ask enterprises to help finance the workshops for the disabled by subcontracting work to them,<sup>11</sup> but this was insufficient, and it became essential to remodel the old employment obligation in a bid to make it effective.

#### *Reformed legislation on mandatory employment*

The law of 1987 therefore replaced the old system of mandatory employment established in the aftermath of the First World War and revised in 1957. It imposes an obligation on all public or private industrial or commercial establishments with 20 or more employees to have at least 6% of their posts filled by disabled persons. The beneficiaries of this law are not protected against dismissal as their German counterparts are, but they are entitled to twice the normal period of notice in order to have more time to seek alternative employment. One way of complying with the obligation, if the establishment concerned does not have the required quota, is for the company to contribute "voluntarily" to a fund for the integration of disabled persons administered by the non-profitmaking body AGEFIPH.<sup>12</sup> The fund serves nowadays to finance various awareness campaigns, training courses and adaptation measures designed to promote

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<sup>9</sup> D. Velche, *Les personnes handicapées face à l'emploi en France : les effets de la loi de 1987*, in Office des Personnes Handicapées du Québec (ed.), *Elargir les horizons. Perspectives scientifiques sur l'intégration sociale*. Editions MultiMonde - OPHQ - Ibis Press, Montreal, 1994, pp. 801-812.

<sup>10</sup> The amount of these benefits varied in accordance with whether they were paid from social security, in the case of those who had always been unemployed or were in the lowest income bracket, or from employees' social insurance; within the latter scheme, a higher pension was payable to those whose disability resulted from an accident at work.

<sup>11</sup> This option came into effect in 1978.

<sup>12</sup> Association nationale de Gestion du Fonds pour l'insertion professionnelle des handicapés (National Association for the Administration of the Fund for the Professional Integration of the Disabled).

the integration of disabled persons into the mainstream working environment or to improve the “employability” of the more severely disabled, so that they too will be ready to enter the labour market in due course. A total of 2,682 million francs was disbursed from the fund in 1995.

The philosophy underlying the legal mechanism has three new aspects:

- adoption of the same level of obligation for the private and public sectors (from 1964 to 1987, the public sector only had a 3% quota to meet, while private enterprises with 10 or more employees had to achieve 10%);
- abandonment of a purely formal approach to the problem (compulsory procedure) in favour of a considerably more pragmatic approach aimed at achieving specific results in terms of employment (compulsory results):
  - abandonment of the 10% quota, a legacy of the immediate postwar years, in favour of a 6% quota that is more in line with the current situation;
  - greater flexibility for the enterprise to choose the most effective way in which it can contribute to the employment of disabled persons (subcontracting agreements with special workshops for the disabled up to the equivalent of 50% of the total obligation; works, company or sectoral agreements as a means of planning the gradual introduction of facilities for the disabled instead of simply stating that disabled employees cannot be properly accommodated; option of paying a voluntary contribution to the fund administered by AGEFIPH, thereby helping to create future jobs for the disabled);
- preferential promotion of the employment of those persons who, because of the serious nature of their disabilities, their age or their previous record, are regarded as the most severely disabled by means of a weighting system whereby each beneficiary is credited with a number of points (from 1 to 5.5) on the basis of a cumulative needs assessment.

### ***Other provisions in force***

Other laws and regulations relating to disabled persons in French enterprises must also be considered if we are to present a comprehensive account of the situation of these particular employees in the context of the workplace.

The framework law of 1975, for example, provides for a whole series of measures to help anyone recognized by their local COTOREP<sup>13</sup> as a “disabled worker”: free access to vocational training, free personal assessment profiles and careers guidance, free assistance for employment applications if they are classed as priority applications by the National Employment Agency (ANPE), free support in the working environment, etc. Moreover, the disabled workers recognized by the COTOREPs are an integral part of the body of potential beneficiaries of the 1987 Act. They may be found in enterprises with fewer than 20 employees if they have applied for recognition after being recruited, possibly in order to enjoy the benefits granted by the law, although the employees of small businesses are not counted as beneficiaries of the 1987 Act because it does not apply to such businesses. At all events, disabled workers

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<sup>13</sup> Commissions techniques d’orientation et de reclassement professionnel (technical commissions responsible for the registration and assessment of disability).

recognized by a COTOREP are included among the priority groups of jobseekers when they register with ANPE.

The third piece of legislation is even older. It is the Accidents at Work Act, which dates from 1898. Since 1930 any workers to whom an industrial accident pension has been awarded may also benefit from free professional retraining, and since 1946 they have been eligible for free redeployment assistance. Since 1955 they have also been covered by the legislation on compulsory employment, which was originally enacted in 1924 for war invalids, and were granted a 3% share of the 10% quota adopted at that time. Today they represent the main group of beneficiaries of the 1987 Act (51% of the total number), although their entitlement depends on their having been awarded a pension after the establishment of a permanent incapacitation of at least 10%. This same group is also accorded priority treatment by ANPE. Where an accident at work has had serious after-effects, there is no absolute obligation to redeploy the victim within the enterprise where he or she suffered the accident, but the employer is obliged, after receiving the opinion of a specialist in occupational medicine, to try to find another post for the employee in the enterprise, commensurate with his or her abilities and as closely equivalent as possible to the previous post, before redundancy procedure may be initiated.<sup>14</sup> Needless to say, this type of relocation rarely occurs in small enterprises, but an employer will often go beyond his legal obligations in the case of an employee whose skills he has come to appreciate.

### *Synergetic effects*

The laws that govern disabled persons' access to employment today, the Acts of 1975 and 1987, are intertwined. The mechanism established by the first law defines the procedures for assessment, career guidance, training, a system for guaranteeing resources and the rules governing workshops for the disabled. The second law has revised the old employment obligation of 1957 by changing the focus of that obligation from a specific procedure to a specific result by means of several innovations: flexibility of fulfilment (subcontracting to workshops for the disabled; works, company and sectoral agreements; voluntary contributions to AGEFIPH); a weighting system for beneficiaries based on the observed level of difficulty experienced by the various categories of disabled person in obtaining work; the creation of a development fund for the professional integration of the disabled, administered by AGEFIPH and funded by the voluntary contributions of enterprises that do not meet their 6% employment quota.

Although the heart of this legal mechanism consists of statutes dealing solely with disabled persons and although the specialized institutions and services play a leading role in the implementation of the prescribed measures, the emphasis in the 1980s and 1990s has been on the use of those structures and services that are available to the population as a whole and on the measures needed to open them up to disabled persons, be it in the domain of education, of training or of assistance for jobseekers, but the results, it must be said, remain very modest.

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<sup>14</sup> Y. Chauvy, *Portée de l'avis médical d'inaptitude totale dans la justification d'impossibilité de reclassement du salarié victime d'un accident du travail*, in *Droit Social*, 1991, pp. 9-10, 663-670.



### **1.2.2 Conditions for disabled persons in practice**

The results of the implementation of the 1987 Act have been both disappointing and encouraging:

- disappointing, because the targeted quota of 6% is far from having been achieved after seven years, the latest figures being 4.11% in terms of beneficiary units (i.e. the numbers in individual groups multiplied by the weighting coefficients) and 3.24% in terms of actual people employed (247,900 beneficiaries out of a total of 7,650,000 posts in the 85,023 commercial and industrial establishments covered by the Act, which works out at an average of 2.9 disabled persons per establishment); another disappointing feature is that 37% of the establishments concerned did not employ a single disabled worker in 1994, and only 36% met or exceeded their full quota of 6%; lastly, it is disappointing to note that the total number of beneficiaries fell by 6,600 from 1993 to 1994, having already shown a drop of 200 in relation to 1992;
- encouraging, because in 1994, in a period of recession when enterprises were continually trimming their payrolls, 9,872 disabled workers were nevertheless recruited (a 14% increase on the 8,430 recruitments in 1993) and because the main beneficiaries were people who had long been excluded from the working world: disabled workers recognized by COTOREP (87% of the 1994 recruitments) and particularly the most severely disabled (categories B and C accounted for 80% of the recruits from that group); another encouraging feature is that, since the Act came into effect, the percentage of the total labour force who belong to the most severely disabled categories has been steadily increasing, most of the leavers being victims of occupational accidents who have gone into retirement, many of whom had relatively slight disabilities.

### **1.2.3 Employment of disabled persons in small enterprises**

#### ***Specific features of small and medium-sized enterprises in France***

In the case of the redeployment of workers whose disability has been acquired while working, particularly through an occupational accident, recognition as disabled workers is assured from the outset, except in cases of initial disagreement. On the other hand, two factors intervene in the two-stage process of placement and integration (reintegration) described above. One factor is the quality of relations between the newly disabled employee and his employer, especially in terms of mutual responsibilities; the other factor is the way in which the image of the person is reconstructed in the course of time within the reintegration process, in other words the way in which the employee concerned reacts to the new status implicit in his incapacities in dealings with his colleagues and, on the other side of the coin, the way in which the latter accept the sense of insecurity with which their colleague's accident confronts them every day. These two factors are strongly influenced by the size of the enterprise. Trade union mediation and the formal codification of industrial relations regulate the tensions between employees and employers in large enterprises, and it is easier there to redeploy someone to another workshop or department if he or his old colleagues cannot cope with the idea of his being disabled. In small enterprises, conversely, personal links with the boss and the solidarity that derives from working close together may be the key to seeking and finding solutions that are less offhand than the application of collective agreements and labour legislation.

Another of the effects of the size of enterprises is also their capacity to absorb without difficulty the technological problem posed by the presence of disabled persons (whether recruited or kept on the payroll after injury). First of all, the range of activities in which a small enterprise engages is not always as broad as in the case of large enterprises. For example, enterprises based essentially on a team of manual workers (as in the building trade) do not have many office jobs to which a disabled person could be redeployed (the rehabilitation of manual workers as office staff is rarely possible because of their lack of educational qualifications); the small high-tech service enterprises, for their part, will not necessarily have any posts that would suit someone with moderate educational qualifications or someone who has lost some of his intellectual capacity, for example as the result of a cranial injury. This relocation would be easier in large companies in the same sectors. Moreover, in many small companies versatility is often demanded of employees, but adaptability cannot always be expected of disabled persons on account of their incapacities. This problem is made all the more crucial by the fact that the “teams” operating in small businesses often have few members and might even comprise one employee, which makes it difficult to introduce new permutations in response to changing circumstances. Small enterprises rarely have the means to analyse jobs in order to adapt job profiles to the physical limitations and incapacities of their employees; hence the fear that disabled employees may be expected to do work that is dangerous or harmful to their health. Finally, the dimensions of buildings, especially if they are old, often prevents small enterprises from planning the modifications required to make them accessible if they are not accessible from the outset.

### ***The place of small and medium-sized enterprises in the French system for promoting the employment of disabled persons***

There is certainly a chance of finding a significant number of disabled persons working in small or medium-sized enterprises in France, either as a direct or indirect result of the 1987 Act or because of the efforts undertaken by the bodies that were established by the 1975 Act, or else by virtue of the protection afforded there to victims of occupational accidents. But whereas the very large enterprises readily refer to their efforts on behalf of disabled persons and even use them as selling points in their advertising, not much is known of the contribution made by smaller companies to the pursuit of this national objective.<sup>15</sup>

The first reason for this lack of knowledge is the difficulty involved in collecting representative statistics. While the large companies have effective systems for managing their workforce, are familiar with data-collection procedures and have enough staff to provide an instant representative sample for statistical analyses, small companies are difficult to reach and have so many individual characteristics that the number of approaches which would have to be made before a large enough sample of employees was obtained for statistical analyses would entail prohibitive investigation costs - and all for results which, in many cases, would be modest and might well be unrepresentative.

The second reason for this lack of knowledge regarding the contribution of small enterprises to the employment of disabled persons is that these enterprises are, in general - and this applies especially in France - less concerned by legal and administrative constraints, particularly with

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<sup>15</sup> S. Yeh Zheng, *Préetudedes facteurs positifs et négatifs à l'embauche de personnes handicapées auprès des entreprises du Nord. Entreprises de moins de 20 salariés*. Ecole centrale/Compétences, Lille, 1993, and P. Greppo and N. Nivelon, *Etude de sensibilisation des entreprises de la métropole à l'emploi des personnes handicapées*. EDHEC, Lille, 1986.

regard to the composition of their workforce and the terms of employment they offer. They are also less frequently inspected, which leaves more scope for “arrangements” regarding their legal and social requirements<sup>16</sup> and makes them particularly hostile to external investigations.

Moreover, in France, as in most of the countries where a quota has been adopted, very small enterprises (meaning those with fewer than 20 employees here) are not subject to an employment obligation, because it is generally recognized that this cannot be imposed without jeopardizing their survival; they are therefore under no obligation to submit any information on the disabled persons they employ. Consequently, the authorities have no direct means of knowing how many disabled persons are actually employed in small businesses. Nor is it certain, indeed, that employers really consider the question of their employees’ incapacities. If these are not obvious conditions such as paraplegia, blindness or deafness, it is probable that neither the employer nor the employee will readily regard them as entitling the latter to the social status of a disabled person. The fact is that most disabilities in the workplace are back problems, joint problems and a variety of other conditions of which only the effects are apparent, and even they will ultimately be difficult to identify if the worker copes well with them. A specific approach is therefore necessary if we are to evaluate the contributions made by this sector of the economy to the entry of disabled persons into working life, the motivating factors and conditions that govern their access and the stumbling blocks to their eventual integration.

### ***Small enterprises and the implementation of the 1987 Act***

Enterprises with fewer than 20 employees can obtain assistance from AGEFIPH, which was created under the 1987 Act and given responsibility for all actions designed to promote the recruitment or continuation in employment of disabled persons in such enterprises (recruitment premiums for them and for their disabled employee, assumption of all or part of the cost of the employee’s training and of the adaptation of facilities for use by a disabled person, etc.). In 1993, 56% of the amounts of aid provided by AGEFIPH were allocated to enterprises with fewer than 20 employees (41% to recruitment premiums and 15% to various measures to promote the employment of disabled persons),<sup>17</sup> and in 1995 almost 23,000 disabled workers were recruited by enterprises with fewer than 20 employees as a result of these measures (representing 68% of disabled recruits, 3% more than in 1994).<sup>18</sup>

In 1995, 42% of the funding devoted to employment promotion measures was allocated to businesses with fewer than 20 employees which are under no obligation to employ disabled persons (compared with 36% in 1994). Small enterprises have particularly benefited from the recruitment premiums. In 1994 they accounted for 68% of all enterprises to which premiums were paid.<sup>19</sup> This demonstrates that the bulk of the new recruits (those involving the premium) are being employed by these small enterprises.

As for the 54,000 small enterprises (1993 figure) which are required to employ disabled persons (i.e. those with 20 to 49 employees), official statistics reveal that more than half of them do not employ a single beneficiary, while most of the remainder meet their obligations by

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<sup>16</sup> Such “arrangements” are often adopted for the benefit of the employees themselves.

<sup>17</sup> AGEFIPH, *AGEFIPH*. Paris, 1994, vol. 1, pp. 1-2.

<sup>18</sup> Délégation à l’Emploi, *L’emploi des travailleurs handicapés en 1994 et 1995. Rapport sur l’exécution de la loi du 10 juillet 1987 en 1995*. Ministère du Travail et des Affaires sociales, Paris, 1996.

<sup>19</sup> AGEFIPH, *Rapport d’activité 1995*. AGEFIPH, Paris, 1996.

employing their full quota of 6%.<sup>20</sup> By contrast, the larger enterprises only partly meet their obligations by means of direct recruitment but generally do have some disabled employees. This all-or-nothing situation makes it particularly crucial to discover what employers see as the advantages and disadvantages of employing disabled persons and to obtain information about their skills and the ease with which certain technical obstacles can be surmounted.

The latest data available on the implementation of the 1987 Act in 1994, however, show that the employment rate in establishments with 20 to 49 employees, at 3.38%, was distinctly lower than the rate recorded for all establishments (4.11%). Furthermore, the employment rate for these small enterprises declined in relation to 1993, when it stood at 4.48%. Two hypotheses may be advanced to explain this decline. The first is that the disabled persons whom enterprises had previously employed in order to benefit from the numerous incentives on offer would have been the first to go when the company's economic situation worsened, but the evidence at our disposal suggests that almost 70% of the disabled persons recruited under the 1987 Act are still employed. The second hypothesis, which our sources consider more plausible, is that in small enterprises, the only businesses that are doing any real recruitment today, the growth in the recruitment of "able-bodied" staff is outstripping that of disabled staff.

### ***1.3 Characteristics of the Parties Concerned***

#### **1.3.1 Definitions and characteristics of the various disabled groups**

##### ***Definition of disability***

In France, the definition of the disabled persons to whom the question of access to employment in small enterprises relates poses a particular problem. In fact, several pieces of legislation overlap but do not apply to exactly the same target group. Moreover, all first-hand accounts tell us that the disabled person who is truly integrated into the working environment is the one whose handicap has disappeared. Inevitably, references are made in that context to the third level in the international classification of disabilities adopted by the World Health Organization and in particular to the term "social disadvantage", which can apply irrespective of specific deficiencies or incapacities. So in many cases an employee will only be identifiable as disabled during the brief period following his recruitment, for as long as people remember the specific help or facilities which he needed or which were under discussion, even if they were never used or adopted.

This means that we in France shall never have a comprehensive panoramic view of the employees with disabilities who work in these small production units.

- For one thing, many people whose deficiencies or incapacities are clearly recognized by the medico-social system try to make others "forget" their disability or hide it in public life because they feel that bringing it into the open would be to their disadvantage and would even ruin their employment prospects.
- Another point is that certain employees exhibit objectively identifiable functional defects that are particularly obtrusive in the working environment, but they do not identify

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<sup>20</sup> D. Velche, *L'emploi des personnes handicapées*, in A. Triomphe (ed.), *Les personnes handicapées en France. Données sociales - 1995*. CTNERHI and INSERM, Paris, 1995.

themselves in any way with the social group of disabled persons, a group for which there is a network of associations, professional experts and resource centres as well as a common stock of general and special statutory instruments and administrative initiatives, to some extent even a specific “culture” and language, so in other words there is a mass of practice and theory focusing on deficiencies, incapacities, social disadvantages and systems of reparation and compensation which, along with the examination of discriminatory attitudes, helps to create unity as well as division.

So we see here that self-categorization cannot be the operative criterion, since many disabled job applicants or employees who are under no compulsion to make their disability known prefer to conceal it or let it sink into oblivion in order to avoid exposure to prejudice, which is perfectly reasonable.

Conversely, administrative categorization, apart from the fact that it proceeds along a variety of paths based on criteria which - to say the least - are not harmonized, does not cover all eventualities, most notably that of occupationally induced premature physical decline and a number of minor deficiencies that will only result in incapacity in the context of strenuous working conditions.

This being the case, which people will our study consider ?

The nucleus of the population concerned may be defined on the basis of the Act of 10 July 1987 for the promotion of the employment of disabled workers. This statute effectively specifies that the beneficiaries of its provisions (primarily mandatory employment) will be the following:

- persons who have previously been recognized as “disabled workers” by COTOREP, the technical committee in each *département* responsible for the registration and assessment of disability which was instituted by the Act of 30 June 1975 to support the disabled;
- victims of occupational accidents or diseases, if either of these has resulted in a permanent partial incapacity of at least 10% for which they have been awarded a pension;
- recipients of an invalidity pension, provided that the invalidity reduces their working or earning capacity by at least two-thirds;
- recipients of military invalidity pensions and people in related categories (war widows and orphans, victims of armed attack, etc.)

We shall pass over the last two categories, which cover small numbers of people, but the first two provide quite useful reference frameworks.

### ***The “disabled workers” recognized by COTOREP***

The first reference framework is that established by the Act of 30 June 1975. It defines disability in terms of health administration: those persons shall be deemed disabled, it states, who have been recognized as such by the special committees established under the Act - the famous COTOREPs referred to above.

These committees rely on a “manual for the evaluation of the deficiencies and incapacities of disabled persons”, which the COTOREPs have used since 1993 in place of the old “invalidity schedule of the Code of Military Invalidity and War Victims’ Pensions” with the aim of applying the concepts underlying the WHO international classification. These committees, however, have fairly wide powers of discretion in assessing the effect of these deficiencies or incapacities on a person’s ability to work or to obtain employment, an assessment which takes account of the opinion of a specialist in occupational medicine, the results of an examination by an occupational psychologist and social data collected by the social security services, but also of information obtained in an interview with the person concerned and his family.

In 1994 (latest available statistics) a total of 99,160 persons (40% of all recognized disabled workers) were beneficiaries of the employment obligation, working in industrial and commercial establishments with 20 or more employees in the private and public sectors. To this figure must be added around 9,000 disabled workers in government service, perhaps a thousand in the public hospital service and perhaps as many again in the devolved authorities (administrations of the communes, *départements* and regions).<sup>21</sup>

Through its recognition of people as disabled workers (initial decisions, excluding renewals), COTOREP channelled around 35,000 persons into the mainstream labour market in each of the years 1994 and 1995, although that certainly does not mean that they will actually find and keep a job.

In fact, about 80,000 of those who applied for jobs in 1994 were registered disabled workers (representing about 2.4% of the unemployed persons registered with the national employment agency ANPE<sup>22</sup>), but the average time they spend in the jobs queue is 60% longer than for other jobseekers, and they often disappear from the statistics by simply abandoning all efforts to find work (30% of the disabled jobseekers removed from the unemployment register had found work, as against 40% of all jobseekers).

In fact, during 1994, only about 8,600 disabled workers recognized by the COTOREPs obtained their first job under the 1987 Act. On the other hand, however, this category of French worker benefits from employment-policy measures adopted for those sections of the population which experience the greatest difficulties in finding work. Between 20,000 and 25,000 of them benefited in 1994 and 1995 from the *contrats de retour à l’emploi* (back-to-work contracts) and the *contrats initiative emploi* (jobs-initiative contracts), representing 10% of the beneficiaries of these schemes, which provide employment, generally for a fixed term (maximum of two years), with exemption from all or part of the employer’s statutory contributions. It should be noted that the vast majority of these contracts are concluded in establishments with fewer than 20 employees.<sup>23</sup> To these must be added a large percentage of the group of jobseekers who were potential beneficiaries under the 1987 Act - more than 40,000 people in 1994 and again in 1995 - and who were employed by the non-profitmaking or public community organizations on work-and-welfare contracts (*contrats emploi-solidarité*<sup>24</sup>). Unfortunately, although all these instruments are a means of keeping people in touch with the

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<sup>21</sup> This statistical vagueness results from the absence of recent comprehensive figures on the employment of disabled persons in these domains (Velche, 1991, 1995).

<sup>22</sup> Memorandum on unemployment.

<sup>23</sup> Délégation à l’Emploi, *L’emploi des travailleurs handicapés en 1994 et 1995*. Ministère du Travail et des Affaires sociales, Paris, 1996, p. 30.

<sup>24</sup> Temporary part-time contracts which include training.

working environment or of promoting their return to work, their short duration does not do anything to ensure the continuity and income level provided by a permanent job. It does seem, however, that for some of these disabled workers the succession of “special” contracts does eventually lead to a permanent contract, which, in the French tradition, is the only one considered to represent a real job.

The number of these disabled workers recognized by COTOREPs who are actually employed or seeking work is not known, in spite of all the evaluation efforts undertaken to date. Nevertheless, they do greatly exceed the number of beneficiaries of the employment obligation. The characteristics of the disabled workers registered under the 1987 Act are as follows (1994 figures): 67% of them are men, compared with 76% of all beneficiaries; they are considerably younger than the average beneficiary (43% of them are under the age of 40, as opposed to 28% of all beneficiaries); they tend to be either manual (53%) or white-collar workers (32%); they are mainly employed in the service sector (49%) and in industry (44%), which means that they constitute 48% of all beneficiaries in the service sector and 37% of those in industry.

### ***Victims of occupational accidents***

The Act of 9 April 1898 on Accidents at Work was the first major piece of social welfare legislation in France. It underwent several amendments, in particular its extension to occupational diseases in 1919, before finally being integrated in 1946 into the general social security system; it has, however, retained special features which distinguish it from the other social security mechanisms. A superior level of protection is accorded to those whose disabilities were acquired at work than to any other people with equivalent disabilities (Dorion, 1992). The victims of accidents at work have been entitled to free occupational retraining since 1930 and to occupational redeployment assistance since 1946 and have benefited since 1955 from the employment obligation incumbent on enterprises (Velche, 1991).

The Act of 7 January 1981 lays down rules to protect the jobs of employees who suffer occupational accidents or contract occupational diseases and seeks to maintain contractual relations during the period of absence from work and after the victim has returned to work. It is the first statutory instrument to address the question of the social future of occupational-accident victims. The Act does not impose a hard and fast obligation on the employer to redeploy such employees, because there is scope for termination of the contract if the employer cannot find any means of offering alternative employment (Dorion and Lenoir, 1991). Employers are still too often inclined to opt for termination rather than redeployment if they can exercise the former option without too much difficulty. Bruno Gendron (1991) wryly remarks that employers, who administer their enterprise in a rational and economical manner, take a subjective and irrational attitude when it comes to disabled persons to the extent that they associate disability with the idea of a handicap or liability and with low productivity, which is not necessarily the case.

The importance of preparation for the return to work is often emphasized (Weber *et al.*, 1991; West *et al.*, 1990). Mediation between the victim who wishes to return to his job and the enterprise is essential. The enterprise often has to be given advice and support in assessing how “employable” its worker has now become. The latter has to be helped to recognize his limitations and accept the idea of a fresh start in his working life. That ordeal, experienced by the employee as a last chance to ward off the danger of marginalization and loss of status, is a

source of anguish to the accident victim, all the more so since his months of hospital treatment and retraining have kept him away from his working environment (De Labarthe and Blaise, 1992). An evaluation study following a pilot scheme for a specialized reintegration structure for victims of occupational accidents and diseases highlighted a host of obstacles to reintegration, especially in cases where work is resumed with no alteration of the workplace or job profile and contrary to medical advice (Durandet *al.*, 1987).

Disabled victims of occupational accidents may benefit from the assistance provided to all disabled workers by the redeployment preparation and monitoring teams (EPSRs), but only if they have approached their local COTOREP, which is responsible for selecting the beneficiaries of such guidance. The fact that occupational-accident victims account for 16% of the clients of the EPSRs (Velche, Champenois, Bald and Kevassay, 1993) whereas they constitute a far smaller percentage of those who apply to the COTOREPs for recognition as disabled workers, suggests that the latter application is only made in the event of serious redeployment problems and especially as a means of qualifying for assistance from an EPSR. However, the practice of compensating victims for occupational accidents only takes account of the objective of redeployment and reintegration to a minimal extent, even though the pursuit of that objective would help to ensure that the disabled worker did not remain in a situation that was liable to lead to marginalization. It may be argued that, as was demonstrated in the case of the long-term unemployed (Demazière, 1992), the whole process amounts in fact to a reconstruction of the victim's "identity". About one and a half million occupational accidents are declared and recognized every year in France. Half of them result in sick leave and more than 65,000 in the recognition of permanent partial or total incapacitation. The number of recognized accidents occurring on the way to work is close to 85,000, of which almost 15,000 result in permanent incapacitation (*Liaisons Sociales*, 1990, 1992).

The distribution pattern of occupational accidents does not show an even spread among the various categories of worker. "Blue-collar" workers (apprentices, unskilled labourers, skilled tradesmen) accounted in 1990 for 40.6% of all employees and 80.8% of all accident victims. The accident frequency rate (the number of registered accidents in relation to the number of hours worked) was 52.2 for blue-collar employees and 9.5 for white-collar employees. Unskilled labourers seem to suffer more serious accidents (24% of the labour force, 46.7% of all accidents that result in early retirement, 48.7% of all recognized permanent partial incapacities) than skilled tradesmen (15.1%, 31.9% and 25.2% respectively). Executive staff, technicians and supervisors are less vulnerable (5.4% of the accidents that result in early retirement, although they represent 30.1% of the labour force), but they account for a larger percentage (11.9%) of those recognized as having permanent partial incapacities. Should we infer from this that the injuries they sustain are more serious, or are they more adept at obtaining official recognition of their incapacities? (*Liaisons Sociales*, 1990, 1992)

### **1.3.2 Definitions and characteristics of small enterprises**

The concept of a "small or medium-sized enterprise" is clearly relative. It depends on the way in which economic activity is structured in the country in question. This criterion, which is purely economic itself, is difficult to lay down, because it ought, strictly speaking, to vary from one sector and industrial area to another. In order to overcome that particular problem, we have chosen to rely on another yardstick, namely the legal criterion, which, in France, seems to enshrine a sort of consensus regarding the capacity of an economic structure to integrate into



the organization of its activity a number of social constraints arising from the community at large. And so it is by recognizing one or more thresholds - expressed somewhat artificially, for want of a better criterion, in terms of company size - that the national community is able to ensure that communal interests are taken into account without jeopardizing the primary activity of the enterprise. Among these communal interests, the protection of employees and the integration of disabled persons seem, in France, to be the key aspects of the subject under examination.

For the present research, it was therefore deemed appropriate to define a small company as one with a workforce of 49 or fewer employees. This coincides with the threshold of 50 employees which French labour legislation has established as the minimum for compulsory staff representation and therefore seems to mark a point below which the legislature has chosen to refrain from imposing excessively heavy burdens on employers. Moreover, in terms of the employment of disabled persons, this choice serves as a means of presenting two quite contrasting situations:

- enterprises with 20 to 49 employees, which have had to come into line gradually with the employment obligation imposed by the 1987 Act, either during the transition period (1988 to 1991) or later, if their payroll rose above 19 or if they were founded after that period and thereby joined the body of companies that are subject to the compulsory employment rule;
- enterprises with fewer than 20 employees, which are therefore unaffected by the updated version of the obligation but are nevertheless eligible to benefit from the assistance offered by AGEFIPH, the association which, since 1988, has administered the fund for the professional integration of the disabled, financed by the voluntary contributions of those companies which do not meet their quota for the employment of disabled persons.

### **1.3.3 Definitions and characteristics of the main bodies involved in the employment drive**

#### ***COTOREP***

Since 1975, COTOREP, the technical commission responsible for the registration and assessment of disability established in each *département*, has been the body responsible for granting assistance in the form of allowances and guidance to disabled adults. It accords people with disabilities official recognition as “disabled workers”, on which their entitlement to most employment-promotion benefits depends, whether the benefits were introduced by the 1975 Act or the 1987 Act. That is what makes the COTOREPs so important.

#### ***AGEFIPH***

AGEFIPH, the national association for the administration of the fund for the professional integration of the disabled, is a non-profitmaking organization created to administer the use of the fund established under the 1987 Act. It has a quadripartite board, comprising representatives of employers’ federations, trade unions, associations for the disabled and government appointees. It collects the voluntary contributions payable by enterprises which do not meet their employment quota. It finances a number of campaigns designed to promote the

employment of disabled persons: preparation for work, access to jobs, redeployment and professional development.

Its current authorization programme involves 17 types of campaign or measures which it has agreed to finance in full or in part: (1) diagnosis and consultancy for enterprises and their parent groups; (2) recruitment premiums; (3) continuation in work and redeployment of disabled persons; (4) creation of activity; (5) adaptation of working conditions; (6) accessibility of the workplace; (7) jobshare contracts; (8) apprenticeship contracts; (9) skill profiles; (10) restoring lost skills and confidence; (11) vocational training; (12) supporting and monitoring the integration process; (13) placement of people with disabilities; (14) work experience in enterprises; (15) building links between special and mainstream employment; (16) information and awareness; (17) assistance for innovations.

Although it was essentially created to promote access to employment within the framework of the legal obligation created by the 1987 Act for establishments with 20 or more employees, AGEFIPH also funds recruitments by businesses with fewer than 20 employees. It does not, however, play any role in the public sector or in relation to enterprises which have opted for a works, company or sectoral agreement.

### ***EPSRs***

EPSRs - redeployment preparation and monitoring teams - which were also instituted by the 1975 Act, are responsible for preparing, administering and monitoring the entry of disabled persons into the working environment. Since quite recently there has been one EPSR in each *département*, and they are one of the key mechanisms available to the *départements* for the employment of people with disabilities. Entitlement to assistance from the EPSRs is generally dependent on prior recognition as a disabled worker by a COTOREP.

### ***CRPs***

CRPs - occupational retraining centres - are specialized vocational training centres for the disabled. In order to receive training at a CRP, an applicant must normally have been recognized as a disabled worker by a COTOREP or have been the victim of an occupational accident. These are not the only training centres that are accessible to disabled persons but they do play a decisive role in the domain of severe disabilities.

## CHAPTER 2

### RESEARCH FINDINGS

#### *2.1 Effects of Research Methods on Achievement of Original Objectives*

##### **2.1.1 Original objectives and difficulties encountered**

Originally, these interviews were to be conducted systematically with company heads, the disabled employees themselves, work colleagues and, where appropriate, the consultant physicians, staff representatives and people who contributed to the recruitment of the persons concerned by helping them to find their way in the professional world, by providing them with supplementary training or by assisting them in their applications to enterprises.

The study was to focus on three small enterprises which had at least tried, if not managed, to integrate one or more disabled persons. To make matters easier, three enterprises located in the economic area of the Paris Basin were selected, an area where, incidentally, a full range of services has been established to promote the employment of disabled persons and where, theoretically at least, there are no major obstacles to access to information on laws, rights and means of assistance. The contacts were to be made with the heads of the companies through a body (Émergence) responsible for drawing up skill profiles, providing guidance and training and approaching companies on behalf of persons recognized as disabled workers by the COTOREPs in the *départements* of the Ile-de-France region. The assistance provided by Émergence to disabled persons as well as to enterprises, by facilitating their access to information and administrative procedures, by regularly monitoring the integration process and even by intervening to lend support where necessary, made that body a particularly knowledgeable partner, accepted by all the parties involved in the integration process, a fact which, it was felt, would facilitate the establishment of contacts.

Unfortunately, the operational constraints of the small businesses slowed down the interviewing phase considerably. Furthermore, the time when we were able to develop the survey coincided with the Christmas period, when appointments are hard to obtain. For example, an interview with one of the beneficiaries of employment-promotion measures, whose employer had already been interviewed, was impossible to arrange within the time limits dictated by this research because of the company's workload, and a fourth enterprise, which had been listed in order to ensure greater diversity of data and had agreed in principle to give interviews, was unable to receive us when the time came.

##### ***Questions put to heads of enterprises***

The first of the questions put to each entrepreneur quite naturally concerns the origin of his decision to employ someone with a disability. The purpose of this question was to identify the factor that had induced him to consider employing a disabled person. Secondly, he was asked which criteria had persuaded him to take the decision: was it something to do with personal characteristics of the applicant (sex, age, qualifications, professional experience), was it based on business considerations (economic situation, need for expertise of a particular type, having the capacity to absorb temporary difficulties the disabled person might have in adjusting to the

constraints of the production process, scope for the creation of new jobs suited to the candidate's abilities), did it stem from the need to comply with the law (the 1987 Act, requiring enterprises with 20 or more staff to employ disabled persons), was it a personal choice, resulting perhaps from a particular interest in the situation of disabled persons (family involvement, moral decision, personal familiarity with the potential of disabled persons), was it based on a relationship of trust with the person who introduced the candidate to him and/or with that person's organization (support or training structures, social services or an association; assurances given by these specialized bodies that they would help in the event of difficulties), or was it because of specific forms of assistance (wage subsidy, recruitment premium, guaranteed long-term support, etc.) from which the enterprise could benefit by employing the disabled person? These interviews, of course, were as open-ended as possible, and these specific possibilities were only suggested where necessary.

Since the job interview becomes crucial once the possibility of employing a disabled person has arisen, we tried to discover the extent to which the interview was able to serve as a basis for the employer's decision. We would try to evaluate along with the entrepreneur, in an objective or subjective manner, the nature and severity of the candidate's disability and to find out whether the interview with the candidate and/or the persons accompanying him or stating his case was able to influence the employer's decision.

After this investigation of the causal factors, we then turned to the conditions on which the disabled person was recruited or retained: adjustment of working hours or terms of reference; reduced pay; reorganization of the workplace or service in question in order to integrate the disabled employee; change of job (in a case of redeployment, had such a case arisen).

We had intended to find out whether the findings, observations and advice of the occupational physician or other members of the medical profession consulted in the matter, or the knowledge or discovery of technical facilities with which the disabilities of the candidate could be mitigated or overcome, had been taken into consideration when the decision was made. From the results of the interviews it would appear that these matters had not even been addressed.

On the other hand, we shall see that the reactions of the other employees of the enterprise to the arrival or retention of a disabled colleague, and more especially the expected reactions of the public (customers, trading partners, etc.) play a key part in the employer's evaluation of the prospective recruitment.

We then examined with the head of the enterprise the difficulties he had encountered in obtaining the necessary information on his legal obligations and on the forms of assistance and financial incentives available to him, in obtaining information on the incapacities that the person might demonstrate, temporarily or permanently, in the professional domain or in his immediate physical or human surroundings and in obtaining payment of the statutory financial assistance in terms of reimbursement of expenses incurred in adapting the working environment or in terms of recruitment premiums.

We had planned to study with him the way in which he defined a job that had been adapted to suit the abilities of the disabled worker, how he made sure that the disabled worker was trained for his new job, how he found and installed any technical aids which might have been necessary to the disabled person for the performance of the work that was expected of him, how he

organized a work cycle which would make it possible to integrate the disabled employee into the enterprise and to limit, if need be, the effects of the disabilities on the employee's relations with his colleagues. As it turned out, the conversations took a different course and this subject was not discussed.

We then touched on the employer's perceptions of the way in which the disabled employee in question actually performs his duties within the enterprise and mixes with the workforce as a whole, then examined possible reactions of colleagues to the handicap (rejection, fear, suspicion, overprotection, etc.), the development of his own assessment of the potential and/or incapacities of disabled recruits and the impact of these on the employees' ability to keep their jobs and become an integral part of the enterprise, the attitude of the public in general and of employers and the working world in general on the employment of disabled persons and finally the attitude of disabled people, especially those they know personally, to the working world.

We went on to assess with them the legal mechanisms designed to promote the employment of disabled persons (employment quotas, assistance for the adaptation of working conditions, financial incentives, etc.), the general level of training of people with disabilities, the direct and indirect cost to the enterprise of employing or retaining a disabled worker, the career prospects of the disabled persons in their enterprises, the benefit a disabled person derives from finding a job and, lastly, the benefit an enterprise derives from recruiting or from continuing to employ a disabled person. More specifically, the motivation of the person concerned, the involvement of the rest of the staff and the employer's own motivation featured prominently in this part of the interviews. Whether or not they were subject to the employment obligation, we also asked these employers for their own views on what needs to be done in order to ensure that disabled persons are successfully integrated into the working environment.

Finally, we tried to discover with them the specific features of small enterprises in relation to the employment of disabled persons. We sought their opinions on the specific advantages or problems of small enterprises, the difficulties facing disabled persons in finding jobs there, given the small number of employees and the limited diversity of jobs, the impact of the paramount need for versatility within the workforce, which some analysts see as a barrier to the recruitment of people with disabilities, the difficulty involved in effecting significant transfers of workload to other employees to compensate for the incapacities of the disabled person, the difficulty of having to overcome the hostility or pessimism shown by other employees in response to the idea of integrating a disabled person into the activity of the enterprise. We tried to establish whether these employers' closeness to all their employees enabled them to confront difficulties as soon as they arose and whether the human dimension of the enterprise allows it to accommodate the individual characteristics of each of its employees.

### ***Questions put to the disabled persons concerned***

With the disabled employees we began by trying to retrace their personal history and its link, if any, with the onset of their disability, their school careers and the qualifications they have obtained, their initial and additional professional training and, if appropriate, their attendance at an occupational retraining centre, their previous working experience and the duration of any periods of inactivity they have experienced since leaving school as well as the reasons for such inactivity.

We then tried to retrace with them the steps they took to acquire or keep their present employment, to gauge their general motivation to find work and their desire to obtain their present job in particular, the efforts they had made to look for work, any specialized bodies that may have played a decisive role in the initiation and ultimate success of their application and any specialized bodies they may have contacted in vain.

We also asked for their opinions on the nature of the conditions under which they were able to acquire or retain a job: did they benefit directly and explicitly from the employment obligation (in enterprises with 20 or more employees), did they benefit from a recruitment premium and was their pay topped up by income maintenance? (This question turned out to be irrelevant to the people questioned.)

In order to identify more clearly the assistance they had received, we asked the disabled employees to assess the effect of personal contacts arranged by their families or friends on the result of their jobsearch and the short- or long-term effect of the intervention and support of specialized agencies (placement agents from ANPE or the EPSR, follow-up teams from a civic institution or service, etc.), the intervention of an occupational physician, as we saw above, never having been experienced.

Needless to say, we also assessed with them the difficulties they had encountered in finding employment (including previous failures), in meeting their present employer, in persuading him to employ them, in integrating themselves into the enterprise and taking on the duties of the post they obtained, in moving between home and the workplace and in reconciling work with the constraints resulting from their disability and with their social life.

We then touched on the advantages and benefits they saw in the job - the extent to which it matched their career expectations in terms of the activity of the enterprise (sector, industry, etc.), the nature of the job offered to them, pay, prospects and professional integration.

We then studied the problems related to their work: pay levels not creating an adequate incentive, significant costs incurred (clothing, transport, other family expenses, etc.), additional fatigue resulting from the rhythm of daily work or from preparing for and undertaking their daily journeys, pain associated with the performance of certain tasks, insufficient recognition of their skills and efforts.

Finally, we obtained their views on the specific advantages or difficulties of employment in small businesses: the advantage of dealing with an enterprise of human dimensions, the opportunities to explain their problems and needs directly to the head of the enterprise and solidarity among employees are the potential plus points; on the other hand, the difficulties relating to versatility, the fact that each person has to cope with a variety of tasks and to stand in for another employee "at the drop of a hat", the limited number of jobs on offer, which reduces the possibility of finding really suitable employment, the limited resources of the enterprise when it comes to adapting premises and working conditions and the limited opportunity for professional development are all minus points.

### ***Reduction in the feasible number of interviews***

Apart from the groups of people directly involved in the recruitment and integration process (employers and disabled employees), the intention was to enquire about the way in which things had developed in the enterprises in question by asking colleagues of the disabled person, staff representatives (shop stewards, if there were any, representatives elected by the staff), the consultant occupational physicians, the works inspectorate, if it was contacted, as well as all those who contributed to the attempt, and/or success of the attempt, to put the disabled person into a job or keep him in a job: the guidance or training centres that the disabled person was able to attend in order to improve his chances of access to a job or of redeployment; the support services, the redeployment preparation and monitoring teams (EPSRs) and the professional integration agencies (OIPs).

The reality of the interviews was very different. First of all, as we saw above, the limited availability of heads of enterprises and their employees made it very difficult to arrange appointments. It sometimes took several months to obtain the first interview. On the other hand, as we shall see, the foremost condition of integration is that the disability should remain invisible to other people. Under these conditions, it would have been unethical to divulge information regarding a person's disability in order to arrange interviews with people who were hitherto unaware of it. And of course it is rarely possible to contact the head of a company without going through his secretary, who filters out any requests if she is not sure that her employer will agree to the interview. Similarly, it was not possible to interview any colleagues. The manner of the integration into the workplace of the three persons concerned, according to their employers, was such that their colleagues were unaware of their disability. There could be no question of interviewing them about it.

In more general terms, it emerged that staff representation in small enterprises is very discreet, if it plays any part at all. Since no staff representatives had been involved in the recruitment and integration process in any of the three cases, there was no point in pursuing that approach.

### ***Limits imposed by the nature of the collected data***

In general terms, it was to prove difficult to identify with any statistical certainty the objective factors that promote or impede the integration of disabled persons. We had to approach these interviews by examining the attitudes of each of the main players in the recruitment process to disability and to disabled persons in the workplace, the motives that inspired these disabled people in their quest for work and the way in which they were managing to integrate themselves into their respective enterprises.

We shall see below that the decision to recruit a disabled person has many aspects. It would have been interesting to discover the role that an employer's personal involvement might play in such a decision, but this was not possible on the basis of so few cases. Likewise, it was impossible to evaluate the impact of a previous favourable experience.

By the same token, we had intended to study cases in which the integration effort had failed. Such a case never arose. We believe that failures are as important as successes in revealing the factors at play, and so a whole field of research was lost to us here and went undocumented.

We had hypothesized that the sector of activity might be a key factor in determining employment prospects, but, as can well be imagined, we were not to obtain enough data to substantiate this hypothesis.

Lastly, we did not have the opportunity to study, on the basis of first-hand experience, attitudes to a range of different disabilities.

### **2.1.2 Reduction in the scope of the investigation**

In addition to the difficulties encountered in the field as we conducted this survey, certain original objectives had to be abandoned because of the nature of the findings themselves. Some data could not be collected in practice because the small size of the sample and the impossibility of determining its composition provided no assurance that such data would actually emerge.

So it was with the initial idea that the situations examined would not only relate to the person placed by Émergence but would also relate, as far as possible, to any other employee of the enterprise, past or present, who suffered or had previously suffered from disabilities that incapacitated or hindered him in the performance of his duties. We might, for instance, have come across people in the enterprises under examination who had benefited from measures to keep the employee at work after suffering an accident with after-effects (victims of occupational accidents, for example) and who had been unable to benefit from the support provided by Émergence, our original informants, an organization which, we recall, only caters for persons recognized by a COTOREP. When asked about that situation, none of the employers was able to cite any past or present employees who had been in that position. A research project<sup>25</sup> that we planned to conduct, the structural draft of which was favourably received but which never came to fruition because of disagreements between the commissioning bodies, would have provided information as to how and why victims of occupational accidents can or cannot be kept in employment in small enterprises. Sadly, we were unable to draw on such information.

Similarly, past cases of failure to place or redeploy disabled persons in the past were supposed to be mentioned. No cases of this type cropped up in the interviews we conducted. We therefore have no means of evaluating the causes of failure, even though it is just as important to understand them as it is to discern the conditions for successful integration.

### **2.1.3 Additional reference material**

Faced with the unavoidable limits of the survey, we turned to other sources in an attempt to deepen our understanding of the factors that determine the success or failure of efforts to integrate disabled persons into the working environment through small enterprises. To that end, we telephoned or met with EPSR members or officials responsible for coordinating the plans of the various *départements* for the integration of the disabled, a task that brings them

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<sup>25</sup> D. Velche, P. Bourderon and P. Roussel, *Accidentés du travail handicapés : indemnités et conséquences financières ; difficultés du maintien dans l'emploi ou du reclassement ; incidences sur les conditions de vie et l'état de santé*. Research project submitted for the CNAMTS/INSERM tender, 1995.



into contact with all the practical measures adopted locally to promote the employment of disabled persons.

With all of these informants, we always tried to test our hypotheses and to gauge the extent to which the information given by those people whom we were able to interview was truly representative.

We had originally planned to question trade unions and associations for the disabled, both local and national, on the subject of this research. This was not done because of the limited time at our disposal and particularly because we had scheduled the interviews of this type for the period after those with the employers and employees had been completed and properly analysed. Nevertheless, this shortcoming is a fairly accurate reflection of the reality that confronted us, for the trade unions had played no part in the process of integrating the disabled persons we interviewed, and none of the latter identified with what we call the “disabled culture”, in which the associations play a key role.

## **2.2 Case Studies**

We shall apply the same set of descriptors to each case study. After a brief pen-picture of the enterprise and of the disabled person or persons concerned, we shall give details of the recruitment procedure before analysing the impact of the person’s disability on the integration process and the influence and effectiveness of specific forms of assistance that accompanied the recruitment. We shall then examine the responses of the interviewees to questions on the specific nature of small enterprises in relation to the employment of disabled persons and on disabilities which, in the opinion of the interviewees, it would be difficult or impossible for their particular enterprise to accept under the conditions in which it operates. Finally, we shall examine the opinions of the employer and then of the employee on the way in which integration occurs in the enterprise.

### **2.2.1 First enterprise**

#### ***Profile of the enterprise***

Enterprise E1 is a small business which designs and manufactures process controls. At the time when disabled employee D1 was recruited, the business employed six staff. Since then it has expanded a little. It had been situated in the southern suburbs of Paris before relocating to larger premises in the northern suburbs.

Its activity appears extremely precarious, since it is vying for orders, mainly with larger companies, in a fiercely competitive market on the one hand, while on the other hand a fairly significant part of its production has to be entrusted to subcontractors, whose speed of response becomes essential to the survival of the enterprise. It is therefore a business that operates under constant stress.

### ***Description of the disabled employee***

The employer does not know the nature of his employee's disability. Because of the unavailability of the employer, we were unable to have the second contact, which would have enabled us to fix an appointment with the disabled employee.

What is perhaps even stranger is that the agent from Émergence who negotiated the placement did not know the exact nature of the disability either. The only clue is a wound on the employee's hand.

### ***Recruitment procedure***

The head of enterprise E1 was looking for a versatile employee for circuitry work. He had approached the national employment agency ANPE, which was unable to provide him with a candidate from its own register.

It was ANPE which alerted Émergence, a body specializing in the placement of disabled persons.

For the employer who agreed to see the disabled candidate and the representative of Émergence who accompanied him, it was by no means a matter of employing a disabled person; what the employer required was an employee with very specific skills. For him it was "a post to fill - end of story".

Moreover, his image of disability, as he emphasized to us, was more that of a person confined to a wheelchair. He felt that the image of disabled persons presented by the media bore no relation to the day-to-day reality of the workplace.

Now that the employee has been recruited, he still has to be confirmed in his new post. In accordance with a common practice under French law, the recruit is undergoing a probationary period. The purpose of this is to verify the capabilities of the person, an arrangement that serves the interests of both the employee and the enterprise.

### ***Impact of the employee's disability***

In any event, the person under consideration, having been recognized by a COTOREP as a Category A disabled worker, is a far cry from the wheelchair-bound stereotype.

The employer conceded that this was all he knew about the nature of his employee's disability, and he did not intend to pry into the matter. There was no outward sign of disability and although he had thought he would have to provide special facilities (alterations to the workplace, reorganization, etc.), no particular measures had been necessary yet.

As a result, it had not been necessary to pass on any information about the disability to the rest of his staff. The employer noted that the other employees had regarded the recruit in the same way as they would have regarded any newcomer and that no particular problems had ever been brought to his attention.

### ***Influence and effectiveness of specific forms of assistance***

Although the employer had benefited from specific forms of assistance on recruiting the new employee, this had come as a “pleasant surprise” to him.

It was the agent from Émergence who told him about these and offered his assistance in completing the numerous forms required for entitlement. He availed himself of the offer, which was fortunate, because, despite the agent’s help, the batch of forms was twice sent back to the employer for amendment. He felt that the bodies administering such assistance (AGEFIPH, ANPE, etc.) were behaving like civil-service departments.

He therefore discovered these means of assistance after having decided to employ the candidate. When questioned about the assistance, the employer was critical, stating that it was beneficial in some respects but dangerous in others. If such assistance is intended, as it seems to be, to enable companies to employ people, to establish permanent jobs for them, that is good, but what troubles him is that such aid seems to be accessible on a haphazard basis - all the more so because no action is taken to provide information on the benefits available. It is enough, for example, to conclude a 12-month temporary contract in order to be eligible for these benefits, and there is nothing to prevent an employer from terminating the contract thereafter in order to start again with another beneficiary. That, he said, was treating disabled people like cattle; it was selling people down the river.

According to him, the amounts allocated on recruitment were insignificant in terms of a company budget. They would not do anything to sway a decision. The overriding priority for an SME was to assemble the best possible team.

In fact, the “right to aid” in this form renders the employer-employee relationship null and void. There is indeed a risk that the employer and the employee (who also receives a recruitment premium) will each suspect the other of being the main beneficiary of the specific transaction, thereby losing sight of its principal purpose, namely the recruitment of a particular person to do a particular job in a particular place. Any individual assistance which has adverse psychological repercussions should be avoided.

According to this employer, a reduction of statutory contributions would be preferable, since it would allow the manager to spread this advantage over the medium or long term by taking account of it in the negotiation of contracts. A premium, by contrast, cannot be allocated to business operations. He also thought that the volume of aid should be proportionate to the severity of the disability as reflected in the COTOREP classification.

He also considered that pay reductions could be something that would promote the occupational integration of disabled persons. At all events, personal knowledge of disabled people ought to help.

### ***Opinions on the specific nature of a small enterprise***

The problem with a small enterprise, according to the head of E1, is the need for every employee to be available. This relates to all employees; given their small number, each of them is individually indispensable to the proper functioning of the enterprise and is given duties that could scarcely be entrusted to another employee.

As a result, the head of a small enterprise will not make plans to recruit someone whom he thinks is liable to be occasionally absent for medical reasons and whose absences cannot therefore be programmed well in advance. Likewise, he will be unable to consider employing anyone who cannot perform his duties completely independently and who needs assistance from one of his colleagues, since that would upset their working rhythm.

The fact is - and this was the final point made by the interviewed employer - that small businesses are subject to a very inflexible working rhythm. They have to meet customers' demands and adapt their procedures to these or risk losing any prospect of survival. All tasks are equally essential in this survival strategy.

### ***Disqualifying disabilities***

In the eyes of this employer, the disabilities that seem to be automatically ruled out are those which introduce an element of irregularity to the activity of the employees concerned, especially if their effects cannot be programmed in advance. He cited the example of epilepsy.

It is not the severity of the disability that counts, he said, but its regularity. This employer's priorities are evidently the availability of his employees and the imperative of organizing the allocation of tasks to individuals in such a manner that the activity of the enterprise is performed as efficiently as possible.

Nevertheless, he would also rule out severe disabilities which impair people's independence and flexibility. This is the case with disabilities such as blindness, paraplegia or deafness, because they often necessitate the intervention of third parties, who are not available within a small production unit.

### ***Employer's satisfaction or criticism***

At the time of the interview, the disabled employee was still undergoing his period of probation. The employer therefore had to reserve final judgement but observed that the employee had done very well to date.

### ***Disabled employee's satisfaction or criticism***

Since the interview with the disabled person could not take place, it was not possible to address this question.

## **2.2.2 Second enterprise**

### ***Profile of the enterprise***

Enterprise E2 is a clinic with 25 employees in the southern inner suburbs of Paris. As an establishment with more than 20 employees, the clinic is subject to the employment obligation (6% in an enterprise of 25 employees corresponds to one and a half beneficiary units<sup>26</sup>).

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<sup>26</sup> Cf. the system for calculating beneficiary units.

The employment of a disabled person, whatever the nature and severity of his or her disability, will keep the establishment on the right side of the law for at least the first two years.

The clinic therefore recently offered a post as receptionist and switchboard operator to a young woman introduced by the Émergence service. This means that the woman in question had been recognized by COTOREP as a disabled worker.

### ***Description of the disabled employee***

This young woman (D2), aged 23, was recruited at the end of March 1996. Nothing in her past predisposed her particularly to work in the medical world. In fact, in 1987 she had begun a course leading to a vocational training certificate (CAP) in cold-meat sales, which she passed in 1989 and which enabled her to find work in that sector for six months in 1989. But she fell ill very suddenly, stricken by an acute neurological disorder (epilepsy with motor neuron imbalance, according to her employer, although she herself did not specify the nature of the disorder during the interview).

She quite quickly (in 1990) obtained recognition from COTOREP as a Category B disabled worker (moderate permanent disability), which meant that she counted as 1.5 beneficiary units for employment purposes.

Thanks to this recognition, she was able to attend an 18-month course of practical training, which was organized at a training centre run by the Vivre association and during which she received remuneration. This training gave her a vocational training diploma (CAP-BEP) in administrative and commercial studies, which is useful for office jobs.

After this training, she received jobseeking support from the Émergence team operating under the same association. The team found her a one-year job on a work-and-welfare contract (CES) in a district residents' association, but the association was unable, for budgetary reasons, to renew the contract thereafter. She was therefore given notice of redundancy on economic grounds and went back to see Émergence, who found her the job in the clinic.

D2 does not consider herself to be disabled in the conventional sense of the word. She says that her condition does not cause her any trouble at all in everyday life. We might add that she is now living with a diabetic man whom she met at the specialized training centre and who has also been recognized as a disabled worker by COTOREP.

### ***Recruitment procedure***

Disabled employee D2 was recruited as the result of a request made to Émergence by the manageress of the clinic, who had already had dealings with that service. The board of the parent company was not in favour of her appointment, since they had misgivings about her disability. In the end, however, the manageress successfully defended her decision.

In the view of the latter, the disability frightens people, and anyone taking such a recruitment decision must be familiar with the type of disability involved, which she is, and must confront the moral problem, in other words be prepared to encounter any difficulties that might arise.

It should be mentioned that in this particular case, D2 was competing for selection with other candidates, both disabled and non-disabled, and that she was chosen on the basis of the profile she projected in the interview, in terms of qualifications as well as motivation.

Nevertheless, the establishment benefited from the advantages designed to promote the employment of disabled persons: a recruitment premium (FF 10,000 on signature of the contract, following acceptance by AGEFIPH of the application documents [the premium had yet to be paid out at the time of the survey], FF 5,000 at the end of one year [a point, incidentally, that was not mentioned], assistance linked to the jobs-initiative contract whereby the employer is exempted from the entire employer's social security contribution for two years, as well as receiving a monthly allowance of FF2,000.

Since the manageress of clinic E2 was well aware, from a previous job, of the administrative provisions governing the allocation of these benefits and the procedure for completing the relevant application documents, she had no trouble at all in obtaining them, although she did regret the fact that the payment of the premiums was taking so long.

### ***Impact of the employee's disability***

According to her employer, employee D2 has a significant motor neuron disorder and has experienced integration difficulties. She is slightly depressive, and the manageress of the clinic stated that she had sometimes been on the brink of a seizure, but had ultimately been reassured by the presence of doctors in the vicinity. In fact, since being recruited she had only had one single seizure, which happened at an early stage when she was under particular pressure at the reception desk.

However, her disability - and even the fact that she is a recognized disabled worker - is not known to the rest of the staff. Few people know that she suffers from a disability.

Nevertheless, employee D2 has no problems with the job, which she does as well as anyone else.

### ***Influence and effectiveness of specific forms of assistance***

According to D2, her inclusion in the COTOREP register did not really help her. She did not think that recognition by COTOREP had made it easier for her to find employment. In actual fact, however, this young woman did not really have to look for work and benefited quite quickly from specialized help, which stood her in good stead.

In reality, as far as the person who took the decision to employ her was concerned, the fact that the employee had the benefit of recognition by COTOREP and could enable the clinic to fulfil its obligation did indeed play a decisive part. As a disabled person, this employee is entitled to benefit from a jobs-initiative contract (*Contrat initiative emploi (CIE)*), which enables an enterprise to employ her at a far lower cost in terms of statutory contributions. In addition, since a recruitment is involved, these benefits can be supplemented by premiums from AGEFIPH. In this case, all of the aforementioned opportunities were taken.

Thus D2 is an employee on a two-year temporary CIE contract, earning the statutory minimum wage, and was awarded a premium of FF 10,000 on recruitment.

Taking advantage of these particularly favourable conditions, the employer can thus benefit from an employee who barely costs half as much as any other employee. Perhaps out of a desire to justify this, the manageress of E2 said that, whenever the financial position of the establishment permits, she sees to it that bonuses are awarded to supplement the wage.

### ***Opinions on the specific nature of a small enterprise***

According to the manageress of the clinic, the specific feature of the clinic, partly because of the size of the enterprise, is the frequency with which emergencies occur. The employees work under great stress and are often overburdened.

Moreover, all employees are absolutely essential to their posts, because it is difficult to replace any of them.

### ***Disqualifying disabilities***

For the manageress of clinic E2, physical appearance is the most important factor. In an environment where the clients are in an anxious frame of mind, visible disabilities would be very difficult to handle. She believed that this was the main taboo.

Other disabilities would also be difficult to reconcile with this reception job for different reasons:

- blind or visually impaired persons, who would not be able to receive people properly whom they could not see and whose needs they could not assess in an emergency;
- deaf people or those who are hard of hearing for the obvious problems of communication, especially on the telephone; in addition, they would be unable to do audiotyping, which is standard practice for medical secretaries;
- people with seriously reduced mobility or those who use sticks or wheelchairs, because the job requires the person to go quickly to the upstairs floors to fetch or take files; besides, curiously enough the clinic is not accessible to wheelchairs through the main door, which is the only door that can be unlocked from the outside in the morning when the clinic is opened up, which is one of the duties of the receptionist.

She believed, moreover, that these disabilities could have no place in small enterprises because so many things had to be done urgently.

### ***Employer's satisfaction or criticism***

Overall, the manageress of clinic E2 was satisfied with the work of disabled employee D2. She only commented that managing disabled employees occasionally took time, because one had to be very attentive to them. It is difficult to assess whether this opinion relates to a real constraint or whether it is a subjective opinion deriving from this employer's fear that her judgement in selecting this recruit will be proved wrong.

She also expressed her gratification at the fact that her disabled employee had shown no signs of absenteeism. She was more motivated than other employees and, being unmarried, was better able to cope with the constraints of an occupation in which working hours were often determined by sudden emergencies.

### ***Disabled employee's satisfaction or criticism***

Employee D2 seems to be satisfied with her work. Since she does not feel disabled, she is not in any way militant about her rights as a disabled person. The only criticism she expressed related to the ineffectiveness of the recognition by COTOREP, from which she actually benefited, since the decision to recruit her, according to the person who took that decision, was influenced by the advantages the establishment could derive from her COTOREP registration.

## **2.2.3 Third enterprise**

### ***Profile of the enterprise***

E3 is another enterprise in the health sector, but it is distinctly smaller. It is a gastroenterology centre, where specialized tests are conducted on patients referred by doctors from the area around another small town on the southern edge of Paris, and employs five persons, one of whom is a disabled medical secretary, D3.

The centre is located in a clinic, which - to say the least - is not very accessible to people with reduced mobility, the main entrance being situated at the top of a long external staircase.

This is a very new enterprise, and the recruitment of a person recognized by COTOREP has enabled it to man its reception desk all day at reduced cost. The business was not subject to the employment obligation and selected this employee deliberately to obtain the specific financial benefits designed to promote the employment of disabled persons.

The recruitment of a disabled person was largely determined by the fact that the person who, in collaboration with a medical specialist, was behind the creation of the medical centre, had previously been on the secretarial staff of a body specializing in the professional integration of the disabled, which had made her keenly aware of the problem. The enlightened attitude of the employer is both benevolent and realistic - benevolent, because she takes it for granted that the employment of disabled persons is a normal collective responsibility and a natural primary duty of employers.

### ***Description of the disabled employee***

D3, the disabled employee who works in centre E3, is a young woman of 35 who was the victim of a car accident; she emerged from a coma with enormous memory problems and other neurological disorders.

The accident occurred just after the young woman had passed her final school examinations, the *Baccalauréat*. She was living with her parents at that time in a small town in the south-west of France. When she awoke from the coma, she recognized neither her parents nor her



brothers and sisters, had no idea about her past and had to assimilate everything she was told about her previous life. She certainly remembered an accident, but it was a relatively minor accident that had occurred when she was cycling with a friend, which was actually the reason why she was in that car with her friend, their bicycles being unusable. It was only a month later when she learned that the driver, a young man whom she knew well, had died in the accident, which was a second emotional shock for her.

On leaving the hospital she was disorientated. She had not received any exercise therapy, because her motor system had not been seriously impaired. The more serious thing, according to D3, was that she received no psychological or psychomotor aftercare, and subsequent events showed that she would have been in great need of them at that time.

Once she had resumed her studies, matriculating for the first year of a degree course in law, she gradually became aware that she was unable to follow the classes. She no longer understood anything. Moreover, she had huge problems with orientation and balance in addition to her memory problems. Several months after her matriculation, she still kept losing her way in the university buildings, even though they were of quite modest size. She also realized that she had become particularly slow at simple everyday functions.

A state of depression set in about a year after her release from hospital. The consultant physician estimated at the time that it would take her four to five years to recover from it. The difficulties were intensified by the emergence of family problems, which her own psychological condition only exacerbated.

The young woman complained that she had not been helped at that point in her life. Integration was a good thing, she said, but earlier intervention was needed. According to her, nothing exists for those who have suffered a cranial trauma. Most of the rehabilitation courses on offer relate to largely manual tasks, at the level of vocational certificates, but there is nothing at university entrance level. There is a sort of incomprehension of the problems encountered by people with certain intellectual achievements who have had the same type of accident as D3.

After abandoning her law studies, which were considered too complex for her, at the end of her first year, the girl tried to study business management in the town where she lived with her parents. Unfortunately, the workload once again proved too great. In 1983, she therefore gave up her studies altogether in order to seek a new solution.

Since her problems were still unresolved, she was induced to apply to COTOREP for recognition as a disabled worker, which was granted to her in 1983.

This recognition subsequently enabled her to attend a training course for middle management work in hospitals at a treatment centre in the Val d'Oise, in the northern suburbs of Paris, which is also a recognized occupational retraining centre. When she completed the course in 1985, interviewee D3 said, disappointment was in store for her. For potential employers (hospitals and clinics) the diploma issued at the end of the course was worthless. It must be said that she had found the level of instruction quite low; "They treated us as if we were mentally handicapped," she lamented.

The time had come for her to look for work. She registered with the national employment agency ANPE in her home town. Having been recognized by COTOREP, she benefited from

the assistance of a specialized placement agent, who steered her towards the Redeployment Preparation and Monitoring Team (EPSR).

From 1985 to 1987 she only found odd jobs. But her meeting with a placement agent from the social security office enabled her to be recruited in 1987 on a permanent contract as a secretary in a DIY supermarket in her own town, and she stayed there until 1990.

In 1990, the same company, which has several stores, offered her a position in a city in the same region, about 130 miles from where her parents lived. She accepted it and worked there until 1992, when she found herself unemployed once more.

Still in that city in the south-west of France, she attended a course in accountancy, worked part-time for a while, but then only found odd jobs and temporary work. She could only obtain work-and-welfare contracts (CES), because she had not amassed enough time in the dole queue to qualify for priority treatment.

During that period, she attended a reinvigoration course run by an instructor who, according to the employee's statements, was not especially invigorating.

She then left for the north of France, where some of her family lived. She found a rather precarious job with a subcontractor to a large home-order group. There she learned that a unit in the group was offering permanent contracts in the returned-goods service. She successfully applied for one of them and stayed with that enterprise for a short time. The working conditions there rapidly became intolerable to her, and personal problems (an emotional attachment that went wrong) finally made her hand in her notice.

She then came to the Parisian region, where her sister lived. She thought there would be more opportunities in and around Paris. She began by trying to find a job in the way most jobseekers do in France, by placing advertisements in the newspaper. She did not mention her disability in these. Employers, she believed, regarded disabled workers as more delicate, as always having some kind of mental weakness. Although she did elicit a few replies, no real interviews materialized.

She therefore went in search of assistance. A body specializing in finding jobs for the disabled, which she had approached when she was in the north, had given her the address of its counterpart in the Parisian region. That is how she came to contact the Réussir organization, which offered her a three-month period of work experience, from July to September 1996 in clinic E2, where her progress would be monitored by Émergence. When she completed this assignment more or less successfully, her name was put forward in October 1996 for employment in gastroenterology centre E3, which had just been set up.

### ***Recruitment procedure***

The procedure followed was identical to that for clinic E2. In this case, the contract was a permanent one, drawn up in the form of a jobs-initiative contract (CIE).

### ***Impact of the employee's disability***

In the opinion of disabled employee D3 herself, her disability is essentially expressed in a lack of self-confidence. She says she is tense and overemotional, which she ascribes to the absence of psychological aftercare when she came out of hospital.

She also sees physical resistance as a problem. Her disability, she says, prevents her from taking part in sport or going out, because she tires very quickly.

At work, she believes she is slower than anyone else. This is due to her motor and coordination problems.

In the eyes of her employer, D3 basically has memory problems, which she is managing to overcome, although they still cause her some difficulties. She has become well integrated, but she is never "in top form". She is very reliable and is never guilty of absenteeism, despite the stressful nature of her working environment. She uses computers without any problems but, according to the head of the centre, has not mastered word-processing skills. She does not understand everything she is doing.

The other employees of the centre, as well as the employees of the clinic in which it is located, know that she had an accident because she has had absences, but they have been sympathetic to her.

### ***Influence and effectiveness of specific forms of assistance***

The forms of financial assistance for which enterprise E3 is eligible by virtue of its employee's status as a disabled worker have been crucial to this new business. The combination of the conditions laid down in every jobs-initiative contract and the premiums available from AGEFIPH mean that this employee, just like D2 in establishment E2, will only cost half the normal amount to employ for almost two years. This difference may be decisive in times of difficulty as the business builds up its clientele. It effectively helps to keep it competitive in relation to rival centres which are already on a firm economic footing.

### ***Opinions on the specific nature of a small enterprise***

This employer put forward the same arguments we had heard before about the need for a sustained working rhythm, the imperative of availability, etc.

Being indispensable, as one is in a small enterprise, is more gratifying and more motivating in the eyes of D3.

### ***Disqualifying disabilities***

When patients come to a gastroenterology centre to be examined or to receive test results, they are most often anxious. They are on edge, and they need to be reassured. Spectacular and more generally visible disabilities are therefore entirely out of the question.

### ***Employer's satisfaction or criticism***

In the opinion of her employer, disabled employee D3 has a level of education and general knowledge which enable her to adapt well. Her daily routine involves collaboration with administrative and nursing staff working in the clinic where the centre is based and with the doctors who use the centre.

She has to be monitored, however, because of her memory problems. That demands a great deal of work and vigilance on the part of her employer, but there is a good working atmosphere and this arrangement works well. Moreover, her family (D3's sister lives in the region) has played a highly supportive role in resolving any difficulties.

The employee is very versatile; she answers the telephone, types reports and administers patient files.

### ***Disabled employee's satisfaction or criticism***

The greatest motivating factor for D3 is having a salary. But she admits also that she has an interesting job. As someone with experience of working in large enterprises, she believes it is better to have a job within a small structure - provided, of course, that the staff get on with each other.

## ***2.3 Synthesis of Case Studies and the Broader Perspective***

### ***2.3.1 Specific features of small enterprises***

#### ***More direct contact and a chance to make one's mark***

The procedure followed for the recruitments under examination was generally based on the mechanism established for the disabled workers recognized by COTOREP. That is hardly surprising, since the methodology used to find the enterprises for our survey inevitably led us to places where this procedure was common practice. The Émergence centre which found us these enterprises, in point of fact, can only assist people who have been granted the status of disabled workers. The centre, which negotiates conditions of employment for disabled persons, informed us of a particular feature of small enterprises which is a determinant factor in the initial phase of the integration process. When placement agents contact a small business, they deal with the head of the business. He is the one who will take the decision, and he is able to assess the feasibility of the project himself, whereas in the case of large enterprises a disagreement between the personnel manager and the managing director, or between the latter and his board, can derail the whole operation. In addition, although it never happens in large companies, the owner of a small business will be in direct touch with the disabled person he decides to employ and will work with that person. He is better placed to assess the newcomer's chances of integration into the existing team, but by the same token he will also be held personally responsible for failure if integration does not take place or if the disabled person does not accept the duties assigned to him.

The contacts we established with other bodies confirmed what we observed and what Émergence told us. For one of them, located in the west of the country, in an economic area where small enterprises constitute the bulk of the industrial fabric, it is more difficult in large

enterprises to find the contact who will be able to study and expedite the plan to employ a disabled person. In small businesses, that person is found immediately - it is the employer himself.

### *Another aspect of disability*

For small enterprises, disability is not a burning issue. Either they are exempt from the employment obligation and do not hear anything about the matter or they are affected by it, in which case it is but one of the numerous constraints that complicate the management of their business, but seeking information on the subject will not constitute a priority. One way or the other, the attitude taken will be determined either by personal knowledge of the domain of disability or by the opportunity offered by specialized placement agents to address the question, hence the importance of the work done by placement organizations.

Contrary to the practice we see in certain large companies, we have never seen a small business turning the spotlight on disability, in other words presenting the integration of disabled employees as an element of the social policy or brand image of the company. In small enterprises, indeed, disability is obscured - not really concealed, but overlooked. It is not one of the factors taken into account by the enterprise, not even in the context of personnel management. That does not mean that the employer refuses to consider it but rather that he trivializes it and that he would not generally wish it to interfere with his company's operations. It is conceivable that a very different situation would obtain if the employer's decision were taken for ideological reasons and were governed by an emotional bond of solidarity with disabled people, but we did not encounter that type of syndrome.

It is therefore quite unlikely that a job in a small enterprise would be given to anyone whose handicap is so severe that it would entail special arrangements in the workplace and that it would limit the person's ability to perform the whole range of duties in the job description.

### *A need for security*

Highly dependent on the availability of their workforce to respond to the constantly changing work patterns of their enterprises, the interviewed employers generally expressed the need for regularity. Unforeseen absenteeism is their greatest fear. That is why they will refuse outright to employ people whose disability could create a climate of uncertainty or result in unforeseeable absences. But conversely, if - as was mentioned during the interviews - the employer can observe that his disabled employees have a lower absence rate than other employees, he will be particularly attentive to that, since it is essential to him.

Numerous informants told us that employers in general and owners of small businesses in particular do not want to spend their time studying the conditions under which disabled persons can be successfully integrated. That has to happen automatically, or else they will want someone to sort out the problems for them. That is why they are particularly interested in the type of "after-sales" service available to them from the teams that monitor the integration process.

### ***Two requirements: independence and versatility***

The workload in a small enterprise is such that it is hard to imagine one of the employees leaving his post to help another on a regular basis. Complete independence in the workplace, including the ability to move unaided to and from amenities such as the toilets and canteen, is often therefore advanced as a condition *sine qua non*.

Similarly, while employees in a large company are so interchangeable as to have given birth to the well-worn cliché that nobody is irreplaceable, the situation is very different in a small business. Every employee has a part to play which is indispensable to the proper functioning of the whole operation.

### ***A stressful world for all that***

Even though it does not match the more human image of small businesses, it is a fact that stress levels were conspicuously high in the three small enterprises where we conducted our survey. There are two reasons for this: on the one hand, their survival will not be assured in the highly competitive world in which they operate (it is always possible that someone, from one day to the next, will set up a business and take away some of their custom) unless a brisk working rhythm and constant readiness to respond to the unexpected are maintained; on the other hand, since each new employee represents a significant quantum leap for them, they tend to be understaffed, which means that each employee is burdened with a heavier workload more frequently and perhaps for longer periods than in larger enterprises. One might wonder whether this characteristic ought not to impose a certain degree of caution in evaluating the employment potential of these small businesses for disabled persons. In the situations we have analysed, we cannot really gauge the extent to which the disabled employees will be able to withstand the pressure. The fact is that we are not distant enough from our present subjects to judge this. For some disabled employees, the stress and the pace of work seem to be a source of fatigue. It may be thought that if a person's disability makes that person more vulnerable physically, which our past surveys suggest is not an unusual phenomenon,<sup>27</sup> this type of climate would be rather more likely to aggravate the disability and weaken the will to work than to encourage permanent employment.

## **2.3.2 Employability and disability**

### ***The need for disabilities to be invisible***

The reluctance that is frequently expressed by heads of small enterprises to have anything to do with the employment of disabled persons is actually a desire to ensure that disabilities do not interfere with business operations. That undoubtedly explains their marked preference for disabilities that cannot be seen - and occasionally their astonishment when they encounter such disabilities - and on the other hand their refusal to recruit, and sometimes even to contemplate recruiting, people with severe and spectacularly obvious disabilities. Behavioural disorders are another high-profile disability that is not accepted.

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<sup>27</sup> D. Velche and S. Kevassay, *Emploi / Non emploi des personnes handicapées : déterminants et conséquences*. CTNERHI, Paris, 1995.

### ***Competence first and foremost***

Not being particularly attracted by the publicity value of having disabled persons in their enterprises, by the “shop-window” role frequently assigned to disabled staff in large companies, what small entrepreneurs expect of disabled job candidates is competence that can be used by the enterprise - no more and no less.

### ***Particular motivation of disabled persons***

The much-sought-after “extra” brought to the enterprise, apart from competence, may be the particularly high level of motivation demonstrated in the performance of their duties by disabled persons who have decided to take up employment. The difficulties they normally encounter before being recruited, in terms of either the effects of their disability or the long struggle to find a job, have often shaped their character in a way that makes them an example to other employees.

## **2.3.3 Criticisms of the present statutory regime and proposals for change**

### ***Criticisms expressed by employers***

The French legislation under which small enterprises can be offered incentives to employ disabled persons, including recruitment premiums, play a flagship role, but perhaps the real key role is played by the system for the placement and support of disabled jobseekers, which can be more generously financed now than in the past, thanks to the fund administered by AGEFIPH, and seems to be the more decisive mechanism.

Moreover, the legitimacy and advantage of premiums are contested by employers themselves.

The current system for allocating these premiums does not actually provide any means of limiting the risk of “bounty-hunting”, where the employer has no intention of keeping the disabled person whose recruitment earned the premium. In such a case the employer would look for the next opportunity for easy profit, thereby creating scope for unfair competition based on certain employers’ lack of scruples.

More generally, this windfall does not sway the recruitment decision, because that decision affects the viability of the enterprise over a longer period than a single payment; unless he has particular financial requirements, the employer will pocket a premium which cannot play a part in his decision-making. That is what is called a windfall effect, which is criticised by employers because it normally contributes to a heavier burden in taxes and social security contributions without giving the enterprise any long-term return.

In terms of integration of the disabled person, this type of positive discrimination also poses a problem for employers. The other employees might actually consider the newcomer to have been “sold” or “knocked down” to the company, which would do nothing to enhance his prospects of achieving recognition on his own merits. To some extent, employers regard it as an unwarranted advantage and feel guilty about it, because it makes them appear to be using slave labour. For the disabled employee too, there is a suspicion that his skills are inferior, because society has paid for him to be employed. As a result, these parts of the bargain are often passed over in silence.

Relations between the employer and the employee, who has also received a premium, are affected too. Who, each of them might well ask, is the real beneficiary of this arrangement ? The primary aim of the recruitment, to provide skills in exchange for a wage and *vice versa*, is liable to be lost from sight.

Lastly, employers seem to believe that exemptions from statutory charges, which are granted today in France to promote the access or return to work of people with social difficulties, are more lucrative and easier to administer.

### ***Criticisms expressed by disabled persons***

The main criticisms expressed by our disabled respondents tended to focus more on the situation prior to their recruitment than on the situation surrounding their arrival in the enterprise, because their transition to working life had been successful.

Apart from the assistance given to them by the placement agencies, although that too may have been tainted by unfortunate experiences, the system for granting recognition as a disabled worker and the specialized training bodies came in for harsh criticism.

Under the present French system for assisting disabled persons, this recognition opens the door to entitlements. Sometimes found to be a humiliating experience, the examination by COTOREP does not bring the disabled person any immediate benefits. Is it legitimate to preselect beneficiaries like this? The debate is still going on. Its advocates consider that it allows aid to be channelled towards those who really need it. Its adversaries maintain that it unnecessarily encumbers the process of allocating aid, an encumbrance for which a price has to be paid. It also marginalizes people who, despite having a rather inconspicuous disability, are really in need of assistance.

The specialized training centres (including the occupational retraining centres (CRPs)) are regularly criticised in France. Some regard them as obsolete, others as veritable ghettos, but they have not been replaced by any real opening up of the mainstream training centres. Nevertheless, their results are by no means negligible. The fact remains that many disabled persons do not possess the level of prior knowledge required for entry into mainstream certificate courses. The problem persists. If decisive progress is to be made in France in improving the employability of disabled persons, training is certainly the domain on which such efforts should be focused.



## CHAPTER 3

### CONCLUSION

If it is acknowledged, as was suggested in our introductory section (1.1.2.), that the situation of small enterprises presents us in France with an opportunity to compare the relative merits of imposing an employment obligation and giving free rein to employability, backed by a sustained support structure, the information at our disposal enables us to suggest that the second, more natural model will not work for people with severe or visible disabilities if they are expected to perform work in isolation.

Why do enterprises which are not legally bound to employ disabled persons play such a prominent part in their integration into working life? And conversely, what are the factors that limit the recruitment of disabled persons by small enterprises?

#### *Conditions affecting the recruitment of disabled persons*

The process leading to the recruitment decision is easier in the case of small enterprises, because the person contacted by the candidate or by the placement agency assisting him in his jobsearch is always the person who will take the decision and who is ideally placed to assess its feasibility and its effects.

When employers are asked for the reasons that led them to employ disabled persons, they always emphasize first and foremost the abilities of these candidates and the fact that they needed someone with the candidate's qualifications, irrespective of the disability. In most cases, small enterprises do not have what could be termed a policy on the employment of disabled workers.

The employer's image of disability is generally an obstacle or at least a source of hesitation. It may be assumed, on the basis of the testimony we collected, that if the disabled person is known to the employer because the person has been introduced to him by an acquaintance, that will change matters. If this is true, the links forged by the placement agencies such as Émergence and employers in the course of their long-term collaboration will be decisive. It should be mentioned that a great number of disabled persons, just like able-bodied people, find jobs through people they know. Where that is not the case, it will take all the persuasive powers of the specialized teams for the rehabilitation of the disabled (Émergence, OIP, EPSR) to succeed in convincing an employer. But what is perhaps the most convincing thing of all is when the disability is practically invisible, which is the situation, according to our informants, in 85% of all cases.

In practice, the employer, with the conventional mental image of the paraplegic, the blind and the deaf, is relieved to encounter someone who has had a heart disorder, a person with nothing more than a vertebral problem or a candidate with blocked joints, conditions which account for the bulk of statutory assistance to the disabled. Of course, in the case of more severe disabilities, the funds available for the necessary technical aids may help, but in relative terms small enterprises rarely seem to undertake alterations to their premises to accommodate disabled staff.

French legislation has created the means of offering recruitment premiums to small enterprises. The effectiveness of this type of measure is contested today for several reasons:

- It is difficult to legislate in this domain against “bounty-hunting” - obtaining premiums without having any intention to retain the recruited employee; on the contrary, he has to give way to the next “prey”. This defeats the purpose of the premiums and has a particularly harmful effect on disabled persons.
- Even where there is no such desire to profit from the situation, this type of aid creates a windfall effect well known to other populations in difficulty, whereas it has only a marginal effect on the recruitment; the employer is therefore pocketing a premium that did not actually contribute to his decision.
- A disabled person will inevitably start his work on a bad footing if he is somehow perceived to have been recruited “on the cheap” by comparison with the other employees, who may consequently feel that he has unfairly undercut the other candidates (with whom the employees can identify more readily than with a disabled person). This can also give rise to conflict between the employer and the disabled employee over who has stood to gain more by the recruitment.
- At all events, these premiums have little appeal in administrative terms, because they are difficult to allocate. Employers seem to prefer exemptions from statutory charges. Nevertheless, the premiums do seem to have unlocked the door to some enterprises, namely those businesses which have just started up and have numerous financial needs.

More generally, employers need to be reassured, and the monitoring of the rehabilitation process reassures them. Without the assurance of support, small enterprises will hesitate to plunge into this type of experiment.

### ***Obstacles to the recruitment of disabled persons***

The particular difficulty for a small enterprise is its very smallness. Because of that, its employees are hard to replace and must be versatile, in other words capable of performing a great number of different tasks.

Employers have particular mental images of disability, which make them fear a higher absence rate, especially for sick leave - a luxury that small enterprises cannot afford. This idea has no basis in reality, and is only expelled once the disabled person has been employed for a while at the establishment. However, the image can still prevent an employer from even contemplating the recruitment of a person once he discovers that the person is disabled. Recruitment agents have to use all their persuasive powers to secure a job interview at which the employer can ascertain that a disability is not necessarily synonymous with unsuitability and dependence.

### *A word of caution*

Although it has been revealed that small enterprises have served as a major source of employment for disabled persons, it nevertheless emerges from our survey that working conditions in such enterprises are particularly difficult. Holding down a job and what we have called integration, in the sense of total acceptance by everyone else in the working environment, depend on a person's ability to adapt to these conditions. Those whose disability weakens them physically or psychologically run the risk of buckling under the strain and seeing their difficulties aggravated. That is why these opportunities should be approached cautiously.

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The limitations of this research are easily identified: the small number of cases studied, the unrepresentative sample, the situations that could not be examined. Be that as it may, the analysed interviews allow us to form a better idea of the way in which the question of the employment of disabled people in small enterprises is presented in France. The investigations we conducted in this country show that this question has never been studied systematically. A comparison between these few observations and those made by our counterparts in other countries will certainly create a pool of ideas that can spawn further studies.