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

NETHERLANDS

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EUROPEAN FOUNDATION
for the Improvement of Living and Working Conditions

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by

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SUMMARY

At the beginning of the nineties, the high rate of absenteeism and the rising number of employees drawing disablement benefits prompted the Dutch government to review the financial arrangements around incapacity for work.

The present Cabinet is aiming to reshape the measures and provisions in the context of disablement and inability to work so that both employers and employees become more aware of the necessity of reducing the demand on social security provisions for persons on extended sick leave or with a long-term incapacity for work. To this end, the Cabinet has put forward bills proposing differentiation of premiums and a greater influence of market forces in the field of incapacity for work.

However, an undesirable and undesired side effect which could result from the increasing influence of market mechanisms in social security is that employers could apply *negative risk selection* with respect to candidates who might possibly have a higher risk of becoming ill or unable to work. This applies particularly to people with chronic conditions or disabilities. The prevention of unfair selection and promoting the participation of people with a disability in the work process is therefore an important aim. The government is introducing a number of supplementary measures to stimulate the use of reintegration instruments to make it more attractive for employers to retain or take on employees with a disability. Hope is focused primarily on the small and medium-sized businesses in this respect.

The reintegration instruments available to date to help people with a disability to find and keep a job, have failed to yield the expected results.

Medium-sized and above all small businesses show great reluctance to employ staff with a disability, because they assume that this will entail a higher risk of absenteeism, and therefore higher costs. In spite of the subsidies that they could claim for taking on employees with a disability, most of these companies appeared not to be inclined to employ more disabled staff.

The case studies described in this report indicate that when a small or medium-sized employer decides to employ a person with a disability, the decisive factor is neither the financial reimbursement nor the cost of any work adaptations that have to be made.

The highest priority for the employer is taking on the best candidate for the job, on the basis of normal business and financial criteria. A disabled person is seldom seen as the best candidate, because employers are afraid that he or she will offer limited services coupled with a high or unpredictable level of absenteeism. But candidates with a disability do have a chance of being employed: many employers indicated that they would be prepared to take on employees with a disability if they are good at their job, motivated, present themselves well and if their disability would not prevent a satisfactory performance of their duties. The possibility of starting with a temporary contract or secondment reinforces employers' readiness to accept such a candidate. Only among the small businesses did we find a large number of employers who were not prepared to take any risk at all, mainly for organizational reasons.

Social policy may also play a part here, specifically in large and medium-sized businesses and very occasionally in small companies and businesses located in areas well away from the large cities: a limited number of people with a disability may be employed in less taxing jobs for the sake of the “social image” of the company.

In addition to various general measures, such as the provision of detailed information on the financial incentives for employing people with a disability, good support and guidance for the employees themselves is also an important factor. Special training for managers, personnel department and company doctors (and others involved with working conditions) will also contribute to more successful reintegration.

BACKGROUND OF THE STUDY

1.1 Introduction

In the spring of 1996, the European Foundation for the Improvement of Living and Working Conditions put forward a proposal¹ for the execution of a study on the improvement of the quality of work and life of people with disabilities²

The study was to find out how and why employers in small and medium-sized companies (SMEs) take on or retain employees with a disability, and if not, why not.

The findings should give some insight into the barriers and other factors which either promote or reduce the likelihood that employers will offer work to people with a disability. The Foundation proposed carrying out the study in several countries in the European Union. In view of the fact that little research had been done on this subject in most countries, the proposers opted for a qualitative approach, concentrating on the description of a limited number of case studies in small and medium-sized businesses where people with a disability had been taken on or retained, with varying degrees of success.

The study has been carried out in 7 countries of the European Union: Ireland, the UK, Germany, Spain, France, Sweden and the Netherlands. The European Foundation asked NIA TNO to undertake the study in the Netherlands. Financing for the study came from the grant which NIA TNO receives from the Ministry of Social Affairs and Employment for the “Work and Disability” programme. The report on the Netherlands consists of two qualitative studies: a case study of 11 SMEs focusing on general company policy on the employment of staff with a work disability, and a study of three cases of successful reintegration in an SME, including a detailed description of how and why the disabled person was taken on. We consulted recent research literature on the theme of “Work and Disability” when analysing the two studies.

Outline

In the following sections of this first chapter, we shall briefly describe the situation in the Netherlands with respect to the “reintegration of people with a disability”, on the basis of recent research literature. The Cabinet’s proposals for further privatisation and greater influence of market forces in social security will also be discussed.

Section 1.3 gives a definition of the different categories of people with a work disability (i.e. some degree of incapacity for work) as applied in the Netherlands, and an overview of the number of persons in each category. Section 1.4 describes briefly the legislative measures

¹ See: Improving the quality of work and life of people with disabilities (Background paper and Draft Guidelines), European Foundation, March 1996. Project no. 0189.

² Disabled people are employed or unemployed people with impairments, disabilities or handicaps which hinder them in retaining or finding employment, and in the normal performance of the work (normal with respect to age, sex, and socio-cultural background). (De Vos e.a., 1997; Wevers, 1997.)

designed to encourage employers to hire or retain disabled employees and gives an idea of the number of enterprises according to size with disabled employees on the payroll.

The methods used for this research are described briefly in Chapter 2.

Chapter 3 examines company policy when a person with a disability is employed in an SME, and Chapter 4 presents three case studies of successful reintegration in an SME. An analysis of the case studies is given in Chapter 5. The results of the study of company policy were also used in this analysis.

The conclusions, recommendations for policy makers and proposals for future research are set out in Chapter 6.

1.2 The situation in the Netherlands

Privatisation and greater influence for market forces in the social security sector

To enable the reader to reach a clear understanding of the Dutch situation in the second half of the nineties regarding the reintegration of people with a work disability, we shall first set out the Cabinet's position on this matter.

The present Cabinet wishes to adapt work disability arrangements so that both employers and employees become more aware of the need to make a positive effort to reduce the burden on social security in cases of long-term absence from work through illness or disability. To this end, the Cabinet has put forward proposals for legislation on differentiation of premiums and greater influence of market forces in the field of work disability (Pemba Bill). These measures will come into force on 1 January 1998³

Differentiation of contributions is designed to introduce and strengthen financial incentives to accelerate the campaign to reduce the causes of work disability. Employers are thereby encouraged to provide good working conditions, a good sick leave policy and reintegration plans and to make use of reintegration instruments.

The government's policy of "moving backstage" means in the context of social security that the state should make provisions for those aspects of social security where the private sector insurance market does not offer acceptable cover. If private sector insurance companies are able to insure all risks at an acceptable price, there is no need for social security measures. In those cases where the market can offer adequate insurance cover, the role of the legislator is limited. In concrete terms, this means that the legislation framework should aim to counteract the negative effects of privatisation and provide employees with adequate protection against any such effects.

However, an undesirable and undesired side effect which could result from the increasing influence of market forces in social security insurance is that employers could apply *negative risk selection* with respect to candidates who might possibly have a higher risk of becoming ill or unable to work. This applies particularly to people with chronic conditions or disabilities. The prevention of unfair selection and promoting the participation of people with a disability in

³ See Annex 1 for a short description of Pemba, other bills and a number of relevant laws.

the work process is therefore an important aim. The government is introducing a number of supplementary measures to stimulate the use of reintegration instruments to make it more attractive for employers to retain or take on employees with a disability (see section 1.5). For instance, reimbursement is available to cover the financial consequences of hiring a person who qualifies for a partial incapacity for work benefit. These possibilities are set out in a number of laws (e.g. WAGW, ZW, AAW, WAO, Wulbz and Amber; see Annex 1).

The Pemba Bill mentioned earlier includes a provision that enterprises with a certain percentage of employees classified as having a partial incapacity for work shall be offered a reduction on the social security contribution paid by the employer. Further, the Reintegration Bill is currently being prepared, and this is also expected to come into force on 1 January 1998. It includes measures designed to ensure that existing and future reintegration instruments are used more often and more efficiently.

In the framework of legislative and other measures drawn up by the government, the executive agencies of social security (Uszo- administration of social security for civil servants and teachers, GAK - central social security administration office, Cadans, GUO- central executive agency and SFB- social fund for the construction industry) have drawn up further measures to promote work participation, in cooperation with Tica/Lisv (coordinating body for the implementation of social insurance). Further, Departments such as Employment and Social Services are consulted more frequently about the reintegration of people assessed as having a work disability, partial or otherwise.

Reintegration instruments focusing mainly on the employer and offering him a financial incentive, are described in section 1.4. The legislation defines the target groups among those with a disability for whom these instruments may be used. These target groups are described in the next section.

1.3 Target Groups

In comparison with its neighbouring countries, the Netherlands uses a relatively wide definition of people with a disability, with various categories of working or non-working individuals.

Before the term “work disability” (incapacity for work) came into use, a definition of people with an incapacity for work had been selected in the framework of the WAGW (law on work and disabled employees) on the basis of characteristics which could be registered objectively. This method of definition was chosen in the light of the intended introduction of a quota system, which was in fact never introduced. The people who fall under this definition are referred to as the *WAGW target group population*. An overview of this group is given in Table 1 (categories 1 to 9).

The WAGW, which dates from 1986, focuses primarily on employees who qualify for benefit under the AAW/WAO (law on incapacity for work/law on work disability insurance) and employees for whom special accommodations subsidised by the Industrial Insurance Board have been made to enable them to work; see categories 1 and 2 in Table 1. In addition, a special category of persons to whom the WAGW also applies has been introduced by Royal Decree (the “safety net” clause).

This “*safety net category*” is described in general terms in the WAGW as “employees who, as a result of illness or impairment, suffer an unequivocal handicap in obtaining or performing work, or employees for whom special accommodations have been made to enable them to obtain or perform work”. Over the years, a number of new Decrees have been made under this safety net clause, introducing new categories of employees in the context of new legislation on reintegration (categories 3 to 9 in Table 1).

In the Netherlands, the Industrial Insurance Boards act as mediators in helping people with a disability to find employment.

In the context of the “Amber” law, which was designed to increase opportunities for people with a disability in the employment market, the various categories of persons who comprise the mediation target group of the Industrial Insurance Boards have been defined; this target group is also referred to as the *WAGW mediation population*. New categories also cover those who are not employed, i.e. people with a disability who are unemployed and who are eligible for work, and the self-employed (past or present). These are categories 10 to 14 in Table 1.

The basic principle remains that the person in question must suffer from an impairment, (i.e. an illness or disability as defined in the AAW/WAO) and that he or she has found this to be a handicap in securing employment.

Table 1: Categories of people with a disability recognised in law

A. The following employees belong to the WAGW target group :

1. employees receiving a work disability benefit, i.e. a benefit under the AAW (general law on incapacity for work) or WAO (law on industrial disability insurance), or a benefit granted in conformity with the WAO (civil servants);
2. employees for whom a special accommodation has been made in connection with his or her disability, enabling the employee to perform his or her work;
3. civil servants who have been classified as unable to work (full or partial incapacity) but who are able to perform another job;
4. employees for whom a special wages dispensation has been granted;
5. employees who have moved on from sheltered work to a position in the regular business world (to be counted as disabled employees for 3 years);
6. employees for whom provisions have been made under the AAW for transport to and from work or training;
7. employees who have been granted training provisions on the basis of the AAW, at one of the following institutes: Werkenrode in Groesbeek, Hoensbroeck in Hoensbroeck, Sonneheerdt in Ermelo, Heliomare in Wijk aan Zee, or Eega in Borne (to be counted for 3 years);

8. employees who lose their disability benefit on taking up employment (to be counted for 1 year);
9. employees who would have been assessed as unable to work if the employer had not taken concrete measures to prevent this. The Minister has to specify further conditions for this category; since this has not yet been done, at the end of 1993 the Central Council for Appeal declared that this component could not be implemented.

B. The following persons are eligible for the mediation services of the industrial insurance boards (WAGW mediation population):

employees with a work disability in the terms of the WAGW (categories 1-9) and also :

10. persons who, if they were in employment, would be assessed as employees with a disability as referred to in the the WAGW;
11. persons who, during their first year of sick leave, when they are entitled to continuation of pay or a sickness benefit under the ZW (Health Law), are clearly unable to return to their original employment, or looking for new employment; also civil servants as referred to in the Abp law (general citizens' pension fund law) who are entitled to continued payment of their wages in connection with sickness;
12. persons who after one year of illness do not qualify for an AAW or WAO benefit because their disability is less than 25% or 15% respectively;
13. persons who lose their AAW/WAO benefit because they have been reassessed as less than 25% or 15% disabled, according to art. 32 of the AAW or art. 43 of the WAO;
14. persons who do not fall under the above categories and receive no WW (unemployment) benefit, but who do experience problems in finding employment as a result of sickness or disability. For example, this could be a person with a chronic illness who receives a welfare benefit from the social services department, and who is regarded by this department as not eligible for mediation. The New General Industrial Insurance Board will act as a mediator for this category of people, which is also referred to as the art.2 target group.

source: Regeling arbeidsbemiddelingstaak WAGW (regulation of the employment mediation task of the WAGW), Decree of 18 December 1995, Staatscourant (State Gazette) 1995, 248

Before reintegration instruments are implemented, the administrative departments should establish whether or not the person is eligible. As shown in Table 1, two main groups can be distinguished, namely: A. Employees in the WAGW target group, and B. Persons who are eligible for mediation from the Industrial Insurance Boards.

Unfortunately, the statistics available are not sufficiently complete for us to be able to give reliable estimates of the size of the various groups. Table 2 below therefore shows rough estimates of relevant groups within the WAGW target group population (employees) and the WAGW mediation population (source: Wevers, 1997). No figures are available for some categories, partly because the lists are constantly changing.

Table 2: Estimated size of various groups and categories of people with a work disability (1995)

Category / Group	no. x 1000
number of persons with full incapacity for work (incl. civil servants)	640
number of persons with partial incapacity for work (incl. civil servants)	220
annual influx of persons falling under the WAO (incl. civil servants)	75
12. annual number of absentees who are off work for 1 year and assessed as less than 15% incapacitated (excl. civil servants)	30
11. number of absentees >3 months (reintegration plan compulsory)	293
1-9. Number of WAGW employees	96-150
2, 6. Number of WAGW employees provided for under art. 57 and 57a of the AAW (largest group in the safety net category)	6
annual WAO mediation population of the Industrial Insurance Boards	60
14. art. 2 target group	100-150

In the Netherlands in 1995 there were over 860 000 (ex-)employees drawing a full or partial work disability benefit (AAW/WAO). The number of people with a disability who were working in 1995 is estimated at between 96 000 and 150 000.

1.4 Employers in small and medium-sized enterprises

In spite of the sharp rise in the number of people setting up their own businesses, the Netherlands still has the lowest number of enterprises per 1000 employees of all the EU countries.⁴ In the Netherlands, there are relatively many large companies, and a relatively large proportion of the working population are wage-earners employed in a large company.

Nevertheless, in the Netherlands, as elsewhere, small businesses are far more numerous than large companies: 80% of all Dutch enterprises have fewer than 10 employees on the payroll, and a quarter of all businesses are small retailers. In fact, small businesses outnumber larger companies to such an extent that nationwide statistics on businesses usually give values close to the average scores of the small enterprises. Table 3 gives an overview of a number of

⁴ Ministry of Economic Affairs, SME memorandum: Werk door ondernemen (Work through enterprise), 1996

relevant characteristics of businesses in the Netherlands (source: Veerman et al., 1996). One-man companies and those with fewer than 2 employees have not been included.

Table 3: Enterprises in the Netherlands according to size and certain characteristics (1995)

Enterprises with 2 or more employees	Size						Total
	2-9	10-19	20-49	50-99	100-499	>=500	
Total number (x 1000)	286	34	21	7	5	0.6	336
% with disabled employees as defined in the WAGW	6%	16%	29%	47%	71%	71%	10%
% which made self-financed work accommodations	6%	19%	34%	54%	78%	90%	12%
% using reintegration tools provided in law	7%	24%	40%	64%	80%	86%	13%
% actively recruiting employees with a disability	4%	3%	6%	11%	19%	21%	4%
% employees with a disability	1%	1%	2%	2%	2%	2%	2%

As can be seen in Table 3, the small and very small enterprises (80% of the total) determine the picture of trade and industry as a whole in the Netherlands. Few small businesses have employees with a disability on the payroll (6%) and few small businesses make work accommodations at their own cost (6%), make use of reintegration instruments (7%) or deploy an active recruitment policy in favour of people with a disability (4%). The percentage of disabled employees in small enterprises hardly differs from the percentage employed in large companies: 1% and 2%.

From this we can conclude that although most disabled employees work in an SME, one is not likely to come across a business with a person with a disability on the payroll very often. This is only the case in 1 business in 20.

Among the various business sectors, the process industry and the healthcare sector are very active in recruiting employees with a disability. Businesses in these sectors also make a relatively high number of work adjustments at their own cost (33% and 23% respectively). The workforce in the process industry shows a strong preponderance of men (86% of employees are men), while women outnumber men in the healthcare sector (78% of employees are women). Although no statistics are available as yet, it is likely that a relatively high number of men with a disability are employed in the process industry and a relatively high number of women with a disability in the healthcare sector.

1.5 Legislative measures

In the Netherlands there are over fifty legislative measures designed to reduce the number of people with a work disability (de Vos et al., 1997). We have mentioned only the incentives which focus mainly on the employer: reintegration instruments which can provide a financial advantage for the employer.

Most of these instruments are in the form of subsidies to enable employees with a disability to be retained in the company, or to make it more attractive to take on such persons from outside the company. One type of subsidy is compensation for the actual expenses which an employer has to make; another type is an incentive intended to set employers' minds at rest about the negative effects they (apparently) expect from employing a person with a disability, for example, higher sick leave costs⁵. Research has indicated that the business world makes little use of these measures (CTSV - supervisory Authority for Social Security, 1995; De Vos et al, 1997; Wevers, 1997). Small and medium-sized enterprises hardly use the measures at all (7%, see Table 3).

The investigations described in the following chapters examine company policies with regard to disabled people, and thereby provide a clear picture of why businesses employ few people with a partial work disability and make little use of the subsidies available. The investigations look closely at the limiting factors, problems and obstacles hindering the employment of people with a work disability.

⁵ The legislative measures referred to here are the following: 1. Wage dispensation WAGW; 2. Subsidy for the cost of wages, training and supervision; 3. Job coaching/supported employment; 4. Taking over responsibility for paying the wages; 5. Accelerated review of AO benefit; 6. Accelerated granting of an AO benefit; and 7. Employers' provisions.

CHAPTER 2

METHODS

2.1 Introduction

In this chapter we shall give a short description of the methods used in this study, which is in two parts. Chapters 3 and 4 will give further details of the methodology of these two parts, which attempt to answer how and why small and medium-sized businesses take on and retain employees with a work disability. It should be noted that both parts of this study are qualitative studies. Data from a total of 13 small and medium-sized enterprises cannot lead to quantitative conclusions on trade and industry in the Netherlands as a whole. The results are compared with quantitative data from the research literature, which enabled us to draw conclusions of more general validity about small and medium-sized businesses in the Netherlands.

In the next section we shall look in more detail at the themes and topics dealt with in both parts of the study. These were based on the themes and topics suggested by the European Foundation (1996). In both parts of the study, employers were interviewed and also other staff members and employees at other levels, as well as officials involved in reintegration. The list of topics set out in section 2.2 was adapted to each situation and respondent.

A description is given of each enterprise participating, on the basis of the interviews and the documentation received. The description of the enterprises in the three case studies in Chapter 4 is included in the report.

2.2 Interview topics

Respondents were interviewed on the basis of a checklist of topics (see Annex 2). The themes and topics that could be brought up in the interviews are as follows:

Characteristics of the enterprise

- Sector
- Type of service provided
- Number employed
- Financial/economic position; competition
- Region

Characteristics of employee

- Sex, nationality, age
- Education/training
- Employment history
- Disability, limitations
- Medical history
- Work handicap

Characteristics of the work/job

Employed since:

Job

Workplace

Department

Working hours

Recruitment

Description of the recruitment process

Factors which played a part in the recruitment

Why and how

Company policy on employing people with a disability

Social policy

Flexibility of working hours

At management level

Colleagues

Work adaptations and accommodations for the disabled employee

Intangible

Adaptation of working hours

Adaptation of job

Rest breaks, evening and weekend duty

Part-time/alternating duty

Working hours/hours worked

Tangible

Adaptation of the workplace

Transport to and from work

Support/guidance

Positive factors emerging after recruitment

Negative factors emerging after recruitment

2.3 Analysis

In analysing the data from the study of company policy (Chapter 3), we concentrated primarily on: company policy and aims with regard to people with a disability; examples of measures; important factors in the decision to employ such a person; and positive and negative factors. The analysis of the cases (in Chapters 4 and 5) focuses on five main subjects: mediation for access to work for the disabled; employers' motives in deciding to recruit or retain a person with a disability; adaptation of the work and the workplace; labour relations within the company, and legislative and other measures in connection with recruiting an employee with a disability.

STUDY OF COMPANY POLICY ON REINTEGRATION

3.1 Introduction

In 1996, a number of studies were carried out in the Netherlands to examine how companies and institutes tackled reintegration. This includes the studies by the CTSV (supervisory authority for social security) and NIA TNO (Dutch Institute for Working Conditions - Institute for Applied Science), and the ZARA study which will be discussed further in section 3.6. These studies yielded data on the use and effectiveness of the legislative instruments. The conclusion was that businesses made little use of most of these instruments. A number of studies have already shown how companies have built up their own policies to reduce the number of employees with an incapacity to work and promote reintegration after long-term absenteeism through sickness (De Vos et al., 1996). How far this also applies to recruitment policies for those with a work disability, and what differences in policy there are in practice, has been examined to a limited extent (De Vos et al., 1995; Veerman et al., 1996). The central aim of the NIA TNO qualitative study was to examine the different policies developed in practice; some of the results of this study will be described here (Verkley et al., 1997). The study focused in particular on finding out what problems companies came up against when setting up and implementing this policy, and what the consequences were for the organisation of the work and the arrangement of the workplace when several disabled employees are reintegrated in the same company.

3.2 Purpose of the study

The Ministry of Social Affairs and Employment requested NIA TNO to carry out this part of the study. The aim was to gain an insight into the various types of company policies implemented at the present time in the Netherlands, in the field of the reintegration of employees with a partial capacity for work, and the considerations which employers take into account when selecting this policy.

The research topics derived from this are the following:

- what is company policy on the recruitment of people with a partial work capacity ?
- what considerations do employers take into account when determining this policy ?
- what are the positive factors and the problems encountered by companies when implementing this policy ?
- what consequences does the reintegration of several disabled employees in one company have for the organisation of the work and the arrangement of the workplace ?

The study covered all types of enterprises in the Netherlands, with the exception of state enterprises. In the present paper we shall focus primarily on the results that also have a bearing on SMEs.

3.3 Reintegration policy: definition of terms

The subject of the study embraces the reintegration policy of businesses, positive and negative factors affecting it, and the results. However, the central concept, “reintegration policy”, can be interpreted in various different ways. In this study, what we mean by **reintegration** is the process of recruiting and continuing to employ people with a chronic disability or condition and/or a full or partial AAW/WAO benefit: in short, people with a work disability.

By reintegration **policy** we mean: the existence of targets, the assignment of tasks and responsibilities deriving from these targets, and the introduction of concrete company measures/action to achieve these targets. This policy may be formal (explicit) or informal (implicit). A formal company policy is one that is discussed explicitly at management level; decisions have been taken on targets, tasks have been assigned, and all this may well have been put down in writing. A budget may even have been agreed, and results may be evaluated regularly. A policy is informal if it is a matter of generally accepted aims and behaviour, and if people take concrete action in line with this, even if there has been no formal decision-making process.

The term “reintegration policy” is therefore interpreted fairly broadly here. As a rule, a company’s course of action in practice is referred to a reintegration policy if the company has introduced similar measures promoting reintegration a number of times, and if, according to the respondent, the company will act in the same way in the future.

3.4 Method

In this section we shall describe the sampling method, the survey itself, the research method and the checklist of themes and questions.

Sample survey

The aim was to include 15 enterprises in the survey, representing a range of different sizes, business sectors and financial/economic positions.

Sample survey carried out among small enterprises

In all, 17 enterprises took part in the survey. Of these, the following SMEs are relevant to the present study: 4 businesses with 1-15 employees, 2 businesses with 16-100 employees, 5 businesses with 100-200 employees⁶

The enterprises examined represent a reasonable range of different sectors, number of employees, financial/economic positions and percentage of absenteeism.

⁶ Types of business (and number of employees): Hairdresser (3), Perspex processing business (3), Physiotherapy and hypnotherapy practice (3), Butcher (7), Women’s clothing retail chain (75), Nursing home (76), Manufacturer of precision rubber products (125), Consultancy (160), Training institute (175), Metal processing company (200). The other 8 large companies are relevant to this study in so far as they are compared with SMEs.

Method

The study was carried out by means of interviews based on a structured list of open questions. The respondents were interviewed at their place of work, with the exception of the company doctors, who were interviewed by telephone. Where possible, the following were interviewed in each enterprise: the director, a personnel officer, a member of the Works Council or the VGWM Committee, the company doctor, and (if present) an employee who has been reintegrated after illness, and his superior. In small companies, there are no officers for some of these functions, which means that they could not be interviewed. A total of 31 people were interviewed in small and medium-sized enterprises.

The interviews were carried out in the period from June to December 1996.

The list of questions

The questions which are relevant to the present theme were drawn up in accordance with the questions in the checklist for the case study (Annex 2). The open questions concern the following:

- the presence or absence of a reintegration policy and what this is designed to achieve;
- obstacles and positive factors influencing this policy and its implementation;
- results of this policy;
- consequences of the presence of employees with a partial capacity for work;
- the role which staff at various levels played in the organisation of the work after reintegration
- the influence of the Working Conditions Department, the executive office and any other external agencies on the reintegration policy.

Analysis

The interviews were written up and examined one by one to pick out important points which shed light on reintegration policy and company measures to facilitate reintegration. These points were then classified according to subject and linked up with the research topics, after which the report could be drawn up.

3.5 Results: employment of persons with a partial capacity for work

Policy and aims

There is not one large or small enterprise in the sample with a specific policy of recruiting people with a chronic disability or condition, or a full or partial AAW/WAO benefit⁷. Many companies said specifically that they had no policy of favouring any particular group at all.

A few respondents also said that there was no company policy against reintegration either. If a candidate with a disability was the best candidate, he is the one who would be offered the job. However, such candidates apparently do not turn up very often.

We found a difference between SMEs and large companies in the reasoning behind company policy on recruiting people with a work disability.

The reasons larger companies gave for their company policy were:

- *commercial/economic*: they want the right person in the right place, and he/she must be flexible;
- *financial*: they do not wish to take any unnecessary risks;
- *social*: occasionally they make an exception to these arguments and employ someone with a partial capacity for work, for social reasons.

It can be said of most larger companies that they aim to choose the best candidate. “Best” in this context means knowledge, skill and motivation, but also few limitations and a low risk of absenteeism. In other words: a policy of risk avoidance. This does not rule out disabled candidates, but does reduce their chances.

At the same time, the social policy of a few large companies means that they do occasionally take on employees with a disability and/or an AAW/WAO benefit.

Most employers in small companies state categorically that they can see no place for people with a partial capacity for work, because they fear that this would also entail a high rate of absenteeism, which would cause too many organisational problems.

An employer with three employees stated that if he were to recruit someone now, he would take note of any recent operations or participation in high-risk sport. If the risk was high, either he would select someone else or the candidate would have to insure himself. This may sound hard on the candidate, but a small company cannot take risks with its staffing level or risks which could have serious financial consequences. This small employer is in favour of retaining a medical test prior to recruiting a new employee; if this is forbidden by law, he would seek other ways of finding out about a candidate’s medical background (see Annex 1 for legal prohibition of this). The risk of protracted illness in an employee is not a risk that a company with only a few employees can afford to take.

⁷ In the interviews, no distinction is made between recruitment policies with respect to candidates with a work history, reintegration candidates, and candidates who have never worked, for whom the term “integration” would be more appropriate.

The policies of the medium-sized companies lie between those of the small and large companies.

Examples of measures

Since there were no recruitment policies, we cannot give any examples of company policies in this respect. But we can give some examples of what was done in practice. The following examples are from medium-sized and large companies, but will serve as an illustration:

- A company received an application from a candidate with an allergy which could lead to problems. The doctor was asked for his opinion, and he said that the allergy might be triggered, but equally, it was also possible that nothing would happen. The company decided to employ the man on a temporary contract so as to be able to evaluate the situation better. The man suffered no allergic reactions at work and has now been signed up on a permanent contract. If problems had arisen with the allergy, his contract would not have been extended.
- A manufacturing company was offered a temporary worker with a chronic condition which meant that he could not stand for any length of time. The job involved work normally done standing up. However, the company was keen to take the boy on because of his skill and positive attitude, and a few small adjustments would enable him to do his work sitting down for most of the day. The department itself then made the necessary adjustments.
- A temporary employment agency put forward a candidate on an industrial disability benefit (WAO) for an automation job in one of the companies. The candidate had suffered an accident some time ago, which had left him unable to perform his old work in the construction industry. Since then he had been retrained for the automation sector. He was the best candidate, and in this work he would have no trouble with his disability (a bad knee). Only a very small adjustment was required: a trolley for internal transport of material, because he could not lift things. The company receives a wage subsidy from the industrial insurance board.
- A number of “minor” jobs were also mentioned, for which people on industrial disability benefit were employed from philanthropic motives. For example, there is a company with a strong family character which has always felt a social responsibility for the village and its inhabitants, many of whom are employed by the company. The company had a social policy of offering a “traditional” post as internal postman or porter to a person drawing an industrial disablement benefit.

Factors influencing recruitment

During the interviews, respondents mentioned various factors which could have a positive or negative effect on the recruitment of people with a disability, depending on the situation:

- The most important factor is whether or not a candidate will be able to function adequately. If the applicant’s training and experience meet the requirements of the job, and if his disability will not hinder him in the execution of his duties (or only slightly), his chances are good.

- An “obvious” physical handicap is less problematic than a psychological problem. Employers tend to see the latter as vague and unpredictable.
- Presentation and motivation are also crucial factors. If the applicant scores well in this respect, his chances of being taken on are considerably greater.
- Past experience is another influential factor, whether it is positive (“... we have seen that it can be a success, so we are more likely to consider doing it again...”) or negative (“we’ve tried it once and it was a disaster, so now we are a lot more cautious...”).

Positive factors

If an applicant with a partial capacity for work has a clear-cut professional skill in a particular speciality where he really has something to offer, then the company will benefit from employing him. His disability will then be of secondary importance.

In the interviews, two examples were given of recruitment of candidates put forward by a temporary employment bureau. According to the company, this worked well because a preliminary selection had already been made. A good, suitable candidate had been found for the job, and his disability was a minor issue.

The possibility of a trial period with the new employee on a temporary contract was definitely regarded as a positive factor encouraging employers to take the risk.

One or two personnel officers said that if the labour supply slowed down, applicants with a partial capacity for work would have more chance of being employed.

Negative factors

Various respondents stated that employers have become even more cautious as a result of the privatisation of the Health Law (see Annex 1, Wulbz) and the risk of higher absenteeism with people with a disability. One personnel officer also said that he found it difficult enough to keep his “own” people in work (employees who would have been put on an industrial disability benefit (WAO) in the past), and that in view of the limited scope he had for providing less taxing jobs, he preferred to reserve these for his own workers rather than recruiting people with a disability from outside the company.

A number of employees who have been reintegrated into medium-sized and large enterprises said that employers are “afraid” of people with a disability, and have a rather stereotyped, negative picture of them. They do not know what they can (or may) expect of a person on a WAO benefit. Employers are also insufficiently aware of the financial advantages available under the reintegration measures when they recruit someone with a work disability.

Another negative aspect is an internal company matter. The work process frequently makes heavy demands on employees. A great deal of flexibility is required, and people with a disability cannot meet this need. Employees are often dependent upon each other in their work, and a person with a partial work capacity may hinder colleagues’ work or entail extra work for them.

The view of many larger companies regarding the consequences of employing people with a partial capacity for work, both their “own” people and those recruited externally, is: it can be done - and it ought to be done.

In the words of a manager: “... it makes no difference, all people are different anyway, and when you are sharing out and supervising the work, you have to take account of the differences between people, what an individual can do and what he can take. An illness or disability is just one aspect.”

The consequences also depend very much on the person in question. If that person is well-liked and valued by colleagues, and well-motivated, problems seldom arise and colleagues find it normal that special arrangements and accommodations are made. But if that person is not so popular or is seen as moaner or a profiteer, the general attitude is much more negative.

Managers and other members of staff in medium-sized and large companies indicated the following as negative effects of the presence of employees with a partial capacity for work:

- reduced productivity and effectiveness;
- less flexibility;
- specially adapted equipment/workplace unsuitable for immediate use by colleagues or substitutes;
- it puts an extra burden on colleagues if someone cannot manage certain tasks and they have to be taken over by others, especially if these are heavy tasks;
- managers spend more time on supervision, and they always have to take the employee’s special limitations into account in working out the timetable and the planning;
- it sometimes sparks off jealousy among colleagues if someone is considered to have an easy job.

But there are positive effects as well: it is good for the company image, and more variety in the workforce is also a positive aspect.

3.6 Comparison with the ZARA study

The ZARA study commissioned by the Ministry of Social Affairs and Employment was carried out more or less simultaneously with this study. The purpose of the ZARA inquiry (on absenteeism, working conditions, reintegration and incapacity for work) was to monitor three times a year any changes in the policy of companies in these areas, by means of an inquiry among approximately 3300 employers (Veerman et al., 1996). The data gathered in the ZARA study is quantitative information only. The first set of results, which were presented in October 1996 and referred to reintegration in 1995, revealed a picture which was in line with the results of the present study. In the first place, the ZARA study indicated that businesses made almost no use of the legislative instruments provided for reintegration. Virtually no company had a recruitment policy which targeted the external recruitment of personnel with a partial capacity for work: if a company had employees with a partial capacity for work, they were people who were already working for the company when they became disabled.

STUDY OF SUCCESSFUL REINTEGRATION: 3 CASES

4.1 Introduction

In this chapter, three cases are described of a more or less successful reintegration of persons with a work disability in a medium-sized or small enterprise. Chapter 5 presents an analysis of these case studies, with reference to the results of the study of company policy. The present chapter starts with a description of the research methods used and the problems encountered in finding cases. The cases themselves are described in section 4.3, in the framework proposed by the European Foundation (1996).

4.2 Methodology

Selection of cases

Cases were found by approaching organisations concerned with people with a disability and employment, such as mediation bodies and special interests organisations/pressure groups. The idea was either to track down companies who had taken on disabled employees, or to be put in contact with people with a disability so that we could ask them if we might approach their employer about participating in the study.

The first organisation we approached was the National WAO Platform (umbrella organisation of local pressure groups for people with a work disability). The chairman put the matter forward at the national meeting of WAO Councils, but in the end it proved to be impossible to find cases that met our specifications in this way. However, the chairman did provide us with one case from his own region (case number 1). He had supported the employee in question throughout her problems with various bodies to whom she had applied for services.

The WAO council in Utrecht had been working on an informative book about reintegration, for which a number of reintegrated employees had been interviewed (van Rossum, 1996). Case 3 was approached through this contact.

At our request, a consultant from a private sector advice bureau for employment integration approached five people with a disability who had been recruited into a company, but the size of the companies they were employed in all turned out to be outside the range of this study.

We also contacted an employers' federation for SMEs, the Gehandicaptenraad (council for people with a disability) and the Abp (general citizens' pension fund for retired and incapacitated state employees). These contacts did not yield any suitable cases.

The WAO council in Nijmegen knew of no cases of placements in companies with fewer than 200 employees. They referred us to GAK Detapool (central administration office) in Nijmegen, and it was through this organisation that we could approach case 2.

In addition, we looked at other NIA TNO studies currently underway to see if they included any cases which were suitable for our study, but there was none which met all our criteria. There were hardly any cases of people with a work disability who had been recruited to a small or medium-sized company, and those cases there were had not been a success.

In short, it turned out to be no easy task to track down cases that met our specifications.

Approaching employers

The employers concerned were initially contacted by telephone. We explained the study we wished to carry out and requested permission to interview a number of people about the employment of a person with a disability. Three interviews were carried out for each case, on the basis of a checklist of questions and topics.

List of topics and questions, and interviews

The topics and questions were derived (and translated) from the guidelines set out by the European Foundation (EF, 1996). This checklist is given in Annex 2 of this report.

Where possible, the interviews were taken at the home or the workplace of the respondent. If this was not possible, the interview was conducted by telephone. In all, we spoke to three present or past directors, three people with a work disability who had been recruited by a new employer (two women and a man), two personnel officers and an officer from an organisation mediating between the disabled and potential employers. Four interviews were taken at the place of work, three at the home of the disabled employee and a number of telephone conversations were held with two officers.

4.3 Case descriptions

4.3.1 Case 1

Method in case 1

This case involves the director of a nursing home and a disabled woman who had suffered a spinal cord lesion in a traffic accident and has since been confined to a wheelchair. With the help of a friend, she applied for the job and was taken on as a receptionist at the nursing home. She will be referred to as Mrs X.

Three extensive, separate interviews were held with each of the three people involved, after a short preliminary interview by telephone in each case. These three people were:

- the previous director of the nursing home, who had recruited Mrs X at the time (at his home)
- the present Head of Personnel Department (by telephone)
- the person with the disability, Mrs X (at her home).

The interviews were conducted on the basis of a checklist of topics (see Annex 2).

Details of company

Sector	Healthcare: nursing home
Type of service	Temporary (eg after an operation) or permanent nursing of bedridden patients/invalids; rehabilitation.
Number of employees	192 full-time permanent jobs at time of recruitment in Jan. 1982
Financial/economic	The nursing home is an independent institution. Patients' costs are paid by the AWBZ (law on special healthcare expenses) and patients' contributions. Long waiting lists at all nursing homes mean that there is no competition in this sector.
Region	Rural area in the east of the Netherlands, village community.

Details of employee

Sex, nationality, age	Female, Dutch, born in 1962
Education	A few years of MAVO (lower secondary education) (no diploma through bronchitis and moped accident)
Employment history	From the age of seventeen, when she was not yet disabled, Mrs X had periods of employment ranging from six months to a year, first as checkout/sales assistant in a large store, then factory worker in the metal processing sector, cleaner/non-medical services in a hospital, and salesperson for vegetable dept. in a large supermarket. She was dismissed during the trial period (Nov.'80) in this last job, probably because she was absent too often (with bronchitis). In between, she had periods of unemployment lasting 1-5 months.
Disorder, disability	Disorder: lesion of spinal cord from the midriff Disability: cannot stand or walk (as result of car accident Feb.'81) Home again after rehabilitation: October 1981
Work handicap	Cannot perform work which requires her to stand or walk.

Details of employment

Joined the company in:	January 1982 (Mrs X was then 20 years old). She was given some introductory training in Nov/Dec 1981.
Job	receptionist/telephonist
Workplace	At the reception desk in the entrance hall
Department	Non-medical services, in a group of 6 female receptionists.
Working hours	In January 1982: 3¼ hours per day, five days a week = 16¼ hours a week, from 11.15-14.30 hrs or 14.30-17.45 hrs. In 1986: 3¼ hrs four days a week + weekend duty once every three weeks: two days of six hours. From 1991 onwards: two days of 3¼ hrs + two days of 6½ hrs + weekend duty every three weeks.

Employment

A friend of Mrs X knew that there would be a temporary job available in the nursing home where she worked, during a colleague's maternity leave. She prepared the way by speaking to the director about the possibility of Mrs X's applying for the job. The director said that she could send in an application, which she then did. In her letter applying for the job, Mrs X pointed out that the premises already provided easy access for wheelchair users, and that facilities such as a toilet for the disabled were also available. The director had no other candidates in mind for the post. When he told Mrs X's friend that she could apply, he had in effect already decided to take her on. The applicant was called for an interview, which lasted 20 minutes and took place according to Mrs X in a relaxed atmosphere. Mrs X spoke of her fears about the reactions of visitors to her disability, but the director was able to reassure her. No medical examination took place. However, the necessary adjustments to the workplace were discussed internally with the in-house ergotherapist. Mrs X was appointed initially for the duration of the maternity leave, and was later signed up on a permanent contract. Mrs X's friend showed her around and taught her how to do the job in her free time during the two months before Mrs X started work.

Factors which influenced the decision to employ Mrs X

The director's reasons for employing Mrs X were primarily social. In his own words: "This is a small community. I had heard about the accident through Mrs X's friend, who works here. If there is anything you can do for someone in a situation like that, you do it. We had an opening for her here."

The fact that hardly any adjustments had to be made to the premises to accommodate Mrs X made the decision to recruit her easier (by virtue of its function as a nursing home, the building offers easy access to wheelchair users). The same is true of the presence of an ergotherapist and the possibility of support from a rehabilitation specialist (a doctor from a rehabilitation clinic which provides services for the home).

During the recruitment period, a new legislative measure was introduced under the WAGW (law on employment of disabled workers) which ruled that employers should have 5% disabled employees in their workforce. When there was a post to be filled, employers generally looked for potential candidates inside the company first, but with the introduction of this measure, disabled candidates from outside the company were given priority.

According to Mrs X, it is possible that the "Year of the Disabled" (1981) focused more attention on the possibility of employing people with a disability.

Company policy regarding the employment of people with a disability

The social policy of the nursing home includes attempting to offer a suitable job and an income to people who do not fit easily into the labour market. According to the former director: "As carers, our responsibility should not stop with the patients and residents in the home, but should also extended to care for the staff working for us, or for an employee in danger of being classified as unable to work. My policy in such cases was always to let employees gradually come back to work after an illness or disablement. To be capable of working, a person does not necessarily have to be '100% fit to work'."

The introduction of more flexibility in working hours when Mrs X was recruited was a deliberate action on the part of the director. He also made arrangements for her work to be covered by the secretariat while she went to the toilet (at set times or on request). Her recruitment and the changes in shift duty and working hours were the “personal policy” of the director himself. In his own words: “I took the decision, and I could push it through. There was some opposition at management level, and I had to talk it through with them. I had to break down their opposition. Certain individuals in middle management had a somewhat hard attitude. The middle management really wanted staff who would be 100% deployable, for logistical reasons among others. A hard attitude was also sometimes encountered among colleagues who were confronted with changes in their working hours because Mrs X had joined the team, or when they had to take over some of her work when she was absent through sickness”. This somewhat negative attitude disappeared as time went on. According to the director: “The attitude of middle management improved later, when they had got to know Mrs X better and were used to her. A certain amount of friction continued to arise now and then over a longer period of time among her colleagues, when their hours of duty had to be changed because of the disabled employee we had taken on.”

Work adjustments and adaptations for the disabled employee

Adjustment of working hours

When Mrs X was recruited, the work pattern was altered. Originally, one person worked full-time and five others covered the breaks, evening and weekend shifts; on the arrival of Mrs X this was changed into equal part-time alternating shifts for six people. Mrs X’s working hours took account of the much longer time it took her to perform her toilet and to travel to and from work, in comparison with an employee without this type of handicap. Arrangements were made for someone else to replace her for 20 minutes for visits to the lavatory.

Adaptation of the workplace

When Mrs X was recruited in 1982, hardly any accommodations were necessary, beyond some clearing up so that there was room for her wheelchair under the reception desk.

A few years later when the reception desk was to be renovated, Mrs X had a say in matters such as the height of the pigeonholes for the post, and the floor covering. Mrs X agreed to carpeting behind the reception desk, but rather reluctantly, because carpet is a difficult surface for a wheelchair. The general policy of the nursing home is to make it look as little like a hospital as possible. The former director: “wherever possible, the furnishings must help to create a warm and caring atmosphere. For example: colourful curtains, pelmets, no cold lino under your feet”. The recruitment of Mrs X also fitted into this policy.

In 1994 Mrs X started up the application procedure with the Industrial Insurance Board for a better wheelchair, because she had back problems. This proved to be a lengthy, bureaucratic and problematic procedure, in the course of which many mistakes were made.

At the beginning of 1996, an ergonomist from the Industrial Insurance Board inspected the workplace. he provided advice about the floor covering and the ergonomics of the workplace, such as the accessibility of the pigeonholes and the lighting. He recommended a wheelchair specially for her place of work, with adjustable arm rests, among other features. The

wheelchair for the workplace was provided by the Industrial Insurance Board in November 1996, but the rehabilitation specialist who treated the patients in the nursing home where Mrs X worked, declared that the back rest was unsuitable. This meant that a new application had to be submitted to the Industrial Insurance Board. The rehabilitation specialist gave Mrs X tips about her posture, and a smooth, hard floor covering was laid behind the reception desk.

Travel to and from work

For the first six months that Mrs X was employed, she was taken to work by friends, neighbours and members of the family. Later she passed her driving test and a specially adapted car was allocated to her on loan from the Industrial Insurance Board. She was given her own parking place next to the main entrance to the nursing home. Creating this parking space did not entail heavy investment; part of the flower border was dug up and paving stones were laid. This parking space was reserved for Mrs X by means of a board with the registration number of her car. In 1996 the ergonomist from the social security executive office prescribed that Mrs X needed a covered parking place which could be heated. But this would not be in line with the architectural norms of the local council planning committee. This problem was solved when it was discovered that the employee could apply for a drive-in minibus from the Industrial Insurance Board. She could simply ride her wheelchair into the bus, which meant that there was no need to cover over her parking space. Her application for the minibus has recently been approved.

Help/support

Mrs X receives help from the chairman of the national WAO Platform to deal with the substantial problems she encounters in obtaining the correct equipment (wheelchairs for work and home).

Positive factors after recruitment

A positive factor for Mrs X is that when the duty roster is drawn up, account is taken of her preference for certain shifts, because her personal toilet and transport take her a long time to perform. According to Mrs X, the good working atmosphere and collegiality has helped her to function well in her job in general.

Negative factors after recruitment

In the beginning, Mrs X had some problems because she was not always seen as a valid member of the staff team: sometimes she was taken to be an inmate instead of an employee. Visitors at the nursing home tended to turn to one of her colleagues rather than her.

For four years Mrs X worked without any problems. In 1985 she began to experience difficulties in coping with psychological problems connected with the traffic accident which had left her disabled. She was on sick leave for nearly a year. During that period, she felt that her employer provided inadequate support. She heard nothing from him, except for a request for her to give up a few hours because an extra receptionist had been taken on in the meantime. At the request of the employer, the medical officer of the Industrial Insurance Board offered Mrs X a full WAO disability benefit. This she refused.

Mrs X made a great effort and was back at work within a year. Her working time was increased to an average of 17 1/3 hours per week (see working hours), and she was assessed as fully able to perform her work again.

In 1994 Mrs X began to have trouble with her back. The in-house ergotherapist advised her to obtain a better wheelchair. Employees in the Netherlands have to apply to the Industrial Insurance Board for this type of equipment for the work environment. The application procedure progressed in an inexplicably bureaucratic manner, and incredibly slowly and inefficiently. The departments concerned in the procedure made many mistakes. Meanwhile, Mrs X's back trouble got worse. As a result of this and the emotional problems it entailed, Mrs X again became ill and was absent for a long period, and ended up on a WAO disability benefit. At present, she is working as occupational therapy. The employer is losing out because the authorities providing the facilities did not perform their work properly.

On the advice of the director, the personnel officer took up the matter of the wheelchair with the Industrial Insurance Board. He did not want to press too hard, in case the Industrial Insurance Board felt it was being overruled. The type of support given to the employee was in the form of mediation from the sidelines. The personnel officer did indeed press the matter, but with little success. The Industrial Insurance Board held him off with evasive answers. The (former) director feels that all this was unacceptable. "With hindsight, I think we should have put it to them more forcibly that we were losing out as a result of their shillyshallying".

Mrs X thinks that many problems could have been avoided for herself and her employer if a budget had simply been made available to her so that she could select a suitable wheelchair herself.

4.3.2 Case 2

Method in case 2

This case involves the director of a specialised cleaning company and a disabled woman with knee problems. After mediation by a secondment agency of the GAK (social security central administrative office), the woman was taken on as a clerical worker by the cleaning company. She will be referred to as Mrs Y. Three extensive interviews were held with each of the three individually:

- the director of the company, who recruited the disabled applicant;
- the mediator from the mediating agency Detapool;
- Mrs Y.

The interviews with the director and Mrs Y were held in the workplace, and the interview with the mediator by telephone. The interviews were conducted on the basis of a checklist of topics (see Annex 2).

Details of company

Sector	Services sector: specialised cleaning company
Type of service	Specialised and extensive cleaning operations in planned and unplanned situations, such as cleaning up after a fire and removal of asbestos.
Number of employees	Approx. 20 on a permanent basis and 150 on call
Financial/economic	Fast-growing enterprise, annual turnover 6-7 million NLG. There is wide and intensive competition, some of it from “moonlighters” working for black market contractors.
Region	Large provincial university town outside the Randstad (urban agglomeration of western Holland); rural area.

Details of employee

Sex, nationality, age	Female, Dutch, born in 1966
Education	MAVO (lower general secondary education)
Employment history	Includes jobs in the catering industry, museum attendant, sales assistant for business gifts, assistant manager of a petrol station, technical service assistant and finally, clerical work for a large consultancy. She has never been unemployed.
Disability/medical history	Luxation of the joints from 1983 onwards; 1990: operation on benign tumour in a knee, after which she had to learn to walk again. Rehabilitation: ca. 3 months. Indication for a knee corset, never worn. After being ill for one year she was put on a full incapacity for work benefit (WAO) because of back problems and continuing problems with the knee; operated again in 1992 for the latter. Mrs Y called in a specialist, who found irreversible damage to the knee and malformation of the pelvis. He referred her to a pain control specialist; various nerves were deactivated by spinal puncture. Mrs Y’s shoulder ribs were also discovered to be malformed; this caused respiratory problems and severe headaches. Treatment: an hour’s physiotherapy three times a week. At the end of 1993 the Ziekenfonds (Dutch national health service) ruled that the cost of her physiotherapy would no longer be reimbursed as from 1994. This made Mrs Y feel very defiant and she decided to try and find a job.
Restrictions on movement	Among other things, Mrs Y cannot stand for long, walk, lift, bend or hold her hands above her head. However, her attitude is “I do everything I can and want to do, and I only stop when I can’t go on”.
Work handicap	Stiff knee, some difficulty in standing and walking for long.

Details of employment

Joined the company in:	September 1994, through mediation by GAK-Detapool, on an open-ended contract without a trial period.
Job	clerical assistant in wages department
Workplace	Small administrative office with reception facility for employees (for payment of wages) and clients on the first floor. There is no lift. In the same building (in a business park), the same owner has a petrol station, car wash facilities, the boardroom and the stockroom where special supplies and equipment are kept for specialist cleaning operations like asbestos removal.
Organisation/department	When Mrs Y joined the company, there were two permanent employees and 60-70 people who were called in when necessary. Today, the company is managed by the director, his son and Mrs Y as administrative assistant. The other employees, permanent or on-call, carry out the actual work on location.

Employment

The director had this to say about taking on Mrs Y: “When I started my ‘cleaning up after a calamity’ activity in 1991, all the administration was done by hand by myself and a former employee. In 1992 this employee’s wife was also taken on to help us. Then we reached a point when I felt we needed to employ someone to type the letters, since she could not do this.” The director was looking for someone who “would not be coming just for the money, but to grow with us, in thinking, learning and working”.

Through GAK-Detapool he had three ladies to choose from. One had very poor hearing, and was not suitable in view of the many telephone contacts with clients. The second postponed her interview because of a cold. The third candidate (Mrs Y) asked straight away when she could start. She said she was prepared to do overtime. The director: “Why didn’t I ask her what exactly her disability was? Because I didn’t need to know. I thought, if she wants this job, that means she can do it”

Employee’s previous history

When Mrs Y was reassessed for the WAO at the end of 1993, her capacity for work profile was drawn up. This resulted in a proposal for a partial work incapacity benefit. But Mrs Y very definitely did not want a partial incapacity assessment; in the course of the same discussion she said that she wanted to get off WAO benefit all together. She then registered with various temporary employment agencies, and came to the conclusion that it is very difficult to get back into employment after a period on a disability benefit. She even failed to find work through Start, a temporary employment agency linked to the Ministry of Employment. Three times a week she visited her consultant at Start. Finally, within three months, she found work as a software tester in the automation industry (as a temporary worker seconded by a commercial agency). While she was working there she was called up to an interview with the GAK, so that they could mediate for her in finding employment. But she had no faith in the power of the GAK to find her a job, and did not dare to put her present work at risk by taking a day off to visit the GAK. Her mediator at the GAK then phoned her to tell her that he might have a (permanent) job for her as an assistant in a wages administration department.

The interview for this job was conducted in a relaxed and informal atmosphere, according to Mrs Y. She could start the following week, with a permanent contract and no trial period.

The employment mediation unit GAK-Detapool

GAK-Detapool is a mediation unit of the GAK (central administration office), and is present in every district employment integration centre, with the exception of Amsterdam and Enschede. Each Detapool unit consists of a minimum of two persons.

According to the mediator we interviewed, GAK-Detapool was created on the basis of the mediation remit of the GAK and the non-commercial temporary employment agency Start. Originally, people ready for employment mediation were referred directly to Start. However, they tended to get buried in the great mass of people seeking employment through Start. Although the agency aims to provide specialist mediation, the intention of mediating for disabled candidates did not work out in practice. Detapool then set up a joint venture between GAK and Start, whereby GAK, through Detapool, took on the mediation for disabled candidates itself. According to the Detapool mediator: “We make use of the extensive knowledge we have of the ‘product’: the person for whom we are mediating”. This formula works.

Nijmegen mediates for 150 clients every year. The intensive discussions and guidance mean that very few people drop out of the process (ca. 10 out of the 150). The secondment formula for the disabled consists of creating a low threshold for employers and removing the employers’ risks (the risks are all borne by GAK-Detapool).

As the mediator explained, the procedure is as follows: only those who are ready for mediation and wish to work again are passed on to GAK-Detapool. During the intake process, the aim is to work towards establishing a clear picture of the wishes and the capabilities of the disabled person with regard to work.

Detapool then tries to mediate between the candidate and an employer with a suitable job. In doing so, Detapool makes use of its medical and social files on the candidate. The mediator: “Thanks to these files, we have a complete overview of our ‘product’ and know exactly what their weak points are. This is an advantage for employers, in comparison with looking for a candidate on the ordinary labour market and waiting to see whether they have told the full story during their interview or whether there are things they have kept quiet about.”.

Detapool uses the information in these files and from the intake interview to support its recruitment recommendation. This means that it has a better picture of the placement candidate than a temporary employment agency, for example. An agency never has background information about a person’s living situation or the exact reason why the candidate lost his or her last job. “Moreover, we are in a better position to see how the person has developed over time. We have a clear picture of the candidates we propose and that is an advantage for employers.”

It is standard procedure that the ergonomist and the insurance medical officer of the GAK are asked for their expert opinion confirming Detapool’s report on the disabilities and limitations which should be taken into account in the mediation for employment.

The mediation officer gave the following example of mediation:

A nurse with back trouble is an excellent candidate to put forward for a job as a medical secretary, according to Detapool. Unfortunately, there is still a lot of prejudice against people with a disability in the business world. The GAK can then step in and act as the employer and offer a secondment contract to the company providing the employment (actual employer). When the secondment contract has been signed, Detapool will give the employee an employment contract. If all goes well, Detapool will finally disappear from the scene. The secondment contract is for at least six months and no longer than four years. This period is fixed in connection with the subsidy regulations. The subsidy also enables the GAK to intervene if the employee turns out to be in the wrong job (eg if the work the employee has to do in practice is not what was intended). Initially, the subsidy will be paid to GAK-Detapool, but it will be passed on to the employer if he decides within the subsidy period to take on the employee on a permanent contract. The subsidy can then be made over to the employer straight away, without further paperwork or delay. The transfer of the subsidy is important because the secondment rates are higher than normal employment rates.

The mediator we interviewed sees secondment as a means and not an end. Detapool uses secondment as a tool to help people on a disability benefit who wish to reintegrate, by:

- a. removing the employers' risks, and
- b. meeting the employers' desire for more flexibility.

A further advantage with the Detapool method, according to the mediator, is that when there is a recruitment stop, a company can take on an employee without adding him formally to the payroll. This appears to happen frequently.

Factors which influenced recruitment

The application came about after selection and mediation by the employment mediation agency Detapool. Although mediation by this agency normally means that the applicant is employed by Detapool and seconded to the employer, this employer preferred to take on the applicant on a permanent contract straight away.

The fact that the director had a positive attitude towards disabled applicants with a strong motivation to work was clearly instrumental here. "People on a WAO benefit who want to work give a 60% better return on investment, if the company is prepared to provide good support", claims the director. The match between the director who offered openings for people with a strong motivation, and the candidate with an appetite for hard work who was putting everything into finding a job, proved to be a good one. The fact that Mrs Y wanted to put as little emphasis as possible on her physical disabilities fitted in well with the fact that the director asked no questions about her handicap during the interview.

Company policy on recruiting the disabled and others who are difficult to place in employment

The company employs a large number of foreign workers. All the director requires of them is that they can speak a little Dutch. If necessary, he teaches them to read, write and count himself, and has in fact already taught six employees Dutch in this way. The director takes on a lot of people who are considered to be difficult to employ in other sectors. The fact that they work when they are called up is a positive aspect for this group, according to the director. In this way they have more say in how they spend their time. The director has been successful in recruiting people who are prepared to put a great deal of energy into their work; applicants appear of their own accord, after hearing about the company by word of mouth. The director also recruits unemployed youths “off the football pitch” through a football club he sponsors, through GAK-Detapool and the Social Services Department. He never needs to use written advertising, and at the moment he has a pool of 150 stand-by workers at his disposal.

In the four and a half years that the company has been in operation, about 85 people have been recruited on a permanent basis. Forty others have been retrained as specialists in the removal of asbestos, in cooperation with Social Services. They were sent on an asbestos training course set up by the government. According to the director, the course represents a heavy investment. In principle, people with a history of involvement with drugs (if it is not too serious) will also be employed. The director: “A local policeman here phoned me personally to thank me for the fact that petty crime and vandalism in the quarter where many of my employees live has dropped noticeably. The Police have seen that it is much quieter in the area now. In the past, there were far more young people hanging around on the streets.”

The director receives a subsidy from the Industrial Insurance Board for employing people with a partial capacity for work. However, he fills in the forms very briefly, through lack of time, and “if they don’t like it, they can keep it”. He says that he never has any problems with the authorities issuing the subsidies.

Accommodations made for this disabled employee

Adjustments to the workplace

The GAK (central administration office) had imposed conditions on Mrs Y regarding the physical burden she could undertake; Mrs Y says she ignored them. But in principle, adjustments could be made to the workplace, if she wished. Mrs Y’s attitude is that she does not want anyone to make any allowances for her disability; she does not want to be treated like an invalid. She says that if she were to ask her employer for certain facilities, she would be given them straight away.

Adjustment to the working hours

There was no adjustment of Mrs Y’s working hours. When it is necessary, she regularly works on until 10 or 11 o’clock at night (on the company payday, for example). Mrs Y: “Working hard doesn’t matter in principle. We all do it together. We keep an eye on each other and how we are doing. If one of us starts to get too tired and looks really pale and drained, we sometimes send each other home, or the director takes me to a hotel” (Mrs Y lives 50 km away from work).

Travel to and from work

Mrs Y has her own transport.

Help/support

The director gave Mrs Y a great deal of support when he was there to do so. The other two office colleagues put up heavy opposition right from the outset (this was already clear during the application procedure). This awkward situation created a very negative atmosphere initially.

Positive factors after recruitment

Both the support of the director and the great perseverance and sheer hard work of Mrs Y played an important part in the continuation of her employment.

Negative factors after recruitment

Opposition

When Mrs Y joined the company, problems cropped up immediately between the wage clerk and office assistant, and Mrs Y. They refused to cooperate with her, and after six weeks the wage clerk sacked her (although he did not have the authority to do so). Mrs Y reported sick. The director reversed her dismissal. After four months of sick leave and support from the Detapool mediator (which was actually outside his remit), Mrs Y returned to work. The obstructive behaviour of the wage clerk proved to be seriously out of line, and the man was eventually dismissed. Since then, Mrs Y has been functioning well. "I think it's fantastic here. I can develop my skills, I get to take decisions and people listen to what I say. I'm a real person!"

Handicap

Although Mrs Y hides it, she does sometimes suffer from her condition: every day she has stabbing pains in her leg, and constant nagging pain. Since the treatment to raise her pain threshold, she is not always aware of it. Meanwhile, exostosis has developed in the other knee. She is putting off the operation as long as possible, because it means rehabilitation and learning to walk all over again.

4.3.3 Case 3

Method used in case 3

This case history is about the reintegration of a motor cycle mechanic who had become incapacitated. He shall be referred to further as Mr Z. Through the mediation of the GAK (central administration office), Mr Z was first employed in a small institution set up by a department of an institution for work rehabilitation for people with a background of psycho-social problems. After this, Mr Z took up a post as a counsellor in a sheltered living project for (ex)psychiatric patients. The present description focuses mainly on Mr Z's experiences in the small institution, because this was his first job after a period of being unable to work. Moreover, Mr Z preferred us not to interview his present superiors about his current work environment, for reasons of privacy.

Three extensive interviews were conducted separately with the three people concerned:

- the former employer, director of the work rehabilitation institution where Mr Z was first employed;
- the personnel officer of his present employer;
- Mr Z himself (at his home).

The interviews were conducted on the basis of a checklist of topics (see Annex 2).

Details of enterprise

Sector	Healthcare: Foundation for project-based work rehabilitation for people with a background of psycho-social problems.
Number of employees	12 full-time posts, ca. 5 of which are salaried; two-thirds of the employees work as unpaid volunteers.
Financial/economic	One of the foundation's principles is that it works without subsidy from the mental health authorities. Some projects are financially autonomous, others are temporarily financed by funds or from payments from benefit agencies.
Organisation	One working director and project workers.
Region	Town in the urban agglomeration of western Holland; the foundation is a national body and has projects all over the Netherlands.

Details of employee

Sex, nationality, age	Male, Dutch, born in 1958
Education	LTS (elementary technical education), evening classes for HAVO (higher general secondary education) (no diploma), various vocational courses on car and motorbike maintenance, psychiatry course, presently studying psychology (in 3 rd year).
Employment history	Motorbike mechanic (for 15-16 yrs). Mr Z's last job was in a motorbike dealer's workshop.
History of work incapacity	<p>Around the age of 30, Mr Z came to a turning point in his life. Purely technical work no longer satisfied him and he began to take an interest in social contacts. Macho culture appealed to him less and less. He underwent two days of intensive aptitude testing at his own expense. "I had developed an interest in social matters, but I had little insight and confidence in my own capabilities. I come from a working class background and had no frame of reference." The results of the test were very positive: Mr Z could choose anything. In 1990 he started studying psychology through the Open University, which has no conditions of entry. This entailed some 20 hours of study per week. In addition to this, he worked 32 hours as a motorbike mechanic. He passed his first year examinations in 1992. This boosted his confidence so much that he signed on at the University of Utrecht.</p> <p>In November 1992 Mr Z became ill with stress, exhaustion and severe headaches. This was because there were too many demands on him: study, work, renovation of a recently purchased house and then a broken relationship.</p> <p>This state of exhaustion lasted at least six months, during which it was impossible for him to study. During his first year of sickness he twice went back to his old work temporarily as occupational therapy (a couple of weeks for 4 half-days a week). This was not a success.</p>
Disability	In November 1993 Mr Z was assessed as 100% incapacitated, through nervous exhaustion.
Work handicap	In 1994 he was declared able to work again, but not at his old work (also classified as less than 15% incapacity for work).
Rehabilitation	During this period he found work on his own initiative as manager of a band. The social skills he deployed in his contacts with potential clients yielded results. This increased his self-confidence.

Details of employment

Entered employment in:	January 1995, as project worker for the duration of the project (9 months), in an institution for work rehabilitation. The trial period was two months.
Job	His tasks were: literature study, contacts with institutions, writing up interviews, filling in the social map, writing a report, applying for subsidies for follow-up provisions, attending meetings.
Workplace after reintegration Rehabilitation: next step	At the foundation's office At the end of 1995 Mr Z entered employment in an institution as counsellor/supervisor (social psychiatry) for sheltered living projects. Mr Z: "This suits me fine, it's a low-stress job and easy to combine with studying." His present employer made it a condition that he should take a practice-oriented 4-month course on psychiatry.
Present workplace Present job	In a sheltered living project Counsellor/supervisor of (ex)psychiatric patients learning to live independently.

Description of last employer

The institution for work rehabilitation was set up by an ex-Chief Inspector for the Mental Health Authority. The foundation was set up as a new form of support for (ex)clients from the mental health sector. The aim of the foundation is 'innovative improvement of care from the perspective of the user'. It is a well-known fact that clients with a background of psychiatric problems have difficulty in securing a job. The foundation tries to get clients back into work through the creation of projects. The foundation does not regard its work as providing aid, because it considers it undesirable for its target group to be seen as patients. The foundation's firm position on this meant that it was a logical conclusion that it would not claim mental health authority financing.

The foundation is run by a management committee. The organisation structure comprises a director, project coordinators and project assistants (paid and unpaid). The project assistants take care of part of the project administration themselves. Part of the wages administration is subcontracted to a bureau which started out as a work rehabilitation project. One of the important tasks of the foundation is coaching the people to execute an assignment (the project). The director: "In this way the project assistants can find out what they enjoy doing and what they don't, what they can do and what their limitations are."

There are two types of project. First of all, there are the projects which must be autonomously self-financing. Under the supervision of the foundation, a plan is drawn up for the enterprise and a source of financing is sought. Once the project is up and running, the coordination of the project is paid for entirely from the project itself. The people on the project have to work to "normal" specifications; in other words, the product has to be good and ready on time, and the enterprise cannot run at a loss. The restaurant "Het Hemelse Gerech" in Utrecht is an example of this.

The second type of project are client initiatives (subsidised): projects which are initiated by clients of the mental healthcare sector. Here the foundation acts as the employer and provides administrative facilities such as project support. These projects are not the foundation's own initiatives. The external activities of these subsidised projects generally involve providing services for clients in the mental healthcare sector. The internal aim is work rehabilitation for those working on the project. The total number of workers is 12. One third of these are in paid employment with the foundation.

Examples of recent projects are the Clients' Platform in Zwolle and the Helpdesk, in which Mr Z was involved. The Clients' Platform requested the foundation to act as its employer until it reached the point when it acquired its own independent legal status.

Finding funding for projects is difficult, and not too successful at the moment. Many projects have to be self-financing, like the conference agency for example, which had to fund itself from the outset. According to the director of the foundation, it has now become an independent enterprise.

The director's support and supervisory activities are paid partly from the projects, and partly by the director himself through his paid coordination work as anchor man.

Factors which influenced the recruitment of the disabled person

In 1994, Mr Z. was assessed by the GAK (central administration office) as able to work, and was put forward as a candidate by them. Because he fitted into the target group of the project (a (former) incapacity for work on mental health grounds was a specification), he was eligible and was taken on as a paid project assistant for the duration of the project (9 months).

Mr Z feels that mediation by the GAK was very late starting; he considers that it could have started in the first year of his illness. Further, he says that the threat of unemployment was a stimulus to search for work more actively himself.

Company policy on the recruitment of disabled employees

As soon as the foundation has a vacancy, the client organisation of the mental health authority is notified. According to the director, all that is required of candidates is that they have some first-hand experience, that they want to work, and that what they want to do fits in with the work the foundation has to offer.

If the work in question is paid work, there is an application procedure. For example, a limited number of job seekers will be put forward to the foundation by the GAK, ABP (non-denominational civil pension fund) and the Employment Centre or through the clients' network. These applicants do not necessarily have to match the job profile perfectly at this stage. As the director says: "You try to assess whether the candidate could progress so as to meet the requirements of the job after a certain period of time." The recruitment committee consists of the director and someone from the foundation management. They select the candidate together. The director: "Recruitment is always a matter of instinct and experience; you try to judge what a person is capable of, and how they will react to a normal working atmosphere. But it's still a gamble every time. People who have fallen out of the boat because of psychological problems feel vulnerable and are often not strong enough to take new steps to

emerge from their isolation. They find it difficult to stick their neck out (by applying for a job, for example). It is more difficult for this group of people than for those with a physical handicap to be resilient when faced with another disappointment, such as being turned down for a job. Many people in this group have not yet discovered where their talents lie and what they want to do. This emerges clearly after the reassessment: many of them do voluntary work to find out where their potential lies. This form of work rehabilitation is essential for this group of people in the process of reintegration in society, but in practice there are far too few opportunities. It's just a drop in the ocean."

Work accommodations for this disabled employee

Adjustment of working hours

Mr Z worked 16 hours a week spread over four working days. He had been strictly advised by the Industrial Insurance Board not to work full days. "They were right, it would have been too much. Four days a week part-time was a lot for me in the beginning. Every morning was difficult. In the beginning I needed a lot of rest, and I felt stressed as deadlines approached." The scope for flexibility in his work and working hours was very important.

Adjustment of work tempo

If time was getting short, part of Mr Z's work was taken over by a member of the project's support committee .

Extra support

For Mr Z, the work at the foundation was a totally different kind of work from what he was used to. From the very beginning, he was coached by the director once a week about the purpose and the structure of the study and how to write the report. These tasks were adapted in the framework of a growth model. In addition, a special support committee was set up through the foundation, composed of five people with special expertise from various special interests organisations, such as the National Patients' Council, the Clients' Union, the Legal Aid Centre, and from a psychiatric institution. One of the members of this committee in particular was a great support to Mr Z. During the project period Mr Z was able to further clarify his ideas about his choice of work. The director: "Through working on this project, Mr Z realised that he did not function well in situations where a number of different interests, strategies and hidden agendas came into play. He did not feel comfortable with this. His most important decision was that he preferred to do less abstract work, and to be more closely involved with actually doing things. This was an emancipation process for Mr Z. He had difficult moments, and sometimes he was walking around with dark rings under his eyes. But he carried out the project well and drew up a good final report." The director offered him the option of working on the second part of the project, but Mr Z decided against it. According to the director, this was a prime example of rehabilitation in action. The employee had made very definite choices. The foundation had shown him the way.

Positive factors after recruitment

Mr Z: "People put a lot of trust in me. I wasn't used to not being checked up on. It was strange, but I liked it; it made me feel stronger, especially in the beginning."

Negative factors after recruitment

Mr Z thinks it would be a good idea to limit the duration of a work contract with the foundation. It is a sheltered workplace, and in his view, working there too long would make it difficult to switch to functioning in an ordinary job.

Description of present employer and his recruitment policy

The present employer is a healthcare institution with 120 employees, focusing on care for the mentally handicapped (70%), social psychiatry, sheltered living and day centres. In addition to this, there is also a small section dealing with support for young people.

Recruitment policy: the intention is to stimulate reintegration and resocialisation. This policy has not been formalised. The general position is that since the institution cares for clients with psychological problems, they can in principle be supported by employees who have themselves experienced such problems. In practice, this policy is applied on an ad hoc basis. When an employee with a past or present incapacity for work is recruited, a reintegration plan is drawn up. We have learned from experience that not all those with first-hand experience of psychological problems are capable of functioning as a support counsellor. Personnel department therefore makes it a condition that applicants with a psychological work handicap must have been able to put their past history behind them. During the intake interview, the personnel officer usually tries to establish to what extent the candidate has managed to come to terms with his psychological problems. He mentions a few cases as examples of how to detect this, but in his opinion, no method is 100% watertight. "It's always a gamble." The personnel officer can recall cases where the employee was dismissed after a few months, and also cases of the opposite, where counsellors are now functioning excellently at group leader level. In a nutshell, the attitude is that it is not necessarily a contraindication if the applicant has had psychological problems in the past, but certain conditions are imposed on the recruitment and deployment of people with first-hand experience of such problems.

For reasons of privacy, Mr Z did not wish to speak about his present work.

ANALYSIS OF THE CASE STUDIES

5.1 Introduction

In this chapter, the three cases described in the previous chapter will be analyzed in more detail and the factors listed which influenced the recruitment or retention of employees with a work disability. The description focuses on five main subjects: mediation between the disabled and employment, the motives behind the employer's decision to recruit or retain a disabled employee, the adaptation of the work and the workplace, working relations with colleagues, and the legislative and regulatory background to the employment of people with a work disability.

5.2 Mediation

Help for the person with a disability to make contact with a potential employer

In all three cases, help in making contact with potential employers played a part. In case 1, an employee prepared the way by talking to the director about the possibility of employing her friend, who was disabled. In cases 2 and 3 it was professional mediators who made the first contact with the employer.

Help for the employer in selecting an employee

In the cases involving professional mediators, and probably also in the case where the friend/-employee stepped in, there was some prior assessment of the potential, limitations and interests of the person with the disability. The mediators could make a professional assessment of the suitability of the job in view of the potential of the disabled candidates. In this way they were able to put forward one or more candidates who were likely to be suitable to the employers in cases 2 and 3. This made it easier for the directors in these two cases to select an appropriate candidate for the job in question. Although this is not mentioned explicitly by the directors interviewed, it is obvious that a normal selection procedure through an advertisement for example, costs a company a great deal of time and money. Having candidates presented ready for selection represents a saving in this respect.

Less competition

In our estimation, it would have been far more difficult for the disabled people described here to secure a job through a normal selection procedure in competition with other candidates. In many cases their disability will put them at a disadvantage. By approaching the employer directly, the mediator can ensure that there is less competition.

Specialised employment mediation bodies

Two of the three cases involved the intervention of specialised mediation agencies for people with a work disability. In case 2, this was a secondment agency of the Industrial Insurance Board's executive office (uvi). The secondment agency itself functions as the employer of people with a disability, who are seconded to other employers. The aim is to encourage the employer to take on the disabled worker by providing for a trial period entailing a low risk for the employer.

In case three it was the uvi itself which acted as a mediator. A significant factor here was that the mediator knew of the existence of a special "project bureau" which provided somewhat sheltered workplaces for people with a background of psycho-social problems.

5.3 Employers' motives for employing a person with a disability

Social attitude of employer and company: internal

In all three cases there was a social-minded director who was concerned about the situation of the disabled person in question and wanted to give him or her a chance.

In case three, it was a significant factor that both the first (small) and the second (large) employer were institutions within or linked to mental healthcare. Through their work, everyone there was used to people with a history of psycho-social problems. Because of this, they were also more open to giving such people a chance, in this case as an employee. In the case of the employer in case one, this was even an explicit aim.

Social attitude of the company: external

The first case involved an institution in a small village community. This location entails a greater degree of social involvement than would be the case in an urban area. The director of the institution had heard about the applicant's past accident and was prepared to do something for her as a fellow-villager. Apart from this social concern, the effect on the institution's image among the local inhabitants will also have played a part in his decision to employ a disabled person.

Emphasis on functioning, not on the disability

The three employers in the cases described focused during the selection process on what the candidates were able to do, rather than on what they could not do because of their handicap. That came over very clearly in case 2: the employer was so impressed with the energy and enthusiasm of the candidate that he did not even mention her physical disabilities during the interview.

The research reported in Chapter 3 revealed that employers consider it to be important that candidates place more emphasis on what they can do than on what their physical or mental disability prevents them from doing. At the same time, making no mention at all of an (invisible) disability during the selection process or medical assessment can lead to considerable problems with work relations later, and may even be a reason for immediate dismissal.

Motivation and talent of the disabled employee

All three disabled employees in the cases described have great perseverance. In spite of all kinds of obstacles (illness, a broken relationship, obstruction from colleagues, problems in obtaining the right equipment), they battled on in their efforts to build up a real career. They also made good use of their talents: the woman in case 1 did highly qualified voluntary work in addition to her job and also sat on the Works Council. The clerical worker in case 2 had no qualifications for her work, but learned it on the job, and the motorbike mechanic in case 3 became the manager of a band and studied psychology. The energy and appetite for work of all three candidates would appear to be above average.

Limitation of employer's risks

In cases 1 and 3, the disabled candidates were initially employed on a contract with a limited duration. Although the employers interviewed did not mention this argument, this entailed a lower risk for the employer: if the employee proved to be unsatisfactory or off sick too often, the contract could be terminated. The employer in case 2 had the option of recruiting an employee on a secondment construction, but he decided to recruit her on a permanent contract straight away because he found that simpler.

Legal quota

Under the WAGW law (on work for disabled employees), a non-compulsory quota of 5% of disabled employees was introduced for companies in the Netherlands. Normally, little attention is paid to this quota in the business world, because there are no sanctions for companies who do not conform to it. This measure, which was introduced (but never ratified) around the time of the application procedure in case 1, was seen as a positive step by this candidate. The introduction of the quota meant that disabled candidates from outside the company could be considered prior to the usual internal search for candidates.

Costs and benefits

The three directors made no cost-benefit analysis of the employment of a disabled worker. The director in case 1 did point out that it entailed hardly any alterations to the workplace. It was apparently a significant factor that almost no investment was needed in this respect. The same applies to the special parking place which was provided in case 1 six months after the employee was recruited: it could be built by the employer's own staff at little cost. This was mentioned by the director as an advantage.

5.4 Special adaptation of the workplace and the work

The **working hours** were adjusted in two of the three cases. This was necessary in cases 1 and 3 because of the limited stamina of the employee (mental and physical). In case 1 this was also desirable because of the extra time it took the employee to perform her personal toilet and to get to and from work. In case 1 this had consequences for colleagues doing the same work, which led to difficult working relations in the beginning.

Only in case 1 were any adaptations to the **workplace** introduced. The building where the employee worked was already well-adapted for wheelchair users. There were no steps or sills to hinder movement, and special toilets were already available. Little had to be done on her arrival beyond some clearing-up to make room for her wheelchair. The general norm for floor covering in the building was carpeting (to create a cosier atmosphere for the inhabitants of the nursing home). This clashed with the norm for a workplace where wheelchairs are used (a smooth, hard floor covering, eg lino). It was not until much later in her term of employment that lino was laid, on the instruction of the Industrial Insurance Board.

In case 1 there was the question of building a covered, heated parking place. In the end, the purchase of a different type of transport made this unnecessary. If it had been necessary, there would have been problems, because the local authority's building regulations would not have permitted such a structure to be built there. Applications for permission to adapt the workplace are quite often turned down by official bodies. For example, the labour inspectorate will not approve stair lifts if other employees run the risk of being injured by them.

Coaching and support on the job was important in all cases. The employee in case 1 was "shown the ropes" by a friend outside working hours. In cases 2 and 3 the employees were coached by their director to help them learn the work, which was new to them. In case 3 this took place once a week, and in addition the employee could rely on extra work support from the project's advisory committee.

The **medical and paramedical support** (ergotherapist, rehabilitation specialist) on hand in the workplace in case 1 made a valuable contribution to the provision of a suitable working environment and the correct equipment.

Travel to and from work raised no problems which could not be overcome in any of the 3 cases. In case 1 it was difficult, but the employee found a solution herself. When it was necessary, her employer provided a parking space for her close to the entrance of the building.

5.5 Working relations with colleagues

A **good working atmosphere** was important to the disabled employees in the 3 cases in enabling them to carry on working in spite of their problems, which were sometimes severe, such as back pain (case 1) or uncertainty about their own performance (case 3). In case 2, working relations with the other staff were poor, but the good relationship with the director compensated for this.

In cases 1 and 2 there was **opposition from colleagues**. In case 2 it is not clear how far this obstructive behaviour was due to the fact that an employee with a disability had been taken on. In case 1 that was clearly the case, primarily because the working hours of all the telephonists had to be changed specially to accommodate their disabled colleague. After the director had spoken to all concerned, and once they had got to know their new colleague better, the problems disappeared. Later, according to the disabled employee, she even enjoyed excellent support from her colleagues.

5.6 Legislative and regulatory measures

As mentioned earlier, the **WAGW legislation** (disabled employees and employment) introducing a quota for disabled employees in the workforce played a role in case 1. However, this was exceptional. Experience with this measure in the Netherlands in general indicates that it has no effect on the recruitment of employees with a disability.

The **application procedure for work facilities** caused problems in case 1. The application has to be made by the employee in question, and she had no support in this from her employer. This was because the employer was afraid that he would only cause annoyance at the Industrial Insurance Board if he took up the matter with them himself. The procedure took an exceedingly long time and was bureaucratic and inadequate. Twice the employee was given an unsuitable wheelchair. As a result of the frustration this caused and of having to work for a lengthy period without the necessary adaptations to the workplace, the employee fell ill and went on extended sick leave, which meant that the employer also lost out.

When a person with a disability enters new employment, there are a number of subsidies to which the employer may be entitled. In the cases dealt with here, as far as we can judge, these **“legislative reintegration instruments”** played no part, except for the work provision, as described.

In case 3 the employee complained that mediation for work only got underway at a very late stage. The fact that in principle, the employee has a **right to be reintegrated back into the same company** during his first year of sickness probably has something to do with this. At the same time, it could also be a result of the **constant succession of changes in social security legislation and institutions** over the last few years. This has not given the employment mediation agencies time to adjust and perfect their working practice.

CONCLUSIONS AND RECOMMENDATIONS

About the study

Both parts of the study are qualitative studies. Data from a total of 14 companies cannot be the basis of quantitative conclusions about business in the Netherlands as a whole. The study reports on particular policies and developments as described by employers in the SME sector, company officers, institution staff officers and industrial medical officers. Comparison of the data collected in this study with the research literature available revealed no outstanding differences.

All recent studies indicate that only a very limited number of people with a work disability are employed by medium-sized enterprises. In small enterprises this is zero. The reasons for this are set out below.

Recruitment policy

Summarising the various factors influencing the recruitment of people with a partial capacity for work, it is clear that the most important factor is that SME employers want to select the best candidate for the job. The normal organisational and financial considerations apply here. A disabled employee is rarely seen as the best candidate because the employer is afraid that the candidate would be of limited usefulness and have an unpredictable or high rate of absenteeism. This attitude has been intensified by the privatisation of the Health Law provisions and the planned privatisation and differentiation of social security premiums in the legislation on incapacity for work. Nevertheless, applicants with a disability do have a chance of success: if they have a skill to offer, present themselves well and show strong motivation, and provided their disability would not prevent them from performing their work satisfactorily, medium-sized companies indicated that they would be prepared to employ such a person. The possibility of recruiting a disabled employee on a temporary contract or through secondment reinforces this readiness. Companies are slightly more wary of people with psychological handicaps than of those with physical disabilities; they see the former as less predictable. The smaller enterprises generally indicated that they did not wish to run any risk at all, mainly for organisational reasons. It is clear that employers are strongly influenced by a negative view of disabled employees in this respect, since a work disability need not go hand in hand with higher absenteeism or lower productivity. The three cases described give examples of employers who focus more on a disabled person's capabilities than on his or her limitations.

Further, social policy may also play a role in small and medium-sized enterprises: for the sake of the company's social "image", a limited number of people with a work disability or a WAO disability benefit may be taken on, often in a less demanding job.

The social image aspect is more often a significant factor in recruitment policy in a village community than in an urban environment. How social-minded the director is appears to be a decisive factor in company policy on the employment of disabled people. The kind of work done by the company also plays a role. In the care sector for example, where many women are employed, an understanding attitude to employees with a handicap is more commonly found.

This may derive partly from the daily contact with patients in the care institution, and from the fact that the living and/or working environment has already been adapted for people with a disability. In companies where a relatively high number of employees become incapacitated and are subsequently reintegrated, the experience the company has built up with reintegration may also play a part.

The existence of specialised mediation agencies for the disabled is a positive factor favouring their employment. In the first place, the mediator often prepares the way by contacting the employer and selecting suitable candidates. This saves the employer time and money. In the second place, the disabled candidate has less competition to face in this type of procedure than if he had to apply through a normal procedure in competition with non-disabled candidates. Mediation agencies are familiar with the subsidies available (unlike most employers), and can take care of the applications and arrangements for the employer in this respect.

Special work projects designed to promote the rehabilitation of the employees make it easier for a person with a disability to learn a new job.

The existence of legislative reintegration tools (subsidies) for employers who recruit employees with a disability appears to have little effect on their recruitment policies in this area. This may be a result of a lack of information on the subject. When asked, employers say that subsidies are not a decisive factor in their recruitment decisions.

A disabled employee is more readily taken on if no complicated adaptations to the workplace are necessary, or if these can be provided relatively easily and at a low investment. Applying for equipment through the Industrial Insurance Board often proves to be a difficult and lengthy procedure.

Good work supervision and support from superiors and/or colleagues are clearly an important factor in successful integration or reintegration. Work supervision/coaching is often so intensive that the supervisors have to include it as a fixed item in their planning. Not only do disabled employees often require more intensive guidance, but they may also need adjustments in their working hours and rest periods, work tempo and work content. This makes work planning that much more difficult for their managers.

In 1996, the first results of the ZARA inquiry became available. The aim of the ZARA inquiry (on absenteeism, working conditions, reintegration and incapacity for work) is to monitor three times a year any changes in companies' policies on these matters, by means of an inquiry among approximately 3 300 employers in the Netherlands (Veerman et al. 1996). This provides quantitative data. The results are in complete harmony with the findings of the present study. In the first place, the ZARA inquiry indicates that businesses make almost no use at all of the legislative instruments provided to promote reintegration. Virtually no company had a recruitment policy that focused on the employment of people with a partial capacity for work: if a company did have such people on the payroll, they were people who were already employed by the company when they became incapacitated. Table 3 in Chapter 1 gives some statistics from the ZARA report on the incidence of employees with a disability in the workforce. Ten per cent of the companies has one or more disabled employees, but in only 6% of these do they represent more than 3% of the workforce.

The results of the ZARA inquiry concur with those of the present study: there are few small and medium-sized companies where reintegration is regarded an important matter. If a company is concerned with reintegration at all, it is primarily for its own employees. Because of new legislation on absenteeism and incapacity for work (particularly the Wulbz measures - extension of continuation of wage payment in case of sickness), small enterprises take on few or no employees with a disability from outside the company.

Policy recommendations

The reintegration of people with a partial capacity for work has become an important social issue in view of the increasing dimensions of the problem, with growing numbers of unemployed people with a disability depending on benefit. In spite of many government measures, the problem could become even larger in the future, when the ageing of the working population will mean an increase in the number of people with a work disability. The productivity of the Dutch labour force, which is already among the highest in the world, is expected to rise even further.

Since there is no obvious solution to the problem, research in this area has intensified over the last few years. The present study provides insight into: the situation of small and medium-sized enterprises, different policies and their background, and factors influencing their success.

But research alone is not enough to solve the problem. The business world needs to keep on working at reintegration in practice, so as to achieve new insights and new solutions. In this context we would like to make a final comment. One of the conclusions we have drawn from this study is that the personal attitude of employees (disabled or otherwise) and managers has a strong influence on successful reintegration after long-term illness. This also applies, if to a slightly lesser extent, to the attitude of personnel officers, company doctors and medical officers dealing with working conditions. It has proved to be extremely difficult to capture the essence of reintegration in the many laws and measures which have been introduced in this field. Organising and promoting reintegration appears to require a fundamentally human approach; therefore a social climate needs to be created in which this "human" work can take place. The various incentives which reward employers for employing people with a disability are part and parcel of this, by making employers more ready to adapt the workplace and the work as necessary. The most important adjustments are to working hours, work tempo and the total duration of the hours worked.

Further, we consider that good support for the employees themselves is of great importance. Special training for managers, personnel officers and medical officers (or other Working Conditions Department staff) could also lead to more successful reintegrations. The use of specialised mediation agencies is one form of support for the individual which would appear to improve the disabled candidate's chances of employment.

LIST OF ABBREVIATIONS

AAW	Algemene Arbeidsongeschiktheidswet (general law on incapacity for work)
Abp	Algemeen burgerlijk pensioenfonds (pension fund for retired & disabled state employees)
ABW	Algemene Bijstandswet (general social security law)
Amber	Wet afschaffing malus en bevordering reïntegratie (law scrapping no-claim system and promoting reintegration)
AMP	Algemene Militaire Pensioenwet (general military pensions law)
Arbo-wet	Arbeidsomstandighedenwet (law on working conditions)
AWB	Algemene Wet Bestuursrecht (general administrative law)
AWBZ	Algemene Wet Bijzondere Ziektekosten (general law on special health expenses)
AWF	Algemeen Werkloosheidsfonds (general unemployment fund)
BBZ	Besluit Bijstandverlening Zelfstandigen (decree on social security benefits for the self-employed)
BV	Bedrijfsvereniging (industrial insurance board)
BW	Burgerlijk Wetboek (Civil Code)
BVG	Bedrijfsvereniging Voor de Gezondheidszorg (insurance board for healthcare workers)
CTSV	College van Toezicht Sociale Verzekeringen (supervisory authority - social security)
FBV	Federatie van Bedrijfsverenigingen (federation of industrial insurance boards)
GAK	Gemeenschappelijk Administratie Kantoor (central administration office)
GMD	Gemeenschappelijk Medische Dienst (central medical department)
KRA	Kaderregeling Arbeidsinpassing (outline regulation on employment integration)
Lisv	Landelijk instituut sociale verzekeringen (national institute of social security insurance)
mkb	Midden en kleinbedrijf (SMEs - small and medium-sized enterprises)
NCCZ	Nationale Commissie Chronisch Zieken (national committee for the chronically ill)
OR	Ondernemingsraad (works council)
OSV	Organisatiewet Sociale Verzekeringen (law on the organisation of social security)
RDA	Regionaal Directeur voor de Arbeidsvoorziening (regional director for employment)
SFB	Sociaal Fonds Bouwnijverheid (social fund for the construction industry)
stct	Staatscourant (State Gazette)
SVR	Sociale Verzekeringsraad (social security council)

SZW	Ministerie van Sociale Zaken en Werkgelegenheid (Ministry of Social Affairs and Employment)
TAV	Wet Terugdringing Arbeidsongeschiktheidsvolume (law for the reduction of the number of persons with a work disability)
TBA	Wet Terugdringing Beroep op de Arbeidsongeschiktheids-regelingen (law for the reduction of the number of persons claiming benefits under the work disability provisions)
Tica	Tijdelijk Instituut voor Coördinatie en Afstemming (temporary institute for coordination and adjustment)
TZ	Wet Terugdringing Ziekteverzuim (law for the reduction of absenteeism)
Uszo	Uitvoeringsorgaan sociale zekerheid voor de overheid en onderwijs (social security administrative body for state employees and teachers)
UVI	Uitvoeringsinstelling (executive organ)
WAGW	Wet Arbeid Gehandicapte Werknemers (law on disabled employees and work)
WAMIL	Wet Arbeidsongeschiktheidsvoorzieningen Militairen (law on provisions for members of the armed forces with a work disability)
WAO	Wet op de Arbeidsongeschiktheidsverzekering (law on work disability insurance)
WSW	Wet Sociale Werkvoorziening (law on sheltered employment)
Wulbz	Wet uitbreiding loondoorbetalingsplicht bij ziekte (law on the extension of the continued payment of wages to employees on sick leave)
WVG	Wet Voorzieningen Gehandicapten (law on provisions for disabled persons)
WW	Werkloosheidswet (unemployment law)
Zw	Ziektewet (health law)

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ANNEX 1

SHORT OVERVIEW OF LEGISLATIVE MEASURES AND BILLS

A. Bills which are important to the reintegration of employees with a partial incapacity to work

1. *Bill on premium differentiation and market mechanisms in connection with work disability (Pemba).*

Submitted to the Lower Chamber on 24 April 1996.

To take effect from 1 January 1998.

Key points:

- a. Premium differentiation in the financing of the WAO;
- b. Own risk option for employers;
- c. Discontinuance of AAW;
- d. Reintegration

a: Premium differentiation

As from 1 January 1998, there will be a change in the way in which the WAO is financed: the WAO premium will be paid in full by the employer. There are two parts to the WAO premium: the base premium which is the same for everyone, and a differentiated component which is set at different levels for different companies. The differentiated premium is intended to finance WAO expenses over the first 5 years. Employees who discharge few employees to the WAO pay a lower premium than employers who send more employees on to a WAO disability benefit. This differentiation of the premium is based on the individual company's work disability risk. This risk is calculated by relating the WAO expenses of the first five years to average earnings in the company. If the company's individual work disability risk is lower than the average work disability risk, the company will be entitled to a discount on the national average premium. If the company's individual risk is higher, a supplementary charge will be added on to the average premium.

In other words, the individual premium payable by a company will be the national average premium plus or minus the difference between the individual work disability risk and the average work disability risk.

The aim of premium differentiation is to introduce and strengthen financial incentives to combat work disability and its causes more intensively. Employers' efforts in the field of prevention and reintegration will be rewarded with a lower premium. The Cabinet expects that this will lead to fewer employees becoming incapacitated and more people with a disability continuing to work.

b: Own risk option

Employers will be given the option of bearing the work disability risk of their employees themselves, for the first five years of disability. This is entirely voluntary. The own-risk-bearing employer then has, in addition to the obligation to continue payment of an employee's wages for the first 52 weeks of his illness, a five-year own-risk period for the WAO. This means that for five years, the employer himself undertakes to pay the WAO benefit (instead of the Industrial Insurance Board), so that his premium payable during this period remains no higher than the uniform national average base premium. The employee's entitlements under the provisions of the WAO remain unchanged. The medical examination and assessment of the employee in question must be carried out according to the legal norms and regulations. The Industrial Insurance Board shall perform the medical examination, **not** the company doctor or the medical officer from the department of working conditions. The aim of the own-risk system is to introduce a stimulus for the employer to keep the volume of work disability in his company as low as possible, and to introduce a market mechanism in the implementation of the WAO.

c: Discontinuance of AAW

To maximise the yield from premium differentiation, the WAO and the AAW have to be merged. The WAO premium must also be transformed into an employers' premium. Up until now, the employee himself has paid the WAO/AAW premium. This change must be introduced in such a way that it has no effect on labour costs or incomes. For employers, this means that they will receive compensation in the form of a lower transitional premium charge.

The discontinuance of the AAW will have consequences for the self-employed, those disabled at an early age, and students. These groups will be dealt with through new legislation: the WAZ (for the self-employed and other non-employed persons with an income from work) and the WAJONG (for young people with a disability and students).

The work-related provisions supplied under the AAW will be transferred to the WAO, WAZ and WAJONG. The allocation of a sign language interpreter for the deaf and guide dogs for the blind will be transferred to the Ministry of Public Health, Welfare and Sport. For cases already in hand, a transitional arrangement has been made: those who already receive an AAW provision, will continue to do so.

d: Reintegration

Companies which recruit a certain percentage of people with a work disability will receive a discount on their premium. This will give people with a higher work disability risk, and who have a work disability which falls under the definition of the WAGW target group, a better chance of employment on the labour market. If a company has more than 5% of its employees in this target group, it is entitled to a discount on the WAO base premium. A company that does not meet this 5% level can still qualify for a discount if it contracts out a certain amount of work to a WSW enterprise (sheltered employment).

2. *The Van Boxtel Bill to strengthen the legal position of persons undergoing a medical test (Law on medical testing)*

Submitted to the Lower Chamber on 24 August 1993

Passed by the Lower Chamber on 19 November 1996

Amendments: Records of the Upper Chamber, parliamentary year 1996-97, 23 259, no. 91.

The bill includes *regulations for the protection of those who have to undergo a medical test*, for the purposes of entering into or altering a labour relationship under civil law which is regarded as an employer-employee relationship in the terms of or as referred to in the ZW (Health law) or the WAO (law on industrial disability insurance), or for taking out a pension- or life assurance policy, supplementary work disability insurance, insurance to cover the risk of continuing payment of wages as referred to in art. 7: 692 paragraph 1 of the Civil Code, or the payment of a work disability benefit as in art. 75a WAO.

The regulations in connection with the medical assessment prior to recruitment are particularly important in the framework of the reintegration of the employee with a work disability or a chronic illness. These regulations are intended to combat risk selection on the basis of a medical test, and to remove obstacles obstructing access to employment as far as possible.

The key provision of this Bill is art. 4:

1. Medical tests in connection with entering into or modifying a labour relationship under civil law which is regarded as an employer-employee relationship in the terms of or as referred to in the ZW or the WAO (to be referred to further as an employment agreement), shall only be undertaken if the performance of the work which is the subject of the employment agreement requires the candidate to meet special conditions regarding medical suitability. The term “medical suitability” for the work includes the protection of the health and safety of the candidate to be assessed and of third parties in the execution of the work in question.

2. A medical test in connection with entering into an employment agreement shall only take place after all other assessments of the suitability of the applicant have been completed and if the employer has the intention of recruiting the applicant on the basis of these assessments. If the other assessments of the suitability of the candidate include an inquiry into the candidate’s past history, the medical test in connection with his possible employment may at the request of the candidate be performed prior to such an inquiry. During assessment sessions other than the medical examination, no questions may be asked about the state of health of the candidate or any sick leave he may have taken in the past, nor may such information be obtained by any other means.

3. No medical test shall take place prior to participation in a pension scheme as referred to in article 2 of the Pensioen- en spaarfondsenwet (law on pensions and savings funds⁸).

4. In so far as this is not part of a pension scheme as referred to in the third paragraph, no medical test shall be performed for supplemental work disability insurance in connection with the employment agreement.

5. In so far as there is an employment agreement, no medical test shall take place in connection with an insurance policy taken out or to be taken out by the employer to cover the risk of the continued payment of wages as referred to in Art. 629, first paragraph, volume 7 of

⁸ Unless this regards an undertaking to a person as referred to in article 2, third paragraph, section c, under 1e, of this law.

the Civil Code, or the risk of having to pay out the work disability benefit as referred to in art. 75a of the WAO.

6. The insurance provider may not demand the exclusion or reduction of the rights of anyone on the grounds of illness, disorders or disabilities regarding their participation in a scheme as referred to in the third paragraph or their taking out an insurance policy as referred to in the fourth and fifth paragraphs, in so far as a medical test is prohibited on the basis of the provisions of these paragraphs.

ad 1 : A “job-oriented” medical examination is the only type of medical test permitted. The medical assessment must be limited to the medical requirements which derive from the actual work to be done.

Standard questions and standard tests which are not relevant to assessing the medical suitability of the candidate for the job, should be avoided. For example, questions about medication may only be asked if the nature of the job means that this is strictly necessary.

Assessment of the future risk of absenteeism is not in accordance with the purpose of the medical test prior to recruitment, and is therefore prohibited.

ad 2 : The medical examination must be performed at the end of the selection procedure to ensure that the test is not used for a purpose other than the assessment of the specific medical suitability of the candidate for the job. The employer must therefore have already decided on the candidate’s suitability for the post before the medical aspects are considered.

Now that a separate medical test is no longer a permissible standard component of the application procedure, to ensure that questions are not asked about the candidate’s health and medical history in an indirect manner (eg. during the selection interview, on a standard application form), it is prohibited to request this kind of information from the candidate outside the context of the medical test.

ad 3 : If the pension provisions offer options for the individual participant, and if the participant in question has an open-ended contract and wishes to alter a choice made at an earlier date, then a medical test may be performed.

ad 4, 5 and 6 : no special comments are required here.

Other provisions included in the Bill:

- the candidate’s right to refuse a medical test if it is not in conformity with the legal conditions;
- the candidate’s right to request a re-examination by an independent doctor;
- a sanction: if an employer contravenes this law, an organisation protecting the interests of those suffering as a result of the employer’s actions may take the matter to court. The court can then forbid such actions and order steps to be taken to reverse the effects of these actions, or damages to compensate for the loss sustained.

B. Brief description of certain laws

The reintegration instruments discussed in this report can be found in a number of laws, such as the AAW/WAO, the WAGW, the TAV law, the TZ law, the Amber law and the Wulbz. A brief description of the provisions of these laws is given below.

AAW

The AAW (General Law on Incapacity for Work) is a general law covering the whole population providing for compulsory insurance against the financial consequences of long-term incapacity for work (longer than 52 weeks). This law is important above all for non-employees, such as the self-employed, those disabled from an early age, and students. The AAW provides a benefit which is based on the legal minimum wage; a person covered by this insurance and assessed as 100% incapacitated for work will receive 70% of the legal minimum wage. In addition to benefits, the law also provides for other provisions.

WAO

The WAO (Industrial Disability Insurance Law) provides for compulsory insurance for employees against the financial consequences of long-term incapacity for work (more than 52 weeks). The WAO provides a benefit allowance which is based for a certain period of time on the wages last earned (the daily wage), and after this period on the so-called “continuation wage”, which consists of the minimum wage plus a supplement. In cases of 100% work disability, the employee will receive a benefit of 70% of either his daily wage or the continuation wage, as the case may be. In addition to benefits, since 1996 the law also provides for other provisions.

WAGW

The WAGW (Law on Work and Disabled Employees) has been in force since 1986. The law requires employers, employers’ organisations and employees’ organisations to make a real effort to improve the chances of the disabled of finding a job. The law is also important for people with a work disability who are still on the payroll of their employer, since the latter is obliged to ensure that the employee can come back to work.

The WAGW includes a package of measures to promote the placement of disabled employees, either in their old job or in a new one, such as:

- wage dispensation;
- the statutory obligation of the employer to adapt the work, the arrangement of the workplace and the company to the needs of the disabled employee;
- compulsory quota (not introduced);
- compulsory registration (not yet in force);
- authorisation of the Industrial Insurance Board to mediate for disabled employees seeking work;
- introduction of art. 57 paragraph 6 (right of Industrial Insurance Board to seek a remedy at law) and art. 57a AAW (provisions for the employer) .

TAV Law

The TAV Law (for the Reduction of the Number of People with an Incapacity for Work) has been in force since 1 March 1992. The law contains a number of measures and amendments designed to reduce the number of people with a work disability.

These measures aim to increase employers' involvement with the work incapacity arrangements and provisions, and promote the integration or reintegration of people with a work disability. The measures include:

- no-claim bonus system;
- subsidy for wage costs, the cost of preliminary training and coaching/supervision;
- premium differentiation under the Health Law;
- supplementation of sickness pay under art. 29b of the Health Law;
- reinforcement of the sanction under art. 30 of the Health Law;
- sanction under art. 46 of the WAO/art. 35 of the AAW (if an employer refuses to provide suitable work).

TZ Law

The TZ Law (for the Reduction of Absenteeism) came into force on 1 January 1994. The law introduces a number of measures primarily concerned with the prevention of absenteeism. The measures are designed to increase employers' financial involvement with absenteeism, so that they become more aware of what it costs and therefore intensify their efforts to prevent absenteeism. All this should have a positive effect on the number of disabled people taking up AAW/WAO benefits. The law provides the following incentives:

- the 2/6 weeks measure (privatisation of a section of the Health Law provisions);
- blocking the possibility of collective re-insurance of the supplementary Health Law benefit;
- employers' option of bearing the risk of sickness costs for the first 2/6 weeks for certain groups of employees (art. 29b Health Law);
- Industrial Insurance Board's right to seek a remedy at law if an employer provides inadequate action on absenteeism;
- reduction of financial penalties for claimants under the no-claim system (to combat risk selection)
- sanctions for failure to cooperate in drawing up or implementing a reintegration plan;
- amendment of the Arbo law (on working conditions): every employer must follow an adequate policy on absenteeism through sickness, and obtain expert support in this (from Working Conditions Department services).

AMBER Law

The AMBER Law (for the discontinuance of the no-claim bonus system and the promotion of reintegration) came into force on 29 December 1995. The problems arising around the no-claim bonus system were such that the Cabinet decided to discontinue this arrangement. In its place, a number of measures have been introduced to promote the reintegration of people with a disability. This package of measures is intended to compensate for the loss of the advantages and disadvantages of the no-claim bonus system:

- reinforcement of the subsidy for wage costs (raised from 20% to 25%);
- reinforcement of the start-up incentives for the self-employed;
- extension of training facilities on offer;
- wage and income supplementation arrangements;
- initial trial period and reintegration grant for placement of a disabled employee;
- guarantee arrangements for older people with a work disability.

Most of these measures came into force on 1 January 1996; however, the wage and income supplementation only came into force on 1 April 1996.

WULBZ

The WULBZ (Law to extend the continued payment of wages in the event of sickness) came into force on 1 March 1996. During the first year of the employee's illness, his employer must continue to pay his wages.

This obligation to continue payment of wages only applies for the duration of and in so far as there is an employment agreement. However, almost 15% of employees have an "abnormal" labour relationship: they fall under the "safety net" provisions of the Health Law (ZW). Employees whose contract expires during their sickness are also eligible for a ZW benefit. In addition to this partial privatisation of the ZW provisions, the following measures have been introduced:

- once an employee has been off sick for 13 weeks, his employer must report this to the Industrial Insurance Board (sanction if he fails to do so);
- sanction under art. 52j of the WW if the employer refuses to offer suitable work to the employee reclassified as disabled;
- fine under art. 71a of the WAO if the employer refuses to draw up or execute the reintegration plan.

CHECKLIST OF FACTORS HINDERING OR PROMOTING ACCESS TO WORK, AS USED IN THE INTERVIEWS

Government Policies / Measures

Support measures (training, placement, guidance, technology)
Quota systems
Reserved employment (preferential access) (positive action)
Special rights
Sheltered employment (job creation)
Self-employment
Financial measures:
 compensation for reduced productivity
 reimbursement for adaptations
 bonus payments
Financial disincentives (social security system, higher financial risks,
 secondary benefits when unemployed, loss of these in employment)
Anti-discrimination legislation (equality of opportunity, requirement to accommodate)
Information and promotion of expertise (guidance and assistance)
Infrastructure (transport)
Empowerment culture versus paternalism

Employers

Selection / Recruitment policies (eg for people with disabilities)
Characteristics of enterprise:
 size
 organisation of labour
 type (sector, branch)
 financial-economic position
 environment (rural, urban)
 competition
 costs and investments
Environmental barriers
 architectural
 transport
 possibilities for flexibility in tasks, working time
Attitudinal barriers (prejudice employer, colleagues)
Selection on health in application (letter and interview)
 (irrelevant) medical examination
(Suitable) vacancies
Advantages/disadvantages from business perspectives
 obstacles
 facilitators
 possible discrepancy between practice and legislation
Information
 role of good examples

People with Disabilities

Access to education, vocational training

Increasing concurrence among disadvantaged groups

Psychological: low self-esteem, self-confidence, expectations

Empowerment (culture-change among young people)

emancipation activities of the chronically ill themselves

information and promotion of expertise

Characteristics of person

age

sex

race

nationality

level of education

nature and severity of the disability

employment history

length of the non-working period

previous employer

terms of employment

nature of residential area

Work adaptation (prevention), material and immaterial

tasks

working hours

tempo

organisation

accessibility

physical burden involved in tasks

transport

Quality of job and working conditions

protection against dismissal

Prejudice and deficiency of knowledge on the part of employers and colleagues

Organisations of / for People with Disabilities

Information and empowerment

General influence on policies / measures

Role in concerning enterprise

Trade-Unions

Information

General influence on policies / measures

Role in concerning enterprise

Employers' Organisations

Information

General influence on policies / measures

Role in concerning enterprise

Mediating Organisations