

# **GUIDELINES ON SERVICES PROVIDED BY JOB COACHES**

## **SET II**

**TOOLKIT FOR JOB COACH TRAINING**





**POLSKIE FORUM OSÓB NIEPEŁNOSPRAWNYCH**

# **GUIDELINES ON SERVICES PROVIDED BY JOB COACHES**

**SET II**

**TOOLKIT FOR JOB COACH TRAINING**

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Original title: *WYTYCZNE DOTYCZĄCE ŚWIADCZENIA USŁUG PRZEZ TRENERA PRACY.  
Zestaw II: Zestaw narzędzi do szkolenia trenerów pracy*

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Graphic design: Julia Roczan

Typesetting: AWiR Akces

ISBN: 978-83-64280-62-7

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Published by:  
Polskie Forum Osób Niepełnosprawnych  
Polish Disability Forum  
Ul. Bitwy Warszawskiej 1920 r. 10  
02-366 Warsaw  
[www.pfon.org](http://www.pfon.org)

This publication is free of charge

This publication is part of the project  
"Job coach as a means of increasing employment level of disabled persons".



KAPITAŁ LUDZKI  
NARODOWA STRATEGIA SPÓJNOŚCI

KARE



Polska Organizacja  
Pracodawców Osób  
Niepełnosprawnych



Narodowy Fundusz  
Rehabilitacji Osób  
Niepełnosprawnych

UNIA EUROPEJSKA  
EUROPEJSKI  
FUNDUSZ SPOŁECZNY



Projekt współfinansowany ze środków Unii Europejskiej w ramach Europejskiego Funduszu Społecznego

The project has been co-financed by the EU's European Social Fund.  
This project is implemented by Polish State Fund for Rehabilitation of Disabled Persons  
in collaboration with project partners: Polish Disability Forum (PFON), Polish Organisation  
of Employers of Disabled Persons (POPON) and KARE Promoting Inclusion for People  
with Intellectual Disabilities in Ireland

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# CHAPTER I

## HOW TO USE THIS TOOLKIT FOR JOB COACH TRAINING?

THE INSTRUCTIONS FOR TRAINERS THAT HAVE BEEN LAID DOWN IN THIS DOCUMENT PROVIDE:

- information on how to apply the instructions,
- description of the training cycle,
- list of appendices to the training cycle,
- recommended reading,
- course material for the trainees.

COURSE MATERIALS CONTAIN:

- description of how the module progresses, including: description of the sessions, their objective, duration and didactic materials required,
- resources to be copied for use by the trainees (prospective job coaches),
- additional instructions for the trainer containing tips on how to proceed during particular sessions,
- task descriptions.

## TRAINING SCHEDULE

The training cycle is divided into nine workshop sessions. Every session is eight hours long, including breaks. Workshop sessions can be spread over a period of time – three three-day-long workshops every two weeks.

At the launch of each session, training agendas with exact timings and a brief presentation of the material to be covered must be presented to training participants. The approximate duration of a given module is indicated on the page margin, next to the description of the session. A precise breakdown, by the hour, is listed in the tables corresponding to the

training modules. It is, however, only an indication for the trainers and can be modified according to individual needs. Every module starts with an introduction that takes up to 10-15 minutes, and each session ends with a 15-30 minute long wrap-up. One training hour is 45 minutes. Every training module has been developed around the following structure: objectives, didactic resources and description of the session (topic, outline and timing). The programme also contains a list of additional appendices to be used during the specific modules as well as a list of recommended reading. The additional materials are designed to broaden the knowledge of training participants.

## APPLICATION OF INTERACTIVE TRAINING METHODS

Every training module should take the form of a workshop session, which entails the active involvement of the participants. During the workshops, trainees should be engaged in group activities, express their group and individual feedback, and also ask questions and present their opinions in the course of discussions. The training should therefore be conducted with the use of interactive training methods.

In the course of particular modules, presentations delivered by the trainers must include information on how particular types of disabilities differ with regards to the needs, difficulties and abilities that these disabilities entail. This content must therefore be covered throughout the training.

Additionally, in the course of selected modules and with a view to supplementing the information presented to the participants, trainers will screen short videos that provide examples of correct and incorrect approaches adopted by job coaches during their on-the-job training work with the client. The videos will also facilitate job analysis based on concrete examples.

It is recommended that the trainers video parts of their training to record group activities and the performance of some training exercises (e.g. role plays).

The training should be approached as an opportunity for the trainees to develop their communication and presentation skills, instead of being treated solely as a vehicle to cover a certain range of material.

The following methods/techniques will be applied during the training:

- independent work and group work,
- discussion,



- brainstorming,
- problem-solving and situational simulation,
- multimedia presentation and lectures,
- case studies,
- video and photography.

The training is addressed at prospective job coaches as well as other specialists, for example vocational counsellors, psychologists and other members of interdisciplinary supported employment teams. In order for all training participants to fully participate and benefit from the training, it must be conducted in an active and engaging manner with the use of active workshop methods that ensure the involvement of all trainees in the education process, thus allowing them to share their experience and make a joint effort to develop key skills.

## MATERIALS TO BE PREPARED FOR USE BY THE TRAINEES

Before the training, the trainer prepares resources for the training participants, in accordance with the standards described in the toolkit. For this purpose, the trainer relies on his own resourcefulness, instructions in the Guidebook for trainers and other materials included in the toolkit (Compendium for Job Coaches, Self-study guide for training participants). Copies of materials must be provided to each participant at the beginning of every session.

## EVALUATION

Participants are evaluated through:

3 tasks (*Appendices 1, 2 and 3*)

## TASKS 1 AND 2 (*APPENDIX 1 AND 2*)

Short descriptions of tasks are provided in appendices 1 and 2. Every task is built around a description provided to the trainees by the trainer. The description contains specific instructions for the participants. The task must be completed and presented within a time frame set by the trainer.

The trainer presents the tasks and instructions to trainees in a manner that invites any potential questions in order to be able to clarify any issues or doubts.

## TASK 3

A short description of the task is provided in appendix 3.

The task is based on a description provided to the trainees by the trainer. The description contains guidelines for the participants, including the time frame for task completion.

Task descriptions are distributed to the trainees at the end of the session. The trainer presents the tasks and instructions to trainees in a manner that invites any potential questions in order to be able to clarify any issues or doubts.

## CHAPTER II

### TRAINING PREPARATION

Preparation for the supported employment training cycle should begin well before the first training session. In order to prepare well for each workshop session, the trainer should:

- get acquainted with the material to be covered,
- prepare for the presentation of the material (including slide shows etc.),
- prepare copies of the resources for use by the trainees and task descriptions,
- develop resources for group work,
- prepare the necessary equipment,
- make an adequate number of copies of registration and evaluation forms,
- find out how many participants will attend the course and learn their names,
- prepare an attendance list to be signed by the trainees.

#### THE FOLLOWING IS ALSO RECOMMENDED:

- verify whether the room for the session has been booked and whether it is in the right state and condition to serve the purpose,
- verify whether coffee/tea and refreshments have been ordered,
- make sure the equipment is functioning properly.

### COMMUNICATION WITH TRAINING PARTICIPANTS

Trainees need clear information on the training content as well as on what is expected of them, including the estimated duration of sessions and, in particular, tasks. Course participants should be informed about the dates and venues of workshop sessions at least a month in advance.

## TRAINING VENUE

There must be enough space in the training room for the tables for all participants to be arranged in a “U” shape. Room(s) for group work and a separate space for the trainees to spend their breaks should also be available.

## STANDARD EQUIPMENT:

- flip charts, flip chart stand and markers,
- computer and overhead projector for Power Point presentations,
- colorless tape and grease-free BluTack to stick the resources onto the walls,
- file for course materials for each training participant,
- extra pens and markers.

## TRAINING PARTICIPANTS

In order to facilitate discussions and receive feedback from each participant, the optimal number of participants should not exceed 15.

The trainees should sign an attendance list during each session so that their participation can be recorded and monitored.

## CHAPTER III

### COURSE INSTRUCTORS (TRAINERS)

#### TRAINERS

Whenever possible, training should be conducted by two trainers. The detailed scope of competencies of the two trainers and the proposed division of tasks between the trainers is described below.

In line with the assumptions laid down in Set II, it is recommended that a “train the trainer” course is organised for the trainers before the launch of training for prospective job coaches. The “train the trainer” course should present the supported employment methodology and communicate the principles of the model that the trainers will later pass on to prospective job coaches.

#### GENERAL OUTLINE OF KNOWLEDGE, SKILLS AND COMPETENCIES OF TRAINER I:

- general knowledge of all questions related to professional development as well as the social functioning of people with various types of disabilities,
- in-depth knowledge of supported employment (values, theory, practice, history, implementation status both in Poland and globally, efficiency),
- knowledge of potential benefits and possible difficulties as well as the unique character of questions relating to the professional development and social functioning, including cognitive capacity, of persons with different degrees and types of disability,
- practical knowledge of processes and practices applied to supported employment as well as support provided to persons with various degrees and types of disability on the open job market and during regular social functioning,
- selected areas of business knowledge,
- knowledge about potential benefits and possible difficulties as well as the unique character of questions relating to the professional development and social functioning, including cognitive capacity, of persons with different degrees and types of disability,
- be particularly sensitive about and pay special attention to their own ability to communicate in a way that conveys their positive attitude and confidence in the capacity

of the persons with disabilities, be open to new ways of putting this capacity to good use, as well as being able to break stereotypes and bear witness to the value of the work performed by people with disabilities,

- knowledge of the UN Convention on the Rights of Persons with Disabilities,
- be a sharp observer, be empathetic, able to connect with the trainees and incite their involvement in all kinds of interaction,
- be able to encourage and develop trainees' interest in the training and its content,
- be able to motivate others to learn and strive for self-improvement,
- be communicative and outgoing,
- be able to build a good relationship with a group of people (leadership skills),
- be able to correctly manage trainees who display the wrong attitude,
- manage stress well,
- be able to use training equipment.

## GENERAL OUTLINE OF KNOWLEDGE, SKILLS AND COMPETENCIES OF TRAINER II:

- in-depth knowledge of the presented module's content,
- general knowledge of the idea behind and content of the UN Convention on the Rights of Persons with Disabilities,
- knowledge of potential benefits and possible difficulties as well as the unique character of questions relating to the professional development and social functioning, including cognitive capacity, of persons with different degrees and types of disability,
- be able to connect with the trainees and be an engaging speaker who uses interaction, as well as be cooperative as a member of a team of lecturers and trainees,
- be able to encourage and develop trainees' interest in the training and its content,
- be able to motivate others to learn and strive for self-improvement,
- be communicative and outgoing,
- be able to build a good relationship with a group of people (leadership skills),
- be able to correctly manage trainees who display the wrong attitude,
- manage stress well.

## TRAINERS I AND II SHOULD BE HOLDERS OF UNIVERSITY DEGREES AND POSSESS THE FOLLOWING SKILLS AND QUALIFICATIONS:

- at least 3 years of experience in working with people with disabilities in the area of professional and social development (*trainer II is exempt from meeting this requirement*),
- at least 5 years of didactic experience (giving lectures / providing training and/or giving speeches at various conferences, etc.),
- experience in providing training on topics related to the scope of the given training module (this should amount to at least 100 days of training, with one day of training consisting of at least 5 hours of 60 minutes, performed in full); this experience must be gained within the previous four years of their career (*the 4-year requirement pertains to trainer I*),
- diploma from a year-long coach/trainer course is an additional advantage.

## PROPOSED DIVISION OF TASKS BETWEEN THE TWO TRAINERS CONDUCTING THE TRAINING

### TRAINER I:

- introduces the topic of the module,
- focuses their attention on following the lecture given by trainer II and on the totality of education activities undertaken during the training,
- pays attention to group dynamics and to trainees as individuals – especially to their level of interest, attentiveness and involvement,
- strengthens the message that comes out of the most important content of the training and, if required, provides more details,
- boosts the trainees' involvement in the training,
- enriches the content of the lectures, especially the topics that underline the value of work and the opportunity that supported employment offers towards a normal lifestyle, as well as the development and self-realisation of persons with disabilities,
- discusses and evaluates tasks performed by the trainees with a view to completing the training cycle,
- sums up the material covered and underlines its key content and conclusions.

## TRAINER II:

- can be a different person for each module, depending on module subject,
- discusses/presents the main points covered by the module title with the use of the recommended methods/techniques,
- is the initiator of the interactive training elements,
- illustrates the content of their lecture with examples,
- provides practical examples of the application of training content.



# CHAPTER IV

## JOB COACH TRAINING CURRICULUM.

### GUIDEBOOK FOR TRAINERS

#### 1. INTRODUCTION

The series of training courses in supported employment defines the standards that must be learned in order to be certified as graduates of job coach preparation courses. After the training, prospective job coaches are assessed in order to verify if they have achieved the required standards. Credit is given for completion of the entire training curriculum and for performance of the tasks that are an integral part of the training programme.

**The module standards are reflected in the learning outcomes i.e. the specification of what the trainees will have learned and what skills they will have acquired after completion of each module.** Other elements of each module (its goals, objectives, assessment principles and criteria) are also directly linked to the module's learning outcomes.

The duration, content and implementation of supported employment training programmes should match the needs and expectations of trainees, thus enabling them to achieve the planned learning outcomes.

The fundamental objective of the training programme is the development of **key knowledge and skills** at least at the minimum level defined in the curriculum. The key skills should be mastered by trainees through the implementation of tasks and practical exercises that will facilitate active and hands-on practice. The key knowledge and skills include:

Key knowledge:	Key skills:
<ul style="list-style-type: none"> <li>• knowledge of the goals, principles and axiology of supported employment</li> <li>• knowledge of competences required from job coaches</li> <li>• ability to define the five stages of supported employment</li> <li>• knowledge of the ethical code of conduct for job coaches</li> </ul>	<ul style="list-style-type: none"> <li>• ability to define supported employment</li> <li>• presentation of key principles of supported employment</li> <li>• presentation and application of job coach tasks at each of the five stages of supported employment</li> <li>• application of the principles of the ethical code for job coaches</li> </ul>

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• ability to define the stages of career planning within the person centred planning process</li> <li>• knowledge of general principles for career planning</li> <li>• presentation of ways of analysing the disabled person's competences and professional abilities</li> <li>• ability to define the principles of coaching</li> <li>• knowledge of the stages of the coaching process</li> <li>• knowledge of the current legislation and court rulings pertaining to disability in Poland</li> <li>• knowledge of the social insurance/disability allowance system (in the context of employment)</li> <li>• ability to list the fundamental and auxiliary rights of persons with disabilities</li> <li>• knowledge of the scope of services offered by supported employment programmes</li> <li>• knowledge of employer finding techniques</li> <li>• knowledge of job finding techniques</li> <li>• ability to apply an individual approach due to differences between persons with disabilities in the job interview preparation phase</li> <li>• knowledge of support needs of employees with disabilities</li> <li>• knowledge of support needs of employers</li> <li>• ability to tackle problematic situations in the supported employment process</li> </ul> | <ul style="list-style-type: none"> <li>• preparation of person centred plans for persons with disabilities</li> <li>• development of individual support strategies for a person's career planning, based on team and cross-disciplinary effort</li> <li>• appropriate selection of work samples and work experience opportunities for the person with disabilities</li> <li>• ability to build relationships with persons with disabilities</li> <li>• ability to distinguish between full-time employment contracts and other civil law employment relationships</li> <li>• analysis of relevant court rulings and administrative decisions concerning disability (by local social security authorities) and ability to specify the person's/candidate's degree of disability</li> <li>• ability to show the employer the basic forms of support in the employment of persons with disabilities available through supported employment</li> <li>• presentation of range of supported employment services to employers</li> <li>• practical application of employer finding techniques</li> <li>• drafting individual offers for employers</li> <li>• application of various job finding techniques</li> <li>• inclusion of the person with disabilities in the process of job seeking/finding</li> <li>• selection of matching job positions and workplaces from ones available on the local labour market</li> <li>• preparation of the candidate with disabilities for his/her interview with the employer</li> <li>• identification of support needs (incl. ongoing support needs) of employees with disabilities and also the provision of support</li> <li>• identification of support needs (incl. ongoing support needs) of employers and also the provision of support</li> <li>• planning support strategies for employers and managers in the workplace</li> <li>• ability to indicate ways to tackle different problematic situations at all stages of supported employment</li> </ul> |
|---|--|

## 2. THE TRAINING CYCLE: SUPPORTED EMPLOYMENT

<b>Main goal:</b>	<p>The training cycle presents the standards that trainees will need to meet in order to become certified job coaches at a basic level.</p> <p>The training is designed to equip future job coaches with the knowledge and skills necessary to support persons with disabilities. Its role is also to shape positive attitudes and involvement in the process of vocational inclusion so that persons with disabilities may have a career and successful employment on the open labour market, with support from job coaches in accordance with the five stages of supported employment.</p>
<b>Trainees:</b>	<p>The training is directed to staff members on cross-disciplinary teams (job coaches, psychologists, vocational counsellors, others) who work or plan to work with persons with disabilities and support them to find and maintain employment on the open and competitive labour market.</p>
<b>Organisation of the training cycle:</b>	<p>Three sessions, each session lasts three days, organised every two weeks.</p>

### GENERAL GOALS

#### The trainees who complete the course will have:

- learned the model of supported employment and its axiological foundations,
- learned the job coach competence model, the responsibilities of a job coach in all five stages of the model, the ethical code of conduct for job coaches and the organisational conditions of work,
- learned how to support persons with different disabilities and help them plan and develop their careers,
- developed their marketing knowledge and skills to disseminate the concept of supported employment and job finding for persons with disabilities,
- acquired the skills necessary to support successful contact between employees with disabilities and their employers,
- acquired the skills to support persons with disabilities on and off the job,

- learned international job coaching standards and acquired the ability work according to these standards.

## MODULES

**Thematic areas of particular learning outcomes are represented in the nine modules of the training cycle:**

- Module 1. Supported employment and its axiological foundations.
- Module 2. Job coach's competence profile, tasks of job coaches across the five stages of supported employment, ethical code of conduct for job coaches, organisation of the work of job coaches.
- Module 3. Supporting persons with disabilities in career planning and development. Vocational profiling.
- Module 4. Job coaching model: the processes of training and coaching.
- Module 5. Legal aspects of employment of persons with disabilities.
- Module 6. Marketing supported employment to employers.
- Module 7. Support in job finding. Employer engagement and job finding.
- Module 8. On and off the job support.
- Module 9. Team building. Supporting clients throughout the five stages of supported employment – summary.

## EVALUATION OF KNOWLEDGE ACQUIRED BY TRAINING PARTICIPANTS

**Tasks** Course trainer develops task instructions that will require candidates to perform practical activities to prove that they know how to apply particular learning outcomes.

### **Task 1** (*Appendix 1*):

In Task 1 prospective job coaches will be required to prepare the presentation/offer of a specific person with disability seeking employment. The offer is supposed to be directed to a defined potential employer.

**Task 2** (*Appendix 2*):

Task 2 will be to provide practical support to a person with disabilities in drafting his/her CV and identifying his/her support needs for job interviews. A part of the task will also be to plan a support strategy that will satisfy the disabled candidate's needs. In this task the trainee will have to prove that they are able to differentiate between:

- performing the task for the person with disabilities,
- performing most of the task for the person with disabilities,
- supporting (i.e. providing assistance) only in situations that are unclear for the person with disabilities or in the case of job tasks that are difficult to perform for practical reasons.

**Task 3** (*Appendix 3*):

In this task, course trainers will prepare a short task description that will require trainees to demonstrate their understanding of the axiological foundations and principles of supported employment and its application; the trainees will also need to prove their planning, implementation and monitoring skills for the process.

Task descriptions focus on the thematic areas of Modules 3 & 6.

The documents/assignments to be presented will include the following:

- support plan for the person's career planning,
- career steps,
- assessment of professional experience,
- support plan for the person's career development,
- description of support needs of the person with disabilities/employer,
- training support plan for the employers of persons with disabilities,
- relationship support plan for employees with disabilities and their employers,
- evaluation of training support implementation,
- evaluation of ongoing relationship support implementation (the employer-employee relationship).

The tasks may be presented in many ways, e.g. in writing, orally, graphically, in audio/video format – or in any hybrid format. Each assignment/task must also be delivered in an electronic format.

All tasks have the same grading/number of points.

Task 1 – to be performed after completion of Module 3.

Task 2 – to be performed after completion of Module 6.

Task 3 – to be performed towards the **end of the training cycle**. Trainees will receive their task descriptions; their task will be to demonstrate understanding of and ability to apply the model of supported employment. Moreover, they will need to prove their planning, implementation and evaluation skills for the process of supported employment.

### **Task evaluation guidelines**

The tasks will be graded by the percentage of work completed to a satisfactory level. Totals of percentages for the three tasks will translate into the following possible final grades for the entire training cycle:

Pass – Sufficient knowledge	50 – 64%
Pass – Good	65 – 79%
Pass with distinction	80 – 100%

## INDIVIDUAL ASSESSMENT SHEET FOR CANDIDATES – PROSPECTIVE JOB COACHES

Individual assessment sheet for candidate		Tasks 1 & 2 (total for both tasks amounts to 40% of the final grade)
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Candidate's full name: \_\_\_\_\_

Training dates: \_\_\_\_\_

Assessment criteria	Maximum	Candidate's points
<b>Task 1.</b> <ul style="list-style-type: none"> <li>• gathering relevant information</li> <li>• clear presentation of gathered information</li> <li>• effective task planning</li> <li>• selection of appropriate strategy</li> <li>• critical evaluation of process and outcomes</li> </ul>	4 4 4 4 4	
<b>Sub-Total</b>	<b>20</b>	
<b>Task 2</b> <ul style="list-style-type: none"> <li>• in-depth understanding of the key principles of supported employment</li> <li>• clear definition of employer's needs before hiring an employee with disabilities</li> <li>• detailed presentation of support for employers</li> <li>• gathering relevant information</li> <li>• clear presentation of gathered information</li> </ul>	4 4 4 4 4	
<b>Subtotal</b>	<b>20</b>	
<b>TOTAL POINTS</b>	<b>40</b>	
<i>The total must be recorded in the final training assessment sheet</i>		

Trainer's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Manager's/Coordinator's signature: \_\_\_\_\_ Date: \_\_\_\_\_

## INDIVIDUAL ASSESSMENT SHEET FOR CANDIDATES – PROSPECTIVE JOB COACHES

<b>Individual assessment sheet for candidate</b>		<b>Task 3 (percentage for Task 3 amounts to 60% of the final grade)</b>
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**Candidate's full name:** \_\_\_\_\_

**Training dates:** \_\_\_\_\_

Assessment criteria	Maximum	Candidate's points
• in-depth understanding of the process of Supported employment	10	
• effective planning	10	
• gathering relevant information	10	
• consistent and rational selection of strategy	10	
• clear and comprehensive documentation of progress	10	
• critical evaluation of process and outcomes	10	
<b>TOTAL POINTS</b> <i>The total must be recorded in the final training assessment sheet</i>	<b>60</b>	

**Trainer's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Manager's/Coordinator's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



## Final assessment sheet for SUPPORTED EMPLOYMENT training

Module name: Supported employment

Assessment sheet		Assessment sheet		Assessment sheet		Total		Grade*	
Assessment sheet 1		Assessment sheet 2		Assessment sheet 3		Total 100%		Grade*	
Maximum no. of points									
Candidate's surname	Candidate's first name	1	60	2	40				

Manager's/Coordinator's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Trainer's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Final assessment sheet contains the following:

1. Grade from INDIVIDUAL ASSESSMENT SHEET FOR CANDIDATES – PROSPECTIVE JOB COACHES, task 1.
2. Grade from INDIVIDUAL ASSESSMENT SHEET FOR CANDIDATES – PROSPECTIVE JOB COACHES, task 2.
3. Grade from INDIVIDUAL ASSESSMENT SHEET FOR CANDIDATES – PROSPECTIVE JOB COACHES, task 3.

Scale:

- 6: PASS WITH DISTINCTION (80–100%)  
 4: PASS – GOOD (65–79%)  
 3: PASS – SUFFICIENT KNOWLEDGE (50–64%)  
 2: CONDITIONAL PASS (0–49%)

The sheet is the trainer's tool for performing a final and all-round evaluation of the candidate; the sheet must remain in training documentation.

0: candidates who were not subject to assessment and grading

## ASSESSMENT TECHNIQUES

**Tasks** Practical exercises performed in accordance with their descriptions.

Each task has its task description provided by the trainer. The task description contains all the necessary instructions for trainees. The task must be delivered by the date specified by the trainer (task deadline).

The tasks will enable trainees to show that:

- they understand the concept of supported employment and know how to apply it,
- they know how to use/select appropriate research methods, information sources, references and bibliography,
- they know how to analyse, evaluate, draw conclusions and formulate recommendations,
- they understand the process and its implementation and that they have planning and time management skills,
- they possess relevant assessment and problem-solving skills,
- they possess presentation skills,
- they have sufficient team work skills.

**Candidates records of achievements** Candidates prepare their special registers/notebooks where they record all their experiences and reflections pertaining to particular training modules.  
(Appendix 4)

**Identification of candidate's skills** *Evaluation of the degree to which particular practical/organisational and/or interpersonal (and other) skills have been mastered.*

The skills are evaluated by the trainer and can be shown/proven in many different situations, for example in the classroom during role plays, or in real life settings/on the job.

Candidates may present their reports in writing and provide additional documentation as a part of their delivery.

## CERTIFICATE

This is the official document that certifies completion of the entire supported employment training cycle.

## LEARNING OUTCOMES

### Part One – 3.5 days, 28 h

MODULE 1. Supported employment and its axiological foundations			
OBJECTIVES:			
ACQUISITION OF KNOWLEDGE: <ul style="list-style-type: none"><li>concerning the most important content of the UN Convention on the Rights of Persons with Disabilities</li><li>knowledge of the goals, principles and axiology of supported employment</li></ul>		ACQUISITION OF SKILLS: <ul style="list-style-type: none"><li>ability to define supported employment</li><li>presentation of key principles of supported employment</li><li>ability to explain the link between supported employment and normalisation theory and the empowerment of persons with disabilities</li><li>ability to define clients of supported employment programmes</li></ul>	
TEACHING AIDS		Video materials, multimedia presentations	
SCHEDULED DURATION:		8 hours	
SESSIONS:			
No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
1.1	Introduction	<ul style="list-style-type: none"><li>introduction of participants</li><li>icebreakers</li><li>recording participants' expectations</li><li>concluding a contract</li><li>information on subject matter, contents and organisational issues</li></ul>	1.5 hours

No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
1.2	<i>Definition of disability. UN Convention on the Rights of Persons with Disabilities</i>	<ul style="list-style-type: none"> <li>• definition of disability: background and current understanding</li> <li>• UN Convention on the Rights of Persons with Disabilities               <ol style="list-style-type: none"> <li>a) goals, principles, obligations (Articles: 1, 3, 4)</li> <li>b) key definitions: language, communication, discrimination on grounds of disability, reasonable accommodation, universal design (Article 2)</li> <li>c) independent living and inclusion, rehabilitation (Articles 19, 26)</li> <li>d) work and employment (Article 27)</li> </ol> </li> </ul>	0.5 hours
1.3	The definition of supported employment	<ul style="list-style-type: none"> <li>• origins of supported employment</li> <li>• the definition of supported employment</li> </ul>	0.5 hours
1.4	Key principles and features of supported employment	<ul style="list-style-type: none"> <li>• presentation of key principles of supported employment</li> <li>• presentation of the differences between supported employment and sheltered employment</li> <li>• presentation of four key values of supported employment: normalisation, inclusion empowerment of persons with disabilities</li> </ul>	
1.5	Supported employment clients and support needs for particular disability types and functioning limitations	<ul style="list-style-type: none"> <li>• definition of clients of supported employment programmes</li> <li>• characteristic features of particular client groups; their needs and difficulties resulting from different levels of functioning</li> </ul>	5.5 hours
1.6	Module summary	<ul style="list-style-type: none"> <li>• summary of contents</li> <li>• feedback</li> </ul>	

## MODULE 2. Job coach's competence profile, tasks of job coaches across the five stages of supported employment, ethical code of conduct for job coaches, organisation of the work of job coaches

### OBJECTIVES:

#### KNOWLEDGE:

- knowledge of competences required from job coaches
- definition of the five stages of supported employment
- knowledge of the ethical code of conduct for job coaches
- knowledge of other experts/professions that may take part in supported employment programmes
- knowledge of how to include the person with disabilities in the process of job seeking/finding

#### ACQUISITION OF SKILLS:

- presentation and application of job coach tasks at each of the five stages of supported employment
- application of competences required from job coaches
- application of job coach competences to create a job coach profile
- application of the principles of the ethical code for job coaches
- co-operation with other supported employment professionals
- joint effort to achieve the planned results
- inclusion of the person with disabilities in the process of supported employment
- application of knowledge of job coach's tasks to effectively manage time and work

#### TEACHING AIDS:

Multimedia presentations, flipcharts

#### SCHEDULED DURATION:

8 hours

### SESSIONS:

No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
2.1	Introduction	<ul style="list-style-type: none"> <li>• presentation of module subject</li> </ul>	
2.2	Tasks of job coaches across the five stages of supported employment	<ul style="list-style-type: none"> <li>• presentation of 5 stages of supported employment</li> <li>• specification of job coach's tasks at each stage of supported employment with support needs and difficulties of particular persons with disabilities taken into account</li> </ul>	2 hours

No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
2.3	Job coach profile	<ul style="list-style-type: none"> <li>• Who is a job coach? Job coach features that are necessary to implement tasks at the five stages of supported employment</li> <li>• specification of differences between basic competences (for effective functioning in various professional contexts) and practical skills (or 'craft') (for task design, implementation and evaluation)</li> </ul>	2 hours
2.4	Ethical code of conduct for job coaches	<ul style="list-style-type: none"> <li>• discussion of the principles of the ethical code for job coaches</li> </ul>	0.5 hours
2.5	Role of experts/professionals in the supported employment process	<ul style="list-style-type: none"> <li>• role of experts/professionals in the supported employment process (including disabled person's assistants and sign language interpreters)</li> </ul>	0.5 hours
2.6	Types of support for persons with disabilities in the process of supported employment	<ul style="list-style-type: none"> <li>• presentation of types of support for persons with disabilities in the process of supported employment:               <ol style="list-style-type: none"> <li>a) organisational support</li> <li>b) support from the business/ employer</li> <li>c) support from the government</li> <li>d) support from the family/ community</li> </ol> </li> </ul>	1 hour
2.7	Methods of effective time management; self-management for task implementation	<ul style="list-style-type: none"> <li>• presentation of effective means of time management</li> </ul>	2 hours
2.8	Module summary	<ul style="list-style-type: none"> <li>• summary of contents</li> <li>• feedback</li> </ul>	

### MODULE 3. Supporting persons with disabilities in career planning and development. Vocational profiling

#### OBJECTIVES:

##### KNOWLEDGE:

- knowledge of the stages of career planning within the person centred planning process
- knowledge of general principles of career planning and development
- knowledge of ways of analysing the disabled person's competences and professional abilities

##### ACQUISITION OF SKILLS:

- joint preparation of the PCP with a person with disability
- development of support strategy for the person's career planning, based on team and cross-disciplinary effort
- appropriate selection of work samples and work experience opportunities
- evaluation of the person's professional experience, skills and his/her work preferences
- preparation of a support strategy for the employee with disabilities that will facilitate further career development

##### TEACHING AIDS:

Multimedia presentations, flipcharts, vocational profile template (*Appendix 5*)

##### SCHEDULED DURATION:

12 hours

#### SESSIONS:

No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
3.1	Introduction	<ul style="list-style-type: none"> <li>• presentation of module subject</li> </ul>	
3.2	Stages of career planning within PCP. Vocational profiling	<ul style="list-style-type: none"> <li>• introduction to career planning, introduction to PCP, presentation of the steps of the PCP process</li> <li>• detailed presentation of particular steps within PCP</li> <li>• creating a vocational profile</li> </ul>	4 hours
3.3	Methods of career planning and development	<ul style="list-style-type: none"> <li>• presentation of typical career planning and development methods:               <ol style="list-style-type: none"> <li>a) goal setting</li> <li>b) definition of tasks</li> </ol> </li> <li>• support in a career shift</li> </ul>	2 hours

No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
3.4	Evaluation of the person's professional experience, skills and his/her work preferences	<ul style="list-style-type: none"> <li>• performance of evaluation of the person's professional experience, skills/capabilities and his/her work preferences</li> <li>• learning the ways of analysing the disabled person's competences and professional abilities</li> </ul>	3 hours
3.5	Team effort: supporting the employee with disabilities so that he/she can further develop his/her career	<ul style="list-style-type: none"> <li>• preparation of strategies of support for the person's further career development</li> </ul>	3 hours
3.6	Module summary	<ul style="list-style-type: none"> <li>• summary of contents</li> <li>• feedback</li> </ul>	

## Part Two – 2.5 days, 20 hours

### MODULE 4. Job coaching model: the processes of training and coaching

#### OBJECTIVES:

##### KNOWLEDGE:

- information about principles of coaching
- knowledge of stages of the coaching process
- knowledge of the principles and possibilities of building relationships with persons with disabilities

##### ACQUISITION OF SKILLS:

- application of the definition of coaching in daily work
- understanding job coach's tasks at different stages of the coaching process
- building good relationships with persons with disabilities

##### TEACHING AIDS:

Multimedia presentations

##### SCHEDULED DURATION:

6 hours



SESSIONS:			
No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
4.1	Introduction	<ul style="list-style-type: none"> <li>• presentation of module subject</li> </ul>	
4.2	Definition of coaching as a tool for personal development and ongoing development of competences	<ul style="list-style-type: none"> <li>• what is coaching?</li> <li>• presentation of the main differences between coaching and mentoring</li> </ul>	1 hour
4.3	Stages of the coaching process, including: <ul style="list-style-type: none"> <li>– definition of coaching needs and objectives,</li> <li>– agreeing developmental needs with the person with disabilities,</li> <li>– development of a detailed coaching plan,</li> <li>– review and planning for better functioning of the person with disabilities,</li> <li>– the ability to assess and provide feedback,</li> <li>– motivation for persons with disabilities to inspire their self-development</li> </ul>	<ul style="list-style-type: none"> <li>• presentation of stages of coaching with particular needs of the person with disabilities taken into account at particular stages of the process</li> <li>• development of an example of a coaching plan</li> <li>• review and planning for better functioning of the person with disabilities</li> <li>• how to assess and evaluate?</li> <li>• how to motivate for self-development?</li> </ul>	3 hours
4.4	Building a good relationship based on trust and openness between the job coach and the person with disabilities	<ul style="list-style-type: none"> <li>• building trust – why do we need trust and openness in the relationship between job coaches and persons with disabilities?</li> <li>• how to we develop trust and openness between the coach and the person with disabilities?</li> </ul>	2 hours
4.5	Module summary	<ul style="list-style-type: none"> <li>• summary of contents</li> <li>• feedback</li> </ul>	

## MODULE 5. Legal aspects of employment of persons with disabilities

## OBJECTIVES:

## KNOWLEDGE:

- key terminology and regulations in employment law
- components of employment contracts and civil law employment relationship agreements
- knowledge of how employers operate on the open labour market
- up-to-date knowledge of administrative and court decisions;
- knowledge of the pension system in the context of employment of persons with disabilities
- knowledge of the basic obligations of employers towards employees with disabilities, knowledge of basic health and safety regulations
- ability to list the fundamental and auxiliary rights of persons with disabilities
- information about legislative support tools for persons with disabilities entering the job market
- knowledge of additional conditions for employment of persons with disabilities

## ACQUISITION OF SKILLS:

- ability to state if an employment contract and the way it has been entered into are legal and correct
- reading comprehension: understanding the contents of employment contracts
- distinguishing between full-time employment contracts and other civil law employment relationships
- analysis of administrative decisions concerning degrees of disability (local disability certification teams, Social Security Institution – ZUS)
- ability to show the person with disabilities his/her additional employee's rights (also those resulting from their disability certificates)
- basic calculation of costs of salary and wage subsidies
- support for persons with disabilities through application of some provisions of the Act on promotions of employment and labour market institutions
- the ability to show the employer the basic forms of support in employment of persons with disabilities connected with supported employment

## TEACHING AIDS:

**Compendium for job coaches.** Legal aspects of employment of persons with disabilities (*Appendix 6*)

**Compendium for job coaches.** Questions and answers to the most difficult questions regarding legal aspects of employment of persons with disabilities (*Appendix 7*)

## SCHEDULED DURATION:

6 hours

## SESSIONS:

No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
5.1	Introduction	<ul style="list-style-type: none"> <li>• presentation of module subject</li> </ul>	

No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
5.2	Selected provisions of the Polish Labour Code (Act of 26 June, 1974). Health and Safety regulations	<ul style="list-style-type: none"> <li>• basic terms in employment law, equal treatment and non-discrimination in the workplace</li> <li>• discussion of employers' obligations when hiring employees with disabilities (including medical tests, workplace regulations and compensation/remuneration regulations)</li> <li>• main rights and obligations of employees</li> <li>• entering into an employment relationship and terminating the relationship (differences between full-time and civil law employment contracts; contract of mandate, contracts for the performance of a specific task; methods of termination of full-time contracts, incapacitation and employment contracts)</li> <li>• key health and safety regulations</li> </ul>	2 hours
5.3	Act on employment and vocational and social rehabilitation of disabled persons (of 27 August, 1997)	<ul style="list-style-type: none"> <li>• presentation of key terms and definitions from the Act</li> <li>• differences between open and sheltered employment markets; presentation of the way the open labour market operates</li> <li>• disability certification in Poland: current status</li> <li>• pension system and employment</li> <li>• additional employee's rights and entitlements for employees with disabilities</li> </ul>	2.5 hours

No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
		<ul style="list-style-type: none"> <li>• additional obligations of employers</li> <li>• the obligation to ensure accommodation of a workplace for persons with disabilities</li> <li>• discussion of the most important technical and construction regulations for workplace adaptation</li> </ul>	
5.4	Act of 26 March 2013 on promotion of employment and labour market institutions (Dz.U. of 2013, item 674 with further amendments)	<ul style="list-style-type: none"> <li>• selected provisions pertaining to persons with disabilities from the Act on promotion of employment and labour market institutions</li> </ul>	0.5 hours
5.5	Basic forms of support in employment of persons with disabilities	<ul style="list-style-type: none"> <li>• subsidised employment (subsidies/financial assistance towards salaries of persons with disabilities)</li> <li>• reimbursement of cost associated with workstation adaptation or creation</li> <li>• reimbursement of salaries of assistants of persons with disabilities</li> <li>• reimbursement of workstation equipment</li> <li>• reimbursement of costs of training for persons with disabilities</li> <li>• support for self-employment of persons with disabilities</li> </ul>	1 hour
5.6	Module summary	<ul style="list-style-type: none"> <li>• summary of contents</li> <li>• feedback</li> </ul>	

**MODULE 6. Marketing supported employment to employers****OBJECTIVES:****KNOWLEDGE:**

- definition of supported employment
- means of analysing employer's needs associated with employment of persons with disabilities
- knowledge of the scope of the services offered by supported employment programmes
- knowledge of employer finding techniques

**ACQUISITION OF SKILLS:**

- analysis and specification of employer's needs associated with employment of persons with disabilities
- definition of support areas for employers, successful employment criteria
- presentation of supported employment and what it offers to employers
- practical application of employer finding techniques
- drafting individual offers for employers

**TEACHING AIDS:****SCHEDULED DURATION:**

8 hours

**SESSIONS:**

No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
6.1	Introduction	<ul style="list-style-type: none"> <li>• presentation of module subject</li> </ul>	
6.2	Definition of supported employment marketing	<ul style="list-style-type: none"> <li>• definition of supported employment marketing</li> </ul>	0.5 hours
6.3	Analysis of employer's needs regarding employment of persons with disabilities	<ul style="list-style-type: none"> <li>• means of investigating the needs of employers regarding employment of persons with disabilities</li> <li>• presentation of potential support areas</li> </ul>	2.5 hours
6.4	What supported employment offers employers	<ul style="list-style-type: none"> <li>• presentation of supported employment and what it offers to employers</li> </ul>	1 hour
6.5	Effective employer finding techniques	<ul style="list-style-type: none"> <li>• presentation of effective employer finding techniques</li> </ul>	3 hours
6.6	Task 1. Drafting a presentation/proposal for employers (presentation of supported employment services for employer)	<ul style="list-style-type: none"> <li>• good and bad examples of proposals</li> </ul>	1 hour

No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
6.7	Module summary	<ul style="list-style-type: none"> <li>• summary of contents</li> <li>• feedback</li> </ul>	

### Part 3 – 3 days, 24 hours

#### MODULE 7. Support in job finding, Employer engagement and job finding

##### OBJECTIVES:

##### KNOWLEDGE:

- knowledge of job finding techniques
- knowledge of the specificity of the local job market
- knowledge of job seeking and job finding methods
- ability to apply an individual approach due to differences between persons with disabilities in the job interview preparation phase
- knowledge of interviewing techniques
- information about principles of drafting job application documents
- information about how to engage a person with disabilities in the process of collaborative job seeking

##### ACQUISITION OF SKILLS:

- application of various job finding techniques
- inclusion of the person with disabilities in the process of job seeking/finding
- creation of database of employers
- selection of matching job positions and workplaces from the ones available on the local labour market
- supporting the person with disabilities in the process of job seeking/finding
- contacting employers
- preparation of the candidate with disabilities for his/her initial interview with the employer, with the candidate's individual skills and needs taken into account

##### TEACHING AIDS:

Multimedia presentations, flipcharts, video material, module handouts

##### SCHEDULED DURATION:

8 hours

##### SESSIONS:

No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
7.1	Introduction	<ul style="list-style-type: none"> <li>• presentation of module subject</li> </ul>	
7.2	Job finding methods. Activation of persons with disabilities in their job seeking efforts	<ul style="list-style-type: none"> <li>• analysis of methods and means of job seeking</li> <li>• active participation of persons with disabilities in their job seeking efforts</li> <li>• defining the scope of support</li> </ul>	2 hours

No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
7.3	Creating a database of local employers	<ul style="list-style-type: none"> <li>• analysis of the local job market</li> <li>• creation of a comprehensive database of employers</li> </ul>	1 hour
7.4	Job application documents	<ul style="list-style-type: none"> <li>• presentation of principles of drafting job application documents</li> </ul>	2 hours
7.5	Contacting employers; arrangement of meetings	<ul style="list-style-type: none"> <li>• presentation of effective contacting methods: direct and indirect means of contacting employers</li> </ul>	1 hour
7.6	Preparation for job interviews	<ul style="list-style-type: none"> <li>• analysis of needs of a person with disabilities for his/her job interview</li> <li>• specification of the scope of support for the person's job interview</li> <li>• the process of preparation for job interviews</li> <li>• problems associated with the traditional approaches to support</li> <li>• the scope of employer's natural support</li> </ul>	2 hours
7.7	Module summary	<ul style="list-style-type: none"> <li>• summary of contents</li> <li>• feedback</li> </ul>	

## MODULE 8. On and off the job support

### OBJECTIVES:

#### KNOWLEDGE:

- knowledge of support needs of employers
- knowledge of support needs of employees with disabilities
- knowledge of natural support needs
- knowledge of how to tackle problematic situations in the supported employment process

#### ACQUISITION OF SKILLS:

- identification of support needs (incl. ongoing support needs) of employers and provision of support
- identification of support needs (incl. ongoing support needs) of employees with disabilities and provision of required support
- indication of the differences between the tasks of a job coach and natural support
- planning support strategies for employers and managers in the workplace
- indication of the ways to tackle different problematic situations at all stages of supported employment

TEACHING AIDS:		Multimedia presentations, flipcharts, video material, module handouts	
SCHEDULED DURATION:		8 hours	
SESSIONS:			
No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
8.1	Introduction	<ul style="list-style-type: none"><li>• presentation of module subject</li></ul>	
8.2	Identification of support needs of employees with disabilities and their employers in order to facilitate job maintenance	<ul style="list-style-type: none"><li>• definition of the types of support provided by the job coach for: a) the employee with disabilities b) the employer</li></ul>	1.5 hours
8.3	The differences between the tasks of a job coach and natural support	<ul style="list-style-type: none"><li>• presentation of the differences between the tasks of a job coach and natural support within a company</li></ul>	0.5 hours
8.4	Planning support strategies for employees with disabilities and their employers/managers/co-workers in the workplace	<ul style="list-style-type: none"><li>• means of planning support strategies</li><li>• definition of obstacles to support strategies</li><li>• application of support strategies for the relationship between the employee with disabilities and his/her co-workers</li></ul>	2 hours
8.5	Problematic situations and problem-solving	<ul style="list-style-type: none"><li>• presentation of possible problems for job coaches at each of the five stages of supported employment; development of problem mitigation strategies</li></ul>	4 hours
8.6	Module summary	<ul style="list-style-type: none"><li>• summary of contents</li><li>• feedback</li></ul>	



## MODULE 9. Team building. Supporting clients throughout the five stages of supported employment - summary

### OBJECTIVES:

#### KNOWLEDGE:

- knowledge of the principles of team work
- supporting clients throughout the five stages of supported employment, verification of planning, implementation and evaluation skills for the entire process

#### ACQUISITION OF SKILLS:

- team work:
  - a) division of labour
  - b) decisions regarding accountability and responsibility within the team
  - c) creation of a competences map for the team
- supporting the client at all stages of supported employment; verification of planning, implementation and evaluation skills for the entire process

#### TEACHING AIDS:

Reports for the implementation phase (templates)

#### SCHEDULED DURATION:

8 hours

### SESSIONS:

No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
9.1	Introduction	<ul style="list-style-type: none"> <li>• presentation of module subject</li> </ul>	
9.2	Team building for teams of job coaches	<ul style="list-style-type: none"> <li>• practical team building methods</li> <li>• the team's map of competences</li> <li>• role of the team in achieving the objectives and goals of supported employment</li> </ul>	1 hour
9.3	Team work within the model of supported employment	<ul style="list-style-type: none"> <li>• principles of team work at each of the five stages of supported employment</li> </ul>	1 hour
9.4	Supporting the client at all stages of supported employment; verification of planning, implementation and evaluation skills for the entire process	<ul style="list-style-type: none"> <li>• exercise for revision of how to support the client at all stages of supported employment; verification of planning, implementation and evaluation skills for the entire process</li> </ul>	6 hours

No.	SESSION SUBJECT:	SESSION PLAN:	SESSION DURATION:
9.5	Module summary	<ul style="list-style-type: none"><li>• summary of contents</li><li>• feedback</li></ul>	

# REFERENCES

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2. Buckup S., *ILO Employment Sector Working Paper No. 43, The price of exclusion: The economic consequences of excluding people with disabilities from the world of work*, International Labour Office, Employment Sector, Skills and Employability Department, Geneva 2009.
3. *Compendium of good practice. Supported employment for people with disabilities in the EU and EFTA-EEA*, Publications Office of the European Union, Luxembourg 2011.
4. Drake R. E., Bond G. R., Becker D. R., *Individual Placement and Support: An Evidence-Based Approach to Supported Employment*, Oxford University Press, New York 2012.
5. *European models of vocational activation of persons with intellectual disability*, Polish Association for Persons with Mental Handicap (PSOUU), Warsaw 2008.
6. *European Union of Supported Employment. Information booklet and quality standards*.
7. *European Union of Supported Employment. Toolkit*, EUSE 2010.
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10. *Inaczej mówiąc*, edited by Rzążewska O., Polish Association of Journalists and Documentary Journalists, Warsaw 2011.
11. Lane H., *The Mask of Benevolence: Disabling the Deaf Community*, Vintage Books, New York 1993 (Originally published in hardcover by Alfred Knopf Inc., NY 1992).
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15. Sak M., *Podręcznik dobrych praktyk, 4 kroki – wsparcie osób niesłyszących na rynku pracy II*, Polish Association of the Deaf (PZG), Warsaw 2012.
16. UN Convention on the Rights of Persons with Disabilities.

### Specialist obligatory reading:

1. Bissonette B., *Careers for Individuals with Asperger Syndrome and High-Functioning Autism. A practical guide*, Jessica Kingsley Publishers, London 2006.
2. Boguszczyńska K., *Osoby z zaburzeniami psychicznymi na rynku pracy – możliwości i potrzeby*, Warszawski Dom pod Fontanną, Warsaw 2013.
3. Deutsch Smith D., *Special Education*, Polish translation edited by A. Firkowska-Mankiewicz, G. Szumski, Academy of Special Education and PWN, Warsaw 2008; Chapter 5. *Niepełnosprawność intelektualna (upośledzenie umysłowe)*.
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5. *Głuchota a język*, ed. Grabias S., Lublin: Marie Curie-Skłodowska University, Polish Association of the Deaf (PZG), Lublin 1994.
6. Lundine V., Smith C., *Career Training and Personal Planning for Students with Autism Spectrum Disorders*, Jessica Kingsley Publishers, London, 2006
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### Optional reading:

1. Ał on employment and vocational and social rehabilitation of disabled persons (Dz.U. of 2010, item 214 with further amendments).
2. Ał on promotion of employment and labour market institutions (Dz.U. of 2013, item 674 with further amendments).
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# APPENDIX 1

## TASK 1

The task is to support the person with disabilities in drafting his/her CV as well as identifying the person's support needs for the job interview; as part of this task, you will also need to plan strategies for meeting the needs of the candidate with disabilities.

Initially you will need to discuss with your managers whom you could support in the process (including the person's type of disability, education level, professional experience, competences, etc.). Preferably, your client should have already expressed interest in taking up employment or may already be seeking employment. If, however, such a client is currently unavailable, you can ask a colleague to cooperate with you in this task.

When you have described the person with disabilities to be supported, you must now:

1. collect relevant information for the person's CV,
2. gather all written references, certificates and any other evidence of work experience or qualifications,
3. draft the person's CV in the right format together with the person.

CV drafting and collection of the documents/references are the first part of the task.

The second part is to perform an evaluation (in writing) of the person's support needs for his/her future job interview. You will need to specify relevant information concerning the person's skills necessary for the job interview.

You will also need to describe how you have gathered the information and what conclusions regarding job interview support you have drawn.

The third part of the task is to choose the right support strategy for the job interview. Please remember that your strategy must take into account the needs of both the candidate with disabilities and the employer. You may also consider an alternative format for the interview if necessary.

The task should be completed with your summary of the process (was it easy/difficult?) and its outcomes (what were you satisfied with, what should you have done differently?).



## ASSESSMENT CRITERIA

Maximum number of points for the task – 20.

Each of the following criteria is graded with a maximum of 4 points:

- Collection of relevant information.
- Clear presentation of the information.
- Effective task planning.
- Selection of an appropriate strategy.
- Critical evaluation of the process and its outcomes.

## APPENDIX 2

### TASK 2

The task is to draft a presentation of supported employment services for a potential employer.

Both the presentation's form and its content will be evaluated.

The content should include the following:

1. Introduction, introducing yourself, details about your role and reasons why you are meeting the employer/employers.
2. Presentation of your client (the candidate with disabilities) and available forms of support provided by the job coach.
3. Description of benefits for the employer resulting from supported employment.
4. Summary.

As far as the presentation's form is concerned:

- Consider how you will deliver the content to individual employers or groups of employers.
- Consider the accompanying materials such as leaflets, PPT slideshows, handouts, photographs, videos.

### ASSESSMENT CRITERIA

Maximum number of points for the task – 20.

Each of the following criteria is graded with a maximum of 4 points:

- In-depth understanding of the key principles of supported employment.
- Ability to present the potential candidate with disabilities.
- Clear identification of the employer's needs associated with employment of a person with disabilities.
- Relevant information.
- Clear and interesting presentation of the material fitting the presentation within a 10-minute-long time window.

## APPENDIX 3

### TASK 3

In this task you will have to prove that you understand the concept of supported employment and that you have developed sufficient planning, implementation and evaluation skills for the entire supported employment process.

First of all, you will need to establish who your clients are. You may be working with a few different persons: existing participants of supported employment programmes or other persons who are ready to join a supported employment programme.

### TASK 3 CONSISTS OF THE FOLLOWING COMPONENTS:

#### 1. SUPPORTING A JOBSEEKER WITH DISABILITIES IN CREATING HIS/HER CAREER PLAN

This part includes planning, selection of job seeking methods, presentation of the stakeholders, indication of frequency of meetings and sources of information. The plan should include an evaluation of the disabled candidate's professional experience and encompass all steps of the career planning process.

Subsequently, the plan must be implemented and then documented as a final career plan, created with your support. The career plan should indicate the first job and also further career steps.

#### 2. DESCRIPTION AND EVALUATION OF THE EXISTING RELATIONSHIP BETWEEN A SUPPORTED EMPLOYEE AND HIS/HER EMPLOYER

This part consists in collecting information about the existing relationship between the employer and the employee with disabilities; subsequently, the relationship is subject to evaluation. The necessary information may be collected through direct observation, conversations with employers, co-workers, the employee with disabilities and supported employment staff.

The following information should be documented:

1. Job description of the employee with disabilities.
2. Description of support needs of the person with disabilities and his/her employer.
3. Description of support needs of the employer as regards training of the employee with disabilities (if there are no training needs, come up with a task that could be trained and that could facilitate easier task performance by the employee with disabilities). It is very important that you are able to explain why you have selected a particular support strategy.
4. An evaluation of the implementation of the support strategy (what worked fine, what should be improved).
5. A plan for ongoing support for the relationship between the employer and the employee (how much support will be needed, who will deliver the support, how frequently, what career development objectives will there be, etc.). It is very important that you are able to explain why you have selected a particular support strategy.
6. An evaluation of ongoing support for the employee and the employer (what worked fine, what must be improved).

The task can be presented in many ways e.g. in writing, orally, graphically, in audio formats, visual formats, or in any hybrid format. All audio/video material must be delivered electronically.

## ASSESSMENT CRITERIA

Maximum number of points for task 3 – 60.

10 points are granted for meeting each of the following criteria:

- In-depth understanding of the process of supported employment.
- Effective planning.
- Collection of relevant information.
- Coherent justification of strategy selection.
- Comprehensive documentation of the process.
- Critical evaluation of the process and its outcomes.

You will have two weeks to perform this task.

## APPENDIX 4

### RECORD OF TRAINING PARTICIPANTS' ACHIEVEMENTS

Candidates prepare their special registers/notebooks where they record all their experiences and reflections pertaining to particular training modules. This is aimed at reinforcing as much information as possible throughout the training cycle.

The notebook should contain training notes (information from the trainer, the participants' own ideas) and handouts from the trainers.

There is no deadline for completion of notebook content but notes should be taken on an ongoing basis during training days or immediately after a given training day.

The notebook's value will rise further if its contents reflect the following division:

PART I: Pick the ideas, techniques and exercises that are the most important from your point of view.

PART II: Describe the elements you have selected in more detail.

PART III: Based on your selection and description, decide on the following:

- WHAT are you planning to do?
- HOW are you planning to implement it?
- WHEN or BY WHEN are you going to implement it?
- WHAT measures will you need?
- WHO should be involved?
- WHAT influence will this have on others?

At the beginning of the following day of the course the notes can be discussed in a group of a few training participants. This will enable you to:

- crystallise your views on given subjects,
- remember significant information,
- broaden your opinions with those of other course participants,
- there will also be an opportunity to clarify any doubts.

The notebook will also enable you to use your knowledge during the course and after its completion. Refer to your notes frequently as this will help you remember the elements you have not yet applied in practice!

# APPENDIX 5

## VOCATIONAL PROFILE

### I. SUPPORTED EMPLOYMENT CLIENT DATA

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

First Name

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Surname

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

PESEL – Personal Identification Number

### II. INFORMATION ABOUT CONDITIONS OR DISABILITIES

*With your client, prepare information about his/her limitations and/or disabilities. Use any available medical documentation, information from the client's relatives, and remember that your client needs to express his/her consent to your conversations with family members or other persons closely related to the client.*

**Client's disease, condition and/or disability**

**Impact on employment, if applicable** (*support in communication, technological aids, medical appointments, medication, etc.*)

**Additional information** (*support from family/professionals, contact details*)

**III. SOCIAL BENEFITS** *(any impact on the decision to take up employment?)***IV. EDUCATION***With your client, analyse his/her educational path.*

Dates	School/university	Certificates	Degrees

**V. TRAINING COURSES***Together with your client, analyse the qualifications he/she has gained as a result of training.*

Date	Organising entity	Training scope	Certificates

**Other relevant information/qualifications** *(driving license, fork lift truck operator's license, etc.)***VI. EMPLOYMENT HISTORY***Together with your client, analyse his/her employment history.*

Dates	Employer (workplace data)	Job position/role	Scope of duties	Reason for leaving

**VII. CLIENT'S VOCATIONAL PROFILE****EVALUATION OF CANDIDATE'S SOCIAL AND VOCATIONAL SKILLS***Based on the qualitative progress assessment sheet, describe the client's social and vocational skills (all aspects should be taken into account). Consult your description with your client in order to verify its contents and introduce any possible corrections.*

**WORK PREFERENCES**

*At this stage the client will express his/her expectations of their future work. The role of the job coach is to support the client in adopting a realistic approach to his/her professional aspirations. The client needs to become aware of his/her capacity to perform the job of their choice.*

**Preferred employment**

**Preferred tasks** (e.g. office work, retail work, catering, IT, finance, warehouse, hospitality, etc.)

**Preferred conditions of employment** (full-time employment/part-time employment, daytime work, evening work, working days only, shift work, expected remuneration, etc.)

**Preferred work environment** (indoor/outdoor work, quiet/noisy place of work, large/small enterprise, intensive/low-intensity work)

**Other** (distance from home, preferred means of transport, etc.)



# ACTION PLAN

## PLANNED OBJECTIVES

*The client must feel co-responsible for planning his/her own vocational development goals. Engaging with the client at this stage of planning will increase the likelihood of meeting the objectives (the client will identify with the plan and feel motivated to act)<sup>1</sup>*

No.	Objectives	Planned implementation date (by when?)	Person responsible for delivering support in realisation of the objectives
1.			
2.			
3.			
4.			
5.			

## Additional objectives:

*Additional objectives that may impact the career planning process should be defined together with the client and based on the identification of previous needs.*

## Barriers and difficulties in achieving the objectives:

*When you are working with the client to plan his/her career you will also need to consider any possible barriers/difficulties in achieving the objectives. Your client needs to be fully aware of these difficulties and he/she should work with you to define support strategies for problematic areas.*

Barrier	Suggested scope of support	Person responsible for support provision

## Implementation of Action Plan

Commencement of Action Plan implementation: ...../ DD-MM-YY

Planned end date of Action Plan implementation: ...../ DD-MM-YY

Actual end date of Action Plan implementation: ...../ DD-MM-YY

<sup>1</sup> If there are more objectives, these can be added to the table (as additional rows).

# APPENDIX 6

## COMPENDIUM FOR JOB COACHES.

### LEGAL ASPECTS OF EMPLOYMENT OF PERSONS WITH DISABILITIES

#### MODULE 5

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## INTRODUCTION

This Compendium is intended for future job coaches who will be looking for employment opportunities for persons with disabilities on the open labour market. The Compendium is an extension of the content presented during the training for job coaches under module 5 – “Legal aspects of employment of persons with disabilities.”

**Part I** covers selected provisions of the Labour Code that are of considerable importance for a job coach.

**Part II** focuses on the provision of the Act of 27 August 1997 on social and vocational rehabilitation and employment of persons with disabilities.

**Part III** lays down provisions of the Act on employment promotion and labour market institutions that are crucial from the perspective of persons with disabilities.

**Part IV** outlines the basic forms of employment support for persons with disabilities, which complement the supported employment scheme.

# PART I

## SELECTED PROVISIONS OF THE ACT OF 26 JUNE 1974

### – LABOUR CODE

#### 1) THE GENERAL PRINCIPLES AND CONCEPTS OF LABOUR LAW; EQUAL TREATMENT AND NON-DISCRIMINATION AT WORK

Employment issues in Poland are addressed in the Act of 26 June 1974 – Labour Code (Dz.U. [Journal of Laws] of 1998, No 21, item 94), hereinafter the Labour Code. It is the basic legal act which governs relations between employers and employees. Hence, labour regulations apply exclusively to the rights and obligations of both partners in an employment relationship. They do not cover the performance of work on a basis other than an employment relationship, such as a contract for specific work, a contract of mandate, and a service contract.

##### **Note:**

Art. 304 of the Labour Code requires employers to ensure safe and healthy conditions of work to natural persons who carry out work on a basis other than an employment relationship as well as self-employed workers who carry out work in the employing establishment or a place designated by the employer.

The general concepts of labour law are: employee and employer.

**An employee** is a person employed under:

- ✓ employment contract,
- ✓ appointment,
- ✓ election,
- ✓ nomination,
- ✓ co-operative employment contract.

Who shall be considered as an employee?

- A person who reached the relevant age.
- A person who has the capacity to perform legal acts.

**Note:**

An employee must be an adult, i.e. a person aged 18 and above. There is an exception regarding minors between 16 and 18 years of age. They are allowed to enter employment relationships in order to obtain occupational training and in the case of light-duty work.

**Note:**

**The capacity to perform legal acts**

An employee must have full capacity to perform legal acts. Persons who have not attained the age of 13 years, as well as totally incapacitated persons, do not have the capacity to perform legal acts.

**The following persons shall not be considered as employees:**

- self-employed persons,
- persons who perform work on the basis of civil law contracts (contract of mandate, contract for specific work),
- persons who perform home-based work,
- persons employed in the uniformed services (they perform work under a service relationship).

**Note:**

**Home-based work** is a distinct form of employment. The contractor who performs home-based work shall not be considered as an employee; however, he/she has numerous employee entitlements.

**An employer** is an organisational unit, even if it has no legal personality, or an individual, provided that it employs employees.

**Labour standards:**

- ➔ Labour standards act as interpretation and legislative guidelines. They set out the most important rights and duties of an employee and employer.
- ➔ The source of labour standards is the Constitution of Poland and Chapter II of the Labour Code.

Taking into account the legal acts mentioned, the following set of standards can be determined:

- the principle of freedom of occupation (art. 65 of the Constitution; art. 11 of the Labour Code),
- the principle of dignity at work (art. 35 of the Constitution; art. 11<sup>1</sup> of the Labour Code),
- the principle of equal treatment of employees (art. 32, section 1 of the Constitution; art. 11<sup>2</sup> of the Labour Code),
- the principle of non-discrimination (art. 32, section 2 of the Constitution; art. 11<sup>3</sup> of the Labour Code),
- the right to obtain fair remuneration for work (art. 13 of the Labour Code),
- the right to safe and healthy working conditions (art. 66, section 1 of the Constitution; art. 15 of the Labour Code),
- the obligation of an employer to satisfy welfare, social and cultural needs of employees where possible (art. 16 of the Labour Code),
- the obligation of an employer to facilitate career development of employees (art. 17 of the Labour Code),
- the right to rest (art. 14 of the Labour Code),
- the right of association (art. 18<sup>1</sup> of the Labour Code),
- the right to employee participation to an extent and according to the rules set out in separate provisions (art. 18<sup>2</sup> of the Labour Code).

**Equal treatment in employment (non-discrimination)**

Discrimination at work is the unjustified differentiation between employees that puts some of them at a disadvantage. Non-discrimination is particularly important when employing persons with disability.

**The principle of non-discrimination** at work shall be understood to mean that employees should receive equal treatment with regard to entering into and dissolving employment relationships, working conditions, promotion and access to vocational training irrespective of sex, age, disability, race, religion, nationality, political orientation, union membership, ethnic origin, confession, sexual orientation, as well as employment for a definite or indefinite period of time, full or part-time (art. 18<sup>3a</sup> § 1 of the Labour Code). Hence, equal treatment in employment shall mean that there shall be no direct or indirect discrimination whatsoever on any of the grounds referred to above.

The principle of non-discrimination is related to four additional concepts.

- **Direct discrimination** shall mean that one employee is treated less favourably than another employee has been or would be treated in a comparable situation, on any of the grounds referred to in art. 18<sup>3a</sup> § 1 of the Labour Code.
- **Indirect discrimination** shall mean that, due to an apparently neutral provision, criterion or practice, there occur some disparities with respect to entering into and dissolving employment relationships, working conditions, promotion and access to vocational training which put all or some of the employees, having one or many of the characteristics enumerated in art. 18<sup>3a</sup> § 1 of the Labour Code, at a particular disadvantage compared with other employees, unless these disparities can be objectively justified because of a legitimate objective that is to be met and the measures designed to contribute towards achieving this aim are appropriate and necessary.
- **Harassment** shall be deemed to be unwanted conduct with the purpose or effect of violating the dignity of an employee and of creating an intimidating, hostile, degrading, humiliating or offensive environment.
- **Sexual harassment** shall be deemed to be any form of discrimination when unwanted conduct relating to a sexual context or with reference to the employee's sex takes place with the purpose or effect of violating the dignity of an employee and of creating an intimidating, hostile, degrading, humiliating or offensive environment; such conduct may include physical, verbal or extra-verbal elements.



## 2) EMPLOYER'S DUTIES RELATED TO RECRUITMENT OF PERSONS WITH DISABILITIES

Section IV of the Labour Code sets out the duties of employer and employee.

An employer shall be obliged, in particular, to:

- 1) make new employees familiar with their duties, the methods of work in particular posts and their basic rights,
- 2) organise work in a manner best suited to making effective use of working time and the achievement of high efficiency and appropriate quality of work by employees through exercise of their abilities and qualifications,
- 3) organise work in a manner ensuring decreased onerousness of work, particularly any monotonous work and work with a pre-established tempo,
- 4) counteract discrimination in employment, particularly on the grounds of sex, age, disability, race, religion, nationality, political orientation, union membership, ethnic origin, confession, sexual orientation, as well as employment for a definite or indefinite period of time, full or part-time,
- 5) ensure safe and healthy working conditions and provide systematic training of employees in health and safety at work,
- 6) pay correct remuneration on time,
- 7) support employees in their endeavours to develop their professional skills,
- 8) create for employees taking up employment after graduation from a school of vocational education or a school of tertiary education conditions favourable for their adaptation to the proper performance of work,
- 9) satisfy, within the limits of available resources, the social needs of employees,
- 10) use objective and just criteria of evaluating employees and of assessing the results of their work,
- 11) compile records regarding the employment relationship as well as keep personal files of employees,
- 12) retain records regarding the employment relationship as well as personal files of employees, protecting them against damage or destruction,
- 13) contribute to the establishment of principles of social coexistence in the employing establishment.

The duties enumerated above are open-ended (“in particular”). An employer shall also be obliged to prevent mobbing.

**Mobbing** shall mean any actions or behaviour relating to or directed against an employee, resting upon persistent and long-lasting harassment or intimidation of an employee, resulting in his/her decreased evaluation of his/her own professional capabilities, as well as resulting in or aimed at humiliating or ridiculing an employee, isolating him/her from other employees, or eliminating him/her from the team of employees. An employee who suffers from health disturbance as a result of mobbing may claim a relevant sum from the employer as cash compensation for the incurred harm.

**Note:**

Mobbing and discrimination at work are two different things!

mobbing ≠ discrimination

Other duties of an employer:

**Employer's duties related to recruiting an employee:**

- requiring the employee to undergo medical examination,
- making the employee familiar with the duties of a particular post,
- making the employee familiar with working regulations,
- providing the employee with training in health and safety at work,
- providing the employee with information on conditions of employment in writing (more information: point 4),
- informing the employee about the way in which remuneration is to be paid and obtaining written consent for the transfer of remuneration to a bank account.

**Employer's duties of a public law nature:**

- a) registration of an employee with the Social Insurance Institution (ZUS)
  - An employee is covered by retirement insurance, disability insurance, sickness insurance, accident insurance and health insurance. An employer – as a contribution payer

– is obliged to register an employee with ZUS within 7 days from the date on which the liability arises. An employer is also obliged to calculate the contributions due for social security and some funds (such as the Labour Fund), to make timely payments and to submit social security statements to ZUS.

b) settlements with the Tax Office

– The contribution payer shall transfer advance personal income tax payments to the relevant Tax Office each month by the 20<sup>th</sup> day of the month following the month in which the advances were collected.

### 3) EMPLOYEE'S DUTIES AND RIGHTS

Pursuant to art. 100 of the Labour Code, an employee shall be obliged to perform work conscientiously and scrupulously and shall comply with the orders of superiors which apply to work, unless they are contradictory to the provisions of law or the contract of employment.

An employee shall be obliged, in particular, to:

- 1) observe the working time established in the employing establishment,
- 2) observe the workplace regulations and order adopted by the employing establishment,
- 3) observe the law and principles of occupational safety and health, and fire protection,
- 4) care for the interests of the employing establishment, protect its property and maintain the confidentiality of information the disclosure of which could cause damage to the employer,
- 5) maintain the confidentiality specified in separate provisions,
- 6) observe the principles of social coexistence in the employing establishment (observe certain moral and social standards).

## 4) ESTABLISHING AND TERMINATING EMPLOYMENT RELATIONSHIPS. DIFFERENCES BETWEEN AN EMPLOYMENT CONTRACT AND CIVIL LAW CONTRACTS (CONTRACT OF MANDATE, CONTRACT FOR SPECIFIC WORK)

The issues related to establishing an employment relationship between employer and employee are addressed in the Labour Code. They pertain to the employment of persons with and without disabilities. Nevertheless, when employing a person with disability, an employer has to bear in mind certain differences related to both the conclusion of a contract and the additional rights of this group of employees.

### **Recruitment of an employee with disability**

Pursuant to art. 18<sup>3a</sup> et seq. of the Labour Code, discrimination on the grounds of disability is inadmissible during the recruitment process. This means in the first place that an employer shall not deny employment to an individual on the grounds of disability. The above holds not only for the recruitment process, but also for the termination of employment, conditions of employment, promotion and access to vocational training. Disability shall not be the reason to employ or not to employ a given person.

Under art. 22<sup>1</sup> **§ 1 of the Labour Code**, an employer may request from an applicant the following personal data:

- first name (names) and last name,
- names of parents,
- date of birth,
- place of residence (correspondence address),
- education,
- career to date.

An employer may also request other data if the obligation to provide them follows from separate provisions (e.g. a certificate from the criminal records office).

**Note:**

A candidate can make disability certificates available to an employer on a voluntary basis. However, an employer must not require such data from a candidate.

An employer may request an employee to also provide, in addition to the personal data indicated above:

- 1) other personal data, as well as first and last names and dates of birth of children of the employee if it is necessary to provide such data in order for the employee to avail of special benefits guaranteed by labour law,
- 2) Personal Identification Number (PESEL) of the employee, issued by the Government Information Centre of the Common Electronic System for Registration of the Population (Rządowe Centrum Informatyczne Powszechnego Elektronicznego Systemu Ewidencji Ludności, RCI PESEL).

At the stage of recruitment, the data are provided in a statement in the form of a letter of motivation or CV. An employer may also request that an employee provides documentation of personal data.

It is important that an employer who is in charge of recruiting a given person be certain that the person is disabled in terms of the Act on rehabilitation. This decides whether, among others factors, a given person is counted in the number and ratio of employees with disabilities (more information in part II of the Compendium).

**Establishing an employment relationship with a person with disability**

By the establishment of an employment relationship the employee undertakes to provide certain work for the benefit of and under the guidance of an employer, and the employer undertakes to employ the employee for remuneration (art. 22 § 1 of the Labour Code).

**An employment relationship** is established on the basis of:

- employment contract,
- appointment,

- election,
- nomination,
- co-operative employment contract.

Employees with disabilities are also covered by general provisions of the Labour Code concerning entering into and terminating employment contracts. This means that an employer may conclude one of the following employment contracts with a person with disability:

- contract for a probationary period,
- contract for a definite period,
- contract for a period needed to perform certain work,
- replacement contract,
- contract for an indefinite period.

An employment relationship arises on the date indicated in the contract as the date of commencement of work and, if such a date is not specified, on the date on which the contract is concluded.

Also, art. 29 § 1 of the Labour Code applies to the conclusion of employment contracts. Pursuant to the article, the following information should be specified in each **employment contract**:

- ✓ the parties to the contract,
- ✓ the type of contract and date of its conclusion,
- ✓ working and pay conditions, in particular:
  - the type of work,
  - the location where the work is to be performed,
  - remuneration corresponding to the type of work, along with the components of remuneration,
  - the length of working time,
  - the date when the work shall commence.

An employment contract shall be made **in writing**. If the employment contract is made orally, the employer shall provide the employee with written confirmation of the type of contract and its terms, not later than on the date on which the employee commences work.

In view of the above, an employment contract concluded with a person with disability does not differ from an employment contract concluded with a non-disabled worker. However, the contract may contain additional entitlements of persons with disabilities, resulting from the Act on rehabilitation (more information in part II of the Compendium).

From the point of view of an employee with disability, **information on the terms of employment** is of particular importance. Pursuant to art. 29 § 3 of the Labour Code, an employer shall also notify an employee in writing, not later than within 7 days from the date on which the contract is concluded, about:

- 1) daily and weekly working time,
- 2) the frequency of remuneration payment,
- 3) the amount of annual leave,
- 4) the notice period for contract termination,
- 5) the collective agreement the employee is covered by.

An employer who is not obliged to issue working regulations shall notify an employee about:

- night time shall,
- place and date of remuneration payment,
- the applicable form of an employee confirming arrival and presence at work and of justifying absence from work.

An employer can notify an employee of the terms of employment as well as changes to the terms of employment by indicating relevant provisions of labour law in writing. The employee may be referred to other laws, implementing acts or internal regulations of the employer.

It is important that the notification of terms of employment have an individual character. It shall specify, among other information, the daily and weekly working time of a particular employee with disability, and not working times of all the disabled workers.

**Example:**

*Mariusz has a moderate degree of disability. An employer has employed him on a half-time basis. When presenting Mariusz with information on the terms of employment, the employer has to take into account whether Mariusz is entitled to shorter working time under art. 15, section 2 of the Act on rehabilitation and whether he has been in employment for a year since his disability was classified as moderate. Additionally, if a person works on a half-time basis, the amount of his/her annual leave (both regular and additional leave) shall be proportionate to the mode of employment. The information may also contain regulations concerning an additional break from work and paid rehabilitation leave.*

An employer is also obliged to notify employees of a change to the terms of employment – not later than within a month from the date on which the change occurred and, if the employment contract were to expire prior to that date, by the date of termination of the employment contract at the latest.

**Teleworking**

Many employees with disabilities are teleworkers (art. 67<sup>1</sup>-67<sup>17</sup> of the Labour Code). They shall be provided by an employer with more comprehensive information on the terms of employment in writing. The information shall:

- 1) include the location of a given post within the organisational structure of the company,
- 2) indicate a person or a body responsible for the cooperation with a teleworker and authorised to carry out inspections in the place where the work is performed.

**Types of employment contracts – important provisions**

An employment contract shall be concluded in writing in duplicate, with one copy for the employee and the other one to be included in the employee's personal files that the employer maintains.



**Contract for a probationary period** is concluded:

- ➔ to assess the practical abilities of an employee as well as his/her suitability for a particular post,
- ➔ for a maximum period of 3 months.

**Employment contract for a definite period of time**

- ➔ it specifies in advance the date on which the employment relationship expires,
- ➔ it is permissible to conclude two successive contracts for a definite period of time, with the third contract becoming a contract for an indefinite period of time if the interval between the contracts does not exceed one month,
- ➔ the Labour Code does not indicate the maximum period for which a contract may be concluded; however, creating long-term contracts may be considered to be circumventing the law.

**Contract for a period needed to perform certain work**

- ➔ the contract covers performing certain work or a specific task,
- ➔ it usually applies to seasonal work,
- ➔ the contract bears some similarities to the contract for specific work; however, the main difference is that an employee performs work under the direction of an employer and is obliged to perform work with due diligence,
- ➔ the contract expires on the date of work completion.

**Replacement contract**

- ➔ it is a specific form of employment contract for a definite period of time,
- ➔ the contract is concluded for a period of replacement of an employee in his/her justified absence from work,
- ➔ the day on which a replacement contract expires may be specified as a date (if the employer knows when the replaced employee is to return to work) or by indicating particular circumstances in which the contract is to be terminated, such as the return of an employee following a sickness absence.

### Contract for an indefinite period of time

- it may be concluded without any limitations,
- an employer must not terminate such an agreement without providing reasons.

**Table showing the rules of terminating different types of employment contracts and notice periods**

Type of contract	Is it possible to terminate the contract?	Notice period
<b>Contract for a probationary period</b>	YES	<ul style="list-style-type: none"> <li>• 3 days – employment contract for up to 2 weeks;</li> <li>• 1 week – employment contract for more than 2 weeks;</li> <li>• 2 weeks – employment contract for 3 months</li> </ul>
<b>Contract for a definite period of time</b>	YES – in the case of contracts for a period longer than 6 months, after the inclusion of a termination clause in the contract	2 weeks
<b>Replacement contract</b>	YES – irrespective of the length of the contract	3 working days
<b>Contract for a period needed to perform certain work</b>	NO, except in the event of: <ul style="list-style-type: none"> <li>– the employer declaring bankruptcy or liquidation</li> <li>– individual or collective redundancies</li> </ul>	2 weeks – in the case of the employer declaring bankruptcy or liquidation; in the case of individual or collective redundancies
<b>Contract for an indefinite period of time</b>	YES – a reason must be provided	<ul style="list-style-type: none"> <li>• 2 weeks – where an employee has been employed for less than 6 months</li> <li>• 1 month – where an employee has been employed for at least 6 months</li> <li>• 3 months – where an employee has been employed for at least 3 years</li> </ul>

An employer may also terminate an employment contract with an employee without notice:

**Art. 52 of the Labour Code [Termination of employment contract without notice through employee's own fault]**

§ 1. An employer may terminate an employment contract without notice where, through the fault of the employee:

- 1) the employee commits a grave violation of the basic employee duties,
- 2) the employee commits an offence during the term of the employment contract that makes it impossible to employ him/her in his current role, if the crime is obvious and has been confirmed by an unappealable court ruling,
- 3) the employee loses through his/her own fault the qualifications required by law to perform a particular job.

§ 2. An employer may dismiss an employee without notice due to an employee's fault within 30 days from the date on which he/she was notified of the grounds which could be used as the legal reason for the dismissal.

**Art. 53 of the Labour Code [Termination of employment contract without fault]**

§ 1. An employer may terminate the contract without notice:

- 1) where the employee's inability to work due to an illness lasts:
  - a) more than 3 months – where the employee has been employed with a given employer for less than 6 months,
  - b) more than the aggregate period of collecting remuneration and benefit on that account – where the employee has been employed with a given employer for at least 6 months or where the inability to work has been caused by an industrial accident or an occupational disease;
- 2) in the case of an employee's justified absence from work, which lasts more than one month, for reasons other than those specified in point 1.

§ 2. An employment contract may not be terminated without notice in the case of an employee's absence from work due to the fact that the employee is taking care of a child – during the period when the employee collects a benefit on that account, or in the case where an employee is put in quarantine due to an infectious disease – during the period when the employee collects remuneration and a benefit on that account.

§ 3. An employment contract may not be terminated without notice after an employee reports for work as the reason for absence no longer exists.

An employer may terminate an employment contract without notice through the fault of an employee if the employee:

- reports to work in a state of drunkenness or drinks alcohol at work,
- leaves work without justification,
- is engaged in a competitive business,
- refuses to execute a lawful order without justification.

### **An employee may also resign without notice:**

- ✓ if a physician declares that the work he/she performs is detrimental to his/her health, and the employer does not transfer him/her in the time limit indicated in a medical certificate to another post appropriate to the state of the employee's health and professional qualifications,
- ✓ if the employer has substantially neglected his/her obligations; in this case, an employee is entitled to compensation equal to his/her salary during the notice period and, if the employee is employed under a contract for a definite period of time or for a period needed to perform specific work, equal to his/her salary for 2 weeks.

### **Note:**

Protection against termination of employment covers:

- ➔ employees in retirement,
- ➔ employees on leave as well as during justified absence from work,
- ➔ employees on pregnancy and maternity leave,
- ➔ employees on parental leave.

### **Employment contracts vs. civil law contracts**

In the Polish legal system, the following contracts constitute a basis for rendering work:

- **employment-based contracts**, such as an employment contract,
- **non-employment-based contracts**, such as a contract for specific work and a contract of mandate.

The Act of 23 April 1964 – the Civil Code (Dz.U. of 1964, No 16, item 93 as amended), hereinafter the Civil Code, provides a legal basis for concluding a civil law contract.

Principle of the freedom of contract – under this principle, addressed in art. 353(1) of the Civil Code, parties entering into a contract may arrange the legal relationship between themselves at their own discretion, as long as its content or purpose is not contrary to the nature of the relationship, a statute or the principles of community life.

### **Important!**

The name of the contract given by the parties does not determine the legal relationship between them. The decisive factor here is the content of the contract decided upon by the parties.

The basic characteristics of an employment relationship distinguishing it from a civil-law relationship:

- an employee reports directly to the employer,
- the work performed is personal in character,
- the work is performed for remuneration,
- the work is performed at the place and time designated by the employer,
- it is the employer that bears the economic, technical (such as downtime), personal (undue performance of work) and social risks of work performance.

### **Important!**

**The above characteristics do not apply to civil law contracts!**

## **CONTRACT FOR SPECIFIC WORK**

Pursuant to art. 627 et seq. of the Civil Code, through the contract for specific work the contracted party undertakes to carry out specific work and the contracting party undertakes to pay remuneration.

The main differences between an employment contract and a contract for specific work:

Characteristics	Employment contract	Contract for specific work
<b>The manner of performing work</b>	The employee is obliged to perform certain work and not to achieve a certain result	The contracted party is obliged to achieve a certain result
<b>Remuneration</b>	Work is performed for remuneration	Work is performed for remuneration
<b>The nature of legal relationship</b>	Continuous	One-time performance of specific work
<b>Performance of work in person</b>	Obligation to perform work in person	No obligation to perform work in person
<b>Relationship between the parties</b>	The employee is subordinated to the employer	The contracted party is not subordinated to the contracting party

## CONTRACT OF MANDATE / SERVICE CONTRACT

Pursuant to art. 734 et seq. of the Civil Code, through the contract of mandate the contractor undertakes to perform a specific legal transaction for the principal. Hence, it is an agreement of careful performance of work and not a contract of result.

The main differences between an employment contract and a contract of mandate:

Characteristics	Employment contract	Contract of mandate
<b>The manner of performing work</b>	The employee is subordinated to the employer	The contractor is not subordinated to the principal
<b>Remuneration</b>	Work is always performed for remuneration	Work is not always performed for remuneration
<b>Performance of work in person</b>	Obligation to perform work in person	No obligation to perform work in person
<b>The subject of legal relationship</b>	Performance of work	Providing a service

## 5) THE GENERAL RULES OF HEALTH AND SAFETY AT WORK

Each employer shall ensure safe and healthy working conditions (occupational safety and health – OSH), which follows directly from art. 15 of the Labour Code. This obligation is also addressed in art. 94 section 4 of the Labour Code.

An employer shall be responsible for the status of occupational safety and health in the establishment.

An employer shall be obliged to protect the employees' life and health by ensuring safe and healthy working conditions by making appropriate use of the progress in science and technology. An employer shall be in particular obligated to:

- 1) organise work in a manner that ensures safe and healthy working conditions,
- 2) ensure observance of health and safety regulations by giving instructions to remedy any failures in this respect and by supervising implementation of the instructions in the employing establishment,
- 3) respond to the requirements with respect to ensuring safety and health at work and adjust the measures taken in order to improve the existing level of protection of health and life of the employees, taking into account changing working conditions,
- 4) ensure the development of a coherent policy to prevent accidents at work and occupational diseases. The policy should cover technology, work organisation, working conditions, social relationships and the impact of factors related to the working environment,
- 5) consider the protection of health of employed minors, pregnant or breastfeeding female employees as well as disabled employees when developing health and safety monitoring,
- 6) ensure that orders, requests, decisions and regulations issued by the entities supervising working conditions are executed,
- 7) ensure that the recommendations of the social labour inspector are followed.

An employer shall be obliged to notify the employees of:

- 1) any risks to health and life in the employing establishment and individual workplaces and also during the performance of particular work, including the rules of conduct in the case of failures and other situations that pose a threat to employees' health and lives,
- 2) protective and preventive measures undertaken in order to eliminate or reduce the risks mentioned in above in point 1),
- 3) employees appointed to:
  - a) provide first aid,
  - b) take actions related to fire prevention and the evacuation of employees.

An employer shall also be obliged to:

- 1) ensure equipment necessary for providing first aid in emergency situations,
- 2) take actions related to extinguishing fire and evacuating employees,
- 3) appoint employees responsible for:
  - a) providing first aid,
  - b) taking actions related to fire prevention and the evacuation of employees, in accordance with fire protection regulations,
- 4) enable communication with external services specialised in providing first aid in emergency situations, in emergency medical service and in fire protection.

In the case of **buildings** and **working premises**, an employer shall be obliged to ensure that:

- a structure with working premises is constructed or rebuilt on the basis of designs that are in accordance with health and safety requirements,
- a structure with working premises complies with occupational health and safety requirements,
- in rebuilding a structure containing working premises, due consideration is given to the improvement of health and safety at work.

An employer shall be obliged to ensure working premises that are suitable for the type of work performed and for the number of employees.

An employer shall be obliged to ensure safe and healthy conditions of buildings with working premises as well as of the premises and related equipment.

### **Employer's duties regarding preventive health protection**

In the field of preventive health protection, the obligation of an employer to provide medical check-ups to employees is important. An employee who does not have an up-to-date medical report stating that there are no reasons why he/she should not work in a given post shall not be admitted by the employer to work.



An employer shall:

- 1) assess and document the occupational risk resulting from the work performed and apply the required preventive measures that reduce the risk,
- 2) inform employees of the occupational risk related to the work performed as well as of the rules of protection against the occurrence of hazards.

An employer shall take measures preventing occupational diseases and other diseases relating to the work performed, in particular:

- 1) devices which limit or eliminate health hazards in the working environment and devices measuring such hazards shall be maintained in good working conditions,
- 2) agents dangerous to health shall be tested and measured at the cost of an employer; the test results and measurements shall be registered, kept, and made available to employees.

The following persons shall undergo **initial medical check-ups**:

- 1) persons who are being hired,
- 2) young persons transferred to a new post and other employees transferred to posts where there prevail onerous conditions or agents harmful to health; however, persons who are being hired anew by the same employer at the same post or at a post where the same working conditions prevail, under a subsequent employment contract made immediately after a previous employment contract has been terminated or has expired, shall not undergo initial medical check-ups.

An employee shall undergo periodic medical check-ups. In the case where his/her incapacity for work lasts longer than 30 days due to an illness, the employee shall also undergo a medical check-up to determine his/her capacity to perform work in the current post.

**Periodic and medical check-ups** shall be carried out as far as possible during working hours. An employee shall retain the right to remuneration for the time not spent at work in connection with the check-ups, and where he/she needs to go to another locality to have such check-ups carried out, he/she shall be entitled to payment to cover the costs of travel, in accordance with the rules applicable to business trips.

An employee who does not have an up-to-date medical report stating that there are no reasons why he/she should not work in a given post shall not be admitted by the employer to work.

An employer who employs employees in an environment where they are exposed to cancerous substances and agents or dust causing fibrosis shall ensure that such employees undergo periodic medical check-ups, and also:

- 1) upon discontinuance of work involving contact with such substances, agents or dust,
- 2) upon termination of the employment relationship, if the person concerned requests to undergo such check-ups.

## PART II

# PROVISIONS OF THE ACT OF 27 AUGUST 1997 ON SOCIAL AND VOCATIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES

## 1) THE GENERAL TERMS AND CONCEPTS OF THE ACT ON REHABILITATION

The Act of 27 August 1997 on social and vocational rehabilitation and employment of persons with disabilities (Dz.U. of 2011, No 127, item 721) is the basic legal act regarding the functioning and employment of persons with disabilities.

**The Act on rehabilitation** – the Act of 27 August 1997 on social and vocational rehabilitation and employment of persons with disabilities (Dz.U. of 2011, No 127, item 721).

**The Labour Code** – the Act of 26 June 1974 – the Labour Code (Dz.U. of 1998, No 21, item 94).

**Disability** – pursuant to art. 2 section 10 of the Act on rehabilitation, disability is a permanent or temporary inability to perform social roles due to a permanent or temporary impairment which results, in particular, in the inability to work.

**De minimis aid** – support provided to an employee in accordance with the conditions laid down in:

- ✓ Commission Regulation (EC) No 1407/2013 of 18 December 2013 on the application of Articles 87 and 88 of the Treaty to de minimis aid. The total de minimis aid granted to any undertaking shall not exceed EUR 200,000 over a period of three fiscal

years. As regards companies active in the road transport sector, this ceiling should be set at EUR 100,000.

**PFRON (The State Fund for Rehabilitation of Disabled Persons)** – a public authority supporting rehabilitation and employment of persons with disabilities. Its main task is to grant subsidies and reimbursement to employers employing persons with disabilities as well as to self-employed persons with disabilities. PFRON's resources are allocated for, among others purposes, the reimbursement of social insurance contributions of persons with disabilities, adapting and equipping new and existing workplaces for persons with disabilities, and rehabilitation camps. The supervisory board and the management board are the governing bodies of the Fund. The Fund operates pursuant to the provisions of the Act on rehabilitation.

**SODiR (Support System of Subsidy and Reimbursement)** – an IT system run by PFRON, developed to service the wage subsidy scheme supporting employers who employ persons with disabilities. The system allows for the electronic registration of an employer who wants to receive the subsidy and for submitting all the necessary documents to PFRON. It is a system distinct from the existing PFRON e-pron system used to submit documents concerning obligatory payments to PFRON.

**Sheltered workshop** (zakład pracy chronionej – ZPCh) – an establishment employing persons with disabilities that complies with additional requirements laid down in legislation. Its functions include the duty to:

- 1) employ at least 25 employees (in FTE) for a minimum period of 12 months;
- 2) maintain a certain ratio of disabled employees for a minimum period of 6 months:
  - at least 50% of employees with disabilities and at least 20% of employees with a severe or moderate degree of disability, or
  - at least 30% of employees who are blind, mentally ill or mentally disabled and who hold a certificate of a severe or moderate degree of disability.

In addition, an employer shall meet several other conditions. Most importantly, buildings and working premises of a sheltered workshop shall comply with health and safety regulations. Furthermore, employees with disabilities shall be provided with specialist medical and rehabilitation support.

To obtain the status of sheltered workshop, an employer shall lodge a relevant application to the governor of a voivodship. If any of the aforementioned conditions is no longer

fulfilled, an employer shall give notice of this fact to the governor of a voivodship, who then issues a decision withdrawing the status of sheltered workshop.

The status of sheltered workshop gives rise to a number of employer entitlements. They include:

- the possibility to obtain a larger amount of wage subsidy,
- exemptions from certain taxes and fees listed in the Act.

An employer shall also be obliged to establish a Company Fund for Rehabilitation of Disabled Persons (ZFRON), to keep records of its assets, and also to keep a bank account for these amounts.

**An employer from the open labour market** – an employer whose establishment has not acquired the status of sheltered workshop, i.e.:

- ➔ an employer employing at least 25 employees in FTE, with a 6% ratio of employees with disabilities (the employee is exempt from the obligatory payments to PFRON),
- ➔ an employer employing at least 25 employees in FTE, with a ratio of employees with disabilities lower than 6% (the employer is obligated to make payments to PFRON),
- ➔ an employer employing less than 25 employers in FTE.

**Ratio of employees with disabilities** – pursuant to art. 2 point 6 of the Act on rehabilitation, is the average monthly ratio of employees with disabilities to the total number of employees in FTE.

**Minimum wage** – under art. 2 point 1 of the Act on rehabilitation, the minimum wage is the minimum monthly remuneration for work calculated in December of the previous year, set in accordance with the Act of 10 October 2002 on minimum wage (Dz.U. of 2002, No 200, item 1679).

**Average wage** – under art. 2 point 4 of the Act on rehabilitation, the average wage is the average monthly remuneration in the national economy in the previous quarter. It becomes applicable as of the first day of the month following the communication of the president of GUS (Office for National Statistics) published in “Monitor Polski”, the Official Journal of the Republic of Poland.

**Occupational Therapy Workshops** (warsztat terapii zajęciowej – WTZ) – an institution independent in terms of financing and organisation which provides people with disabilities who are unable to work with social and vocational rehabilitation, with the focus on acquiring or restoring the abilities necessary to take up employment. This aim is pursued by making use of the techniques of occupational therapy, which are intended to develop:

- 1) the ability to carry out routine, day-to-day tasks, as well as independence,
- 2) psychophysical skills as well as basic and specialist professional abilities which enable an individual to take part in vocational training or to take up employment,
- 3) The workshops can be organised by foundations, associations and other entities.

**Rehabilitation camp** – an organised form of active rehabilitation combined with recreation. It is intended to improve the general level of psychophysical abilities and to develop social skills of the participants through social networking, developing and pursuing interests as well as participating in other activities organised during the camp.

**Vocational Development Centre** (zakład aktywności zawodowej – ZAZ) – a unit independent in terms of financing and organisation, set up to employ people with a severe and moderate degree of disability who suffer from autism, intellectual disability or mental illnesses.

The entities authorised to establish vocational development centres include: districts, municipalities, foundations, associations and other social organisations whose core task is the social and vocational rehabilitation of persons with disabilities.

The status of vocational development centre is awarded by the governor of a voivodship when all the criteria have been met.

Similarly to sheltered workshops, the entity in charge of a vocational development centre shall establish a fund to which the revenues from local tax exemptions are transferred.

The Regulation of the Minister of Labour and Social Policy of 17 July 2012 on vocational development centres (Dz.U. of 2012, No 0, item 850) sets out the details regarding vocational development centres and the conditions that have to be met in order to acquire the status of vocational development centre.

## 2) DIFFERENCES BETWEEN THE OPEN AND SHELTERED LABOUR MARKET. THE FUNCTIONING OF THE OPEN LABOUR MARKET.

Persons with disabilities constitute a special category of employees, which is why their situation on the labour market has been regulated separately and special entitlements and duties related to their employment have been laid down. Persons with disabilities can be employed by both employers with the status of sheltered workshop and employers from the open labour market.

### **Status of a sheltered workshop**

Pursuant to art. 28 section 1 of the Act on rehabilitation, in order to acquire the status of sheltered workshop, an employer shall meet additional conditions specified in the provisions. They include:

- 1) employing at least 25 employees in FTE for a minimum period of 12 months,
- 2) maintaining a certain ratio of employees with disabilities for a minimum period of 6 months:
  - a. at least 50% of employees with disabilities and at least 20% of employees with a severe or moderate degree of disability, or
  - b. at least 30% of employees who are blind, mentally ill or mentally disabled and who hold a certificate of a severe or moderate degree of disability.

In addition, an employer shall meet several other conditions. Most importantly, buildings and working premises of a sheltered workshop shall comply with health and safety regulations. Furthermore, employees with disabilities shall be provided with specialist medical and rehabilitation support.

To obtain the status of sheltered workshop, an employer shall lodge a relevant application to the governor of a voivodship. If any of the aforementioned conditions is no longer fulfilled, an employer shall give notice of this fact to the governor of a voivodship, who then issues a decision withdrawing the status of sheltered workshop.

The status of sheltered workshop gives rise to a number of employer entitlements. They include:

- the possibility to obtain a larger amount of wage subsidy,
- exemptions from certain taxes and fees listed in the Act.

An employer shall also be obliged to establish a Company Fund for Rehabilitation of Disabled Persons (ZFRON) provisioned by tax exemptions and a part of advance personal income tax payments.

The following expenditure can be financed from ZFRON:

- expenditure related to the so-called extended ZFRON,
- individual assistance for persons with disabilities,
- individual rehabilitation programmes (IRP).

### **Open labour market**

The remaining employers, i.e. the employers from the so-called labour market, do not have the privileges referred to above. This pertains to employers who have not acquired the status of sheltered workshop, i.e.:

- ➔ employers employing at least 25 employees in FTE, with a 6% ratio of employees with disabilities (the employers are exempt from the obligatory payments to PFRON),
- ➔ employers employing at least 25 employees in FTE, with a ratio of employees with disabilities lower than 6% (the employers are obligated to make payments to PFRON),
- ➔ employers employing fewer than 25 employees in FTE.

**An employer from the open labour market has fewer obligations (and privileges) when employing persons with disabilities**, e.g. the obligation to make adjustments at the workplace applies only in the case of employees with a severe or moderate degree of disability.

However, an employer from the open labour market shall take into account additional entitlements of persons with disabilities in employment (more information in point 5). Such an employer shall also be entitled to additional financial support (more information: part IV of the Compendium).



## Obligatory payments to PFRON

The A&T on rehabilitation lays down the basic obligation to employ persons with disabilities. The employers who have not achieved a certain ratio of employees with disabilities shall be obligated to make monthly payments to PFRON.

### The entities obligated to make the payments:

- ✓ an employer who employs at least 25 employees in FTE, with the ratio of employees with disabilities lower than 6%,
- ✓ public and local units which are state entities, state enterprises or auxiliary facilities, cultural institutions and units which are statutorily obligated to protect cultural heritage with historical monument status, with the ratio of employees with disabilities lower than 6%,
- ✓ public and private universities, vocational colleges, public and private schools, teacher training centres as well as educational care and correctional facilities, with the ratio of employees with disabilities lower than 2%.

The amount of payment is calculated as 40.65% of the average wage multiplied by the number of employees corresponding to the difference between the number of employees with disabilities that would allow for achieving the 6% ratio and the current number of employees with disabilities.

### Example:

*An employer employs 100 employees, including 4 employees with disabilities. They represent 4% of the total number of employees. Due to the fact that two more employees with disabilities would be needed in order to achieve the 6% ratio, the obligatory payment to PFRON is calculated as 40.65% of the average salary multiplied by 2 (the number of employees that would allow for achieving the 6% ratio) and by the average wage in a given quarter. Applying the average wage in the third quarter of 2014 (PLN 3781.14) as a basis for calculating the payment to PFRON, the payment amounts to PLN 3074.07.*

$$40.65\% \times 3781.14 \times 2 = \text{PLN } 3074.07$$

### Note:

When calculating the monthly employment ratio, an employer shall bear in mind that employees with disabilities on unpaid leave as well as employees without disabilities listed below should not be taken into account:

- employees employed on the basis of an employment contract in order to obtain vocational training,
- employees who do not carry out their work due to their performance of military service or alternative service,
- employees who are members of the Voluntary Labour Corps,
- employees who do not carry out their work due to their receiving rehabilitation benefit,
- employees on unpaid leave (the obligation to grant such leave is specified in separate provisions).

**The following groups of employers are exempt from the payments to PFRON:**

- employers employing fewer than 25 employees in FTE,
- employers who maintain the ratio of employees with disabilities required by the act (or a reduced ratio),
- public and private non-profit entities whose activity is limited to social and vocational rehabilitation and physiotherapy, or to providing education and assistance to persons with disabilities,
- employers in bankruptcy proceedings,
- diplomatic authorities and consular posts, foreign offices and foreign missions.

The employers who make obligatory payments to PFRON under the Regulation of the Minister of Labour and Social Policy of 18 September 1998 on the types of diseases that justify the lowering of the ratio of employees with disabilities and on the manner of lowering the ratio (Dz.U. of 1998, No 124, item 820) are also allowed to lower the required ratio of employees with disabilities if they employ persons with disabilities who suffer from diseases that make it particularly difficult to perform work. Such diseases include:

- Parkinson's disease,
- multiple sclerosis,
- paraplegia, tetraplegia, hemiplegia,
- severe visual impairments (blindness) and poor vision,
- deafness or deafness combined with mutism,
- HIV and AIDS,

- epilepsy,
- chronic mental illnesses,
- mental disorders,
- mysasthenia,
- late complications of diabetes.

### 3) THE CURRENT DISABILITY ASSESSMENT SYSTEM IN POLAND

In Poland, there are several disability assessment systems, which results in the fact that disability certificates are issued by different institutions. Furthermore, there are still some old certificates with disability classes, which still have legal validity and which used to serve as a basis for qualifying for disability pension. However, not all of these certificates classifies the person holding it as a person with disability in legal terms.

The Aċt on rehabilitation provides detailed regulations concerning the disability assessment system.

Pursuant to art. 2 section 10 of the Aċt on rehabilitation, **disability** is a permanent or temporary inability to perform social roles due to a permanent or temporary impairment which results, in particular, in the inability to work.

Under art. 1 of the Aċt on rehabilitation, persons with disabilities are defined as persons whose disability is documented by:

- 1) a certificate of one of the three levels of disability issued by deciding authorities,
- 2) a certificate of complete or partial inability to work issued on the basis of separate provisions,
- 3) a disability certificate issued before the age of 16.

It follows from the above that the status of a person with disability is tantamount to being awarded one of the certificates listed above.

## CERTIFICATES ISSUED BY DISTRICT DISABILITY ASSESSMENT TEAMS

The Act on rehabilitation lays down three degrees of disability:

- **light disability,**
- **moderate disability,**
- **severe disability.**

The degree of disability depends on the level of physical impairment, the ability to function independently as well as the need to receive support or assistance from others.

**The group of persons with a severe degree of disability** comprises individuals with a physical or mental impairment, who are unable to work or who are able to work only in a sheltered workshop, or who – due to the inability to function independently – require the constant or long-term assistance of other people in order to fulfil social roles.

**The group of persons with a moderate degree of disability** comprises individuals with a physical or mental impairment, who are unable to work or who are able to work only in a sheltered workshop, or who require the temporary or partial assistance of other people in order to fulfil social roles.

**The group of persons with a light degree of disability** comprises individuals with a physical or mental impairment which significantly decreases their ability to work in comparison to persons without a mental or physical impairment with similar professional qualifications, or individuals whose ability to fulfil social roles is limited but can be compensated by orthopaedic appliances, aids and technical measures.

The degree of disability is determined by:

- **district disability assessment teams** – first instance,
- **voivodship disability assessment teams** – appeal instance.

The Regulation of the Minister of Economy, Labour and Social Policy of 15 July 2003 on disability and disability degree assessment (Dz.U. of 2003, No 139, item 1328) makes

specific arrangements as regards the standards concerning qualifying for particular degrees of disability.

Some of the diseases listed above are of vital importance for employers employing persons with disabilities. If an employer employs persons with disabilities, he/she is entitled to obtain a larger amount of wage subsidy, to make reduced payments to PFRON and, if the employee has the status of sheltered workshop, to enjoy tax and fee exemptions.

The so-called **special diseases**, which give rise to additional entitlements (a larger amount of wage subsidy from PFRON), are classified on the basis of the Aċt on rehabilitation:

- 01-U – intellectual disability,
- 02-P – mental illness,
- 04-O – visual impairment (the blind),
- 06-E – epilepsy,
- 12-C – overall developmental disorders.

As seen above, the Aċt also lists *the blind*, which has raised numerous questions among employers regarding the legal definition of this formulation and the obligation to have the 04-O code included on the disability certificate. As regards the blind, the Office of the Government Plenipotentiary for Disabled People confirmed in its position of 3 March 2011 (BON-I-5232-13-PM/11) that the informal expression “the blind” **covers a person with severe and moderate visual impairments (04-O).**

**Note:**

A disability certificate is not the same as a disability degree certificate.

A disability certificate is granted to persons under 16 years of age.

A disability degree certificate is granted to persons over 16 years of age.

## CERTIFICATES ISSUED BY OTHER BODIES

Within the disability assessment system, there are also other bodies whose certificates are placed on an equal footing with disability certificates. In addition to district and voivodship disability assessment teams, the Social Insurance Institution (ZUS) may also issue certificates that determine the conditions of employment of a person with disability.

### Certificates of inability to work

Pursuant to art. 5 of the Act on rehabilitation:

- a certificate of complete inability to work and to function independently issued by a ZUS practitioner corresponds to a certificate of a severe degree of disability,
- a certificate of inability to function independently issued by a ZUS practitioner corresponds to a certificate of a severe degree of disability,
- a certificate of complete inability to work corresponds to a certificate of a moderate degree of disability,
- a certificate of partial inability to work corresponds to a certificate of a light degree of disability.

### Exception!

A certificate of partial inability to work issued between 1 January 1998 and 16 August 1998 corresponds to a certificate of a moderate (NOT light) degree of disability.

This is, however, not the case with certificates issued by the Disability and Employment Medical Board, the Farmers' Social Security Fund (KRUS) as well as the medical boards of the Ministry of National Defence and the Ministry of Internal Affairs and Administration.

### Invalidity certificates

Pursuant to art. 62 of the Act on rehabilitation, persons who qualified in one of the invalidity groups before **1 January 1998** are considered as persons with disabilities in terms of the Act, provided that the invalidity certificate had not lost its validity prior to that date:

- a certificate of group I invalidity corresponds to a certificate of a severe degree of disability,

- a certificate of group II invalidity corresponds to a certificate of a moderate degree of disability,
- a certificate of group III invalidity corresponds to a certificate of a light degree of disability.

### **Certificate of incapacity for farm work**

Persons who were declared incapable of farm work permanently or in the long term **before 1 January 1998** and who are entitled to care allowances:

- are placed on an equal footing with persons with a certificate of a severe degree of disability,
- the remaining persons are placed on an equal footing with persons with a certificate of a light degree of disability.

### **Certificates issued by the uniformed services (Ministry of National Defence [MON], Ministry of Internal Affairs and Administration [MSWiA])**

A valid certificate of one of the invalidity groups issued before **1 January 1998** by the medical boards of MON and MSWiA in accordance with separate provisions concerning incapacity to perform duties corresponds to one of the following disability degree certificates:

- a certificate of group I invalidity corresponds to a certificate of a severe degree of disability,
- a certificate of group II invalidity corresponds to a certificate of a moderate degree of disability,
- a certificate of group III invalidity as regards performing duties along with a certificate of III group invalidity as regards the general state of health corresponds to a certificate of a light degree of disability.

### **Court rulings**

Rulings of the labour and social security court issued in appeals against decisions of voivodship disability assessment teams and ZUS also provide a basis for declaring a person disabled.

**Example:**

If I have a certificate of incapacity for work, does it mean that I cannot work?

*No, there is no such thing as prohibition from working for persons who have a certificate of incapacity for work (or a certificate of incapacity for work and independent functioning). Such persons can work both in sheltered workshops and on the open labour market. The only limitation concerning persons who receive a disability pension and, at the same time, are gainfully employed, concerns reducing or suspending the payment of the pension in the cases set out in the act.*

**Example:**

*An employer has employed Mariusz, who holds a certificate of II group invalidity issued in 2000 by a military medical board. As the certificate was not issued before 1 January 1998, it cannot serve as a basis for considering Mariusz as a person with a moderate degree of disability. If Mariusz wants to be declared disabled, he can lodge an application for disability assessment to a district disability assessment team.*

**Example:**

*Marek holds a certificate of a moderate degree of disability issued by a district disability assessment team. As certificates issued by other bodies correspond to disability certificates, Marek would like to obtain a certificate of complete inability to work issued by a ZUS practitioner in order to receive a disability pension. However, pursuant to the Act on rehabilitation, this is not possible as it is only certificates issued by a pension authority that correspond to disability degree certificates. Disability degree certificates cannot be placed on an equal footing with certificates issued by a body which pays out pensions.*

**Example:**

*Danuta holds a certificate of a severe degree of disability stating that she is only capable of working in sheltered workshops. For this reason, an employer from the open labour market has refused to recruit her, claiming that he is not allowed to do employ her as he does not have the status of sheltered workshop. He has refused to recruit her without legal justification as pursuant to art. 4 section 5 of the Act on rehabilitation, holding a certificate of a moderate or severe degree of disability does not exclude one from being employed by an employer who does not have the status of sheltered workshop, provided that:*

- 1) the employer makes necessary adaptations of the workplace,*
- 2) the employer employs the person in the form of teleworking.*



**Example:**

*An employer who has the status of sheltered workshop has employed a person holding a certificate of a moderate degree of disability with special diseases: 07-S – respiratory diseases and 08-T – digestive diseases issued by a district disability assessment team. Additionally, he holds a mental illness certificate issued by a psychiatrist. **In view of the diseases the employee suffers from, the employer is entitled to apply to PFRON for wage subsidy under the conditions set out in the act. However, the employer will not be granted a larger amount of wage subsidy (larger by 40%) as since 1 January 2011 it can be granted only if one of the special diseases referred to in art. 26a section 1b of the Act on rehabilitation (such as 02-P – mental illnesses) of an employee is indicated directly in the disability certificate and not in a certificate issued by a specialised doctor.***

**Example:**

*Henryk holds a certificate of complete inability to work issued by a ZUS practitioner. Pursuant to the Act on rehabilitation, the certificate corresponds to a certificate of a moderate degree of disability. The certificate, however, does not contain the code indicating special diseases. Hence, Henryk filed an application for the code to the Social Insurance Institution. However, ZUS refused. In this case, if an employer would like to obtain a larger amount of wage subsidy for Henryk, he/she would have to file an application for disability degree assessment to a district disability assessment team. The certificates issued by the team contain codes of special diseases. If the employer would like to take Henryk into account when calculating the ratio of employees with disabilities, for example from the point of view of obligatory payments to PFRON (art. 21 of the Act on rehabilitation), it is enough for Henryk to apply to a specialised doctor for a certificate indicating the special disease he suffers from.*

A certificate is issued **upon request** of the person concerned. The application shall be filed with the district disability assessment team competent in respect of the place of residence of the person concerned or in respect of the place of stay in the case of:

- the homeless,
- persons staying outside their place of permanent residence on health and family grounds,
- persons staying in penal and correctional institutions,
- persons staying in social welfare centres and support centres within the meaning of social assistance provisions.

An application form can be collected at the offices of the competent local district team. Depending on the workflow of the team, it may also be possible to obtain the application form by post or to download it from their webpage.

The application for a certificate can be filed by:

- the person concerned,
- a statutory representative of the person concerned,
- the head of a social welfare centre, on the basis of the consent of the person concerned or his/her statutory representative.

The application shall include:

- first and last name of a child, statutory representative of a child or the person concerned,
- date and place of birth of a child or the person concerned,
- place of residence or stay of a child or the person concerned,
- identity card number or the number of another document certifying the identity as well as Personal Identification Number (PESEL) of the applicant,
- the purpose of issuing a certificate,
- data on the social and professional situation of a child or the person concerned – in the case of an application for a disability certificate or disability degree certificate,
- statement of the person concerned or the statutory representative of the child concerning the veracity of the data in the application.

In the case of a disability certificate or disability degree certificate, the application shall be accompanied by:

- medical records (such as clinical history, hospital treatment records, results of additional diagnostic tests, specialised consultations),
- medical certificate – containing information on the current state of health – issued by a doctor who provides a child or the person concerned with medical assistance; the certificate shall be valid for a month from the date of issue and the application shall be filed during this period of time,
- other documents that could influence the decision concerning disability or disability degree.

Pending the issuance of the certificate, the person concerned or the statutory representative of a child may withdraw the application. No justification is required. The application should be examined no later than within a month following its submission. In more complex cases, the application should be examined no later than within two months following its submission.

A certificate issued by a district or voivodship team shall contain, in addition to information on disability or disability degree, indications concerning in particular:

- 1) suitable employment that would be in line with the physical and mental capabilities of a given person,
- 2) training, including specialist training,
- 3) employment in a vocational development centre,
- 4) participation in occupational therapy,
- 5) the need to be provided with orthopaedic appliances, aids or technical measures facilitating the functioning of a given person,
- 6) making use of the system of community-based support in independent functioning, understood as making use of social, therapeutic as well as care and rehabilitation services provided by a network of social assistance institutions, non-governmental organisations and other bodies,
- 7) the need to be provided with constant or long-term support and assistance of another person due to the limited capability to function independently,
- 8) the need for a child to be accompanied by a carer in the process of treatment, rehabilitation and education,
- 9) satisfying the requirements set out in art. 8 section 1 of the Traffic Law Act of 20 June 1997.

**A disability degree certificate shall contain:**

- designation of the team that has issued the certificate,
- date of issuing,
- date of submission of the application,
- legal basis for certificate issuance,
- first and last name of the person concerned and their Personal Identification Number (PESEL),

- date and place of birth of the person concerned, place of residence or stay,
- identity card number or the number of another document certifying the identity,
- disability degree or the refusal to establish disability degree,
- the period for which disability degree has been established,
- date or period when disability occurred,
- date or period when the established degree of disability occurred,
- indications of the deciding authority,
- justification,
- instructions concerning the right to appeal,
- signature, including first and last name of the president of the deciding authority and all its members.

**The symbols of the cause of disability:**

- 1) 01-U – intellectual disability,
- 2) 02-P – mental illnesses,
- 3) 03-L – vocal, speech and hearing disorders,
- 4) 04-O – visual impairments,
- 5) 05-R – reduced mobility,
- 6) 06-E – epilepsy,
- 7) 07-S – respiratory and cardiovascular diseases,
- 8) 08-T – digestive diseases,
- 9) 09-M – genitourinary diseases,
- 10) 10-N – neurological diseases,
- 11) 11-I – other diseases, including: endocrine diseases, metabolic diseases, enzyme disorders, infectious diseases and zoonoses, disfigurement, circulatory diseases,
- 12) 12-C – overall developmental disorders.

A certificate may contain more than one symbol of a disability cause and no more than three symbols of diseases which impair the functioning of the body at a comparable level.

If a certificate issued by a district disability assessment team does not meet the expectations of the applicant – he/she should lodge an **appeal** to a voivodship disability assessment team through the district disability assessment team that issued the certificate within 14 days following the receipt of disability certificate or disability degree certificate. A certificate of a voivodship disability assessment team may be appealed against to the labour and social security court within 30 days following the receipt of the certificate. The notice of appeal shall be lodged in an analogue way through the voivodship disability assessment team which issued the certificate.

## 4) DISABILITY PENSION SYSTEM AND EMPLOYMENT

Since 1 January 1999, insurance contributions for all insured persons amount to:

- old-age pension insurance **19.52%** of the assessment basis
  - disability insurance
    - from 1.01.1999 to 30.06.2007 **13.00%** of the assessment basis
    - from 1.07.2007 to 31.12.2007 **10.00%** of the assessment basis
    - since 1 January 2008 **6.00%** of the assessment basis
    - since 1 February 2012 **8.00%** of the assessment basis
  - sickness insurance **2.45%** of the assessment basis
  - work accident insurance:
    - since 1.04.2012 from **0.67%** to **3.86%** of the assessment basis
- 
- Since 1 January 1999, the contribution to the Labour Fund is **2.45%** of the assessment basis of the old-age and disability pension insurance contribution.
  - Since 1 January 2006, the contribution to the Fund of Guaranteed Employee Benefits is **0.10%** of the assessment basis.
  - Since 1 January 2007, the health insurance contribution is **9.00%** of the assessment basis.

**Monthly income causing the reduction or suspension of old-age and disability pension:**

Income equal to **70%** of the average monthly wage:

since 1 December 2013	–	PLN <b>2556.20</b>
since 1 March 2014	–	PLN <b>2676.40</b>
since 1 June 2014	–	PLN <b>2726.80</b>
since 1 September 2014	–	PLN <b>2618.00</b>

Income equal to **130%** of the average monthly wage:

since 1 December 2013	–	PLN <b>4747.30</b>
since 1 March 2014	–	PLN <b>4970.40</b>
since 1 June 2014	–	PLN <b>5063.90</b>
since 1 September 2014	–	PLN <b>4862.00</b>

The following benefits are **not reduced or suspended** irrespective of the amount of income derived:

- pensions of a war-disabled person and survivor's pensions paid after his/her death,
- pensions of a war-disabled person whose inability to work occurred in connection with military service, as well as survivor's pensions paid after his/her death if the death occurred in connection with military service.

The pensions of retired persons who have reached the statutory retirement age set individually depending on the date of birth of the insured person cannot be reduced or suspended irrespective of the amount of income derived. However, this does not apply to persons whose pension has been suspended due to employment continued with the same employer without terminating the employment relationship upon retirement (art. 103a of the Pension Act).

If the income derived does not exceed **70%** of the average wage for the calendar quarter as announced by the president of the Office for National Statistics (GUS), the benefit **is not reduced**.

If the income derived by the beneficiary exceeds **70%** of the average wage but does not exceed **130%** of the average wage – old-age pension, pension in respect of incapacity for work as well as survivor's pension for one person are **reduced** by such an amount so as the received income does not exceed 70% of the average monthly wage, however, this shall be by no more than **the amount of maximum reduction** (as fixed during subsequent indexations), i.e.:

since 1 March 2014:

- **PLN 557.91** – old-age pension, pension in respect of complete incapacity for work,
- **PLN 418.46** – pension in respect of partial incapacity for work,
- **PLN 474.25** – survivor's pension for one person.

Old-age and disability pensions of beneficiaries whose income exceeds **130%** of the average monthly wage are **suspended**.

**Income limits** for 2013:

- **PLN 30 661.20** – total amount of income corresponding to **70%** of the average monthly wage in 2013,
- **PLN 56 941.30** – total amount of income corresponding to **130%** of the average monthly wage in 2013.

The current amount of income derived that causes a reduction or suspension of disability pension can be found on the webpage: [www.zus.pl](http://www.zus.pl).

## 5) ADDITIONAL ENTITLEMENTS OF EMPLOYEES WITH DISABILITIES

An employer employing persons with disabilities should bear in mind additional employee entitlements of this group of employees as provided for in the Act on rehabilitation. They shall include:

- the right to shorter working time,
- no night work or overtime,
- the right to additional breaks from work,
- the right to additional holiday leave (so-called rehabilitation holiday),
- the right to paid special leave.

**Note:**

Additional employee entitlements shall only apply from the date on which an employee with disability was counted in the number of employees with disabilities. The general principle is that a person with disability is counted in the number of employees with disabilities from the day on which the employer is provided with a certificate confirming the disability of the employee (art. 2a of the Act on rehabilitation).

## WORKING TIME

- ➔ Legal basis – art. 15 of the Act on rehabilitation
- ➔ General rule – working time of employees with disabilities (irrespective of the degree of disability) shall not exceed **8 hours a day and 40 hours a week**.
- ➔ Exception – working time of employees with a severe or moderate degree of disability shall not exceed **7 hours a day and 35 hours a week** by virtue of law.
  - **a day** is understood as 24 subsequent hours starting from the hour at which the employee starts work in accordance with applicable working time schedule,
  - **a week** is understood as 7 subsequent calendar days starting from the first day of the reference period.
- ➔ A person with disability shall not work **at night-time or work overtime**.
  - **night-time** is understood as 8 hours between **9 pm and 7 am**.

**Note:**

The above provisions of art. 15 of the Act on rehabilitation concerning working time shall not apply to:

- a) security employees, and
- b) situations where – upon the request of an employed person – a practitioner who conducts preventive medical examination of employees or, if there is no such practitioner, a practitioner who provides the person with medical assistance, agrees to it.

**Important!**

Shorter working time shall not influence remuneration. This applies both to flat-rate monthly remuneration payment as well as to hourly-rate remuneration payment.



**Example:**

*An employer employs two salesmen on a full-time basis. One of them is a person with disabilities working 7 hours a day and 35 hours a week and the other one is a non-disabled person working 8 hours a day and 40 hours a week. They should both receive the same remuneration.*

## ADDITIONAL BREAKS FROM WORK

Pursuant to art. 17 of the Aċt on rehabilitation, a person with disability shall be entitled to an additional break from work intended for exercise or recreation. The break lasts for **15 minutes** and counts as working time. This entitlement is given to all employees with disabilities, irrespective of disability degree and working time. The duration of the break does not depend on the working time of a given employee.

Furthermore, under general labour laws (art. 134 of the Labour Code), where the working time of an employee in a 24-hour period is at least 6 hours, the employee shall be entitled to at least a 15-minute break from work which shall be counted as working time. The Labour Code determines only the minimum duration of the break so it's at the discretion of the employer to make the break longer, e.g. 30 minutes. Therefore, persons with disabilities are also entitled to this break if they meet the requirements set out in that provision, i.e. if their working time is at least 6 hours. In this case, persons with disabilities are entitled to two breaks from work which count as working time. These breaks can be taken separately or jointly.

In addition, persons who operate a display screen are entitled to an additional break of at least 5 minutes after each hour of work – in accordance with § 7 of the Regulation on health and safety at workplaces equipped with display screens. This break also counts as working time. Therefore, an employee with disability who operates a display screen during at least a half of his/her daily working time is also entitled to this break.

In summary, if a person with disabilities is employed on a full-time basis at a workplace equipped with display screens, he/she is entitled to all the breaks indicated above. The breaks shall count as working time.

## ADDITIONAL HOLIDAY LEAVE

- ➔ Legal basis – art. 19 of the Aċt on rehabilitation.
- ➔ A person with a **severe or moderate** degree of disability shall be entitled to additional

holiday leave of 10 working days in a calendar year. The first additional leave shall be granted after completing one year's duty after having been declared severely or moderately disabled.

- ➔ Additional leave shall not be granted to a person entitled to holiday leave of more than 26 working days or to additional leave based on separate regulations (judges, teachers). Thus, if a person with disability is entitled to holiday leave of 26 working days under labour regulations, he/she shall be granted additional holiday leave upon meeting the requirements set out in the Aċt on rehabilitation.
- ➔ If the entitlement to the first additional leave is gained during the year, an employee is entitled to leave of 10 full days. For example, if the first year of duty after having been granted the relevant certificate ends on 1 July 2013, the employee is entitled to additional leave of 10 full days for the year 2013.
- ➔ Obtaining the entitlement to additional holiday leave by a person with disability extends the regular holiday leave of this person granted on the basis of the Civil Code – currently from 20 days to 30 days and from 26 days to 36 days. Additional leave is therefore added to holiday leave.
- ➔ Additional leave is granted according to the same rules as regular holiday leave, i.e. 1 day of holiday = 8 hours, and in the case of shorter working time – 1 day of holiday = 7 hours.
- ➔ The entitlement to additional holiday leave is granted to an employee even if he/she has not applied for the leave. The provisions of the Aċt on rehabilitation do not subject the entitlement to holiday leave to an application from a person entitled to leave.

## PAID SPECIAL LEAVE

- ➔ Legal basis – art. 20 of the Aċt on rehabilitation.
- ➔ A person with a severe or moderate degree of disability shall be entitled to paid special leave:
  - 1) of **21 working days in a calendar year** in order to take part in a rehabilitation camp, no more than once per year;
    - an employer shall grant special leave on the basis of a rehabilitation camp application submitted by a practitioner who provides a given employee with medical assistance. The basis for the payment of remuneration during the leave is a document submitted to the employer by the organiser of the camp, certifying that the employee will take part in the camp;

- 2) for specialised medical examination, medical treatment and rehabilitation as well as for the purchase or repair orthopaedic equipment, if this cannot be done outside working hours;
- it should be noted that if special leave is granted in order to undergo medical treatment or rehabilitation, there is no limit to the total number of days or hours of the leave. There is only one condition specified – it is impossible for the employee to undergo medical treatment or rehabilitation outside working hours. If this condition is met, an employer shall not refuse to grant special leave. The responsibility to demonstrate that the actions could not be taken outside of working hours rests with the employee.

### Important!

Remuneration for the period of special leave is calculated in the same way as financial compensation for holiday leave.

### Important!

The total amount of additional leave and special leave taken in order to take part in a rehabilitation camp shall not exceed 21 working days in a calendar year.

### Example:

*If a person with a moderate degree of disability takes 15 days of special leave to take part in a rehabilitation camp, he/she will be entitled to only 6 days of additional holiday leave in this calendar year.*

## 6) ADDITIONAL DUTIES OF EMPLOYERS

### REASONABLE ACCOMMODATION

- ➔ Legal basis – art. 23a of the Act on rehabilitation.
- ➔ An employer shall be obliged to **provide reasonable accommodation for a person with disability** who is in an employment relationship with the company, participates in the recruitment process and undergoes training, including vocational training,

apprenticeship training and graduate training. Reasonable accommodation is defined as necessary adaptations or adjustments made taking into account the needs of a given employee with disability, unless such measures would impose a **disproportionate burden** on the employer.

### Important!

The burden shall not be disproportionate when it is sufficiently remedied by public funds. Failing to make the reasonable accommodation referred to above shall be considered as a breach of the principle of equal treatment in employment.

## ADAPTING OR PROVIDING A WORKPLACE

- ➔ Legal basis – art. 14 of the Act on rehabilitation.
- ➔ An employer shall be obliged to **adapt or provide a suitable workplace** with basic sanitary facilities for an employed person who, due to an industrial accident or occupational disease, is no longer able to perform work in their current post.
- ➔ An employer shall be released from this obligation if the sole cause of the injury suffered was the fact that the employee had infringed health and safety regulations through his/her own fault or as a result of his/her drunkenness.
- ➔ An employer shall fulfil this obligation within 3 months after the date of notification that the employee is ready to work.
- ➔ An employee shall notify an employer that he/she is ready to work within a month after having been awarded a disability certificate.

### Important!

If an employer fails to fulfil this obligation and dismisses an eligible employee, he/she shall be obliged to make a payment to PFRON to the amount of fifteen times the average wage. The payment shall be made on the date of termination of employment.

### Example:

*Currently, an employer who fails to adapt or provide a workplace for a person who has become disabled during employment due to an industrial accident or occupational disease would have to make a payment to PFRON in the amount of  $15 \times \text{PLN } 3,781.14 = \text{PLN } 56,717.10$ .*

## ADAPTING A WORKPLACE TO THE NEEDS OF PERSONS WITH DISABILITIES

- ➔ Art. 4 section 5 and 6 of the Act on rehabilitation.
- ➔ Holding a certificate of a moderate or severe degree of disability does not exclude an individual from being employed by an employer who does not have the status of sheltered workshop, provided that:
  - a) the employer makes necessary adaptations of the workplace,
  - b) the employer employs the employee in the form of telework.
- ➔ The Labour Inspection Authority conducts checks on the adaptation of workplaces. Where deficiencies are identified, fines may be imposed on the employer. The requirements related to the adaptation of workplaces to the needs of persons with disabilities have been laid down in specific provisions.

## 7) THE OBLIGATION TO ADAPT A WORKPLACE TO THE NEEDS OF A PERSON WITH DISABILITY

Every day, persons with disabilities prove themselves to be valuable employees in many companies and institutions. They can trigger development and contribute to the success of numerous projects they are in charge of. But for this they need workplaces which do not hamper their performance, and that enable them to develop their competence and skills, gain experience and create opportunities for acting independently. This can be achieved by adapting a workplace to the needs arising from disability.

### INTELLECTUAL DISABILITY

Persons with intellectual disabilities demonstrate a lower level of intellectual functioning, accompanied by poor communication skills, a limited ability to take care of oneself and perform day-to-day tasks, limited interpersonal and social abilities, a limited ability to make use of social security measures, to manage oneself, to care for health and safety, to acquire academic knowledge and to organise time and work.

Employment opportunities of persons with intellectual disabilities are limited:

- assistant: packing envelopes, maintaining a filing system, helping out with folder and leaflet production, helping out in the kitchen,

- craftsman,
- gardener,
- farmer,
- animal keeper,
- moulding machine operator,
- saw operator,
- hygiene operative,
- production line operator,
- packer,
- assistant warehouse manager,
- cleaning worker,
- transport worker,
- maintenance person,
- caretaker (security),
- cleaning equipment operator,
- assistant for the elderly.

Technical requirements:

- providing equipment that is not difficult to use,
- providing tools that do not require any intellectual competence to use.

Environmental requirements:

- a workplace shall not be located in a place where an employee would be exposed to constant contact with strangers (such as a supermarket),
- an employee shall not be exposed to mental pressure exerted by other employees or customers.

Work organisation:

- the work shall be limited to simple activities such as: cutting, nailing, fitting various components, gluing, assembling, affixing,
- the work shall consist of a small number of activities,
- an employee shall not be exposed to stress,

- an employee's activities should, if possible, be repetitive and not changeable,
- activities that require a high level of mental skills and independence shall be removed from the scope of duties,
- proper work performance shall not depend on communication with customers or co-workers,
- an employee shall be provided with a mentor (e.g. another employee who will supervise the employee with disability on a constant basis).

Medical requirements:

- no requirements.

Other:

- the main problem arising from intellectual disability is the difficulty to understand and learn using logical thinking and memory; on the other hand, persons with intellectual disabilities are full of positive emotions and are capable of responsible social functioning,
- persons with intellectual disabilities learn faster if specific information is given, as well as through acting out and repeating certain tasks,
- it is important for persons with intellectual disability to have a sense of security, to enjoy a supportive environment and acceptance and to experience successes at the stages of preparation for work and work performance.

## MENTAL ILLNESSES

Generally it may be said that the majority of persons who suffer from mental illnesses have difficulties with assessment processes: evaluating the situations they are faced with at work, taking decisions and, most importantly, normal functioning and work behaviours. They do not always require light-duty work; sometimes work involving a lot of movement and complex work is recommended. In order to achieve a therapeutic effect, their work should stimulate interest and give a sense of achievement and responsibility – the opposite to light, monotonous work which allows time for thinking.

Employment opportunities – unlimited:

- any workplace provided that it has been adapted to the needs arising from the type of condition.

Technical requirements:

- no requirements.

Environmental requirements:

- a workplace shall not be located in a place where an employee would be exposed to constant contact with strangers (such as a supermarket),
- an employee shall not be exposed to mental pressure exerted by other employees or customers.

Work organisation:

- an employee shall not be exposed to stress,
- the work shall be divided into stages; successful completion of each stage shall be possible,
- the work shall not be monotonous or too simple,
- an employer shall not perform tasks that people's lives depend on.

Medical requirements:

- no requirements.

Other:

- due to the diversity of mental illnesses, persons with disabilities who suffer from them may deal with different difficulties related to anxiety, neurosis, obsessions and withdrawal; on the other hand, relapses in conditions may be too rare for anyone to notice the disability of the employee, however, this shall not remove the obligation of an employer to provide working conditions suitable to the type of disability of an employee.

## HEARING DISORDERS

Persons who suffer from hearing disorders also have problems speaking (especially the deaf). In the case of employees who have – to a certain extent – retained the ability to hear, the workplace shall be adapted in a way that prevents hearing loss or the deterioration of hearing. It shall also hedge the risk of a loss of other senses that compensate for hearing disorders with respect to contact with other people.



Employment opportunities – unlimited:

- any workplace provided that it has been adapted to the needs arising from the type of condition.

Technical requirements:

- hearing aid – in accordance with the instructions of a practitioner,
- ear-muffs – in the case of noise, even if the relevant standards have not been exceeded,
- signal lamps and communication tools – replacing audio communication (if necessary),
- sound equipment – if the work is performed in places of collective use,
- additional aids in the case of loss of balance – in the case of work at height.

Environmental requirements:

- in the case of persons with single-sided deafness, the workplace shall be adapted in a way that makes it possible to direct the ear with good hearing towards co-workers or clients.

Work organisation:

- an employee shall have access to communication other than voice communication (signal lamps, communication tools),
- an employee shall be able to call a person who is assigned to support him/her in the process of communication,
- if the work is performed in places dangerous to life or health, very clear light signals shall be provided,
- in the case of work at height, a disabled person shall be accompanied by an assistant as it is possible for loss of balance to occur,
- co-workers shall receive training in communication with the deaf.

Medical requirements:

- no requirements.

## VISUAL IMPAIRMENTS

The functioning of employees whose disability is related to complete or partial sight loss is significantly hampered. They find it difficult to acquire information as they cannot receive visual signals from their environment. They also have trouble functioning in changing conditions. This kind of disability triggers problems related to interpersonal

communication – the inability to read a letter and to react to facial expressions and gestures. Furthermore, persons with visual impairments find it difficult to move independently. They sometimes have to use a white cane or require the support of another person or a guide dog.

This kind of disability may also give rise to psychological problems. Persons with visual impairments may find it more difficult than other persons to accept restrictions arising from their disability and to take efforts to overcome the barriers. This is reinforced by stereotypes within society, which build barriers to functioning, including at work.

Employment opportunities – limited:

- persons with visual impairments are excluded from professions that involve driving and operating machinery in the field of transportation,
- persons with visual impairments are excluded from professions that require good vision and may involve danger to other people's lives or health.

Technical requirements:

- in the case of office jobs (depending on the degree of sight loss): providing an employee with a monitor with a screen measuring more than 19 inches, a Braille keyboard and a screen reader,
- in the case of work that involves operating machinery – providing an employee with a description of all the equipment and machinery in Braille,
- using convex letters.

Environmental requirements:

- buildings where persons with disabilities work shall have clearly marked permanent passageways; no obstructions shall be permitted in the passageways.

Work organisation:

- an employer shall be able to call a person assigned to support the employee in situations that require special caution and visual orientation,
- in order to function better in the workplace, employees shall maintain order in the workplace – tools and materials shall always be in the right place,
- the more severe the impairment, the more stable the work should be; frequent changes are not recommended.

Medical requirements:

- no requirements.

Other:

- the other senses of persons with visual impairments are particularly sharp, this can be helpful in professions such as masseuse or telemarketer.

## REDUCED MOBILITY

A wide group of disabilities related to reduced mobility includes dysfunctions resulting from amputations, various types of deformity, rheumatic diseases and spinal cord injuries. The type of dysfunction determines the adaptations to be made in the workplace. Most importantly, they concern technical requirements, with other aspects usually being of little importance.

Employment opportunities – unlimited:

- any workplace provided that it has been adapted to the needs arising from the type of condition.

Technical requirements:

- wheelchair users:
  - work tools shall be within the reach of an employer (50-80 cm horizontally and 150 cm vertically),
  - the doorway to the building shall be paved and its width may not be less than 150 cm; the width of gates and doors may not be less than 90 cm,
  - buildings are required to have ramps with a width of 1.2 m,
  - if a disabled employee works on an upper floor, the building shall have a lift of a minimum size of 140 cm x 110 cm, a wheelchair lift or a stair climber,
  - an employee shall have access to sanitary facilities with a minimum area of 1.5 m x 1.5 m; the facilities shall be fitted with handholds to enable wheelchair users to access the toilet seat,
  - corridors shall have a minimum width of 1.2 m,
  - there shall be a separate parking space for the wheelchair user of a minimum size of 3.6 m x 6 m. The intended use of the parking space must be clearly indicated.
- upper limb defects:
  - an employee shall have access to work tools despite the limitations arising from his/her condition,

- work tools shall be fitted with devices to make them mobile (cranes, trucks) so as not to put too much strain on the limbs that are not affected;
- spinal conditions:
  - the workplace of an employee shall be fitted with an armchair with armrests, a head restraint and an adjustable lumbar support,
  - work tools shall be within reach of an employee (50-60 cm),
  - work tools shall be fitted with devices to make them mobile (cranes, trucks).

Environmental requirements:

- no requirements.

Work organisation:

- elimination of physically strenuous activities,
- elimination of activities that put too much strain on the disabled part of body,
- elimination of activities that involve spending long periods in one position (such as standing) – in the case of spinal conditions and lower limb injuries,
- elimination of activities that involve walking, climbing stairs and lifting – in the case of spinal conditions and lower limb injuries,
- elimination of activities that require high precision – in the case of upper limb injuries.

Medical requirements:

- no requirements.

## EPILEPSY

Epilepsy is a particular disease which can limit the employment opportunities of a given person. At the same time, co-workers may feel deeply apprehensive about working in a team with a person suffering from epilepsy. This results from recurrent convulsive episodes caused by a burst of abnormal electrical activity in the brain. Due to the fact that such episodes may be triggered by different factors, the employee requires particular protection in the workplace.

Employment opportunities – limited. A person suffering from epilepsy shall not:

- operate hazardous machinery (machine tools, drills),

- use sharp and heavy tools and objects,
- work at height (elevation treatment, house demolitions),
- perform work related to the production of alcohol (alcohol is extremely harmful to persons with epilepsy, even at low doses),
- perform work involving rapid changes of temperature and extremely high temperatures (glassblower),
- work near a fire (stoker),
- operate water reservoirs (ponds service),
- perform work which – if carried out by a person with epilepsy – may expose other persons to danger (driver),
- perform work which – if carried out by a person with epilepsy – may expose the company to losses (work with engines, machinery in motion),
- perform work which needs to be carried out at very high speeds.

#### Technical requirements:

- light-generating devices (such as photocopying machines) shall be fitted with covers or feeders protecting against light,
- dust, chemicals, heat and noise generating devices shall be damped and fitted with a system for extracting dust, heat and hazardous substances,
- working premises shall be fitted with an air-conditioning or ventilation system that allows for the room temperature to be kept constant (18-23 degrees Celsius).

#### Environmental requirements:

- the workplace shall not be located in an open space where employees are exposed to changing weather conditions (cold, heat, humidity),
- the workplace shall not be located:
  - in noisy premises,
  - in premises where an employee is exposed to light radiation,
  - in polluted premises,
  - in humid premises,
  - in premises where an employee is exposed to chemical fumes,
  - in premises where an employee is exposed to alcohol vapour,
  - in premises with a temperature lower than 18 degrees Celsius,

- in premises with a temperature higher than 23 degrees Celsius,
- in premises with fluctuations of temperature of more than 4 degrees Celsius;
- the workplace shall not be located at height and over water reservoirs.

Work organisation:

- the work shall not involve physical activity,
- an employee shall not perform work that people's lives depend on,
- an employee shall not be exposed to workload pressure or other kinds of mental stress,
- an employee shall always be accompanied by a person without disability,
- co-workers shall receive training in how to behave in the case of an epileptic episode.

Medical requirements:

- an employee shall be provided with medical care in case of an epileptic episode (nurse or an employee who has taken a first aid course).

## RESPIRATORY AND CARDIOVASCULAR DISEASES

Diseases of the respiratory and cardiovascular system, as well as other systems, have a detrimental influence on employment opportunities of a given person, especially due to their low physical fitness and reduced mobility. It is particularly crucial to ensure appropriate conditions and technical improvements that facilitate the work of an employee in terms of physical activity.

Employment opportunities – unlimited:

- any workplace provided that it has been adapted to the needs arising from the type of disease.

Technical requirements:

- devices that eliminate the effort related to lifting, carrying, transferring etc.,
- devices that help to maintain the right body position when performing work: adjustable armchair with armrests and a head restraint, footrests etc.,
- dust, chemicals, heat and noise generating devices shall be damped and fitted with a system for extracting dust, heat and hazardous substances,
- working premises shall be fitted with an air-conditioning or ventilation system that allows for room temperature to be kept constant (18-23 degrees Celsius).

Environmental requirements:

- the workplace shall not be located in an open space where employees are exposed to changing weather conditions (cold, heat, humidity),
- the workplace shall not be located:
  - in noisy premises,
  - in premises where an employee is exposed to light radiation,
  - in polluted premises,
  - in humid premises,
  - in premises where an employee is exposed to chemical fumes,
  - in premises where an employee is exposed to alcohol vapour,
  - in premises with a temperature lower than 18 degrees Celsius,
  - in premises with a temperature higher than 23 degrees Celsius,
  - in premises with fluctuations of temperature of more than 4 degrees Celsius;
- the workplace shall not be located at height and over water reservoirs.

Work organisation:

- the work shall not involve physical activity,
- an employee shall not be exposed to workload pressure or other kinds of mental stress,
- an employee shall have the possibility to take medication regularly.

Medical requirements:

- no requirements.

## DIGESTIVE DISEASES

Digestive diseases can limit employment opportunities for work performed according to a regular, predictable pattern. Moreover, the work performed by an employee with digestive diseases should not be physically and mentally demanding.

Employment opportunities – unlimited:

- any workplace provided that it has been adapted to the needs arising from the type of disease.

Technical requirements:

- devices that eliminate the effort related to lifting, carrying, transferring etc.,
- dust, chemicals, heat and noise generating devices shall be damped and fitted with a system for extracting dust, heat and hazardous substances.

Environmental requirements:

- the workplace shall not be located in an open space where employees are exposed to changing weather conditions (cold, heat, humidity),
- the workplace shall not be located at height and over water reservoirs.

Work organisation:

- the work shall not involve physical activity,
- an employee shall not be exposed to workload pressure or other kinds of mental stress,
- an employee shall have the possibility to take medication regularly.

Medical requirements:

- no requirements.

## GENITOURINARY DISEASES

Persons who suffer from genitourinary diseases may carry out their duties in any workplace if they are provided with conditions protecting them from factors such as humidity, high and low temperature and temperature fluctuations. The work shall not involve physical or psychological effort.

Employment opportunities – unlimited:

- any workplace provided that it has been adapted to the needs arising from the type of disease.

Technical requirements:

- devices that eliminate the effort related to lifting, carrying, transferring etc.,
- working premises shall be fitted with an air-conditioning or ventilation system that allows for room temperature to be kept constant (18-23 degrees Celsius).

Environmental requirements:

- the workplace shall not be located in an open space where employees are exposed to changing weather conditions (cold, heat, humidity),



- the workplace shall not be located:
  - in humid premises,
  - in premises with a temperature lower than 18 degrees Celsius,
  - in premises with a temperature higher than 23 degrees Celsius,
  - in premises with fluctuations of temperature of more than 4 degrees Celsius.

Work organisation:

- the work shall not involve physical activity,
- an employee shall not be exposed to workload pressure or other kinds of mental stress,
- an employee shall have the possibility to take medication regularly.

Medical requirements:

- no requirements.

## NEUROLOGICAL DISEASES

Employees with neurological dysfunctions require conditions similar to those that need to be provided for employees with epilepsy. An employee suffering from a neurological disease shall be provided with particularly safe working conditions.

Employment opportunities – limited (in accordance with a physician's instructions).

An employee with a neurological disease shall not:

- operate hazardous machinery (machine tools, drills),
- use sharp and heavy tools and objects,
- work at height (elevation treatment, house demolitions),
- perform work involving rapid changes of temperature and extremely high temperatures (glassblower),
- work near a fire (stoker),
- operate water reservoirs (ponds service),
- perform work which needs to be carried out at very high speeds.

Technical requirements:

- dust, chemicals, heat and noise generating devices shall be damped and fitted with a system for extraction dust, heat and hazardous substances,

- working premises shall be fitted with an air-conditioning or ventilation system that allows for room temperature to be kept constant (18-23 degrees Celsius).

Environmental requirements:

- the workplace shall not be located in an open space where employees are exposed to changing weather conditions (cold, heat, humidity),
- the workplace shall not be located:
  - in noisy premises,
  - in premises where an employee is exposed to light radiation,
  - in polluted premises,
  - in humid premises,
  - in premises where an employee is exposed to chemical fumes,
  - in premises where an employee is exposed to alcohol vapour,
  - in premises with a temperature lower than 18 degrees Celsius,
  - in premises with a temperature higher than 23 degrees Celsius,
  - in premises with fluctuations of temperature of more than 4 degrees Celsius.
- the workplace shall not be located at height and over water reservoirs.

Work organisation:

- an employee shall not perform work that other people's safety, health and lives depend on,
- an employee shall not be exposed to workload pressure or other kinds of mental stress,
- an employee shall always be accompanied by a person without disability.

Medical requirements:

- no requirements.

## OTHER DISEASES

In the case of diseases that have not been mentioned above, other types of workplace accommodation may be necessary. We can always obtain such information from an occupational doctor conducting the initial check-up of an employee.

In any event, persons with disabilities shall be subject to special protection from harmful factors, hazardous substances and physical and mental stress.

## 8) THE MOST IMPORTANT BUILDING LAWS AND TECHNICAL REGULATIONS RELATED TO WORKPLACE ACCOMMODATION

Buildings where persons with disabilities are employed, as well as their surroundings (such as passageways and parking areas), shall meet the requirements set out in the Regulation of the Minister of Infrastructure of 12 April 2002 on technical conditions to be met by buildings and their location (Dz.U. of 2002, No 75, item 690). Out of the three basic groups of disability – visual impairments, hearing impairments and reduced mobility, it is the latter group that requires the most construction accommodation. Meeting the needs and requirements of employees with reduced mobility to a large extent facilitates the work and matches the expectations of persons with other types of disabilities, as well as improves the quality of working premises, which brings positive consequence for all the workers, including non-disabled ones.

Details related to technical and building requirements are laid down in the “Disabled People – technical and building requirements” publication, Bartłomiej Nowak, Warsaw 2010.

## PART III

# THE ACT ON EMPLOYMENT PROMOTION AND LABOUR

## MARKET INSTITUTIONS

A person registered with a district employment office as unemployed or as an unemployed job seeker shall have access to labour market services and instruments in accordance with the principles set out in the Act of 20 April 2004 on employment promotion and labour market institutions (Dz.U. of 2008, No 69, item 415 as amended), hereinafter the Act on promotion.

Persons with disabilities who would like to take up employment shall register as unemployed with a district employment office. If they receive a disability pension, they can register as unemployed job seekers.

Persons registered with a district employment office as unemployed job seekers shall have access to the following services and instruments laid down in the Act on promotion based on the same conditions as persons registered as unemployed:

- 1) training,
- 2) internship,
- 3) intervention works,
- 4) vocational training for adults,
- 5) medical or psychological examinations specified in art. 2 section 3 of the Act on promotion;,,
- 6) recovery of costs specified in art. 45 sections 1, 2 and 4 of the Act on promotion,
- 7) financing of costs specified in art. 45 section 3 of the Act on promotion,
- 8) postgraduate study.

Furthermore, district employment offices provide the unemployed with placement services, vocational counselling and professional information.

**Placement services** shall in particular consist of:

- 1) helping the unemployed and job seekers find appropriate employment as well as helping employers find employees with relevant professional qualifications,
- 2) finding job offers,
- 3) dissemination of job offers, including by transmitting them to an online database of job offers provided by the minister in charge of labour policy,
- 4) providing employers with information concerning candidates for jobs posted,
- 5) providing the unemployed and job seekers with information concerning the current situation and development trends on the labour market,
- 6) initiating and facilitating contact between the unemployed and job seekers with employers,
- 7) cooperation of district employment offices with respect to the exchange of information on employment and training opportunities in their catchment areas,
- 8) providing the unemployed with information on their entitlements and duties.

**Vocational counselling and information** shall consist of:

- 1) providing the unemployed and job seekers with support with respect to choosing the right profession and workplace, and in particular of:
  - a) providing information on professions, the labour market and also training and education opportunities,
  - b) providing counselling based on standardised methods that facilitate choosing a profession, retraining and taking up or changing employment, including an assessment of interests and professional competence,
  - c) providing the unemployed and job seekers with specialised psychological and medical examinations that make it possible to issue an opinion on suitable employment and professions, as well as training,
  - d) initiating, organising and conducting group vocational counselling for the unemployed and job seekers;
- 2) providing employers with support regarding:
  - a) the selection of candidates from among the unemployed and job seekers,
  - b) the support for professional development of employers and employees by means of vocational counselling.

**Training** for the unemployed is provided outside of the education system. It opens up the opportunity to gain a practical profession, to retrain and to improve qualifications. The aim of the training is:

- to boost the chance of persons with disabilities accessing employment,
- to improve their qualifications,
- to increase the employment rate.

Training courses are organised in particular in the case of:

- lacking qualifications,
- the need to retrain or to supplement qualifications,
- the incapacity to perform work in the profession practised to date,
- lacking skills regarding active job searching.

**Internships** enable persons with disabilities to acquire practical abilities required to carry out work without entering into an employment relationship with the employer.

Persons with disabilities may take an internship:

- for up to 6 months,
- for up to 12 month in the case of persons aged under 25 on the day on which they are referred to take an internship or who are aged under 27 and have graduated from university during the last 12 months.

**Intervention works** are aimed at boosting the employment rate among persons with disabilities by providing employers with wage subsidies. Throughout the duration of the contract, an employer receives wage subsidies and reimbursement of social insurance contributions for persons with disabilities they employ.

### **Support programmes for self-employed persons with disabilities**

#### **1) Start-up aid**

- ✓ is intended for persons with disabilities registered with a district employment office as unemployed or as unemployed job seekers,

- ✓ is a one-off support package for undertaking economic activity, agricultural economic activity or making a contribution to a social cooperative in the amount specified in an agreement with the governor of a district, provided that a given person has not been granted non-repayable public aid for this purpose to date,
- ✓ a contract concluded between a person with disability and the governor of a district concerning conditions and the amount of aid shall be preceded by an application submitted by a person with disability,
- ✓ the maximum amount of aid shall not exceed fifteen times the average salary,
- ✓ legal basis: art. 12a of the Act on rehabilitation.

Regulation of the Minister of Labour and Social Policy of 17 October 2007 concerning providing persons with disabilities with aid for undertaking economic activity, agricultural economic activity or making a contribution to a social cooperative (Dz.U. of 2007, No 194, item 1403).

## **2) Co-financing of loans taken to continue business activity**

- ✓ may be granted to persons with disabilities who conduct economic activity or run their own farm or lease a farm,
- ✓ shall not exceed the cost of 50% of interest on bank loans taken to continue business activity,
- ✓ shall only be granted if a person with disability has not received a loan made by PFRON to undertake business activity or if the loan has been paid off or cancelled,
- ✓ shall also be granted if a person with disability has not received non-repayable aid for undertaking economic activity or agricultural economic activity or has been conducting economic activity for at least 24 months since the aid was granted,
- ✓ a contract concluded between a person with disability and the governor of a district concerning conditions and the amount of aid shall be preceded by an application for the co-financing of a loan submitted by a person with disability,
- ✓ legal basis: art. 13 of the Act on rehabilitation.

## **3) Reimbursement of mandatory old-age and disability pension contributions of persons with disabilities who conduct economic activity**

- ✓ may be granted to persons with disabilities who conduct economic activity as well as disabled farmers and farmers who are obliged to pay the remaining contributions for a disabled farmer,

- ✓ shall cover old-age and disability pension contributions (in the case of persons conducting economic activity) as well as social insurance contributions (in the case of disabled farmers),
- ✓ since 1 June 2011, the reimbursement shall be dependent on the degree of disability and shall amount to:
  - **100%** of the mandatory old-age and disability pension contributions – for persons with a certificate of a severe degree of disability,
  - **60%** of the mandatory old-age and disability pension contributions – for persons with a certificate of a moderate degree of disability,
  - **30%** of the mandatory old-age and disability pension contributions – for persons with a certificate of a light degree of disability.
- ✓ it shall be granted on the basis of an application for reimbursement of contributions for a given month submitted to **PFRON** (Wn-U-G or Wn-U-A),
- ✓ legal basis: art. 25a – d of the Aĉt on rehabilitation.

Regulation of the Minister of Labour and Social Policy of 9 January 2009 on the reimbursement of social insurance contributions for persons with disabilities (Dz.U. of 2009, No 8, item 42).



## PART IV

# THE BASIC FORMS OF EMPLOYMENT SUPPORT FOR PERSONS WITH DISABILITIES

Pursuant to the Act on rehabilitation, an employer who employs persons with disabilities shall be entitled to the following forms of financial support:

- **reimbursement of the costs of workplace accommodation,**
- **reimbursement of the costs of workplace equipment,**
- **reimbursement of the costs of training of an employee with disability,**
- **reimbursement of the costs of recruiting an assistant of an employee with disability,**
- **monthly wage subsidy to finance the remuneration of an employee with disability.**

There are many different forms of public support for persons with disabilities and many different bodies who provide the aid. The support can be provided by:

1. **the State Fund for Rehabilitation of Disabled Persons (PFRON),**
2. **voivodship and district authorities,**
3. **other bodies.**

1. PFRON is the main body providing support for persons with disabilities and also to employers who recruit persons with disabilities. PFRON is a public special-purpose fund within the meaning of the regulations on public finances. It has legal personality.

The measures taken by PFRON are financed from its revenues generated by employers' payments, subsidies from the state budget, gifts, bequests, donations and economic activity.

PFRON runs aid programmes from its own funds either directly – on the basis of an application lodged to a PFRON branch – or indirectly through local authorities. The aid programmes carried out directly by PFRON include:

- a) wage subsidy granted to finance the remuneration of employees with disabilities,
- b) subsidy granted to finance loan interests,
- c) subsidy granted to finance additional construction, transportation and administrative costs of sheltered workshops.

2. Numerous public aid programmes intended for persons with disabilities are run by voivodship and district authorities. Pursuant to art. 48 section 1 point 1 of the Act on rehabilitation, the Fund shall be entitled to provide local authorities with resources to implement certain tasks such as:

- a) reimbursement of the costs of workplace accommodation or creation,
- b) reimbursement of the costs of recruiting an assistant of an employee with disability,
- c) reimbursement of the costs of workplace equipment,
- d) training for persons with disabilities.

3. Provisions of the Act shall also enable entities conducting delegated tasks to run public aid schemes for persons with disabilities (art. 48 section 1 point 2 of the Act on rehabilitation). For example, foundations and other non-governmental organisations may carry out tasks related to social and vocational rehabilitation commissioned by PFRON.

## 1) SUBSIDISED EMPLOYMENT (WAGE SUBSIDIES GRANTED TO FINANCE THE REMUNERATION OF EMPLOYEES WITH DISABILITIES)

Employers who employ persons with disabilities shall be entitled to apply for monthly wage subsidies. The amount of subsidy depends on:

- working time,
- disability degree,
- the so-called special diseases,
- the type of employing establishment.

Pursuant to art. 26a of the Act on rehabilitation, the entities entitled to apply for wage subsidies shall include:

- 1) **sheltered workshops,**
- 2) **employers who employ at least 25 employees in FTE, with the ratio of employees with disabilities of at least 6%,**
- 3) **employers who employ less than 25 employees in FTE, irrespective of the ratio of employees with disabilities.**

Monthly wage subsidy shall not be granted to an employer:

- who finances the remuneration of an employee from public funds,
- who has defaulted on his/her financial obligations towards PFRON totalling over PLN 100,
- who employ at least 25 employees in FTE, with the ratio of employees with disabilities lower than 6%. Pursuant to art. 21, such employers shall be at the same time obliged to make payments to PFRON (more information: part II of the Compendium).

### **Who can be covered by subsidies?**

- Wage subsidies shall be granted in the case of persons with disabilities employed according to labour law regulations and shall not be granted in the case of persons employed under civil law contracts (contract of mandate, contract for specific work, agency contract).
- Pursuant to the Act on rehabilitation, a person with disability shall be understood as a person holding a certificate of one of the three disability degrees or an equivalent certificate (more information: part II of the Compendium).

### **Note!**

Since 1 March 2011, monthly wage subsidy does not cover employees with a certificate of a light or moderate degree of disability who are entitled to a pension. This shall mean that employers cannot apply for subsidies to finance their remuneration for March 2011 and subsequent months.

Since 1 December 2012, monthly wage subsidy does not cover situations where an employer has not transferred the remuneration of an employee with disability directly to his/her bank account or by postal transfer.

Wage subsidies cover disabled employees registered in the register of employees with disabilities maintained by the State Fund for Rehabilitation of Disabled Persons (PFRON).

**Wage subsidy payment conditions:**

The amount of subsidy an employer is entitled to if he/she employs a person with disability is set on the basis of the minimum wage. Pursuant to art. 2 point 1 of the Act on rehabilitation, the minimum wage is the minimum monthly remuneration for work calculated in December of the previous year.

Wage subsidy covers all employees with disabilities, irrespective of their working time.

**The maximum amount of subsidy:**

Since **April 2014**, the maximum amount of monthly subsidy in the case of sheltered workshops and the open labour market is:

- 1) PLN 1800 – for persons holding a certificate of a severe degree of disability,
- 2) PLN 1125 – for persons holding a certificate of a moderate degree of disability,
- 3) PLN 450 – for persons holding a certificate of a light degree of disability.

The Act of 29 October 2010 amending the Act on social and vocational rehabilitation and employment of persons with disabilities as well some other acts changed the provisions of art. 26a. section 1b of the Act on rehabilitation significantly. The article stipulates that the amount of wage subsidy shall be increased by 40% in the case of persons with disabilities holding a certificate stating that they suffer from a mental disease, mental disability, an overall developmental disorder and epilepsy, as well as blind employees.

Symbols used in disability certificates to indicate that a given person suffers from a special disease

- 01-U – intellectual disability
- 02-P – mental illnesses
- 04-O – visual impairments
- 06-E – epilepsy
- 12-C – overall developmental disorder

## Incentive effect

The incentive effect is a key term related to wage subsidy. The incentive effect condition must be satisfied if an employer is to be entitled to the subsidy for a given employee.

In order to obtain the subsidy for a new employee, an employer who conducts economic activity needs to demonstrate a net increase of employment in general and a net increase of employment of persons with disabilities, i.e. the so-called incentive effect. It is set in relation to, respectively, the average level of employment in general and the average employment of persons with disabilities in the previous 12 months (**incentive effect in terms of quantity**).

However, if recruiting a new employee with disability does not lead to a net increase of employment in general and a net increase of employment of persons with disabilities, monthly wage subsidy for the new employee shall not be granted if he/she has been employed as a result of the termination of an employment contract with another employee, unless the contract:

- 1) was terminated for reasons set out in art. 52 § 1 point 1 of the Labour Code (a grave violation of basic employee duties),
- 2) was terminated by an employee upon notice,
- 3) was terminated by agreement,
- 4) was terminated due to the fact that the employee retired because of incapacity for work,
- 5) ended due to the expiry of the agreed term,
- 6) ended on the day of finishing the task which was the subject of the contract.

Furthermore, an employer can obtain wage subsidy for a new employee even if there is no increase in the number of employees if the vacant position was a result of:

- 1) expiry of an employment contract,
- 2) shortening of working time of an employee – upon his/her request.

Thus, if a contract with an employee (with or without disability) has been terminated for the reasons mentioned above, an employer may recruit an employee with disability and receive wage subsidy. In this case, the employer has not achieved the incentive effect in terms of quantity, but **in terms of quality**.

**An example of how to calculate the incentive effect:**

*In September 2012, a cooperative recruited a new employee with disability. The number of employees of the cooperative in September 2012 was 40, including 10 employees with disabilities. Thus, the average employment in general was 40.000 FTEs and the average employment of persons with disabilities was 10.000 FTEs. In order to calculate if the cooperative is entitled to wage subsidy for the new employee, it is necessary to calculate the average employment in general and the average employment of persons with disabilities in the 12 months preceding the month in which the new person with disability was recruited.*

*Assuming that:*

*the average employment in general for the 12 months preceding the month in which the new person with disability was recruited (August 2012 – September 2011) was 38.000 FTEs, and the average employment of persons with disabilities was 8.00 FTEs, the incentive effect for the newly recruited employee has been reached and the cooperative is entitled to wage subsidy for the new employee.*

**Procedure**

The aid for the employment of disabled workers is granted in the form of wage subsidies pursuant to art. 41 of Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of art. 87 and 88 of the Treaty (General Block Exemption Regulation).

**The State Fund for Rehabilitation of Disabled Persons (PFRON)** is the entity providing aid.

Address:

al. Jana Pawła II 13, 00-828 Warsaw, Tel. (022) 50 55 500

Hotline: 800 533 335

Web page: [www.pfron.org.pl](http://www.pfron.org.pl)

Wage subsidies for persons with disabilities are handled in the SODiR system (Support System of Subsidy and Reimbursement) – more information available at [www.sod.pfron.org.pl/](http://www.sod.pfron.org.pl/).

Wage subsidies for employees with disabilities are paid by the State Fund for Rehabilitation of Disabled Persons following a request lodged by an employer. An application shall be

lodged each month by the 25<sup>th</sup> day of the month following the month to which it relates. Application forms are laid down in the Ruling of the Minister of Labour and Social Policy of 9 January 2009 on monthly wage subsidies for employees with disabilities (Dz.U. of 2009, No 8, item 43 as amended):

- application for wage subsidy for a given month (**Wn-D form**),
- monthly information on remuneration, employment and disability degrees of employees with disabilities (**INF-D-P form**).

The application for wage subsidy shall be lodged to PFRON or to a PFRON branch competent for the employer's seat.

The application shall be accompanied by:

- an information sheet with data necessary when applying for aid other than aid for a fishery or agriculture, (**INF-O-PP**) or an information sheet with data necessary when applying for aid for a fishery or agriculture (**INF-O-PdR**),
- **a statement indicating that such aid has not been granted** (if the entity applying for aid has not received public support for the same expenditure eligible for aid),
- **a financial statement or a statement indicating that the entity is not obliged to draw up financial statements.**

The applicants who submit the INF-O-PP and who are obliged to draw financial statements under the accounting rules shall enclose financial statements for the last three financial years with the application.

An employer shall forward the information and application in the form of an electronic document by means of remote transmission of data and download confirmation of the information or application sent. An employer may also submit the information and application in the form of a written document.

## 2) REIMBURSEMENTS

### Aid programmes for employers who recruit persons with disabilities

#### 1) Reimbursement of the costs of workplace creation or adaptation

- ✓ this can be granted to employers who – for a minimum period of 36 months – employ persons with disabilities who have the status of unemployed or the status of unemployed job seekers and have been referred to work by a district employment office,

- ✓ it covers the accommodation of working premises and a workplace, the purchase of equipment facilitating the work of persons with disabilities as well as the purchase and validation of equipment for the use of employees with disabilities,
- ✓ it is based on a contract between an employer and the governor of a district, following a request of the employer,
- ✓ it shall not exceed twenty times the average wage for each workplace of a person with disabilities,
- ✓ legal basis: art. 26 of the Act on rehabilitation.

Regulation of the Minister of Labour and Social Policy of 11 March 2011 on reimbursement of additional costs entailed by employing persons with disabilities (Dz.U. of 2011, No 62, item 316).

## **2) Reimbursement of workplace equipment costs**

- ✓ this can be granted to employers who – for a minimum period of 36 months – employ persons with disabilities who have the status of unemployed or the status of unemployed job seekers and have been referred to work by a district employment office,
- ✓ it shall cover the costs related to equipping a workplace for a person with disability,
- ✓ it is based on a contract between an employer and the governor of a district, following a request of the employer,
- ✓ it shall not exceed fifteen times the average wage,
- ✓ **important:** the reimbursement has de minimis character,
- ✓ legal basis: art. 26e of the Act on rehabilitation.

Regulation of the Minister of Labour and Social Policy of 11 March 2011 on reimbursement of the costs of equipping the workplace for a person with disability (Dz.U. of 2011, No 62, item 317).

## **3) Reimbursement of the costs of remuneration of an assistant of a person with disability**

- ✓ this shall be granted to employers who employ a person with disability,
- ✓ it covers the monthly cost of employing a person to assist an employee with disability in communicating with others as well as during activities which are impossible or difficult to be carried out independently by an employee with disability,



- ✓ it is based on a contract between an employer and the governor of a district, following a request of the employer,
- ✓ the number of hours that are devoted solely to assisting an employee with disability shall not exceed the number of hours corresponding to 20% of the number of working hours of the employee in a month,
- ✓ legal basis: art. 26d of the Act on rehabilitation.

Regulation of the Minister of Labour and Social Policy of 11 March 2011 on reimbursement of additional costs entailed by employing a person with disability (Dz.U. of 2011, No 62, item 316).

#### **4) Reimbursement of the costs of training for persons with disabilities**

- ✓ this shall be granted to employers who employ a person with disability,
- ✓ it covers up to 80% of the cost of training for persons with disabilities; however, this cannot be more than twice the average wage for one person,
- ✓ it is based on a contract between an employer and the governor of a district, following a request of the employer,
- ✓ it shall not cover the costs incurred by an employer prior to the date of signing the contract,
- ✓ furthermore, unemployed persons with disabilities and other persons with disabilities seeking employment who are registered with a district employment office can participate in the training organised by the head of a district employment office,
- ✓ legal basis: art. 41 of the Act on rehabilitation.

Regulation of the Minister of Labour and Social Policy of 30 March 2009 on conditions and procedures of reimbursement of the costs of training for persons with disabilities (Dz.U. of 2009, No 57, item 472).

## USEFUL LINKS

### **Public Information Newsletter**

[www.bip.gov.pl](http://www.bip.gov.pl)

### **Ministry of Labour and Social Policy**

[www.mpips.gov.pl](http://www.mpips.gov.pl)

### **State Fund for Rehabilitation of Disabled Persons**

[www.pfron.org.pl](http://www.pfron.org.pl)

### **Information services of employment offices – addresses of employment offices**

[www.praca.gov.pl](http://www.praca.gov.pl)

### **Social Insurance Institution**

[www.zus.pl](http://www.zus.pl)

# APPENDIX 7

## COMPENDIUM FOR JOB COACHES

### QUESTIONS AND ANSWERS TO THE MOST DIFFICULT QUESTIONS REGARDING LEGAL ASPECTS OF EMPLOYMENT OF PERSONS WITH DISABILITIES

#### MODULE 5

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## INTRODUCTION

This Compendium is targeted at aspiring job coaches who will look for employment opportunities for disabled persons on the open labour market. The Compendium includes questions and answers to the most frequent and most relevant questions concerning legal aspects of the work and training of job coaches.

This document is complementary to the accompanying compendium – “Legal aspects of employment of persons with disabilities”.

## PART I

# SELECTED PROVISIONS OF THE ACT OF 26 OF JUNE 1974, THE LABOUR CODE

**On February 1, 2014 I began working for Jatex, a food production company. The President of the company explained what my duties were: my job was to sort fruit and vegetables in the sorting area and then slice them and put them into the right containers, depending on how thick the slices were. My manager told me my exact duties. I arrive at work with my colleagues – we all come from the same town – to start the first shift at 6 a.m. I sign the attendance sheet and I finish work at 2 p.m. My salary amounts to PLN 1,126. The problem is that I still haven't received a written contract, hence my question – am I actually an employee?**

The Labour Code, in Art. 29 paragraph 2, stipulates that an employment contract should be concluded in writing. To conclude a written contract both parties should sign a document with a statement of intent. The Code does not regulate the consequences of failing to conclude a written contract i.e. oral contracts are still valid. The oral contract between you and the company's President, specifying all the necessary elements of the employment relationship, is effective and binding. If the contract has not been concluded in writing, the employer should confirm the terms and conditions of the contract on the first day of work at the latest. The employer should also inform you in writing, no later than within the first 7 days after the conclusion of the contract, about your daily and weekly working hours, the frequency of remuneration payments, holiday leave and the duration of the notice period. If the employer is not obligated to specify workplace regulations, the written confirmation should also include information about night shifts, the date, time and place of remuneration payments, as well as the way of confirming arrival at work and excusing one's absence at work (Art. 29 paragraph 3 of the Labour Code). It must also be added that failure to confirm an employment contract in writing, under Art. 281 paragraph 1.2 is an offence against an employee's rights and is subject to a fine.

(source: National Labour Inspectorate)

**I have been working for my company for the past 8 years. I have a permanent employment contract. Last week my boss gave me a letter of termination of employment on account of loss of trust and confidence, related to an event which occurred a few weeks ago. Did he have the right to do this? Is there any point in suing my employer?**

Pursuant to Art. 30 paragraph 1.2 of the Labour Code, either party to the employment relationship can give written notice. The notice should specify the reason for termination and, pursuant to Art. 30 paragraph 5 of the Labour Code, information about the right to appeal to the Labour Court. In accordance with Art. 264 of the Labour Code, appeal against termination of employment should be filed within 7 days of the day on which the notice of termination of employment was received by the other party.

The legitimacy of the termination of an employment contract and the reason for notice are exclusively subject to judicial assessment (Art. 44 of the Labour Code), as Art. 30 paragraph 4 of the Labour Code does not specify how the reason for termination should be provided or how detailed it should be. Indication of loss of trust and confidence in the employee in the notice of termination of employment already specifies the reason in the context of the allegations that have been communicated to the employee by the employer, especially when the circumstances are known to the employee or are based on other documents. In such cases, however, the employer should explain what loss of trust and confidence is. If the reason for termination has been communicated to the employee, the “loss of trust and confidence” in question does not need to be elaborated upon in the letter of termination. Such brevity falls into the requirement of finding a “concrete reason” as stipulated by Art. 30 paragraph 4 of the Labour Code. Should the employer indicate the reason for termination, by doing so they limit the scope of a potential dispute in the Labour Court – the dispute will involve solely the reason indicated by the employer. This means that during the proceedings the employer cannot invoke other reasons that would justify the termination.

Failure to communicate the reason for termination constitutes a breach of Art. 30 paragraph 4 of the Labour Code, as does providing a reason other than one that would justify the termination; that is, giving an unreal reason.

(source: National Labour Inspectorate)

**Is a person working under a contract of mandate for almost 2 years entitled to holiday leave? The contracted party performs the task indicated by the ordering party every day for over 8 hours at the same workplace and cannot be replaced by anyone else in cases of absence.**

A contract of mandate is a civil law contract regulated by the provisions of the Civil Code. It is an obligation of means which requires the performance of a particular task or set of tasks for the ordering party.

Contracts of mandate do not oblige the contracted party to be subordinated or to remain at the disposal of the ordering party – something which is typical of a full-time employment contract. The performing party has rights resulting from the contract. However, as contracts of mandate are not regulated by the Labour Code but by the Civil Code, the

performing party does not have employee rights, such as the right to holiday leave (unless specified otherwise in the contract).

If, however, the contract is performed in conditions of subordination, in one particular place and time, and in person (the person performing the task cannot be replaced by someone else), the contract needs to be recognised as an employment contract.

Pursuant to Art. 22 of the Labour Code, establishing an employment relationship obliges the employee to perform a specific task for the employer, under their supervision, in the place and time specified by the employer. It also obliges the employer to pay remuneration equal to regular remuneration in a full-time employment relationship, regardless of the name of the contract concluded by the parties.

This provision also prohibits the replacement of the employment contract with a civil law contract, when work is performed under the abovementioned conditions.

The question suggests that the mode of task performance is similar to performance in a regular employment relationship.

Given the facts, after terminating the contract, as well as during its term, the contracted party has the right to appeal to the Labour Court and start legal action to establish that an employment contract in fact exists in lieu of a civil law contract. If this is indeed established, the employee might request remuneration for doing overtime, night shifts, the equivalent to holiday leave not used, etc.

The Labour Court will decide what features prevail: those of a contract of mandate or those of a regular employment contract, and, importantly, what type contract was intended by the parties. As the Supreme Court recognised in its ruling from 10 October 2003, Case file no. I CP 466/02, the Labour Code, 2004 No. 3, item 35) – “the content of the contract does not define the legal character of the actual relationship between the parties, but it cannot be assumed that the parties with full legal capacity intended to conclude the contract with a different content (an employment contract) than the one that was in fact concluded”.

(source: National Labour Inspectorate)

**If no written confirmation of an employment contract exists, does it mean that the contract is invalid? Can the employee ask their colleagues to testify at the Labour Court and confirm that the work was in fact carried out? If the employer does not offer any written confirmation, do they break the law? What should the employee do?**

Pursuant to Art. 29 paragraph 2 of the Labour Code, an employment contract needs to be concluded in writing. If an employment contract has not been concluded in writing

before the day the employee starts working, they need to receive written confirmation of the type of contract, and its terms and conditions. If the contract is not in writing, it does not mean it is automatically invalid; its validity can still be proven during court proceedings through evidence from witnesses and by hearing both parties. An employer who fails to confirm the contract with the employee in writing commits an offence against employee's rights (Art. 281 paragraph 2 of the Labour Code).

Art. 22 of the Labour Code stipulates that establishing an employment relationship obliges the employee to perform specific work for the employer under their supervision and in a specified time and place of work, while the employer is obligated to ensure remuneration. If the performed work fits the aforementioned description of an employment relationship, but the employer has refused to sign a written employment contract, the employee has the right to file a complaint to the relevant Regional Labour Inspectorate (where the employer's registered seat is). The Labour Inspectorate has the right to ask the employer to confirm in writing the type of contract as well as its conditions; it is also entitled to start legal action to establish an employment relationship in favour of the party concerned. The employee also has the right to start legal action to establish an employment relationship in the Labour Court.

(source: National Labour Inspectorate)

**Under the provisions of the Act of 13 March 2013 on Special Principles of Termination of Employment Relationships for the reasons pertinent to employees (Dz.U. of 2003, No. 90, item 844 with further amendments), when can collective and individual dismissals occur?**

Collective dismissals can occur if an employer who employs at least 20 workers needs to terminate the employment relationship for reasons not pertinent to the employees – the termination being concluded by the employer but also through agreement of the parties – if within 30 days the dismissal also includes at least:

- 10 employees in enterprises with less than 100 employees,
- 10% of employees in enterprises with 100-300 employees,
- 30 employees in enterprises with over 300 employees or more.

It should be pointed out that the above-mentioned limits also include the employees whose contracts have been terminated due to a collective dismissal in line with agreements between the parties if there are at least 5 employees concerned (Art. 1 items 1 and 2 of the Act).

Individual dismissals will occur when an enterprise with at least 20 employees needs to terminate the employment relationship for reasons not pertinent to the employees,



provided the reasons are the only justification for the termination or the termination has been fixed by mutual agreement. The contracts need to be terminated within 30 days and include fewer employees than in the case of collective dismissals i.e. fewer than:

- 10 employees in enterprises with less than 100 employees,
- 10% of the employees in enterprises with over 100 but fewer than 300 employees,
- 30 employees in enterprises with 300 employees or more (Art. 10 item 1 of the Aċt).

(source: National Labour Inspectorate)

### **When does an employee have the right to severance payment?**

As mentioned in Art. 8 of the Aċt of 13 March 2003 on the special principles of dissolution of employment relationships for reasons not pertinent to the employees (Dz.U. of 2003, No. 90, item 844 with further amendments), an employee whose employment relationship has been terminated for reasons not pertinent to the employee in accordance with the procedure laid down in the Aċt (that is, within the collective dismissal procedure – under Art. 1 of the Aċt or within the individual dismissal procedure – under Art. 10 of the Aċt).

It should be underlined that pursuant to Art. 1 item 1 and Art. 10 item 1 the Aċt's provisions apply only to enterprises with over 20 employees. If the enterprise employs fewer than 20 employees, the abovementioned aċt does not apply – thus, the employees are not entitled to severance payment.

### **What should the amount of severance pay be and when should it be paid?**

Pursuant to Art. 8 item 1 of the Aċt of 13 March 2003 on the special principles of termination of employment relationships for reasons not pertinent to employees (Dz.U. of 2003, No. 90, item 844), an employee whose employment relationship has been terminated within the collective dismissal procedure is entitled to severance pay of:

- 1) one month's remuneration if the employee was employed for less than 2 years,
- 2) two month's remuneration if the employee was employed for over 2 years and less than 8 years,
- 3) three month's remuneration if the employee was employed for over 8 years.

To be entitled to severance pay, the employment contract has to be terminated and the severance needs to be paid on the day on which the contract was terminated at the latest.

(source: National Labour Inspectorate)

**I have been working for my employer for 2 months and I still haven't received an employment contract. By what deadline should the employer conclude an employment contract and what should its conditions be?**

The employment contract should be concluded in writing. If this is not the case, the employer should present the employee written confirmation of the contract's parties, the contract type and its conditions, on the day the employee starts working at the latest.

Furthermore, pursuant to Art. 29 paragraph 3 of the Labour Code, the employer is obligated to notify the employee in writing, within the first 7 days from when the contract has been concluded, about the daily and weekly working hours, the frequency of payment of the remuneration to which the employee is entitled, the amount of paid leave to which the employee is entitled, the length of the periods of notice should the employment contract be terminated and collective labour agreements concerning the employee. Should the employer be exempt from the obligation to establish work rules and regulations, they also need to notify the employee about night-time work, the place, deadline and time the remuneration is paid, as well as the applicable way of confirming arrival and presence at work by the employee and the way of justifying absence at work.

The employee can be notified about the conditions of employment by referring to the applicable provisions of the Labour Law.

(source: National Labour Inspectorate)

**Should the employer provide the workplace with first aid kits? If so, what are the detailed conditions of their location?**

Pursuant to paragraph 44 item 1.2 set out by the decision of the Minister of Labour and Social Policy from 26 September 1997 on general safety and hygiene at work (Dz.U. of 2011, No. 173, item 1034), an employer is obligated to provide employees with a well-functioning system of first aid in case of accidents, as well as the first aid measures. The employer should particularly provide first aid kits in specific workplace departments.

The number and location of first aid points and kits, as the equipment involved, should be specified in an agreement with a preventive care physician, in accordance with the potential risks present at the workplace and their gravity (paragraph 44 item 2). The handling of first aid points and kits mentioned in item 1 should be entrusted to employees designated for every shift. Such employees need to have undergone training in first aid (paragraph 44 item 3). First aid points and kits should have visible instructions on how to provide first aid in case of an emergency as well as a full list of staff members, as mentioned in item 3 (paragraph 44 item 4). First aid points and the location of first aid kits need to be well marked (according to the relevant Polish norms) and easily accessible (paragraph 44 item 5).

Should the employer fail to ensure the appropriate means, having carried out the inspection, the labour inspector has the right to demand that the employer provide the workplace with appropriate first aid kits. Furthermore, the person in charge of OHS at the workplace or the person managing the workers can be held liable for an offence pursuant to Art. 283 paragraph 1 of the Labour Code.

(source: National Labour Inspectorate)

### **Is an employee working under a civil law contract required to undergo medical examination and OHS training?**

Pursuant to Art. 304 paragraph 1 of the Labour Code, employers are obligated to ensure safe and hygienic working conditions, as specified in Art. 207 paragraph 2, for all natural persons performing work under employment contracts or other contracts in the workplace or any place of work indicated by the employer; this also pertains to self-employed persons performing tasks in any place of work indicated by the ordering party.

It must be pointed out that the provisions do not explicitly regulate how this obligation should be carried out. If the work performed, the seriousness of risks due to working conditions and processes are such that even ad hoc work or presence in such conditions require the appropriate health and safety and hygiene training, the employer or a different person organising work might require the contracted person to undergo medical examination or OHS training. In such cases, the person in question is required by Art. 211 of the Labour Code to undergo the relevant training and medical examinations.

It needs to be added that natural persons working under a legal basis other than an employment relationship in a workplace or any place indicated by the employer are required to respect the provisions and OHS regulations on an equal footing with employees – within the scope indicated by the employer. There is no ground, however, for treating persons working under a basis other than an employment relationship in a workplace or any place indicated by the employer in the same way the employees are treated. This means that they are exempt from undergoing medical examination and OHS training.

It should be noted, however, that in certain situations the obligation to ensure safe and hygienic working conditions needs to be carried out precisely through adequate OHS training and completion of medical examinations before the employee is cleared for work. Providing safe and hygienic working conditions will also mean communicating to the employee the assessment of occupational risk related to working in the given position.

The contract between the parties can specify all safety and hygiene issues. If safe and hygienic working conditions are not adequately provided, it is the employer who will be held liable.

(source: National Labour Inspectorate)

## PART II

# THE ACT OF 27 AUGUST 1997 ON VOCATIONAL AND SOCIAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES

**As an enterprise active on the open labour market, we have employed a person with moderate disability. According to detailed provisions he is entitled to additional leave of 10 working days per year. How is this leave granted?**

Not all disabled persons are entitled to additional leave. According to Art. 19 of the Aĉ of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (Dz.U. of 2011, No. 127, item 721), only employees with moderate or severe disability are entitled to additional leave of 10 working days per calendar year. An employee is entitled to take the first additional leave having been employed for one year after being evaluated as a person with either moderate or severe degree of disability.

The period of additional holiday leave cannot be longer than 26 working days or add to other additional leave specified by other (separate) provisions.

The period of leave of an employee who is entitled to this leave is established by calculating the total period of the leave. This means that for a person with moderate or severe disability the total period of holiday leave will be as follows: 30 days if the person has been employed for less than 10 years, 36 days if the person has been employed for at least 10 years.

A disabled employee is entitled to the first additional leave in full even if they have acquired the right to it as late as at the end of a given year. A person with moderate or severe disability acquires the right to subsequent additional holiday leave on January 1 of every calendar year, provided they have continued to be employed.

When granting holiday leave to employees with moderate or severe disability we must remember that one day of leave is equivalent to 7 hours of work.

In matters not provided for by the Aĉ on rehabilitation, e.g. those concerning the acquisition of rights to subsequent additional leave or those concerning taking the leave, the provisions of the Labour Code apply.

The employer should bear in mind that a person with moderate or severe disability is also entitled to take up to 21 working days of release from work in order to participate in a rehabilitation camp once per year. The rehabilitation leave can be added to the additional leave only to a certain extent; in accordance with Art. 20 item 3 of the Act on rehabilitation, the total period of additional holiday leave and release from work to participate in a rehabilitation camp cannot be longer than 21 working days per calendar year.

Pursuant to the guidelines of the Ministry of Labour and Social Policy indicated on the Ministry's website, the employer needs to remember about the special features of additional leave.

**1. The employee acquires the right to take the leave even if they have not been able to perform work due to sickness and if they have been receiving sickness benefit** (this also applies to rehabilitation benefit). What matters is the continuing employment relationship and not the performance of work, except for unpaid leave, sick leave, paternal leave and failure to perform work due to imprisonment or military service.

**2. If a person with severe or moderate disability** loses disability status or is determined to have a mild disability, **they do not lose the right to the leave they were entitled to prior to the loss or change of status** (this applies to leave unused both in current and prior periods). In such cases there are no grounds for the additional leave to be proportional. Any loss or change of disability status leads to the loss of the subsequent additional holiday leave.

**3. A person with severe or moderate disability is entitled to additional holiday leave, even if they have not asked for it to be granted** (ruling of the Supreme Court from 29 June 2005, File no. II PK 339/04). Neither the provisions of the rehabilitation act nor those of the Labour Code limit the right to take holiday leave from the application submitted by the employee.

**4. Additional holiday leave carries forward to the following year.** If unused by the end of the leave schedule in a given year, it needs to be granted to the employee on 30 September of the following calendar year at the latest.

**5. Any claims arising out of an employment relationship, including those that concern granting additional holiday leave, are limited to 3 years** from the day on which they became due. The three-year limitation period begins on the last day of the calendar year when the employee acquired the right to additional leave.

**For the past three months we have had a disabled person working in our office, in the following months we'd like to hire a few more employees with moderate disabilities. According to the provisions of the Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities, the disabled employees acquire additional**

**entitlements at different times, as indicated in the Act. In 2011 one provision changed in that regard. Is a disabled person entitled to reduced working hours or an additional break from the day of hiring?**

The provision of Art. 20c of the Aĉ of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (i.e. Dz.U. of 2011, No. 127, item. 721) applicable since 1 June 2011; hereinafter referred to as the Aĉ on rehabilitation, stipulates that a disabled person is to enjoy his/her employee entitlements, as specified in this chapter, from the day on which the disabled person was included in the number of disabled persons in employment, pursuant to Art. 2a of the Aĉ.

The provision of Art. 20c of the Aĉ concerns the entitlements of disabled persons included in chapter 4 of the Aĉ, entitled "The entitlements of the disabled". These entitlements include:

- the right to shorter working time,
- no night work or overtime,
- the right to additional breaks from work,
- the right to additional holiday leave (so-called rehabilitation holiday),
- the right to paid special leave.

Art. 2a of the Aĉ directly concerns the moment on which the employer included the disabled person in the number of disabled persons in employment. Pursuant to the provision of Art. 2a item 1 of the Aĉ, a disabled person is included in the number of disabled persons in employment from the day on which the employer was presented with a disability certificate of the person in question. This provision applies mainly in the case of the first certificate presented by the employee.

Pursuant to Art. 2a item 2 of the Aĉ, in the case of presenting the employer with another disability certificate, the disabled person is included in the number of disabled persons in employment from the day on which the application for a disability certificate was filed if the certificate states that the person in question had a disability at the time and the application was filed no later than on the day following the expiry date of the previous disability certificate. Under this provision, if another certificate is presented, the employee is included retrospectively in the number of disabled persons in employment, provided that the application for a disability certificate was filed with the District Disability Evaluation Board no later than on the day following the expiry date of the previous certificate.

In accordance with the wording of Art. 2a item 3 of the Aĉ, regardless of the date of application for another disability certificate, a disabled employee is included in the number of disabled persons in employment up to 3 months prior to the day when the employer

was presented with another certificate, provided that the certificate states that the employee had a disability during this period. This provision entitles the employer to include the disabled person in the number of persons in employment even though the application was filed later than on the day following the expiry date of the previous certificate. The period is however restricted to three months prior to the day on which the certificate was presented.

In other words, Art. 20c of the A&T aims to synchronise the times when the disabled employees become eligible for particular entitlements so that they start on the day on which the employee was included in the number of disabled persons in employment, pursuant to Art. 2a. These entitlements are of course acquired in accordance with the specific provisions included in Articles 15-20 of the A&T.

This is why, pursuant to Art. 20c of the A&T, if an employer hires a new employee with moderate disability, they are entitled to an additional break from the day on which the employer was presented with a disability certificate (not necessarily from the day of hiring). Similarly, it is from this day that the employee is banned from working night shifts and doing overtime. With regard to additional leave, Art. 19 of the A&T needs to be taken into account. The Article stipulates that the first additional leave is granted when they have worked for one year after having been determined to have either of these degrees of disability. Similarly, specific regulations regarding reduced working time – to 7 hours a day and 35 hours a week – need to be taken into account.

**An employee's certificate of moderate degree of disability expired on 31 March 2012. The employee presented the employer with another certificate on 1 August 2012. The certificate states that the employee has had a disability for a few years, but the document was issued on 11 July 2012, while the application was filed on 28 April 2012. When can the employer include the employee back in the number of disabled persons in employment?**

The provisions of Art. 2a of A&T of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (Dz.U. of 2011, No. 127, item. 721) include detailed rules according to which disabled persons are to be included in the number of persons in employment. Depending on when the employee filed an application to issue another disability certificate, the employer can include them in the number of persons in employment in different ways.

Pursuant to item 3 of Art. 2a, if a person files an application for another disability certificate after the previous certificate has expired, the employer can include them in the number of disabled persons in employment only up to 3 months before the day on which the

employer was presented with another certificate – under the condition that the certificate confirms continuous disability of the employee.

Given the facts of the case described here, it must be stated that the employer can include the employee in the number of disabled persons in employment only for the period of 3 months prior to the day on which the employee presented another certificate, i.e. since 1 May 2012.

**We are an open labour market employer. We would like to employ a person with a moderate disability. Are there still rules obliging an employer to notify the National Labour Inspectorate about the employment of such a disabled person?**

Pursuant to Art. 4 items 5 and 6 of the Aċt of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities; hereinafter Aċt of Rehabilitation, a person determined to have a severe or moderate disability can still be employed by an employer who fails to provide them with sheltered employment conditions, provided that:

- 1) the place of work is adapted by the employer to the needs of a disabled person,
- 2) the employee is doing teleworking.

This means that an enterprise lacking the status of sheltered employer can also employ persons with severe and moderate disability.

The amendment to the Aċt on rehabilitation of 8 January 2010 (Dz.U. of 2010, No. 40, item 223) abolished the obligation on potential employers of persons with certificates of moderate or severe disability to acquire a positive opinion from a labour inspector concerning workstation adaptation for a disabled employee. Therefore, since March 31, 2010 (date of entry into force of the amendment), the obligation to acquire this opinion and to report the intention to hire a disabled employee to the National Labour Inspectorate has ceased to exist. However, employers are still obliged to adapt workstations to the needs that result from the disabilities of their employees (unless the person in question is employed to do telework).

Pursuant to Art. 2.8 of the Aċt on rehabilitation, the adaptation of a workstation for a disabled person means providing the necessary equipment and adapting the place of work to the needs arising from the form and degree of disability.

It is the National Labour Inspectorate that exercises control over whether the condition to adapt the place of work to the needs of a person with severe or moderate disability has been fulfilled.



**One of our employees has a severe disability and a spinal cord condition. He has obtained a referral for rehabilitation procedures (medical massage). This has prompted us to ask what we should do for the employee to enable him to take part in the rehabilitation. Is he entitled to any leave other than unpaid or holiday leave?**

Persons with severe or moderate disability, under the provisions of Art. 20 of the 27 August 1997 Vocational and Social Rehabilitation and Employment of Persons with Disabilities (consolidated text, Dz.U. of 2011, No. 127, item 721), are entitled to paid release from work in two cases:

1. in order to take part in a rehabilitation camp – for a maximum of 21 working days in a calendar year,
2. in order to undergo specialist examinations, medical treatment and to receive or repair orthopaedic equipment if the above cannot be done outside of working hours.

The abovementioned provision specifies the conditions that the disabled persons have to fulfil in order to exercise this right, that is, to have:

- a valid certificate of severe or moderate disability,
- a reason for release from work – undergoing specialist examinations, medical or rehabilitation treatment, receiving or repairing orthopaedic equipment,
- no opportunity to carry out any of the aforementioned activities outside of working hours.

If an employee fulfils all of the aforementioned conditions, they are entitled to release from work. The employer cannot refuse to grant the release. An absence from work in such a case is justified and has a right to remuneration calculated as a cash equivalent of holiday leave. No provision has been made for a time limit for such release (as opposed to release from work to participate in a rehabilitation camp, when the legislature limits the release to 21 working days per calendar year). The release can take a full day, a few hours, a few or even several days per calendar year, depending on the employee's needs.

There are no provisions detailing how the employer should grant leave for medical treatment. The employer has to therefore specify such rules on their own. The employer might require the employee to provide appropriate documentation supporting the leave application, e.g. by presenting an appropriate referral for treatment.

Taking this into account, it needs to be stated that an employee with severe disability can take paid leave from work, holiday leave or paid leave in order to undergo medical

treatment. It is for the employee to decide what form of absence he/she intends to choose. The employer cannot force the employee to take leave, as to do so would constitute a violation of the provisions of law.

**In August we employed a person full-time. In December, the employee presented us with a certificate of moderate disability and asked for a reduction of his working hours. Is he entitled to such a request? Am I obligated to change his standard working hours? What else should I keep in mind when employing such a person?**

On account of the limited employability of the disabled, the legislative framework has granted them a number of entitlements with regard to employment relationships. This is regulated by the provisions of chapter 4 of the Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (consolidated text, Dz.U. of 2011, No. 127, item 721; hereinafter referred to as Act on rehabilitation).

However, disabled persons need to keep in mind that under the provisions of Art. 20c of the Act on rehabilitation, applicable since 1 June 2011, they can use additional entitlements from the day on which they present the employer with a disability certificate.

According to Art. 15 item 2 of the Act on rehabilitation, a person with severe or moderate disability cannot work longer than 7 hours a day and 35 hours a week. This provision is mandatory; therefore, employers cannot set a higher standard working time for such employees. The only exception is when disabled persons are employed as watchmen or when they have obtained a written approval signed by a doctor conducting preventive medical examinations. In the absence of such a doctor, the approval has to be signed by the doctor who takes care of the employee. In these two cases general provisions of the Labour Code regarding standard working time apply.

Given the facts described here, it needs to be stated that under the current legislation the employer is required to reduce the standard working hours of the employee. They need to bear in mind, however, that under Art. 18 of the Act on rehabilitation the remuneration of the employee needs to stay the same, regardless of the reduction in working time.

Pursuant to the Act on rehabilitation, disabled persons also exercise the right to an additional 15-minute break from work. Persons with moderate disability are also entitled to additional holiday leave of 10 working days, as well as a paid release from work in order to:

- a) participate in a rehabilitation camp,
- b) undergo specialist examination, medical or rehabilitation treatment,
- c) receive or repair orthopaedic equipment.

**One of our disabled employees, who has a severe disability, claims that under legal provisions they are entitled to 21 days of additional holiday leave, making it 47 days of holiday leave in total, including the holiday leave granted by the Labour Code. As an employer, should we grant the employee holiday leave of such duration?**

Pursuant to the provisions of Art. 19 of the Aċt of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (consolidated text Dz.U. of 2011, No. 127, item 721, as amended; hereinafter Aċt on rehabilitation), a person with severe or moderate disability exercises the right to additional holiday leave of 10 working days per calendar year. The employee becomes entitled to their first additional leave one year after they have been determined to have either of these disability degrees. A person entitled to holiday leave of more than 26 working days or additional leave under separate provisions does not exercise the right to the aforementioned leave.

Moreover, under Art. 20 of the Aċt on rehabilitation, a person with severe or moderate disability is entitled to paid release from work:

- 1) for a maximum of 21 working days once a year in order to participate in a rehabilitation camp,
- 2) in order to undergo specialist examinations, medical or rehabilitation treatment and to receive or repair orthopaedic equipment if it cannot be done outside of working hours.

This means that an employee with severe or moderate disability is entitled not only to additional holiday leave, but also to paid release from work in situations indicated by the provision.

Art. 20 item 3 of the Aċt on rehabilitation is essential with regard to holiday entitlement. It stipulates that the total duration of additional leave and release from work granted for an employee with severe or moderate disability cannot exceed 21 working days per calendar year.

In the case described in the question, the employee must have confused the provisions of the Aċt on rehabilitation, hence the request for additional holiday leave of 21 days. Under the provisions, however, the employee has the right to only 10 days of additional holiday leave per calendar year. If they also use the right to release from work on account of participation in a rehabilitation camp, the total duration of the additional leave and release from work mustn't exceed 21 working days.

**Our sheltered workshop employs a few disabled persons working as watchmen. What provisions should we apply to them – those specified in Art. 15 of the Act on rehabilitation, according to which they are entitled to reduced working hours, or the general rules specified by the Labour Code?**

Pursuant to the provision of Art. 129 of the Aĉt of 26 June 1974 the Labour Code (Dz.U. of 1998, No. 21, item 94) an employee's working time mustn't exceed 8 hours a day and on average 40 hours during a 5-day working week during the reference period of up to 4 months, subject to other provisions of the Labour Code.

According to Art. 15 item 1 of the Aĉt of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (i.e. Dz.U. of 2011, No. 127, item 721), a disabled person's working time must not exceed 8 hours a day and 40 hours a week. A person with severe or moderate disability, pursuant to the amendment to the Aĉt on rehabilitation, applicable from 10 July 2014, must not work for longer than 7 hours a day and 35 hours a week (Art. 15 item 2 of the Aĉt on rehabilitation).

Also, in accordance with Art. 15 item 3 of the Aĉt on rehabilitation, a disabled person cannot work night shifts or do overtime.

There is one exception to the aforementioned rules regarding the work time of disabled persons. Pursuant to Art. 16 of the Aĉt on rehabilitation, reduced working time does not apply to:

- persons who work as watchmen,
- persons who, upon request of the employer, obtained medical approval from a doctor who conducts preventive medical examinations of employees, in the absence of such a doctor, the approval has to be signed by the doctor who takes care of the employee.

Therefore, if the disabled person works as a watchman, their working time is specified by Art. 129 of the Labour Code, which means that the prohibition of night shift work and overtime does not apply to them.

**One of our disabled employees has been working for our company since 1 September 2009. His moderate disability certificate expired on 30 September 2012. But on 1 October 2012 he submitted an application for a new certificate to the regional disability board. The new certificate was issued on 2 November and on 15 November the employee presented it to the employer. What rules determine whether this employee should be included in the number of disabled persons in employment now and retrospectively?**

The provision of Art. 2a paragraph 1 of the Aĉt on Vocational and Social Rehabilitation and Employment of Persons with Disabilities stipulates that a disabled person can be included in the number of disabled persons in employment from the day they present the disability certificate to the employer. This rule is applied primarily when the employee presents the certificate for the first time.

Art. 2a paragraph 2 of the A&t on rehabilitation states that if the employee presents another disability certificate they should be included in the number of disabled persons in employment from the day they applied for the renewal of the certificate provided that the certificate confirms that this person was disabled in that period of time and the person applied for a new certificate no later than on the following day after the previous certificate expired. However, paragraph 3 states that an employee can be retrospectively included in the number of disabled persons in employment if they applied for a new certificate no later than on the day after the previous one expired.

Therefore in the situation described above the employer should include the disabled person in the number of disabled persons in employment from the day he presented the certificate, i.e. 15 November. If the certificate confirms that the employee was disabled prior to this date the employer can also retrospectively include them in the number of disabled persons in employment from 1 October since the employee applied for a new certificate within the deadline set in the A&t, i.e. not later than a day after the previous certificate expired.

**We organised a workplace with basic welfare facilities for a disabled employee who had had an accident at work and was thus made unable to work in his former position. However, we realised that we had managed to organise/adapt the workplace only after more than 6 months from when the employee reported their readiness for work, whereas the law obligated us to do so within 3 months. Can we be subject to any legal sanctions because of this?**

In accordance with art. 14 of the A&t of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (i.e. Dz.U. of 2011, No. 127, item 721) the employer is obligated to organise a workplace with basic welfare facilities for an employee who due to an accident at work or an illness is not able any longer to work in their former position. The employer is not obligated to do so if, in the course of the accident, the employee violated occupational health and safety regulations or was intoxicated, provided that these circumstances were the only reasons for the accident. The employer shall organise a workplace within three months following the day the employee reported readiness for work; this, in turn, should be done within a month from the date of recognition of the employee as a person with a disability.

The ruling of 12 December 2002 (II UK 176/2002) by the Administrative Chamber of Labour and Social Insurance of the Supreme Court states that “an employed person”, within the meaning of Art. 14 paragraph 1 of the A&t on rehabilitation, is an employee who, due to an accident at work or an illness, is deemed unable to work in his former position but whose employment has not been terminated.

Art. 23 of the Act on rehabilitation stipulates that an employer who within 3 months does not organise a workplace for a person who is deemed unable to work in their former position is obligated to pay on the day of termination of employment with this person the sum of the average salary multiplied by 15 (x 15) to the State Fund for Rehabilitation of Disabled Persons.

**We have agreed to hire a moderately disabled person full-time. She works 7 hours a day and 35 hours a week. After consultation with the employee we hired her on a permanent contract (7/8 of the full-time equivalent). Does this affect the employee's working time?**

Since 10 July 2014 a new interpretation of Art. 15 of the Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (i.e. Dz.U. of 2011, No. 127, item. 721) has been in force. Pursuant to the interpretation, the working time of a severely or moderately disabled person cannot exceed 7 hours a day and 35 hours a week.

This means that taking advantage of the shorter working time is possible only after the employee presents the employer with a certificate of moderate or severe disability (or an equivalent certificate).

In accordance with Art. 18 of the Act on rehabilitation, compliance with the standard working time described above does not entail a reduction of salary. However, the basic hourly rates corresponding to the personal classification or the type of work are increased if the standard working time described in Art. 15 is introduced. The increase corresponds to the ratio of the working time to the norms mentioned.

Therefore, a severely or moderately disabled employee working full-time should work 7 hours a day and 35 hours a week. The employer can decrease the working time to 7/8 of the full-time amount of hours. However, having done this, the employer should adjust the daily and weekly working time in accordance with the standards of working time for the severely or moderately disabled.

## PART III

### ACT ON PROMOTION OF EMPLOYMENT AND LABOUR

### MARKET INSTITUTIONS AND SUPPORTING ECONOMIC

### ACTIVITY OF THE DISABLED

**What social security contributions are refunded to a disabled person pursuing economic activity by the State Fund for Rehabilitation of Disabled Persons? What is the amount of reimbursement?**

The State Fund for Rehabilitation of Disabled Persons, in accordance with Art. 25 a paragraph 1 point 1 of the Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (Dz.U. of 2011, No. 127, item. 721, as subsequently amended), **reimburses a disabled person pursuing economic activity for compulsory contributions to the pension scheme** up to the amount of contribution whose calculation basis is the sum defined in Art. 18 paragraph 8 and in Art. 18a of the Act of 13 October 1998 on Social Insurance System (Dz.U. of 2009, No. 205, item. 1585, as subsequently amended).

Moreover, in accordance with the Act of 29 October 2010 amending the Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities and some other acts (Dz.U. of 2010, No. 226, item. 1475, as subsequently amended), since 1 June 2011 the monthly reimbursement rates have been diversified depending on the degree of disability. The current reimbursement rate of the contributions depends on the degree of disability:

1. 100% of the amount of mandatory contributions to the pension scheme – in the case of persons with a severe degree of disability,
2. 60% of the amount of mandatory contributions to the pension scheme – in the case of persons with a moderate degree of disability,
3. 30% of the amount of mandatory contributions to the pension scheme – in the case of persons with a light degree of disability.

**Article 18, paragraph 8 of the Act on Social Insurance System** stipulates that the basis for calculation of contributions to the pension scheme of persons having a non-agricultural business is a declared amount, which nevertheless cannot be smaller than 60% of the

projected average monthly salary adopted to determine the amount limiting the annual basis of contribution, published pursuant to Art. 19 paragraph 10 for the calendar year.

**I do not have a certificate proving my degree of disability, only an indefinite certificate issued in 1992, stipulating that my disability is in the 1<sup>st</sup> group. Is the indefinite certificate enough to apply for reimbursement?**

Yes. In accordance with Art. 62 paragraph 1 of the Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (Dz.U. of 2011, No. 127, item. 721, as subsequently amended), persons who were included prior to 1 January 1998 in one of the disability groups preserve the rights granted to them for the validity period of their certificates. In accordance with Art. 62 paragraph 2, a certificate classifying the disability as:

1. 1<sup>st</sup> group is tantamount to a severe degree of disability certificate,
2. 2<sup>nd</sup> group is tantamount to a moderate degree of disability certificate,
3. 3<sup>rd</sup> group is tantamount to a light disability certificate.

An exception is the 3<sup>rd</sup> group certificate issued by the judicial authorities of the Ministry of National Defence (military medical boards) and the judicial authorities of the Ministry of Internal Affairs and Administration (Ministry of Internal Affairs medical boards). This is considered to be proof of the lack of disability as it is issued for people able to work.

Classifying a person as having a mild degree of disability is possible only when the 3<sup>rd</sup> group certificate issued due to the person's incapacity to join the uniformed services classifies the person as having a mild disability also on the grounds of their overall state of health.



## PART IV

# BASIC FORMS OF SUPPORTING THE EMPLOYMENT OF PERSONS WITH DISABILITIES

**Is the Social Security Institution's (ZUS) decision to grant or continue an invalidity pension sufficient proof of disability to use in the application for subsidising the employee's salary?**

The decision to grant or continue an invalidity pension cannot be used as a basis for such an application because, pursuant to Art. 1 of the Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (Dz.U. of 2011, No. 127, item 721, as subsequently amended), a disabled person is a person whose disability has been proven by:

1. their qualification by adjudicating bodies to one of three degrees of disability as defined in Art. 3 of the Act,
2. a certificate confirming their total or partial inability to work on the basis of other provisions,
3. a certificate of disability issued before the age of 16.

**Our company employs 20 people, none of whom is disabled, and next month we will have one vacancy. Therefore, we are considering employing a disabled person. What conditions need to be satisfied in order to receive financial assistance (subsidies) towards their salary?**

Issues connected with receiving financial assistance towards the salaries of disabled employees are regulated by Art. 26 a-c of the Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (i.e. Dz.U. of 2011, No. 127 item 721), hereinafter referred to as the Act on rehabilitation.

Firstly, financial assistance can be claimed only if the disabled workers are employees in the meaning of Art. 2 of the Act of 26 June 1974, the Labour Code (Dz.U. of 1998, No. 21 item 94, as subsequently amended), i.e. persons employed under employment contracts, appointment, election, nomination or co-operative employment contracts. In addition, the employer must have a valid certificate confirming the employee's disability. Without this a person cannot be legally considered as disabled and consequently as entitled to financial assistance from PFRON (The State Fund for Rehabilitation of Disabled Persons).

Secondly, financial assistance is granted on condition that the so-called incentive effect is fulfilled. This can be done using the quantitative or qualitative methods. The quantitative method consists in a net increase in total employment and a net increase in employment of disabled workers when a new employee with a disability is hired. The net increase in total employment and in employment of disabled workers is determined in relation to the average monthly employment in general and of people with disabilities in the previous 12 months. Alternatively, the incentive effect can be shown using the qualitative method, which consists in the fact that hiring a new worker was a result of the termination of employment with another employee:

- 1) due to reasons presented in Art. 52 paragraph 1 point 1 of the Labour Code,
  - 2) because the employee has given in their notice,
  - 3) by the agreement of the parties,
  - 4) owing to their inability to work and consequent retirement,
  - 5) due to the contract's expiration,
  - 6) because the specific task, for which the contract was made, has been finished,
- or if the vacancy filled by the new employee was created as a result of:
- a) termination of a contract of employment,
  - b) reduction of an employee's working time – at their request.

It is worth mentioning that currently the incentive effect is determined with the quantitative method pursuant to the provisions of the European Commission regulation No. 800/2008 of 6 August 2008, which declared certain categories of aid compatible with the common market in application of Art. 87 and 88 of the Treaty (General Block Exemption Regulation) (OJ EU L 214, 09.08.2008, p. 3), and not the Act on rehabilitation.

If the employer meets the above conditions, they can apply for financial assistance towards the disabled employee's remuneration in the manner and on the terms specified in the applicable provisions of the Act on rehabilitation.

**A disabled employee *A* handed in notice of termination of employment, whose period ended on 24 September 2014. Since *A* was on leave during the period of notice, we hired a disabled person *B* for his position. Can we demonstrate the incentive effect using the qualitative method in this situation and receive financial assistance towards *B*'s salary since *A* is in the period of notice and his contract is bound to be terminated?**

In accordance with the provisions of the Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (consolidated text Dz.U. of 2011, No. 127, item 721), financial assistance towards the salaries of new employees can be received only if the incentive effect is demonstrated using the qualitative or quantitative methods.

The quantitative method can be used to show that hiring a new disabled employee in a given month causes a net increase in total employment and a net increase in employment of disabled workers in the company. The net increase in total employment and in employment of disabled workers is determined in relation to the average monthly employment in total and of persons with disabilities in the previous 12 months respectively. If the employer can prove the incentive effect using the quantitative method, they will receive financial assistance towards the remuneration of the newly recruited disabled worker.

The qualitative method, in turn, can be used if the new employee was hired as a result of the **termination of the employment contract** with another worker:

- 1) due to reasons presented in Art. 52 paragraph 1 point 1 of the Labour Code,
  - 2) **because the employee has given in their notice**,
  - 3) by the agreement of the parties,
  - 4) owing to their inability to work and consequent retirement,
  - 5) due to the contract's expiration,
  - 6) because the specific task, for which the contract was made, has been finished,
- or if the vacancy filled by the new employee was created as a result of:
- a) termination of the contract of employment,
  - b) reduction an employee's working time – at their request.

In the case of contracts of employment which cease to exist by notice filed by one of the parties, the date of expiry of the notice period of the agreement is considered to be the date of termination of the contract. Consequently, if we want to demonstrate the incentive effect using the qualitative method, a new employee can be hired only after this date. Therefore, as long as the worker is employed, even though s/he is on annual leave, a new employee can be hired in his/her place only after the termination of the contract with the former employee.

In conclusion, in the situation described above you cannot demonstrate the incentive effect using the qualitative method, because the contract with the previous employee has not been terminated yet.

**For over a year we have been employing a disabled person whose workstation was equipped with funds from PFRON. However, we are not satisfied with their work and we would like to terminate their contract of employment as further employment will expose us to additional financial damage. Can we face any consequences for doing so?**

Employers who want to hire a disabled person may obtain public funds for expenses related to the creation of a new workplace or adapting an existing one to the needs of a disabled person.

This is specified in Art. 26e of the Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities (consolidated text Dz.U. of 2011, No. 127, item. 721, as subsequently amended; hereinafter referred to as Act on rehabilitation): the employer can be reimbursed for adjusting the workplace to the needs of a disabled person with an amount that cannot exceed the average salary multiplied fifteen times. For this to happen, the employer has to meet several conditions set out in the regulations.

One of them is that the disabled person needs to be employed for at least 36 months. Art. 26e of the Act on rehabilitation requires employers to employ the disabled person at the equipped workplace for at least 36 months on pain of returning the received funds. Thus, an employer who has received moneys from PFRON to equip a workplace for a person with disabilities and dismissed this person before the qualifying period will have to return the received funds. Reimbursement shall be made for each month missing until the end of the 36-month period of employment in the amount of  $1/36$  of the total sum they received from PFRON. However, regardless of the number of missing months, the amount of reimbursement shall not be smaller than  $1/6$  of the total amount. The deadline for repayment is 3 months from the date of termination of employment of the disabled person.

The employer may, however, obtain exemption from the obligation to return the funds. This can occur if within 3 months from the date of dismissing the disabled person they employ another person with a disability for the same job position. In this case, the period between dismissing one disabled employee and hiring another one should not be counted towards the required 36-month period.

Given the above, the employer has two options. They can either dismiss the disabled person and return the received funds, or employ another person with a disability.

## APPENDIX 8

### TEST OF KNOWLEDGE OF SUPPORTED EMPLOYMENT

*Please indicate one answer to each of the questions below or write your answers in the blanks below open-ended questions.*

1. Supported employment is:
  - a) support in finding employment in the open labour market,
  - b) support in finding and maintaining employment in the open labour market,
  - c) support in finding remunerated employment in the open labour market,
  - d) support in job maintenance,
  - e) difficult to say.
  
2. Supported employment clients are:
  - a) employers,
  - b) unemployed persons and job seekers,
  - c) persons with intellectual disabilities and mental illnesses,
  - d) disadvantaged persons including persons with disabilities, their immediate environment and employers,
  - e) difficult to say.
  
3. The job coach is:
  - a) employed in the workplace along with the supported person,
  - b) employed by the supported person,
  - c) employed by an external recruitment agency,
  - d) employed exclusively by the local job centre,
  - e) difficult to say.

4. Supported employment values and principles do not include:
  - a) treating clients as objects,
  - b) respect for dignity,
  - c) an individual approach,
  - d) empowerment,
  - e) difficult to say.
  
5. One of the tasks of the job coach is:
  - a) to show the client his/her professional abilities and preferences,
  - b) to analyse the job market,
  - c) to make decisions for the client,
  - d) to substitute for the client at work when the client is absent,
  - e) difficult to say.
  
6. Which of the answers below does not constitute a stage of supported employment?
  - a) client engagement,
  - b) vocational profiling,
  - c) finding employers,
  - d) employment of the job coach,
  - e) difficult to say.
  
7. Should the job coach cooperate with other professionals? If so, what professions should they cooperate with?

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8. Person centred planning encompasses:
  - a) a plan created for the employer who wishes to employ a supported employment client,

- b) preparation of a vocational profile and career path for a client who is looking for employment opportunities,
  - c) a collection of practical tips for the job coach who supports a client with disabilities,
  - d) only data related to the closest relatives of the supported person,
  - e) difficult to say.
9. When we analyse the competences and abilities of a supported employment client we focus on:
- a) the client's state of health,
  - b) his/her strengths, talents and skills,
  - c) his/her deficits and limitations that impact employment,
  - d) the formal education of the client,
  - e) difficult to say.
10. The job coaching model includes:
- a) interactive training of the supported person prior to employment,
  - b) supporting the person in signing an employment contract,
  - c) an interactive training process on and off the job as well as long-term on and off the job support,
  - d) ongoing support for the client after employment,
  - e) difficult to say.
11. What forms of employment are applied in the case of persons with disabilities?
- a) Full-time employment contract,
  - b) civil law contracts,
  - c) self-employment,
  - d) all of the above,
  - e) difficult to say.

12. An employee with disabilities is not entitled to:

- a) additional 15-minute breaks,
- b) additional holiday of 20 working days,
- c) paid leave to access or repair orthopaedic aids, if such repairs or access cannot be availed of outside of working hours,
- d) paid leave amounting to 21 working days per calendar year to take part in a rehabilitation holiday camp (maximum of one camp per year),
- e) difficult to say.

13. Are there any differences between open and sheltered employment markets? If so, what are these differences?

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14. Employers who employ an employee with disabilities cannot avail of:

- a) subsidy towards the disabled employee's salary,
- b) reimbursement of the cost of workstation equipment,
- c) reimbursement of the costs of training for persons with disabilities,
- d) reimbursement of the costs of the purchase of a car for transportation of the employee with disabilities,
- e) difficult to say.

15. Marketing of supported employment services consists in:

- a) finding jobs for persons with disabilities,
- b) selling a unique recruitment service to employers,
- c) maintaining a relationship with the employer in order to provide a satisfactory service,
- d) all of the above,
- e) difficult to say.



16. Support for employers in the supported employment process consists in:

- a) selection of the right employee,
- b) training of the selected employee,
- c) facilitating stable employment of the employee,
- d) all of the above,
- e) difficult to say.

17. What does natural support in the workplace consist in?

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18. What are the components of a job coach's support for job maintenance within supported employment services?

- a) intensive workstation training, based on interventions, supplementary in nature,
- b) contacting employers and co-workers of employees with disabilities,
- c) off the job support,
- d) all of the above,
- e) difficult to say.

19. Methods and channels of job finding for clients of supported employment programmes are:

- a) the same as for all other job seekers,
- b) through job centres only,
- c) selected offers available only in specialist recruitment agencies,
- d) advertisements in local press,
- e) difficult to say.

20. What difficulties may arise in the supported employment process? (provide three examples)

.....

.....

.....

INSTRUCTIONS AND ANSWER KEY

This test of knowledge of supported employment should be taken by training participants on the first and the last day of the course.

ANSWER KEY:

1. In closed questions, the “0-1” system is applied. Correct answers get 1 point. Incorrect answers or “hard to say” answers get 0 points.

Correct answers in closed questions:

Task number	1	2	3	4	5	6	8	9	10	11	12	14	15	16	18	19
Answer	b	d	c	a	b	d	b	b	c	d	b	d	d	d	d	a

2. Open-ended questions:

- a) Question 7:
  - “No” – 0 points
  - “Yes” and listing at least one expert/specialist – 1 point
- b) Question 13:
  - “No” – 0 points
  - “Yes” and listing at least one correct difference – 1 point

c) Question 17:

- incorrect answer – 0 points
- correct answer – 1 point

d) Question 20:

- No answer – 0 points
- Three correct difficulties listed – 1 point

**TOTAL POINTS:**

<b>Pass with distinction</b>	<b>18-20 points</b>
<b>Good</b>	<b>17-15 points</b>
<b>Sufficient/satisfactory</b>	<b>14-12 points</b>
<b>No pass</b>	<b>11- 0 points</b>

## APPENDIX 9

### DAILY SUMMARY QUESTIONNAIRE

Think about today and answer the questions below. Your feedback will help us improve the programme and match it to the needs of the participants.

- Would you have liked to spend more time on any topic?
- Would you have liked to spend less time on any topic?
- Would you have liked to skip any topic?
- Was there anything you did not understand?
- Was there anything you did not agree with?
- Any other comments?

# APPENDIX 10

## TRAINING EVALUATION SHEET

TRAINER:

DATE:

### DEAR TRAINING PARTICIPANT!

You have taken part in our supported employment training course. Your training evaluation will enable us to improve our work.

Please provide your feedback by filling in this evaluation sheet and by presenting your overall impression of the course.

Grade your opinions in accordance with the following scale:

(5) I totally agree

(4) I agree

(3) I have mixed feelings

(2) I do not agree

(1) I totally disagree

### 1. Overall training evaluation

	5	4	3	2	1
I have acquired useful skills during the course					
I will be happy to participate in another course taught by the trainer/trainers					
I find the topics we have discussed interesting					
I evaluate taking part in this course as useful from a professional point of view					

### 2. Training delivery

The presented topics were explained in a clear way					
The atmosphere in class was favourable for effective learning					
I received detailed answers to all my questions					

The trainers followed the specific expectations and needs of the group					
The exercises were well prepared and inspired me to take an active part in the course					

3. What did you find most useful and why?

.....

.....

.....

4. Would you introduce any changes to this course? If so – what particular changes?

.....

.....

.....

5. What did you think about the pace of the training?

Appropriate ( )    Too fast ( )    Too slow ( )

6. Other remarks and comments (re: training, organisation, trainers):

.....

.....

.....

7. What other courses would you like to take part in this calendar year?

.....

.....

.....

# APPENDIX 11

## SELF-STUDY GUIDE

### FOR TRAINING PARTICIPANTS

## PART ONE

### WHAT IS SUPPORTED EMPLOYMENT?

This part of the guide explains what supported employment is, the genesis of the model and how supported employment relates to the key values underlying support for persons with disabilities.

In this part you will learn about:

- 1) the origins of the model of supported employment,
- 2) the definition of supported employment,
- 3) key values underpinning supported employment,
- 4) key principles of supported employment.

### WHY WORK?

In its most generic meaning, supported employment is designed to support persons with different kinds of disabilities and help them achieve vocational success. An obvious question springs to mind: what is it all for?

Before we answer the question, it may be worth considering the reasons why people take up work; let's start by taking yourself as an example.

## EXERCISE 1

*For a moment, think about your own professional life and about the reasons why you work. Some of the reasons may seem obvious and common for many people who are employed; other reasons may be specific for yourself and your life situation.*

*Write down a list of the reasons you have come up with.*

For most of us, one of the reasons that instantly springs to mind when we consider employment is money. Thanks to employment, most of us can become financially independent and make our own choices and decisions. However, if we give the question more thought, it becomes clear that there are many more reasons to work than just the financial aspect. Work brings with it many social, material and emotional advantages.

## EXERCISE 2

*Supported employment is a model of support for persons with disability; it enables them to seek and maintain employment.*

*Take another look at the list of reasons for work you have written down. Are there any items on the list that would be different in the case of persons with disabilities? If so, write down these items along with an explanation of the differences.*

Two reasons to work may be different in the case of persons with disabilities, or may change the list of priorities:

- Money. Persons with disabilities usually receive benefits that enable them to become at least partially independent. Sometimes they live with their parents and for this reason they do not always pay the expenses that other able-bodied people have to pay (household maintenance, electricity bills, food, car maintenance costs, etc.).

However, we must remember that many persons with disabilities list money, and the ability to earn money, as one of the reasons why they want to work.

- Meeting expectations. A frequently mentioned reason for wanting to work is social expectation: adults should work. This expectation is passed on to persons with disabilities in their childhoods, and later through their families, teachers and friends. Remember how often as a child you were asked the question “What will you be when you grow up?” Little children let their imaginations run wild and dream of becoming singers, astronauts or princesses. As they grow up, they are expected to become more realistic in their answers and associate their future with more concrete jobs such as a teacher, nurse or fireman.



Children with disabilities who require ongoing support are rarely asked the question about what they want to do when they grow up. The expectations of adults who look after such children are often limited to the idea that people with disabilities only require care in their adult lives. Society does not perceive persons with disabilities as future employees who can earn their living and be valuable team members.

It must be underlined yet again that many persons with disabilities do have their professional dreams; they need to be given the right support that will enable them to acquire professional qualifications and find a job.

### EXERCISE 3

*Most probably in the previous exercises you placed a lot of emphasis on the positive reasons for taking up employment. However, we all know that work does not necessarily have to be a positive experience. It may also have a negative impact on our lives.*

*Please write down some negative aspects of professional life.*

Most of us would agree that the advantages of work outnumber the disadvantages. This claim is supported by the results of research on the link between long-term unemployment and low self-esteem, lack of meaningfulness, depression and apathy.

### **Work is beneficial for everyone!**

Based on this claim, we can assume that persons with disabilities can benefit from remunerated employment. However, statistical data from many countries, including Poland, shows how low the proportion of persons with disabilities is in the total number of employed people. The employment rate among persons with disabilities is exceptionally low.

### EXERCISE 4

*Spend some time searching the Internet for some up-to-date statistics on the employment level of persons with disabilities in Poland and compare this against the data for the able-bodied population.*

*Create a table with the data.*

## EXERCISE 5

*Why do you think the unemployment rate among the persons with disabilities is higher than among able-bodied people? There is a range of reasons. Please write down a list of reasons.*

## THE ORIGINS OF THE MODEL OF SUPPORTED EMPLOYMENT

In the early 1980s, a new method, designed for supporting persons with disabilities who wanted to work, appeared. The new approach soon found its followers in Canada and later spread throughout Europe. The model developed dynamically and became an effective support tool for many types of disability. In recent years, supported employment has also been successfully used in the case of socially excluded persons who have limited access to employment i.e. ex-convicts, those addicted to drugs and alcohol, immigrants and refugees.

What were the features that distinguished supported employment from other methods of support? Why was the model supposedly more effective than other models that existed at the time?

There are many ways to define supported employment. A simple definition that contains the model's key characteristics is below.

The definition of supported employment:
Supported employment is remunerated employment on the open labour market, with ongoing support.

The three key characteristics of the model in the definition are:

1. remunerated competitive employment: supported employment means employment that is paid for by an employer in accordance with current market rates; employers are not subsidised; within the model, nobody offers employers a cheap labour force,

2. ongoing support: persons with disabilities are supported in choosing their careers and workplaces, finding appropriate remunerated employment and achieving professional success; in other words, support is provided throughout the process and on an ongoing basis; support can take many forms and is also offered to employers,

3. open labour market: persons with disabilities are supported in finding real jobs i.e. they are employed to do the work that an employer is willing to pay for; moreover, if the work were not done by a supported employee, an employer would have to pay someone else to do the job.

The three characteristic components of the model distinguish it from the traditionally applied strategies of employment assistance for persons with disabilities.

## EXERCISE 6

*Think about how supported employment differs from other strategies for the promotion of employment of persons with disabilities. Please write down the differences in a table; in the first column write down the “traditional approaches”, in the second column write down the differences observed in the supported employment model.*

In most countries where the model has been implemented it has yielded good results and has been a good alternative to other (less effective) employment strategies. The model is still developing and gaining popularity in other countries. It is also proving its value for different types of disability.

## EXERCISE 7

*Use different sources of information and find out how supported employment has been developing in Poland. Write a summary of what you have discovered.*

## SUPPORTED EMPLOYMENT AS AN ALTERNATIVE TO SHELTERED WORK

Supported employment was created in response to categorical demands from persons with disabilities and their advocates to ensure equal rights for persons with disabilities – including the right to employment. The model has been successfully integrated into economic and political trends and it has been able to achieve results that have not been attainable by other approaches. Previously, many governments had grown increasingly worried about the rising cost of the welfare state – this led to their approval of all initiatives aimed at activating more individuals to contribute to society and pay taxes instead of being passive benefit recipients.

Supported employment was not merely an alternative to other strategies of vocational rehabilitation; in Poland, it was also an alternative to sheltered employment in the form of vocational activation workshops, occupational therapy workshops and sheltered workshops.

Sheltered work, as suggested by the name itself, has little in common with regular competitive employment and is usually organised in facilities dedicated for the persons with disabilities; it “shelters” the persons with disabilities from the demands of regular employment. Individuals benefiting from services provided in vocational activation workshops

usually work five days a week and for a regular number of hours. The work they do is usually of a repetitive nature and is typically done by hand (for example, fixing plugs on electrical cables, the production of brushes, inserting leaflets into envelopes, or packing vacuum cleaner bags into boxes). In most countries (with few exceptions), individuals working in occupational therapy workshops are not covered by the provisions of employment law. The work they do is perceived as a form of therapy rather than real employment. In sheltered workshops and vocational activation workshops, employees sign employment contracts but employers pay much more attention to disability certification than to their real skills. Without subsidies from the Polish State Rehabilitation Fund, such enterprises would find it difficult to survive on the competitive market.

## EXERCISE 8

*If you have not had an opportunity to find out more about sheltered workshops/vocational activation workshops/occupational therapy workshops, find out where the nearest workshop is and pay a visit. During the visit please observe how work is done at the workshop and talk to staff members and persons with disabilities about how the workshop is managed. If such a visit is not possible, please try to acquire the necessary information by telephone – arrange a phone conversation with the workshop management.*

In Ireland there are over 200 sheltered workshops (similar to the Polish vocational activation workshops) which support approximately 8,000 persons with disabilities. The Irish workshops are organised in a more traditional way than similar centres in Holland, Germany and Italy.

Some countries have tried to address the criticism of closed and segregation-based forms of employment for persons with disabilities. In the Netherlands, persons with disabilities working in the workshops have the right to sign regular employment contracts and they earn regular market rates. In Italy and in Germany, a new solution called “social enterprise” has been developed. Thirty percent of the employees of such enterprises are socially disadvantaged, including persons with disabilities. Employees earn regular market rates, regardless of their productivity. All of them enjoy equal employment rights and obligations.

In other countries there are also other forms of vocational activation. For example, in France persons with disabilities can be employed in a regular workplace (not a workshop) for a period of 5-6 months. They receive remuneration for their work but the money they earn is most often transferred to their workshops rather than to the employees themselves. After the term of employment expires, the employee returns to his/her original workshop.

In Denmark, some agencies for persons with disabilities have established companies that are managed by persons with disabilities. The companies manage services such as hostels, cafes and conference centres, and are subsidised by agencies whose staff ensure the necessary support for the companies' employees with disabilities.

Ireland also runs a form of sheltered workshops, referred to as “mobile work teams”. The model is extensively applied in St. John of God Dublin. The teams are composed of persons with intellectual disabilities supervised by an agency staff member. Mobile work teams typically perform contracted work; for example, they deal with landscaping, cleaning services, park and green area maintenance, or plant care in large office buildings. These teams typically have their own equipment and means of transport. The employees go to work together, perform the assigned tasks under the supervision of a staff member and later return home together. The agency receives remuneration for the work performed and then pays rates to team members (these, however, are not standard minimum rates). In Poland there are similar solutions, applied by the EKON Association, for example.

Many modern forms of sheltered employment provide a better solution than traditionally organised workshops. They facilitate contact with other able-bodied employees and offer better financial conditions than traditional workshops. Moreover, the work itself is typically more interesting and meaningful than traditional tasks performed in sheltered workshops. All these are still variations of sheltered employment and do not constitute a form of supported employment.

Supported employment means real employment on the open labour market, with a normal work contract and a regular rate. In other words, the work performed by a person with disabilities could be done by any other employee; the job is not created only with a person with disabilities in mind. In the supported employment model, a employee with disabilities has the right to the same work contract as any other person doing the same work. This also means the same employee duties and obligations. Finally, employees with disabilities receive remuneration in accordance with regular market rates and at the same amount as able-bodied individuals performing the same job.

In summary, supported employment is different from sheltered employment in that it offers persons with disabilities:

- real employment on the open labour market,
- regular work contracts,
- remuneration in line with the current market rates,
- support in choosing, finding and maintaining a job position.

## KEY VALUES UNDERPINNING SUPPORTED EMPLOYMENT

There are four fundamental values that underpin supported employment.

### The four fundamental values of supported employment:

- Normalisation.
- Social role valorisation.
- Inclusion.
- Empowerment.

Normalisation. The first time the notion of normalisation was used was in 1959 by the Danish researcher Niels Erik Bank-Mikkelsen, so normalisation is by no means a new idea!

The term did not exist in the language of law, but there was no doubt as to the intentions that underpinned the idea and the intended changes to the system of services for persons with disabilities connected with it. These changes triggered a lot of international interest. In 1962, John F. Kennedy visited Denmark in order to learn about the system of services for persons with intellectual disability in the country. He was driven by both political and personal reasons as his sister was a person with intellectual disability. In 1964, Bank-Mikkelsen presented the Danish system of services for persons with disabilities at an international conference in Paris. The presentation, entitled “Normalisation of Services”, marked the first time the term was officially used.

Along with his Swedish colleague, Bengt Nirje, Bank-Mikkelsen travelled to the US and Canada, where they delivered a series of lectures at a number of conferences organised in the two countries. One of the lectures became a source of inspiration for Wolf Wolfensberger, a German psychologist from the University of Nebraska. The series of events initiated an international debate that drove new ideas forward and that disseminated the concept of normalisation in Western countries.

There is no single definition of the term “normalisation”. Different definitions are applied but all of them emphasise the fact that normalisation is about empowering disadvantaged individuals (this includes persons with disabilities) to access and enjoy the same rights and opportunities as the rest of the society.

Normalisation is not about making everybody “normal”. The differences between people are an uncontested fact; however, being “different” must not lead to social exclusion.

Normalisation also recognises the necessity to support some individuals in order to enable them to enjoy equal rights and opportunities. For example, a child with a severe intellectual

disability should have access to education in a local mainstream primary school – just like his/her non-disabled peers. This is possible, provided that the school has appropriate human and material resources.

Consequently, the notion of disability has acquired a new dimension: instead of perceiving a person with disabilities as a “problem”, we focus on the inability of society to appropriately support them, thus preventing him/her from accessing the same rights and opportunities as other citizens.

## EXERCISE 9

*Based on the information you have collected about the characteristic features of supported employment, try to justify why normalisation is the foundation of supported employment. Write down your thoughts on the subject in your notebook.*

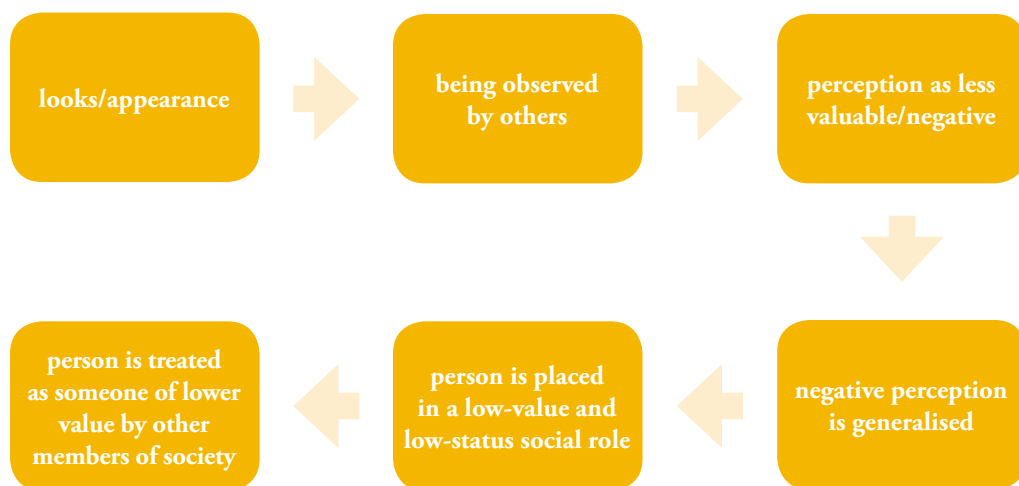
Social role valorisation. The introduction of the term “normalisation” was followed by a few years of international debate on the practical application of the notion. With time it turned out that the notion itself could often prove confusing. Within the English word “normalisation” we can find two words: “norm” and “normal”. This fact often led to misunderstandings. Some people misinterpreted the term and thought that persons with disabilities had to abide by the norm, or resemble a typical or a statistically average person. Another interpretation was that persons with disabilities should become ‘normal’ – in other words, they should stop behaving like persons with disabilities. Therefore, it became clear that a better term needed to be forged, one that would not leave any room for misinterpretation.

In 1980, Wolfensberger used the term “social role (re)valorisation” instead of the term “normalisation”. He did this in order to avoid the confusion inevitably resulting from the term “normalisation” and to emphasise the necessity for the citizenship rights of people with disabilities to be recognised by society in general.

Wolfensberger had been interested in social role theories and the factors that lead to the marginalisation, segregation, maltreatment and deprivation of some social groups. Understanding the mechanism of marginalisation would let us, in his view, avoid the problem in the future.

An important concept that facilitates an easier understanding of marginalisation is the concept of “social devaluation”. It describes the way in which a person or a group is perceived as of little value or of low social status. The process of devaluation takes place both in the case of individuals and with larger groups.

**Social devalorisation proceeds in the following phases:**



For instance, I'm walking down the street and I see a person approaching me. I notice that the person is wearing a pair of worn-out jeans and a hooded sweatshirt. The person is also carrying something that looks like a can of beer. The person is lurching, too. I do not like what I'm seeing and I do not like the person's behaviour. Consequently, I decide that the person looks like a homeless drunkard. The person falls down on the pavement, and I decide to ignore this fact and continue walking instead of offering help. This situation is an example of the social devalorisation of an individual.

However, the most serious form of social devalorisation is the devaluation of social groups by other social groups or by the whole of society: for example, the devalorisation of one social class by another class, or by followers of one faith by followers of another faith, or by members of one ethnic group by members of another ethnic group. In such circumstances, it is not only the collective value of the group that becomes devalorised – but also that the value of each individual member of the group is diminished just because they belong to the group.

The values followed by a society are reflected in the society's decisions pertaining to the valorisation of some individuals and the devalorisation of others.

- If a certain society values high material status, ownership of a house and a car, then contempt for poverty follows. This means that poor people are at risk of devalorisation. Society may perceive them as of little value; the pejorative perception of poverty is transferred to the poor person.



- If a society values good health, attractive looks and physical fitness, then people who do not meet the criteria (as they look differently, are ill or overweight) are threatened with devalorisation. This is so because they do not conform to the standards that this society values highly.
- If a society values skills and capabilities, independence, productivity and intelligence, then people who experience difficulty learning and are dependent on the support of others are not perceived as productive, talented and skilled, and are therefore at serious risk of devalorisation.

Social devaluation is proportional to the deficiencies of the disadvantaged people, as perceived by society. The more “deficient” areas there are, the lower the value of the person/group in the eyes of society. A person who, when judged by social standards, is poor, ill, unattractive or has a lower level of intelligence will be at the bottom of the social hierarchy.

The level of social devalorisation is also dependent on the value assigned to the evaluated characteristics and on the number of people for whom these characteristics are important. In other words, if 90% of the population value full-time employment highly, then unemployed people will be perceived of as of a lower value than they would be in a society where only 60% regard full-time employment as important.

The consequences of social devaluation for individuals are numerous and serious.

#### Negative consequences of social devalorisation:

- Rejection.
- Negative “pigeon-holing”.
- Segregation.
- Grouping.
- Loss of autonomy.
- Loss of interpersonal relations.
- Poverty.
- Lowered self-esteem.

### 1. Rejection

Persons with disabilities may sometimes differ from others in terms of their looks and behaviour and are therefore at risk of rejection by their families, schools, passers-by, employers and the rest of society.

Each and every one of us sometimes experiences rejection, for example when we don't get the job of our dreams or when a partner leaves us. We know how much rejection hurts. Let

us imagine what our lives would be like if our experience told us to expect complete rejection by the majority of the society.

## **2. Pigeonholing and negative stereotypes**

One of the mechanisms of social devalorisation is the negative pigeonholing of certain individuals. The way a group or an individual is named reflects the attitude of the society towards such a group or individual. We have all come across negative terms describing persons with disabilities, e.g. “looney”, “crippled”, or “retarded”- just three examples out of many words used to label others in a humiliating or mocking way.

## **3. Segregation**

Segregation is a result of the marginalisation of certain members of a society and their separation from the rest of society. People do not voluntarily choose life in segregated settings; they are forced to do so. Although many large segregation-based institutions have now transformed into local community centres, it is hard to conceal the fact that segregation does still exist. A relatively small group of persons with disabilities may share a home in a local community. This may mean they only have contact with one another and their support staff. Segregation governs their lives when they are transported to their day care centres of occupational therapy workshops or vocational activation workshops.

## **4. Division into groups**

The most typical form of segregation is the division into groups of similar people. There are many reasons for such segregation. The most common one is the easier organisation of intervention in the cases of groups with very similar needs, and this is followed by the conviction that people like spending their time with people similar to themselves. Persons with disabilities may be divided into groups based on medical diagnosis (all persons with disabilities, or all persons with Down's syndrome in one group, all autistic persons in another one, all persons with motor disabilities in yet another group, etc.) or based on their level of functioning.

Such a division has some negative impact: it limits opportunities for interaction with the able-bodied population and it limits opportunities for watching and learning typical social behaviours.

Moreover, the divisive approach emphasises the characteristic features of an entire group and does not pay enough attention to the features of particular individuals within the

group. Group members are therefore no longer perceived as unique individuals with characteristic features, typical behaviours, special skills and preferences. Instead, they are seen through the lens of their groups, and perceived to have a stereotypical set of characteristics, e.g. people with Down's syndrome are loving and gifted at music, people suffering from mental illnesses have split personalities and are dangerous, the blind are great basket weavers, etc.

## **5. Loss of autonomy**

Most people who are perceived socially as of little value lose control over their own lives; they have little choice and limited rights, as well as limited influence on their own lives and environment. Persons with disabilities are often forced to accept their flatmates (and not asked if they want to share a flat at all, and if so, with whom), they have no right to be in a sexual relationship (unless they can prove that they are capable of leading an independent life and capable of giving conscious consent to sexual intercourse); they are ordered to go to sleep, to wake up, to follow a certain diet, etc.

## **6. Loss of interpersonal relationships**

Persons perceived as those of lower value often suffer from isolation and loneliness. They are dependent on a professional who supports them and delivers the necessary assistance. When they feel unhappy, they can share their emotions with a social support worker or a psychologist instead of talking to a friend or a colleague from work. When they need company to go out, they turn to their personal assistants, interpreters, guides or volunteers. Natural friendship is rarely their experience; the friends they have are also easy to lose as their school friends disappear when they have to move to other day care centres or when their flatmates move with their families, or when organisations relocate their clients to make space for new clients with disabilities.

## **7. Poverty**

Those perceived as less valuable members of society suffer from poverty more frequently than others. Persons with disabilities typically own very little and the money they have is often controlled by others. Their poverty results from social devalorisation as they are not perceived as having certain skills and as able to earn and manage their money. Poverty, in turn, leads to devalorisation in most societies.

## 8. Low self-esteem

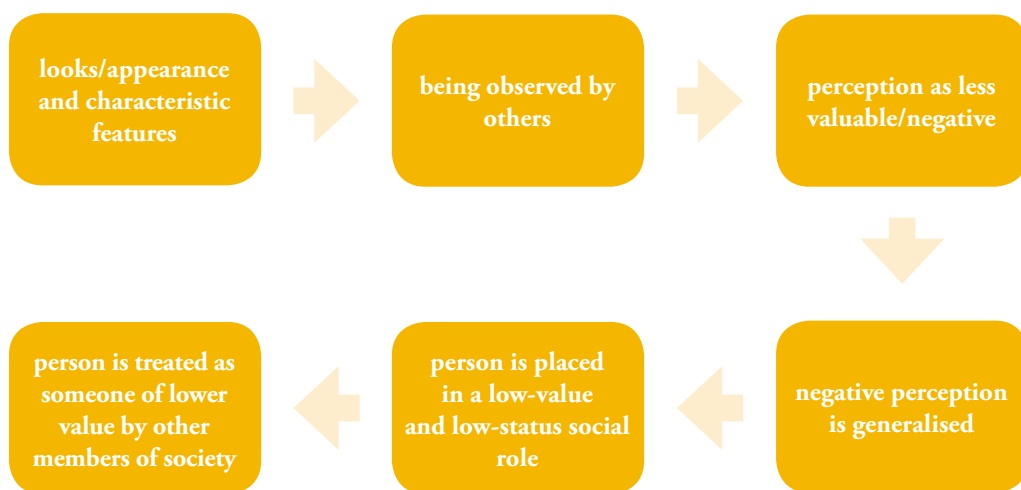
Persons perceived as less valuable by society have a tendency to adopt the way others see them. Consequently, they perceive themselves as negatively as the rest of their society. This results in low self-esteem.

Based on the presented understanding of the mechanisms of devalorisation and marginalisation of certain social groups, and taking into account the negative effects of social devalorisation, in 1992 Wolfensberger introduced the new concept of *social role valorisation* (SRV).

Social role valorisation is a process whereby a person acquires a socially valuable role through socially valued means.

### Assignment of socially valued roles

In order to assign socially valued roles to persons and in order to avoid the negative effects of social devaluation, it is necessary to once again analyse the process of devalorisation and consider the ways of preventing the process from occurring.



Initially, we can try to change the looks or characteristic features of the person as these two factors initiate the devalorisation process. In the past, persons with disabilities were easy to recognise thanks to specific uniforms that each institution used, and thanks to their specific haircuts. This aspect can be changed in a relatively easy way. However, it's much more complicated to alter the characteristic features of a person. Although plastic surgery is common among individuals suffering from some conditions that lead to bodily

deformation (e.g. people with Apert syndrome have their fused fingers split surgically and their skull malformations are corrected), these operations are for practical reasons rather than aesthetic ones.

Of course, changing the looks of persons with disabilities is not always possible or welcome. Another way to counteract the process of devalorisation is to change the way persons with disabilities are perceived by others. This doesn't necessarily imply any change in the person with disabilities; often it is enough to change the environmental context and the situation of the person.

For example, a young man getting off a bus with a logo reading "*Sunny Bus of the Association of Persons in Wheelchairs*" is much more prone to social devalorisation than a person with disabilities getting off a regular city bus. A woman with Down's syndrome who is chatting with four other women with disabilities and one disabled person's assistant will be perceived differently to the same woman chatting with four non-disabled women. A person in a wheelchair who needs help to enter a sheltered workshop is perceived differently to the same person who works at the reception desk of a law firm.

The third and fourth stages of devalorisation are associated with the characteristic features of persons with disabilities. When these features are perceived as negative, the person himself/herself is typically treated as a person of little value.

In each culture some features are perceived as valuable while others are seen as less valuable. The particular sets of features vary depending on the culture and the times. For instance, some cultures value being overweight as a sign of affluence, while advanced age is seen as a sign of wisdom. Our culture, in turn, assigns no value to being overweight or old. A century ago light complexion was associated with beauty – hence the popularity of large broad-brimmed hats and umbrellas. Nowadays, tanned skin is much more valued, which leads to the popularity of exotic travel destinations, tanning lotions and sunbed studios. Physical or intellectual disability and mental illnesses are not valued at all: nobody wants to be affected by them and nobody wants their children to be disabled or ill. It is therefore difficult to find a way to change the negative perception of disability. The situation may change with time, but only if disability is associated with other positive features rather than only with negative ones – just like old age can be associated with wisdom and experience rather than with wrinkles, sagging skin and deteriorating health.

The fifth stage of devalorisation is the assignment of a low-value and low-status social role to a person who has so far been perceived negatively by society. Persons with disabilities are placed in closed and segregated institutions and are treated as clients, patients, dependants of the welfare state, beneficiaries of charities, etc. If we want to change this state of affairs we must assign new, socially valued roles to such people and start recognising them as friendly neighbours, employees, members of committees, fundraisers, local football team members,

etc. It is this fundamental change that forms the main strategy of the SRV process. Through this change we can prevent the negative consequences of social devalorisation that occur at the sixth stage. When we help persons with disabilities acquire socially valued roles, we give them the opportunity to achieve a better quality of life, learn new skills, earn better money and make new friends. Persons with disabilities can also be perceived in a positive way – as persons with a certain skill set and as contributors to society.

In summary, social role valorisation is an extended version of the normalisation concept. It analyses the mechanisms responsible for social exclusion and discrimination and investigates the reasons why some people are assigned lower social status than others and consequently become socially excluded and discriminated against.

SRV also claims that the methods we use when we help persons with disabilities acquire socially valued roles should be natural to the particular situation, commonly used, and that they should meet the standards and expectations that are binding in society. In other words, we should act naturally, just as we would if we were interacting with a non-disabled person. The more often we use new methods and systems, the more we underline how different the person with disabilities is, and how much he or she needs specialist support and treatment. This is what we need to remember, not just in the context of the difference between supported employment and sheltered employment, but also with reference to the practical mode of implementation of supported employment. Whenever possible, we should try our best to help persons with disabilities make their own choices and find and maintain employment in the most natural way possible.

## EXERCISE 10

*Based on the information you have about the key principles of supported employment, think about why SRV is a fundamental aspect of supported employment. Write down your thoughts on the subject in your notebook.*

The final two values fundamental to supported employment (which you are already aware of) are social inclusion and the empowerment of a disadvantaged group.

Social inclusion. Social inclusion is the opposite of division into social groups and involves including a group or an individual in society at each level of that society.

We must remember that:

**Social inclusion is more than just integration.**

When the concept of supported employment was in its early days, support was sometimes provided to groups of persons with disabilities who worked together in one workplace; this was the way to include them socially.

For example, a group of ten persons with disabilities were employed at an English duvet and bed linen factory. Altogether the factory employed 200 employees. The ten employees with disabilities were all employed in one department of the factory and were supported by two job coaches. The supported employees were an integral part of the staff and performed regular production tasks. Significantly, all the employees with disabilities worked right next to one another. They were trained and supervised by one job coach. Their coffee and lunch breaks were arranged at different times to the breaks of the rest of the staff. The owner of the factory was very happy with the arrangement because he claimed that it reflected the preferences of the employees with disabilities. In his view employees with disabilities only got on well with other persons with disabilities.

This situation is a good example of physical integration that did not necessarily mean social inclusion. The employees with disabilities from the example were the factory's marginalised group and they did not interact in any way with non-disabled staff members.

Empowerment of marginalised groups. Empowerment of disadvantaged groups means empowering people to make their own choices and control their lives. Empowerment is one of the key values underpinning supported employment. Persons with disabilities should be able to choose the place where they want to work, the job they want to do, how many hours they want to work, what environment they want to work in, what kind of support they need, and who is to provide the support.

The role of supported employment experts is to facilitate the decision-making process for persons with disabilities by providing the necessary support.

## EXERCISE 11

*Based on the information you have about the key principles of supported employment, think about why social inclusion and engagement of disadvantaged groups are fundamental to supported employment. Write down your thoughts on the subject in your notebook.*

## KEY PRINCIPLES OF SUPPORTED EMPLOYMENT

Normalisation, social role valorisation, social inclusion and empowerment of disadvantaged groups are the four ideological pillars of the supported employment model.

As well as these pillars of the model there are also six key principles of supported employment.

#### Key principles of supported employment:

- Zero rejection.
- Success depends on delivering the right support in the right environment.
- Focus on strengths and capabilities, not disabilities.
- Rejection of the “work readiness” concept.
- Real pay and benefits.
- Individuals not groups.

### 1. Zero rejection

According to this principle, employment opportunities cannot be taken away from even those persons that are described as severely disabled. Supported employment is accessible to all. Some individuals will simply need more support than others.

This principle is in line with the normalisation concept: each person should have equal opportunities regardless of the degree and type of disability they may have.

Application of the “zero rejection” principle eliminates the dividing line between those who can work and those described as “unable to work”. It also eliminates the traditional borderline between therapy through employment and paid employment.

The zero rejection principle does not mean that each job coach is obliged to cooperate with any person with disabilities, regardless of the person’s support needs. It is true, however, that job coaches and supported employment agencies should strive to improve their qualifications and assets in order to better satisfy the needs of persons with disabilities that such agencies support. If support organisations do not have the necessary resources, it is important to realise that the organisation may have failed, and not the person with disabilities it unsuccessfully supported.

### 2. Success depends on matching support to the work environment

Many studies of supported employment have analysed the success factors of the model.

The results indicate that:

**The most important predictor of success is the quality of support.**



In other words, successful supported employment is not associated with the degree of disability, the range of behavioural problems or professional experience, etc. Success is strictly dependent on the quality of support. There have been cases of successful employment of persons with severe intellectual disability, multiple disabilities, chronic mental illnesses, autism, serious behavioural problems and deaf-blind persons. However, the condition for successful employment is that individuals must receive appropriate support.

### **3. Focus on capacity, not disability**

Access to services is usually dependant on disability evaluation. This dependency, however, is not justifiable in the case of supported employment. Employers are only interested in prospective employees' skills and qualifications.

If our assistance for persons with disabilities is to be effective, and if we are to successfully help them find work on the open labour market, we must be fully aware of the level of the person's skills and qualifications for a particular work environment.

Supported employment staff must perceive their clients as candidates who possess skills that an employer is ready to pay for. The condition for appropriate support in job seeking and job maintenance is your authentic belief in the potential and capacity of the supported person with disabilities.

### **4. Rejection of the “work readiness” concept**

In traditional vocational training models, it is believed that we can train people to a certain level at which they will become ready to compete for work and maintain a job. This approach has often been referred to as “place and pray”. Vocational training is meant to prepare a person with disabilities for work. When a person has already been placed and has a job, the only thing to do is to pray that all goes well!

Supported employment consists in both supporting persons with disabilities to find a job AND then also maintain the job. This results from the conviction that the employees with disabilities will still need support on the job, as their disability will not disappear once they've started to work.

The concept of “work readiness” is often not justifiable in the case of persons with disabilities. A frequent claim is, for example, that persons with intellectual disabilities will never be ready to take up employment – there is always something new for them to learn before they are evaluated as fit and ready for paid employment.

It is also common knowledge that the majority of persons with learning and intellectual disabilities acquire new information much better in real-life settings. Such individuals

have difficulty transferring skills from one environment to another. This means that vocational training and work preparation is often ineffective and inappropriate for such individuals.

## 5. Real pay and benefits

Supported employment means finding real jobs for persons with disabilities; jobs with real remuneration and additional benefits.

By definition, this element is the core component of supported employment, and also the most controversial one.

There are heated debates in some countries regarding the so-called “benefits trap”. In a simple example, if a person’s weekly wage exceeds a defined amount, the person is at risk of losing the right to his/her disability allowance.

There are two possible solutions to the problem:

1. A person retains the right to his/her disability allowance and works for rates below the market standard; this means that the person’s weekly wage does not exceed a cap and their allowance is kept.
2. A person retains the right to his/her disability allowance and works fewer hours per week – then the remuneration does not exceed the cap and they are not at risk of losing their allowance.

The first solution means that a person loses the opportunity for “real pay”.

The second one, in turn, does not let the person use their vocational potential to the maximum.

In some countries there have been changes to the benefits system enabling persons with disabilities to work for real rates and for as many hours per week as they want with no risk of losing their disability allowances.

## EXERCISE 12

*Contact your local social security institution and ask them for information or materials about benefits and allowances for persons with disabilities and the current legislative framework; find out how employment influences the right to receive benefits and allowances. Take notes as you gather the information.*

## **6. Individuals not groups**

The model of supported employment initially allowed employment of groups of persons with disabilities in one workplace; however, now the emphasis is predominantly on individual employment, most typically for one person with disabilities in one workplace.

Support for individuals rather than groups takes into account the fact that each individual has his/her own support needs and preferences pertaining to their job and/or work environment. Meeting these individual support needs is the key to the model's successful application.

## PART TWO

# SUPPORTING CLIENTS OF SUPPORTED EMPLOYMENT PROGRAMMES

The persons who benefit from supported employment programmes may be referred to as “clients” of the programmes. In this part we will define clients and the role of support staff.

In this part you will learn about:

- 1) supported employment clients,
- 2) the role of supported employment professional staff,
- 3) support needs of employees with disabilities,
- 4) support needs of employers,
- 5) support needs of families,
- 6) scope of support.

## SUPPORTED EMPLOYMENT CLIENTS

One of the four key values of supported employment that you learned about in part one is the engagement and empowerment of a disadvantaged social group.

**Empowerment means that persons with disabilities regain the right to make their own choices and control their own lives.**

One of the ways to empower and engage persons with disabilities who are recipients of support is to treat them like “clients” who buy services, rather than “service users” or “service beneficiaries”.

There is a clear difference between clients (buyers) and service users or recipients.

- Patients/recipients visit specialists/service providers and are dependent on the advice and/or support they receive.
- Service users choose freely from the available services on offer; however, service providers are the ones who define their offer.
- Clients choose freely from market offers and can influence what is being offered to them – in line with the motto “the customer is always right”.

The definitions clearly show that treating persons with disabilities like clients who purchase our support services enables them to feel responsible and capable of making the necessary decisions. This approach is a better solution than referring to these people as service recipients or service users.

In organisations that provide services for persons with disabilities, they are perceived as clients.

However, we must bear in mind that we deal with more than one group of clients in supported employment.

## EXERCISE 1

*All persons or organisations who use supported employment services are your potential clients. Think about all potential clients of supported employment programmes and write down a list of clients in your notebook.*

The notion of “client” is most widely applied in the world of sales. Of course, when we offer supported employment services to our clients, there is not necessarily a direct transaction involving money, goods and services. Employers do not pay supported employment agencies for the recruitment of a new employee, or for training services; families do not pay for the support the agencies provide to their sons and daughters in choosing and finding a job or in acquiring the necessary skills; politicians do not directly pay agencies for bringing down the unemployment rate (although they may indirectly provide funding for the activities of the agencies).

Perceiving the beneficiaries of supported employment programmes as clients not only gives them a sense of responsibility and authentic involvement in the process, but also helps you focus on your client base and the needs of your clients. Your objective is to ensure access to the services that will satisfy a range of support needs. In business terms, we can say that we “sell” the objective to our clients.

Along this line of thinking, we have to also clearly specify the “salespersons” responsible for selling the services. This will enable us to precisely define the scope and allocation of individual support.

For example, an employer (client) needs support in the recruitment of qualified employees (product).

A job coach intends to “sell” an appropriate candidate to the employer, so the subject of this sale is the right and suitable candidate profile.

The salesforce may include a number of people. The “salesperson’s” role may be filled by a vocational counsellor cooperating with a job coach. The counsellor develops job profiles for particular persons with disabilities. The sales process can also be facilitated by somebody who knows the candidate with disabilities very well. Moreover, the person with disabilities him/herself sells his/her skills in their CV and during interview, and later, when he/she is already a new employee.

## EXERCISE 2

*Insert the list of clients of supported employment programmes that you created in exercise 1 into the first column of the table below. Now think about the expectations of each client and think about the people responsible for sales. Remember that clients may expect more than one service and remember that there may be more than one salesperson per each client. Fill in the remaining columns with the headings: “What a client wants” and “Who sells”; take into account all the clients from the list. In your notebook, make a table based on the example below:*

CLIENT	WHAT A CLIENT WANTS	WHO SELLS
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This exercise shows that we need to deal with a few different clients, with different needs satisfied by different persons.

We need to be aware of the fact that our support is offered to a wide spectrum of clients. We must also know the expectations of our clients. We must sell not what we want to sell but what is demanded by the buyers of our services. When we go to talk to an employer, we need to be able to present to them the arguments that prove a match between the skills of the candidate we are presenting and the vacancy the employer has. We may also be willing to find employment for the person because we would like the person to make new friends, have a more meaningful life and become more included in society – but these arguments will not appeal to the prospective employer in any way.

We will take a closer look at this issue in subsequent parts devoted to marketing and job finding.

## THE ROLE OF STAFF IN SUPPORTED EMPLOYMENT PROGRAMMES

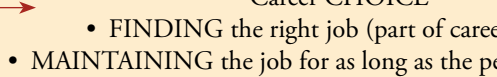
The role of support staff in supported employment programmes is to meet the needs of all clients of the programmes. There are plenty of these needs, and they are varied.

### The role of staff in supporting persons with disabilities

In the past the role of staff in supported employment programmes was usually associated with only one client – the person with disabilities.

Disabled jobseekers need support in choosing their profession, finding employment and maintaining it for some time.

#### Three key support areas for persons with disabilities:

- Career CHOICE
  - FINDING the right job (part of career plan)
  - MAINTAINING the job for as long as the person wishes to
- 

The process is ongoing; few people remain in the same job for life. Individuals with disabilities are no different and they also want to change their jobs from time to time. They might also want to change their careers, and then our task is to repeat the activities from the “career selection” stage.

### EXERCISE 3

*What kind of support may a person with disabilities require when he/she is choosing his/her career path?*

*Write down your thoughts on the subject in your notebook.*

When we support a person when he/she is choosing a preferred career path, we must address the person's individual needs and remember that these needs will vary from one person to another.

Of course there are still a number of areas that will require support and that are typical for many of our clients with disabilities; most probably you've made a note of some of these areas in the exercise above. For example, young persons with disabilities usually have little

knowledge of available jobs. In part one, we discussed the fact that there are practically no expectations as to the vocational development of certain groups of persons with disabilities. Consequently, these individuals do not receive relevant information about available jobs and types of work in general. Moreover, persons with disabilities often have very limited professional experience while most non-disabled people acquire their first professional experiences when they are in their teens and do weekend, part-time or summer jobs. Such initial work experience is extremely valuable as it gives young people the opportunity to learn about different work environments and become familiar with different jobs and types of work. However, their disabled peers rarely benefit from similar experiences. When we support persons with disabilities in job and career selection, we must assist them in more than just making the right choices. We must also make sure that the person with disabilities we are supporting:

- has all the relevant information about the available options,
- has an opportunity to test practically what a job or work type is about,
- understands what skills are demanded in the job/type of work,
- understands well what his/her skills and job preferences are.

In the next part we will take a closer look at the ways of supporting persons with disabilities in choosing a career.

Career **SELECTION** is the first area that requires support. The second area is **FINDING** the right jobs as part of career development.

#### EXERCISE 4

*In your opinion, what kind of support may a person with disabilities need in order to find appropriate forms of employment within his/her professional development plan?*

*Make a list of the types of support in your notebook.*

The disabled person's support needs will determine the type of support that is necessary for the person to find a job. There are support needs shared by many persons with disabilities.

There is also a range of job-finding methods, e.g. one can respond to job advertisements, call a potential employer or use the services of a job centre. Before any method is employed, a CV presenting the candidate's skills must be drafted. Persons with disabilities typically



need to be supported in drafting their CVs; they are often unable to define what information should be included in a CV, how to gather the information and what the right format is in which to present it in order to underline capacities/skills rather than disability.

Persons with disabilities usually need assistance in finding appropriate employers with the right job positions. This support may be delivered by a job coach, but also by a family member or friend who already has some job-seeking experience.

Some persons with disabilities will also require assistance in the run up to their job interviews.

The above-mentioned aspects will be discussed in more detail in parts four and five of this guide.

The third support area is job **MAINTENANCE** for as long as the person wishes to work.

## EXERCISE 5

*In your opinion, what kind of support will be required by a person with disabilities so that he/she can maintain his/her job position for as long as they wish to work?*

*Make a list of the types of support in your notebook.*

Support needs for job maintenance typical for persons with disabilities usually encompass: orientation in the workspace, learning the skills required to perform tasks in the job, learning the socially accepted and expected behaviours of the job environment, adaptation to changes in task sequence or in work tasks themselves, widening the scope of responsibilities, promotion.

## EXERCISE 6

*In the previous exercises you have created a list of support needs of persons with disabilities in **JOB SELECTION, JOB FINDING** and **JOB MAINTENANCE**. We have already underlined how important it is to establish the support needs of the particular person with disabilities. The definition of support needs takes place in collaboration with the person with disabilities during the process of professional development planning and through ongoing support in different workplaces.*

## THE ROLE OF SUPPORTED EMPLOYMENT STAFF IN ASSISTING EMPLOYERS

We have already mentioned that the traditional approach focused on the support needs of persons with disabilities.

However, as shown by the exercise with lists of clients of supported employment, we are now aware of the fact that apart from our priority client, the person with disabilities, there are also other clients. Another important client is the employer.

Employers seek employees with specific skill sets. They often need support in finding and effectively recruiting such employees. Hence, the services of a job coach may turn out to be very useful for employers.

Supported employment specialists usually have some experience associated with the area of disability. This means that they have the expertise necessary to inform employers about typical needs of persons with disabilities. However, the world of employers is often uncharted territory for many job coaches. Job coaches may not know enough about what employers expect.

There have been a number of studies analysing employers and their needs. The results of the studies are not necessarily related to disability, and employers have exactly the same expectations of all their employees, whether disabled or non-disabled.

In *“30 Ways to Shine as a new Employee”*, a guidebook for new employees by Denise Bissonnette, there is a list of 15 behaviours that meet the expectations of employers.

### Key behaviours expected by employers:

- Compliance with the company's internal rules.
- Turning up at work on time, informing about absence or sick leave in advance.
- High level of personal hygiene and appropriate clothing.
- Professional contact with colleagues and customers.
- Ability to control one's own mood and emotions in the workplace.
- Ability to report problems and issues.
- Ability to accept constructive criticism and draw conclusions.

The expectations listed above are the same across all industries and employers. The key element is to abide by the rules, adapt to the circumstances and not to cause unnecessary trouble!

When we are supporting persons with disabilities in employment, we must bear in mind the key behaviours and make sure that the person we are supporting can meet the expectations of employers as formulated in the list.

Employers of persons with disabilities may also have additional support needs. Usually supported employment is a new situation for them so they cannot build on past experiences.

## SUPPORT NEEDS OF EMPLOYERS

A person with disabilities may require comprehensive support in choosing, finding and maintaining their job. The role of supported employment specialists is to make sure that all their support needs are satisfied.

We will do the exercise once again, but this time we will step into the employer's shoes. What may be the support needs of employers who employ persons with disabilities?

We can analyse this issue from a few points of view, or split support for employers into THREE main categories (just as we did in the case of support for employees with disabilities).

### Three key employer support areas:

- FINDING the right employees.
- TRAINING new employees.
- MAINTAINING new employees.

## EXERCISE 7

*In your opinion, what kind of support will an employer require in order to find the right employee – if the employer is considering hiring an employee with disabilities?*

*Make a list of the types of support in your notebook.*

Instead of defining employer needs based on your own assumptions, a better idea is to ask employers about the type of support they may require in the particular employment situation.

We can safely predict that employers in general will have a limited body of experience associated with persons with disabilities. This is why their most urgent need will be to receive support in understanding that persons with disabilities may have valuable skills and may be good

employees. If the employer does not become aware of this, he/she won't be willing to employ a person with disabilities. This is the stage where marketing strategies need to be applied.

If the employer is already considering candidates with disabilities for positions in his/her company, they now need to be supported in selecting the right candidates for the particular positions and in deciding if the qualifications and experience of the candidates really meet the criteria of the job position. This process happens each time a new person is employed – but in the case of candidates with disabilities there may additionally be specific support needs to be satisfied. In particular, employers may need help in effective communication and during the job interviews with candidates with disabilities.

Another important employer support area is **TRAINING** of the new employee.

### EXERCISE 8

*In your opinion, what kind of support will an employer require in order to effectively train a new employee with disabilities?*

*Make a list of the necessary types of support in your notebook.*

Employers are responsible for training their newly-hired employees. In some cases, training is highly formal and intensive. In other cases, it is less formal and may take the shape of mentoring (as in the master-apprentice relationship) or a short introductory course. Employers are aware of the fact that the training of new employees is their obligation and they usually factor in lower productivity of a new employee for a period of 3 to 6 months.

Disabled employees also need to perform all the tasks and responsibilities associated with their position. Moreover, they will need to adapt to the new environment and acquire physical orientation skills in their new surroundings. Traditional new employee training methods may turn out to be insufficient for persons with disabilities as such persons may require longer, more intensive training. In some cases, there may be a need to organise training courses with instructors who specialise in delivering courses to persons with disabilities. It is also very likely that the employer will need support to match his/her traditional training methods to the needs of a new employee with disabilities, or to develop a special training curriculum for such employees.

The third important support area is **MAINTENANCE** of good employees in the workplace.

## EXERCISE 9

*In your opinion, what kind of support will be required by an employer in order to maintain a good employee with disabilities at work?*

*Make a list of the suitable types of support in your notebook.*

Job maintenance depends on the delivery of ongoing support for employees with disabilities and on the creation of favourable conditions for their professional success and development. It is achieved through continuous feedback for employees and through additional training. The feedback can be formal and be part of management by goals or may be less formal and take the shape of regular, ongoing comments from the disabled person's supervisors.

Reactions to potential problems should be prompt and professional, turning problems into positive educational experiences that are beneficial for both the employer and the employee with disabilities.

A good employer also looks after the appropriate conditions for his/her new employees to face new professional challenges and, consequently, professional development, promotions and pay rises.

Disabled employees should enjoy equal professional development opportunities. It is only in such an environment that they can achieve professional success and cope with their work-related responsibilities and challenges. The employer may also require assistance in finding the best mode of providing positive and negative feedback to employees with disabilities and in creating professional development opportunities for these employees.

In the previous three exercises we have managed to create lists of support needs for employers wishing to hire persons with disabilities. However, we must not forget that employers frequently need support even if there is no person with disabilities among their staff. This is why they often use external service providers; for example, they hire job agencies that help them recruit new employees. Moreover, companies hire consultants to deliver training courses for staff. Consultants or trade unions are also used to solve many issues associated with job maintenance.

Employers are not used to employing persons with disabilities. Consequently, they need to be supported in job finding, training, and maintenance of employees with disabilities. The role of supported employment specialists is not to take over the responsibilities of the employer but to support the employer with their duties.

**Job coaches do not take over the obligations of employers but support employers in meeting these obligations.**

## EXERCISE 10

*On the next three pages you will find three lists that summarise the information about support that employers need in the JOB FINDING, JOB TRAINING and JOB MAINTENANCE stages. Please look at the lists and compare them against the three lists of employer's support needs you have created in the previous three exercises. Complete the lists on the next three pages with items from your lists.*

## FINDING THE RIGHT EMPLOYEE

In order to FIND the right employee, an employer will require support in:

- defining the requirements for the job and its tasks (e.g. good hand-eye coordination, numeracy, literacy, ability to lift objects, etc.),
- defining the functional requirements for the work environment (e.g. ability to climb stairs, orientation skills, ability to match clothing to weather conditions, ability to concentrate in a noisy environment),
- defining the requirements of the social environment of the workplace (e.g. ability to communicate with co-workers, ability to talk and work simultaneously, tolerance of harsh criticism, etc.),
- defining the skills and capabilities of the person with disabilities that match the requirements of the work as well as the physical and social work environment,
- accessing the right candidates,
- accessing information about the candidate through his/her CV, references and job interviews,
- conducting a job interview (e.g. application of appropriate/alternative methods of communication with the person with disabilities, using an alternative form of job interview).

## TRAINING OF A NEW EMPLOYEE

The employer needs to be supported in the following training-related areas:

- provision of introductory information for the new employee (who is responsible for what, when must work tasks be performed, how they should be performed, should the typical introductory training be adapted to the needs of the employee with disabilities, etc.),
- training in work-related tasks (how the tasks are usually performed, who does them, how much time they consume, should these be matched to the needs of the person with disabilities, is it necessary to involve third parties?),
- training for supervisors of persons with disabilities, mentoring experts and instructors (will the regular instructors require additional guidelines/support/training in order to train employees with disabilities?),
- informing the coordinators and mentors of employees with disabilities (do coordinators and mentors need specific information about the new employee with disabilities; if so, what information do they need and how should the information be made available?),
- ensuring training/instructor services (if the training requires specific skills and time that the employer does not have).

## MAINTAINING GOOD EMPLOYEES IN THE WORKPLACE

As far as employee maintenance in the workplace is concerned, the employer may report the following support needs:

- assisting the employee in adaptation to the changes in work tasks (re-training, task adaptation, etc.),
- accommodating the physical environment to the needs of the employee with disabilities (what needs to be changed, who will be responsible for the changes, what source will the funding come from, etc.),
- support for coordinators of employees with disabilities and co-workers as regards social interaction (means of communication, methods of inclusion of the employee with disabilities in shared activities, methods of limiting excessive talk/talk on inappropriate subjects, etc.),
- ongoing evaluation of results (application/modification of existing results management systems),
- feedback concerning productivity (how should it be communicated, by whom, when, how frequently, etc.),

- disciplinary proceedings (when should they be initiated, who will be responsible, how will they be performed, etc.).

We must remember, however, that employers are still employers with their own set of responsibilities i.e. recruitment, training and employee retention. It will be necessary to support them with appropriate guidelines and assistance.

## SUPPORT NEEDS OF FAMILIES

Another important client of supported employment is the families of persons with disabilities.

All jobseekers with disabilities in supported employment programmes are adults. Therefore it might seem that involving parents and families is not necessary. However, we must remember that some persons with disabilities continue to live with their parents as adults and are dependent on the family in many aspects of life.

Importantly, one of the conditions for the successful professional life of all employees is family support.

### Typical support of families for able-bodied employees:

- Career advice.
- Word-of-mouth source of information about vacancies.
- Looking after children when parents are at work.
- Driving to work and back.
- Listening to issues/problems reported, advice on how to solve problems.

Families naturally support their children as they enter their professional careers and it does not matter whether the children are disabled or not. We must also remember that families may have their reasons for concern in relation to their child's employment, and may consequently expect some support.

## EXERCISE 11

*Think about some persons with disabilities whom you know well and who live with their parents. In your opinion, what type of support would the families you know need if their children were to seek employment and if they found a job on the open labour market?*

*Make a list of the types of support in your notebook.*



Parents need support in finding safe employment for their children. They do not want their child to be taken advantage of in financial terms. They do not want their child to be exposed to any risks or face a situation where the child cannot cope with the demands of the job. Our task is therefore to assist parents in these areas. We need to explain to parents how we are going to assess and mitigate risks, how we will negotiate remuneration and working hours, how we will provide on-going support and how we will prevent the child with disabilities from being abused or forced to work too hard on a mismatched job.

Of course, we should refrain from having pre-determined assumptions on what a family will need in a given situation. Instead, a good idea is to talk to the family and jointly discuss all problematic issues. Some support needs may be shared by many families of persons with disabilities, others may be specific for one family.

Below you will find a summary of the most frequent doubts voiced by parents and families of persons with disabilities. Our support, advice and guidelines are necessary for the families that report such issues.

### Typical concerns of families

#### Financial:

- Will their relative get fair remuneration? Will anybody try to take advantage of them?
- Will their remuneration impact their disability allowance?
- Will their remuneration impact their additional benefits? (e.g. health insurance, discounted or free transportation?)

#### Work-related:

- Will their relative be properly trained?
- Will they cope at work?
- Will their work be well matched to their needs/abilities and not degrading?

#### Social environment:

- Will their relative make new friends and become truly included?
- Is there any risk of abuse?

#### Other:

- How will their relative get to work?
- How many hours/day per week are they able to work?
- Will they be able to take time off when it best suits their family/parents?

## SCOPE OF SUPPORT

We have already mentioned that until some time ago attention had been focused on the needs of the person with disabilities. We know that has changed as we have realised how important it is to also support other clients of supported employment programmes. Only if we provide the necessary support to all our clients can the concept turn into reality. In particular, we should remember about the needs of employers and families of persons with disabilities, as they directly impact the disabled employee's professional life.

According to the traditional approach, the responsibility for support activities rested exclusively with job coaches who were in charge of defining the needs of clients and the scope of support as well as its implementation.

Nowadays, however, we have come to realise that support is not the exclusive domain of supported employment professionals. Assistance can come from more than just one source. Successful supported employment programmes use all possible sources of support.

The scope of available support is shown in the four basic categories below.

1. Support through job coaches.
2. Support through businesses.
3. Support through government bodies.
4. Support through families/local communities.

The list below contains examples of each of the types of support listed above.

### Support from a supported employment organisation:

- Vocational counselling.
- Job development.
- Job coach support.
- Assistive technology.
- Advisory services.
- Transport.

### Support from the business (employer):

- Job carving based on existing positions.
- Work restructuring.
- Workplace adaptations.
- Development of authority among co-workers.
- Supervision and oversight.
- Support for the company's human resources.

### Support from the government:

- Financial incentives (flexible approach to benefits and allowances).
- Assistive technology.
- Tax incentives (available in some countries only).
- Legislation.

### Support from families/communities)

- Family members as job developers.
- Family members as job advisors.
- Transport.
- Help in getting ready for work on a daily basis.
- Additional advice.
- Access to necessary documentation incl. tax documentation.

If a person with disabilities receives support at all of these levels, he/she has improved opportunities for a successful professional life. There are further advantages of using all available sources of support:

## EXERCISE 12

*Think about how family, local community and business support can influence supported employment programmes and what benefits this may bring for employees with disabilities.*

*Write down your thoughts on the subject in your notebook.*

In part one we discussed the four key values underpinning supported employment. Using support from local communities, families and businesses is directly linked to two of the four values: **social inclusion** and **social role valorisation**.

Social inclusion consists in facilitating social interaction between persons with disabilities and other members of society. Social role valorisation refers to the problem of the marginalisation and social exclusion of some groups and offers ways to overcome such social barriers in the most natural way possible.

Using all available forms of support, not limited to professional job coach support, increases the likelihood of social inclusion and social role valorisation for persons with disabilities. This is one of the main advantages of the approach that utilises the entire available spectrum of support.

Another important advantage is the increased effectiveness of supported employment programmes. In the early days of supported employment the focus was on supporting the person with disabilities, and support was delivered almost exclusively by supported employment professionals who supported individual persons with disabilities in their employment. The method was highly effective and delivered very good results, but it also meant that the number of persons supported by job coach was significantly limited. Usually, the number of supported persons equalled the number of job coaches operating in the area. This is one of the reasons why employment rates of persons with disabilities remain relatively low, even though the concept of supported employment was born almost 30 years ago.

If we apply the broadest possible spectrum of support we can move away from the one-to-one support model. Nowadays it is possible to support a few clients simultaneously as support comes from more than just one source. Job coaches are no longer responsible for supporting individual persons with disabilities (although one-on-one support is sometimes still necessary); their role is to access other sources of support and to coordinate these sources.

Family members typically support their children in making career choices and they help them find their first jobs. It is also normal for co-workers at one workplace to support one another by offering practical tips and emotional support to colleagues who are having a “bad day” at work. Managers know how to train their staff, solve their problems or deal with disciplinary issues at work.

In supported employment terminology, all forms of support that do not come from SE professionals are referred to as “**natural support**”. Using natural support facilitates social interaction and makes it possible to use regular work methods. It also eventually leads to the competitive employment of larger amounts of persons with disabilities.

## PART THREE

### CAREER PLANNING AND MARKETING

The material in this part of the guide will give you the knowledge and skills that you will be able to apply when you support persons with disabilities in career planning. This part also contains information about marketing skills that will enable you to show the benefits of hiring persons with disabilities to employers using their business perspective on supported employment.

In this part you will learn about:

- 1) typical career planning process,
- 2) stages of person centred planning for career development,
- 3) application of marketing strategies when contacting employers.

#### TYPICAL CAREER PLANNING PROCESS

If our goal is to support persons with disabilities in an optimal way and using the most “typical” methods (in line with the social role valorisation theory), it makes sense to first think about the typical process of career planning and development.

##### EXERCISE 1

*In this exercise you will conduct a mini-survey to gather information about the typical process of professional career planning.*

*Ask 5 people you know well (family members, friends, co-workers) to write down a list of all paid jobs that they have done in their lives – starting from part-time employment or holiday work to their current jobs.*

*Subsequently ask them which of the jobs on the list were steps in the development of their careers. It may be necessary to provide an example that clarifies your question. For example:*

Examples of career shifts:

- Salesperson (weekend work).
- Waitress (holiday job).
- Chambermaid (holiday job).
- Telesales (Eircomm Company).
- Assistant at a care home (holiday job).
- Nurse (Crumlin Hospital).
- Senior nurse (Crumlin Hospital).
- Manager and nurse (Crumlin Hospital).
- Sales rep (Aida - pharmaceutical company).
- Sales team leader (Aida - pharmaceutical company).
- Sales team manager (Aida - pharmaceutical company).

- 12 jobs in total
- six jobs not related to careers
- two career paths

Ask your respondents to count the jobs they have had so far and their career paths.

Write down the number of jobs of the respondents and the number of their career paths (as in the example below). Add up the numbers in the column and do not forget the information about your jobs and the number of your career paths. Sum up the results for each column and divide them by the number of respondents. This will give you an average number of jobs for a group of six respondents, and an average number of career paths.

Analyse the data you have gathered and, in your notebook, write down your conclusions concerning typical career development.

Sample table for your analyses:

NAME	NUMBER OF JOBS	NUMBER OF CAREER PATHS
1/2/3/4/5		
TOTAL		
AVERAGE		

This exercise emphasises a few important aspects of typical career development.

Typical career development:

- The majority of people change their job several times before starting their desired career.
- The majority of people change their job several times throughout their life.
- The majority of people have more than one career path.

We change our job 8-10 times on average.

We change our career path 2-3 times on average.

We must bear these facts in mind at all times when we are supporting persons with disabilities in planning and developing their careers.

We usually first do jobs that are not part of a specific career; we do them because we need income or we want to keep ourselves busy during university holidays.

Although our first jobs have no clear link to our future careers, they are still a valuable experience that will prove useful in future professions. They let us learn the role of an employee. There are many conclusions to be drawn from such work experiences.

#### First work experiences teach us that:

- We have to come to work on time.
- The boss is always right.
- Taxes are deducted from our earnings.
- We receive payment once a month on average.
- If we are ill, the first thing to do is to phone the workplace.
- Some people may receive more money for the same work.
- We can take breaks only at scheduled times.
- We gain experience from various jobs.

## EXERCISE 2

*Go back to your first work experiences (including your part-time jobs when you were a college or university student). What did you learn thanks to the jobs? Make a list of the things you learned and write it down in your notebook.*

Such early work experiences are rarely available to many persons with disabilities. This may be due to a variety of factors.

#### Early work/career experiences:

- Parents of children with disabilities do not expect them to make a career.
- Benefits/pensions for adults with disabilities, no financial motivation to take up a job.
- Low chances of gaining experience in weekend/holiday jobs as a teenager or student.
- Schools (including special schools that prepare the disabled for work) do not always offer career guidance.
- Services for adults are based on occupational therapy, not employment.

The above means that adults with disabilities will often need intensive support in choosing their careers while their non-disabled peers will have received such support naturally when they were growing up.

Persons with disabilities have to learn what it means to have a job and all the obligations that come with work: the need to wake up early every day, turn up at work, perform tasks. Such people will also need a range of vocational experiences before they are able to select a preferred job with its tasks, work environment and work culture. It is also very likely that employees with disabilities will want equal promotion and professional development opportunities.

**Supported employment is not only about supporting persons with disabilities in finding one job; our support should enable the person to find a few consecutive jobs and, possibly, develop more than one career path.**

Persons with disabilities have the same need to develop their careers as their non-disabled peers. It may be necessary for them to start by doing routine and low-status jobs: this is also the way we started our careers. Just like us, persons with disabilities will strive to find more challenging jobs, more prestigious jobs and jobs that positively influence their self-esteem. It is clear therefore how important it is to focus on enabling persons with disabilities to develop their careers. It is not just about finding a job.

But how do we start? What is the first thing to do?

Supporting persons with disabilities in their career-related decisions should take the form of a person-centred process. This means that we need to help the person specify his/her interests, skills and preferences. We then help the person make knowledge-based decisions pertaining to their professional lives and activities that will lead them to achieve his/her professional goals.

## STAGES OF PERSON CENTRED PLANNING FOR CAREER DEVELOPMENT

Person centred planning for professional career development can be described in a series of phases. A person with disabilities needs support to make his/her decisions at each stage of the process. A correct decision-making process should take into account all available options and consequences of the decisions. The main role of the support person is to make sure that the supported person receives all the necessary information in an accessible and comprehensible format – this will enable the person to make an INFORMED AND KNOWLEDGE-BASED DECISION.



There are seven stages in the career planning process. The duration of each stage will depend on the support needs of the particular individual. In some cases a few meetings with the person will be enough. In other cases, however, it may be necessary to create a career development plan that will reflect the person's interests and wishes; this may take from a few weeks to as long as a few months. It may also be necessary to involve the person's family and relatives in the process.

### STAGE 1: WHY WORK?

The first significant element of the process is to make sure that the person with disabilities really wants to receive support leading to real employment and understands what work means and is able to specify why he/she wants to work. We have to ask ourselves the following questions:

#### Career planning - step 1:

- Does the person with disabilities want to work for money?
- Do they understand what it means?
- Why do they want to work?

Some persons are very clear in expressing their wish to work. They may have already participated in projects where their person centred plans were created. Person centred plans enable people to define all their preferences in different areas: leisure, education, accommodation, entertainment, relationships and employment. If the person wishes to have a real job, then such a wish will trigger the creation of a professional career development plan.

Other people may ask to participate in supported employment programmes because they were convinced to do so by someone else who thought that it would be beneficial for the person with disabilities (family member, staff member of a service for persons with disabilities or any other person who cares about the person with disabilities and has influence on him/her).

The condition for supporting the person with disabilities in planning his/her professional career is the certainty that the decision to seek employment originated with the disabled person and not with anyone else. The following question will be helpful: "Why do you want to work?" After the question is asked we will find out what the person's motivation is. This information will be useful later when we support the person in choosing the right job or profession.

For example, if the reason for taking up employment is the desire to make new friends then the job we will be looking for must create favourable conditions for building relationships with other people; finding an evening cleaning job in an empty office building will definitely not meet the sociability criteria. If a person wants to work in order to earn more money, we should look for work that can enable our client to generate more income.

In one of the previous supported employment programmes a woman with disabilities reported a desire to travel on public transport as the reason for employment. She loved riding trams in the city and was on cloud nine when it turned out that her new job would involve a 1-hour-long commute by tram from her home to the workplace. The work itself was of secondary importance to her.

## STAGE 2: VOCATIONAL PROFILE

When there are no doubts as to whether the person wants to work or not, the time comes for the person's vocational profiling.

The vocational profile contains information on the person's professional life, e.g. his/her work experience, training, professional qualifications, education, skills, aspirations, preferred conditions of work and professional development prospects, etc. The information can be acquired during interviews with the person's friends and relatives or through written reports and references from schools and the person's previous workplaces.

The vocational profile should be positive. This means that the information it contains should focus on the skills, capabilities and potential of the person rather than on their disabilities. If we intend to successfully "sell" the candidate to an employer, we need to possess comprehensive information about the disabled person's assets and advantages. Employers "buy" skills, not problems.

**Emphasise the person's potential and capacity, not disability.**

**Employers buy skills, not problems.**

It is equally important to establish the support needs of a particular person with disabilities. We deal with these needs at later stages of career planning when we analyse obstacles and barriers to employment in particular cases.

One of the key features of person centred planning is the emphasis on the capabilities of persons with disabilities.

**Key characteristics of person centred planning (PCP):**

- The supported person receives help in making decisions concerning their own life.
- They are supported by a “circle of support”, consisting of people ready to become engaged and provide help in development, defining the dreams and goals of the person with disabilities and achieving these goals.
- PCP is focused on skills, abilities and preferences.
- PCP is a continuous process that is both flexible and dynamic.

When we support a person in the development of his/her professional development plan, we must make sure that all the abovementioned conditions are met.

We have already mentioned that clients of supported employment services may have had their person centred plans developed. Such plans are comprehensive and include all aspects of a persons’ life, including employment. Other people may not have had the opportunity to benefit from person centred planning. We must therefore establish at the very start whether the person already has a person centred plan or not, and use the existing support structures (or, if necessary, create new ones).

What to do if the supported person already has a person centred plan

If the supported person is already involved in the person centred planning process, his/her circle of support has already been specified to a large extent. People in the circle of support may have already developed the person’s positive personal profile.

There are similarities between the vocational profile and the personal profile as in both cases the focus is on skills, abilities and preferences of the person, not his/her disability. The difference between the profiles consists in the fact that the personal profile encompasses all aspects of the person’s life, while the vocational profile only contains information related to employment.

Different members of the circle of support may once again support the person with disabilities, but this time their support will be focused on the development of the person’s vocational profile.

What to do if the supported person does not have a person centred plan

If the person with disabilities has not been involved in person centred planning, it is advised that the person’s circle of support is created at this stage.

The circle of support should include people who know the person with disabilities well and are ready to support them throughout the entire process of supported employment.

In other words, the circle of support will help the person choose, find and maintain his/her job. The roles played by particular members of the circle of support may vary: some people will provide support in selecting the job (vocational planning), others will focus on drafting a list of potential jobs and job-finding or will deliver on-the-job support after the job has been found.

Vocational planning supporters of the person with disabilities should be well acquainted with him/her and his/her skills. They should also be able to communicate effectively and have an understanding of potential issues related to employment.

### Vocational profile forms

There are a number of forms that may be helpful in gathering and recording information for vocational profiling.

#### **Most forms will contain information concerning the following:**

##### **Job preferences:**

- Type of career.
- Job tasks.
- Job environment.
- Working days and hours.

##### **Formal qualifications:**

- Education (school, courses for adults, etc.).
- Earlier professional experience/employment.
- Other appropriate qualifications, e.g. driving license.

##### **Personal qualifications:**

- Personal skills (hygiene, punctuality, mobility, etc.).
- Social skills (communication, manners, reaction to criticism, etc.).
- Educational skills (reading, writing, calculating, orientation in time, ability to concentrate, etc.).

### **EXERCISE 3**

*Try to access different vocational profiles that your national and international supported employment service providers may have. Although most supported employment agencies have their own forms that meet their needs, they are normally happy to share them with other service providers.*

*Compare different forms and find differences between them.*

### Gathering information

Some information is easy to access, while in order to gather other data you need more time. The scope of support needs may also vary. For example: some people will need assistance in drafting a written request for references that will later be sent to a school/previous employers; others will require support in the definition of their vocational preferences (particularly in the case of people with no previous work experience). Different members of the circle of support will at this stage support the person in the acquisition of particular pieces of necessary information.

Vocational profiling is not a one-off activity that can be performed quickly. The profile is a data record that is subject to change and that has its own dynamics. It needs to be updated on an ongoing basis in order to reflect precisely the changes in the person's skills and interests. Some information for the profile may be gathered at the early stages of the career planning process, while other data becomes available later, when certain issues become clearer.

### **EXERCISE 4**

*This exercise will enable you to get acquainted with the process of documenting data for vocational profiles. If your organisation already uses a relevant form – print it out.*

### **STAGE 3: DREAM CAREER**

Person centred planning is a process that enables persons with disabilities to define their life goals. Person centred planning for career development, in turn, enables the person to establish what his/her dream career is.

Supported employment facilitators are to enable a person with disabilities to make realistic decisions regarding their professional path. These decisions will later lead the person to achieve his/her planned objectives and find a job that matches his/her interests and skills. To make this happen, we need to clearly define the person's dream career and only then can we decide to what extent the dream is feasible.

Some people have a very clear vision of what they want to do. Others have much less precise ideas about their professional future. Enabling the persons to make choices is possible only if they have all the relevant information about the options available. This can be achieved if we deliver support in the specified range.

**Support in choosing a career:**

- Talk to people working in various professions.
- Gather information on jobs and careers from brochures, media, etc.
- Visit various workplaces.
- Present a wide range of professional experience.

Members of a circle of support may actively implement each of the above strategies. They can tell a person with disabilities about their own jobs, use their networks and organise a site visit, or acquire the necessary information and make it available to the person, etc.

Work experience is a valuable support tool: persons with disabilities need practical experiences in real-life settings in order to be able to make informed choices about the kind of professional activity and work environment that they like most. Such experiences facilitate reflection for persons with disabilities and enable their circle of support to better understand the capabilities and support needs that the persons have. It is also very important to realise the difference between job samples and employment.

**Work placement:**

- Subject to situational assessment.
- Time-limited - usually up to 6 weeks.
- No employment contract.
- Unpaid.
- Clear aims: learning, gaining experience.
- Subject to evaluation.

It is normally necessary to enable a person with disabilities to try and work in more than one workplace. Only by testing his/her skills in different environments and with different tasks can the person with disabilities compare and choose the option that best suits them.

Some supported employment agencies sign agreements with employers who are willing to offer work experience. The spectrum of job samples should be as broad as possible, thus offering a wide range of work experience for persons with disabilities.

**EXERCISE 5**

*Think about employers in your neighbourhood. Who would you contact if you wanted to sign agreements with five employers who agreed to organise job samples in real-life settings for persons with disabilities? Remember it is necessary to include a variety of workplaces in order to ensure opportunities for job sampling in different situations.*

*Create a list of employers in the table (as in the sample below) and include information about the kind of work environment and the tasks that the employers would offer for apprentices with disabilities.*

EMPLOYER'S NAME	TYPE OF WORK ENVIRONMENT	TYPE OF TASK
-----------------	--------------------------	--------------

The aim of job sampling is to enable a person to test his/her skills in different jobs. Thanks to these samples persons with disabilities can find out what type of work they like most and what tasks match their skills. A thorough evaluation of each case of work experience is necessary.

The evaluation should contain the following information acquired from the person, the employer, co-workers or other supporters of the person with disabilities, e.g. family members.

Assessment of professional experience:
<ul style="list-style-type: none"> <li>• Punctuality.</li> <li>• Attitude, behaviour/social skills.</li> <li>• Reaction to instructions.</li> <li>• Task preferences.</li> <li>• Focus on the execution of tasks.</li> </ul>

Such work experience may prove to be a particularly useful tool in the case of individuals with extensive support needs and limited linguistic competencies. If we know how the person with disabilities communicates the fact the he/she likes or dislikes something and if we are able to correctly interpret the person's body language, facial expressions and sounds, we will be able to establish (based on observation) whether the type of work and tasks match the person's expectations. Also, family members will be able to assess if the person with disabilities is happy to go to work on a daily basis.

## EXERCISE 6

*In your notebook, design a form for evaluation of work experience/work sampling. The form should contain information about all the areas mentioned above. There can be more than one question for each of the areas. Add further questions that, in your view, may be important for the evaluation.*

Finally, it must be underlined that job samples must not be treated as a method of job finding for persons with disabilities. The samples are not a “back door” through which the person with disabilities can enter into a workplace. We should never ask an employer to offer a person with disabilities permanent employment at the end of the sampling period.

However, if the employer offers the job as a result of his/her observation of the disabled person's performance, the result may be a successfully signed employment contract.

#### **STAGE 4: DEFINITION OF CAREER STAGES AND REQUIREMENTS**

Sometimes a disabled person's dream career may seem unrealistic both from your point of view and from the point of view of the person's relatives. However, we must not instantly disregard the person's dream vision. Before we make any decisions it is worthwhile looking at the situation once again. It may turn out that with appropriate support, the job placement of the person's dreams may be successful. On the other hand, the person may also need help in understanding what competencies are necessary for their dream job, or to accept the skill level he or she has at the moment. This may require time.

Making realistic choices requires the following:

- knowledge of the skills, qualifications and experiences required for the job, knowledge of the relevant career steps,
- understanding and knowledge of the skills and interests of the persons with disabilities that will be necessary in order to establish if these skills and interests match the demands of the selected job.

The fourth stage of the career planning process is supporting the person with disabilities in understanding the requirements associated with the job and career steps.

##### Professional career requirements

Professional requirements can be split into two categories:

- qualifications demanded in the given job/profession,
- skills needed in the given job/profession.

For example, if a person with disabilities wishes to work as a car mechanic, he/she will usually need certain qualifications or certificates/diplomas acquired as a result of the relevant training and/or apprenticeship. The person will also need good motor skills and



manual skills; good hand-eye coordination and relative strength will also be required. If the person wants to be successful as a car mechanic, he/she should also have the appropriate skills: it shouldn't be a problem for her/him to get dirty, he/she should know the jargon of car mechanics in order to be able to discuss issues with customers and co-workers, and he/she should also have sufficient problem-solving skills.

Persons with disabilities have not always had formal professional training, although the situation has begun to change for the better in recent years. Sometimes persons with disabilities have formal qualifications that they have acquired at school or as a result of life-long learning programmes for adults. The qualifications may turn out to be useful in the case of certain jobs. For example, IT literacy certificates, gardening certificates and personal hygiene certificates can all be useful for future employment.

### EXERCISE 7

*A rural hotel is looking for a reception worker. In your opinion, what qualifications may be useful for the job? Think about both the qualifications that will be directly important for the job and the qualifications that may be important in an indirect manner. Write down your list of qualifications in your notebook.*

#### Career steps

Professional careers can also be divided into typical steps that a person must go through in order to achieve his/her professional goals.

Let us use the car mechanic example once again.

We are looking at a young man who is interested in automobiles:

- He gained his first work experience at a petrol station where he worked during his holidays. He handled petrol pumps for customers, washed windscreens, made sure the water for windscreen washing was clean and did a range of other small jobs.
- His next holiday job was in a mechanic's garage where he cleaned customer's cars.
- He was later employed at a scrap yard where car engines are disassembled and sold for parts.
- After some time he started a vocational course at a local vocational training centre.
- When he finished the course, it was possible for him to enter a traineeship period with an experienced car mechanic.
- Eventually he got his first job as a fully qualified car mechanic.

The above shows the process of career development of a car mechanic. The six steps are not necessarily the end of the development: the mechanic from the example may go on to specialise in certain makes of car, or may eventually start his own car garage.

Not many of us can enjoy a straight path to the job of our dreams. Along the way we often change direction; we start off by having an idea but as we accumulate more and more professional experience we discover new aspects of the job and decide to change our plans.

By helping the person with disabilities understand the type of work and work environment, combined with the stages of professional development, we facilitate the selection of types of work that may support the person in making their dream job come true or in changing their professional development path.

## **EXERCISE 8**

*Use the example from the previous exercise and think about the steps that can lead to the job of receptionist. Please write the steps down in your notebook.*

## **STAGE 5: MATCHING THE PERSON'S SKILLS TO JOB REQUIREMENTS AND STEPS OF THEIR DREAM CAREER**

An informed choice about a disabled person's professional path is only possible when we match the requirements of the career to their skills and resources.

The person's vocational profile contains general information about work-related interests and skills. At this stage it is worth taking yet another look at the information to find the skills associated with the person's dream career. After career steps have been established, we need to analyse profile data that describe the person's skills once again. The skills that the person has may be sufficient for a warehouse job; however, they may be insufficient for direct sales to customers and are definitely not enough for shop manager. The job of salesman can therefore be presented to the person as a step in their career.

In this stage we collect and share information during conversations with a person and their circle of support. If the person with disabilities has already had an opportunity to do work samples (with no remuneration) in various places, then both the person and his/her supporters will have a clearer picture of the person's work-related skills.

Towards the end of this stage the person should know well what skills he/she has and to what extent the skills match the requirements of the job and the steps of the chosen career.

## **STAGE 6: IDENTIFICATION OF BARRIERS AND BARRIER ELIMINATION STRATEGIES**

After defining a disabled person's dream career and its steps we must define potential obstacles on the way to the goal. Consequently, we need to develop some strategies that will help us overcome these barriers.

The problems that crop up may be specific to the kind of work performed. For example, the person whose dream job is receptionist may ask the question: "how will I give hotel guests the right room keys if I do not recognise numbers?" or "how will I use the computer if a large print option is unavailable?" There can also be more generic questions such as, for example "will I lose my disability allowance if I work full-time?", "how do I get to work on time?", or "how do I get to know my colleagues from work better?"

It is possible to overcome many expected barriers provided that we organise a brainstorming session with the person and their supporters. For example, we can teach the person to recognise numbers on the hotel room keys or we can try to find a job at a hotel that uses magnetic cards – it would then be sufficient for the person to indicate the number on the card. Alternatively, we can try to find a reception job that involves activities other than handing out room keys and recognising numbers.

When we help a person with disabilities understand what skills are indispensable for their dream job and what steps lead to the job, the person acquires a more realistic perspective on his/her plans. We can then think about the methods of overcoming all barriers on the way to the goal. Subsequently, the person is able to proceed to the next stage i.e. informed choice of his/her career development plan.

## **STAGE 7: REALISTIC AND INFORMED CHOICE OF CAREER DEVELOPMENT PLAN**

If we ensure appropriate support that will enable the person to overcome the identified obstacles, then the selected career becomes more realistic and is an achievable goal. In the case of obstacles that cannot be eliminated, we must look at the steps of career development and ask the following two questions:

1. Would the person with disabilities be interested in stopping at one of the steps – would the person be able to give up their dream goal?
2. Is there an alternative professional path that has the same elements as the dream career but does not include the same obstacles (or includes obstacles that can be overcome more easily in a joint effort)?

We need to support the person with disabilities in answering these two questions. Consequently, the person will be able to make a realistic and informed choice of his/her professional career. The final plan may differ from the initial “dream” version but it can still reflect the interests and skills of the person with disabilities we are supporting.

At this stage, the person with disabilities must be supported in developing his/her career plan and defining its steps. For example, the career development plan of a person wanting to work as a receptionist at a veterinary clinic may look similar to the one presented below.

### CAREER PLAN

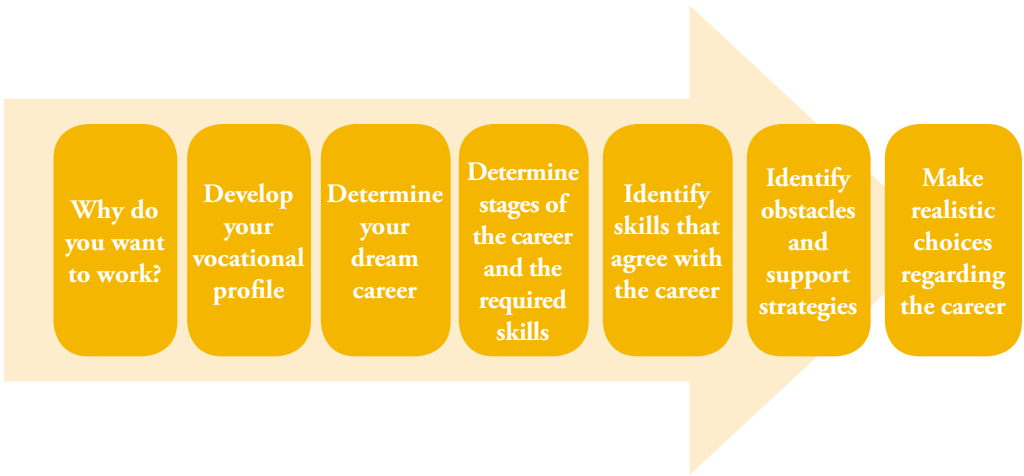
Selected career	Receptionist at a veterinary clinic
1.	Volunteering at the Society of Friends of Animals in order to gain experience in working with animals.
2.	Shop assistant job that enables the person to acquire some customer service experience.
3.	Reception job at a hairdresser's; recording and checking appointments.
4.	Course in basic IT skills.
5.	Assistant receptionist job at a veterinary clinic.
6.	Receptionist at a veterinary clinic.

According to the plan, the first step requires assistance in finding a volunteer placement at an organisation that works for neglected and homeless animals. The volunteering job should only be perceived as a vehicle for gaining experience. The placement does not constitute supported employment as it is a volunteer (unpaid) job. However, it can still be beneficial as it carries with it relevant training and references that may turn out to be very useful at later steps of the person's career.

After the volunteering period the plan is to find a job at a shop (not necessarily a pet shop). The objective here is to improve customer service skills that are very important for receptionists at veterinary clinics.

Each of the subsequent three steps is designed to enrich the person's professional experience and skills. It is very important to get all references from each of these jobs and to document each career step.

### Summary of the seven stages in the career planning process



Supported employment means supporting both persons with disabilities in finding a satisfactory job and employers in the successful recruitment of an employee with disabilities.

When we were discussing career planning we placed key emphasis on supporting the person with disabilities.

Now our focus will shift to the employer who also needs our assistance. We will start off by building the employer's awareness of how useful employees with disabilities can be and what benefits come with supported employment when it is viewed as a recruitment service. In order to build awareness we must use some marketing techniques.

## MARKETING SUPPORTED EMPLOYMENT SERVICES TO EMPLOYERS

Although supported employment has been developing dynamically, statistics from most countries indicate that the number of persons with disabilities employed at regular (non-sheltered) workplaces has not risen significantly. The likelihood or the willingness to employ persons with disabilities has also not increased.

One of the possible explanations is the fact that traditional supported employment programmes used to focus on employment and support for individuals (one-to-one support); this meant that one supported employment specialist assisted one person with disabilities in developing his/her professional career plan, job finding, training and job maintenance. The method is beneficial for candidates with disabilities but it does not lead to any noticeable increase in employment rates of persons with disabilities.

In part two we discussed the shift from the one-to-one support model to assistance with a spectrum of natural supports that enables us to simultaneously support a number of persons with disabilities.

The second reason for the lack of improvement in the statistics (of employment rates of people with disabilities) is the fact that local businesses are typically unaware of the model of supported employment. Employers do not know that employing persons with disabilities may be beneficial for their businesses or else they do not know how to go about employing them.

If we want to change this situation, we need to find more effective methods of cooperation with employers as part of supported employment programmes. We also have to verify the role of supported employment service providers (agencies) and begin to perceive them as institutions that also provide services for employers.

Job coaches and their teams should therefore place a lot of emphasis on customer care skills.

#### Customer service skills:

- Listening to the customers' needs.
- Effective spoken and written communication.
- A positive, friendly attitude.
- Quick reactions.
- Good organisational skills.
- Creativity.
- Readiness to help.
- Flexibility.

Moreover, intensive advertising campaigns presenting the idea of supported employment to business need to be launched. Such campaigns have to apply appropriate marketing strategies.

Marketing is associated with gathering data on customer needs and preferences. This data is then used to develop products and offers of services directed to customers.

#### **Customer satisfaction is the key to success!**

In practice this means that supported employment service providers should constantly monitor the needs of businesses and develop customer satisfaction measurement methods.

### A representative group of employers

One of the methods of defining the needs of businesses is to create a group of employers that reflects the local population of employers/businesses.

It is a good idea to first conduct a survey of the local job market in order to select the business for the representative group.

## EXERCISE 9

*Answer the questions from the job market survey below. Use your own knowledge and experience and talk to other people who know the local job market; use directories of employers and internet resources.*

### Job market survey form

1. What are the key employers in your area?
2. What types of jobs are most frequently offered?
3. What companies/types of employment are characterised by the highest employee turnover rates?
4. What companies/types of employment are expected to grow in the near future?
5. What businesses have the reputation as employers of persons with disabilities?
6. Where in your locality is seasonal employment available?

After creating the representative group, your task is to invite representatives of the businesses to a meeting. The meeting will not be devoted to supported employment – its objective is to discuss the needs of employers.

Whenever we deal with employers, we need to be professional in terms of invitations to meetings, event organisation and follow-ups (i.e. letters with summaries of the meetings and our thanks for participation). The format and content of all written information (brochures, leaflets, and business cards) should be business-like and of high quality.

Prior to the meeting you should define the kind of information that you want to get from the employers and specify the questions you will ask in order to acquire this information.

### Questions to define the needs of the employer:

- What are your current key needs?
- Have you ever employed people with disabilities?
- Do you have any fears regarding the costs of employing people with disabilities?

- Are you satisfied with your current recruitment resources?
- Have you heard about our programme?
- How can a job coach help you in fulfilling your needs?

The answers that we will receive may lead us to verify our actions and change the range of supported employment services on offer. For example, in the case of some companies it may be necessary to provide support in the evenings and at weekends. This, in turn, may mean the necessity of having more flexible work contracts with supported employment staff.

### Customer satisfaction surveys

The second source of information on the needs of employers and the extent to which these needs are met are customer satisfaction surveys. They enable us to gather information from employers who already use supported employment services and employ persons with disabilities.

## EXERCISE 10

*If you were given the task of creating an employer satisfaction survey for employers who already use supported employment services and employ persons with disabilities, what questions would you include in the survey?*

*Write down your list of questions in your notebook.*

After defining the needs of employers with the representative groups and customer satisfaction surveys, we need to think about changes that need to be implemented in order to effectively meet the expectations of service users.

Consequently, the time comes for the marketing of supported employment.

### **Marketing supported employment services is not the same as job finding.**

Job finding means searching for employment opportunities that match the needs and skills of a person with disabilities. This issue will be elaborated on in part four.

Marketing supported employment services to employers involves selling a unique recruitment service.



## EXERCISE 11

*What is the advantage of job coach services when compared to typical recruitment agency services?*

*List the differences between the two types of services/the advantages of job coach services in your notebook.*

Most differences that you have been able to identify will belong to one of the two categories:

1. Job coaches specialise in employee recruitment using an untapped pool of resources i.e. persons with disabilities.
2. Job coaches precisely match their support to the needs of the employer they are working with.

When advertising the benefits of tailor-made supported employment programmes we try to influence employers and convince them to employ more persons with disabilities in their companies. This means that the next time an employer looks for an appropriate employee, they will be more likely to contact a supported employment service provider. Furthermore, when a supported employment agency staff member calls an employer and asks for a meeting, the employer will be more willing to devote some time to it, and to meet and talk about another candidate with disabilities.

Sales of the concept of supported employment may be directed to individual employers or groups of employers. You may also try to invite employers to an information meeting. At the meeting they will be able to meet staff members and other employers who may have already hired successful employees with disabilities, or who may be in representative groups of employers.

You can also make an effort develop the right contacts and be invited to employer events such as meetings of the local chambers of commerce, employers' organisations, etc.

Yet another way of disseminating the idea of supported employment among employers is to use the media. For example, you can write an article for a local or national newspaper presenting the idea, or you can try to access radio or TV stations and present the concept to a wider audience. Our goal is for employers to recognise employment of persons with disabilities as a normal and positive way of doing business. It is not about "building a positive image", "social responsibility" or charity; it's about employing good workers thanks to professional recruitment services.

## PART FOUR

### JOB FINDING

The material in this part of the guide will provide you with the knowledge and skills necessary to support persons with disabilities in job finding on the open labour market. We will present different means of contacting employers and concrete “sales strategies” for the presentation of candidates with disabilities to employers.

In this part you will learn about the following elements of supported employment:

- 1) methods of potential vacancy identification,
- 2) benefits of networking,
- 3) alternatives to networking,
- 4) working with employers,
- 5) marketing edge,
- 6) job carving,
- 7) issues surrounding disclosure of disability.

### METHODS OF POTENTIAL VACANCY IDENTIFICATION

Job seeking and job finding are natural parts of the lives of most adults who are vocationally active. We all have some job seeking experiences that we acquired when we were looking for our own jobs; sometimes we also help our friends or relatives find work by drawing their attention to job advertisements and vacancies that we have heard of, or by recommending them as candidates in the companies we work for.

One of a job coach's key tasks is to support persons with disabilities in finding employment. The process begins by identifying employers who may currently (or in the near future) have some vacancies.

Your own job seeking experience may be very useful in understanding different methods of job finding.

## EXERCISE 1

*Think about your own experience and knowledge of the many ways in which people identify employers who have vacancies or who may soon need to hire employees. Create a list of different methods of potential employer identification.*

Probably the most frequently listed method is responding to job advertisements in newspapers and magazines. This method has also been used to identify vacancies for persons with disabilities. However, you need to remember that hundreds of people may respond to job ads printed in the local press. Disabled candidates are likely to be filtered out in the initial recruitment phase and are not even invited to job interviews.

Another approach is cold calling: phoning an employer in order to establish whether there are any vacancies in the employer's business.

This is done by creating a list of potential employers and then calling them and asking for a face-to-face meeting. In the case of smaller firms, direct visits are preferred over cold-calling. When we pay a visit, it is easier to ask for a meeting with the business owner or the person responsible for recruitment. During these meetings, a supported employment staff member tries to negotiate the employment of an employee with disabilities.

Research and experience show that you need to make from 10 to 100 phone calls on average just to arrange one face-to-face meeting, and around 7 to 10 meetings to secure one job position. In other words, you need between 70 and 200 phone calls to find one job position. If you were to multiply the number by the number of candidates with disabilities we want to support, the resulting number would be huge.

**If, therefore, these two methods are not effective in terms of time and resources, is there any better method?**

It is currently believed that a much more effective way of finding employment for persons with disabilities is networking.

## NETWORKING AS A METHOD OF JOB SEEKING AND JOB FINDING

Networking involves using your personal networks and connections in order to find employment. Research shows that 60-70% of vacancies on the market are hidden and not advertised anywhere. In order to gain access to this hidden pool of vacancies we must use our personal, organisational and community networks.

In order to use networking we must first identify the pool of contacts we have.

Personal network

Everybody has their personal network composed of family members, friends, colleagues, neighbours, co-workers, etc.

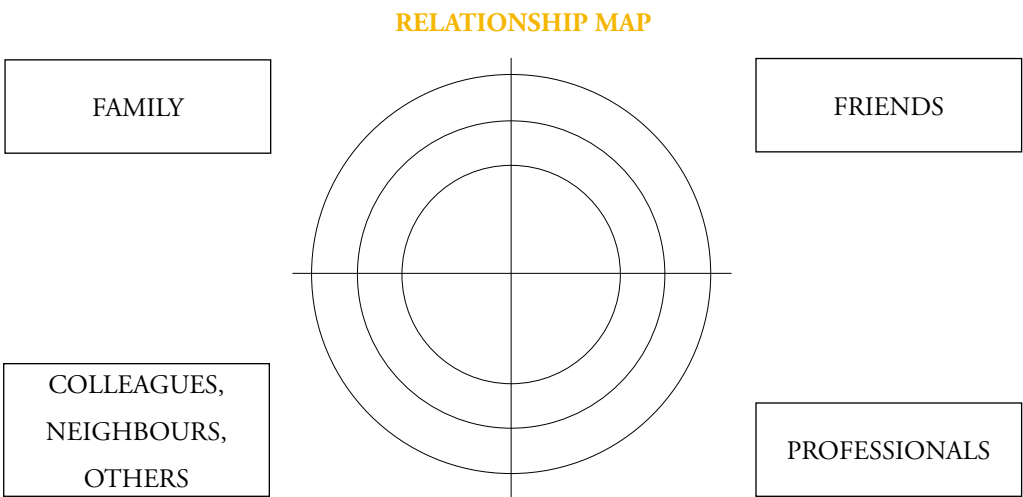
If you know the principles of person centred planning (PCP), you will also know how to support a person with disabilities in drawing his/her map of personal relationships. The map will help the person identify the people who are present in their life, how active these people are and what type of relationship they have with the person with disabilities.

To create the map, the supporter needs to ask a few questions about the person’s relatives and close friends and to then place these people in appropriate sectors of the map (friends, family, specialists, others – including co-workers and acquaintances). Depending on how close the relationship is, the people are placed closer or further away from the core of the map. The people in the map’s inner rings have more frequent contacts with the person with disabilities. The middle rings on the map include people who are still present in the disabled person’s life but are more distant than the ones in the inner rings. People whom the person with disabilities sees sporadically, with no direct impact on the person’s life, should be placed in the map’s outer rings.

The map can be created for some time with the disabled person’s family and friends. The process may require supporting the person in deciding who should be on the map. Photographs can be used both during the process and on the map.

**EXERCISE 2**

*If you have no further experience with the relationship map, think about your own relationships and fill in the map below to create a picture of your own personal network.*



In person centred planning, the map is a tool for identifying people who are important to the person with disabilities and who may end up included in the person's circle of support. Thanks to the map we can also define the people who may be helpful in shaping the disabled person's career.

Each person shown on the map may support the process of job finding. This may be useful in three different ways:

1. People shown on the map may know employers with matching vacancies.
2. They may also know employers well enough to increase the likelihood of organising a job interview for the person with disabilities.
3. They may be a source of references for the person and become advocates of the person, thus improving his/her chances of successful employment.

The relationships map is not only a source of support identification but also a way of using other people's networks; each of the people shown on the map could link their networks to the map and an additional 15 contact people who have their own networks, etc. Each of the people on the map is therefore a potential source of contact with employers. Job coaches may also create their relationship maps that will also show and develop networking potential.

The number of employers who can potentially be contacted through the maps is very large.

On average there are 15-20 persons on a disabled person's map. If each of the persons knows another 15, the overall potential contacts amount to 225 people. If each of the people knows 3 potential employers, the total number rises to 675. The same calculation can be applied for job coaches – after combining the two results, the number of potential contacts may well exceed a thousand! Furthermore, these contacts will be more valuable as they will be based on the direct contact and knowledge of employers who may offer a vacancy.

Studies consistently show that networking is the most effective job finding tool for all unemployed persons – not just unemployed persons with disabilities. Networking is particularly valuable for persons with disabilities as they are particularly vulnerable to discrimination, uncertainty and concerns associated with job seeking.

Networking should not be based only on personal connections shown on the relationship maps of the person with disabilities and the job coach. It is also important to think about relationship maps for the whole supported employment organisation and the person's local community.

### The organisation's network

Organisational networks are all contacts with employers accumulated by the organisation.

#### Benefits of networks in job searching:

- Both the job coach and the job seeker with disabilities gain credibility.
- It is easier to contact the right person and get to know a company's needs.
- The contact is more personalised.
- Asking for help is easier if we ask an acquaintance.

For example, all organisations have links with accountants, banks, stationery wholesalers, cleaning services and technical services.

Job coaches need to use these business connections and seek employment opportunities for their clients with the organisation's trusted and stable business partners. These partners may already have some knowledge of disability, and your organisation knows a lot about the people employed by the businesses and their scope of responsibilities. Such links can be used for organising meetings where employment opportunities will be discussed.

### EXERCISE 3

*Talk to managers of your organisation in order to identify its network of contact. Try to get both the names of businesses and organisations and also the details of contact persons. Write down the results of your enquiry.*

### Local community networks

The third type of network is that of contact within local communities.

This means connections and links in the community that can be used by supported employment staff or by the organisation itself. Examples of such connections include: other organisations and institutions, cultural, sports and leisure centres that operate in the local community, local shops, etc.

Contact with such entities may become a source of employment for persons with disabilities. Relationships within the local community need not be built from scratch; they already exist, and this may result in easier access to job positions.

## EXERCISE 4

*Talk to the relevant persons in your organisations and establish your organisation's links and connections in the local community. Add your personal contacts and the contacts of other staff members to the list. Try to obtain specific details of particular contact persons, organisations, phone numbers, etc. Write down the results of your enquiry.*

Through networking you can also access other networks and consequently new sources of potential jobs.

Not all contact within your networks will lead to employment. However, all your networks are a rich source of information about contact persons, employers, recruitment strategies and types of jobs available for persons with disabilities. Such contact may initiate a relationship with an employer and may also show what staff members are our best contacts in future (including information about the most suitable contact hours, level of formality and etc.) Thanks to our networks we have points of reference when we meet potential employers; this facilitates the process of job finding and opens many doors to employment that would otherwise be closed.

## WHAT DO WE DO WHEN OUR NETWORKS DON'T SEEM TO WORK?

If the job coach responsible for job finding is not able to create a network (because he/she thinks that all his/her contacts have been used or he/she simply does not have a sufficient number of local contacts) it may be necessary to switch to more traditional job finding methods.

First of all you need to have a clear picture of the local job market.

There are many sources of information about local employers. Local newspapers often write about local businesses and in many local communities you can also find information about local businesses in yellow pages. Other sources include your local phone directory, and municipal web pages that often include information about local employers and businesses. In smaller towns or villages you can simply walk along the high street and write down the names of local businesses (i.e. potential employers).

It's not enough to create a list of employers; we also need to find out what kinds of jobs they can offer. As well as this we need to find out if they have been approached by any other organisation offering employment of persons with disabilities, how they reacted to the offer, if they currently have any vacancies, who is responsible for recruitment, etc.

We can also create a database that will be updated on a daily basis in order to make the job finding process much easier.

Thanks to specific information we can narrow down our search to selected employers only – the ones who are more likely to offer employment to a person with disabilities.

## FIRST CONTACT WITH EMPLOYERS

Whether we obtained employer information thanks to networking or thanks to traditional methods it is important to carefully plan the first contact with the employer.

We can initiate this contact by telephone or face-to-face. Initiating contact in writing is not advised unless we are responding to the employer's enquiry by sending a disabled person's CV and cover letter.

Both telephone calls and face-to-face contact are forms of direct communication with employers. Selection of contact type depends on the type of company you're planning to contact. If it is a large employer, a phone call prior to a meeting will usually be necessary in order to make an appointment with the company's recruitment specialist. In the case of smaller and family-run firms, we may simply visit the businesses with no prior appointment and hope that the owner finds some time for a conversation. However, it may also be the case that a conversation is not possible and you will need to visit the company at a different date and time. If you have contacted the employer through networking, the person who put you in contact with the employer can facilitate the first meeting.

### Telephone contact

It is important that you prepare the content of your phone conversation beforehand.

The most important principle as regards telephone contact is: remember you cannot negotiate employment over the telephone! The aim of a phone conversation is to arrange a face-to-face meeting. It is this meeting that is the right opportunity to negotiate employment.

#### **Tips on phone conversations:**

- Choose an appropriate time - early morning in the middle of the week is usually the best choice.
- You need to know who you want to speak to.
- Be prepared to leave a message on the answering machine.
- Avoid discussion - you are going to arrange a meeting, after all.
- You need to know when to finish the conversation

In large companies telephones are answered by reception staff. When you phone such companies, ask for an HR manager or any other person/manager responsible for recruitment.



In the case of smaller companies it's much more likely you will be able to talk directly to the employer.

Whoever you talk to, prior to the phone conversation you will need to make a series of decisions regarding the content of the call.

#### What to think about before a telephone conversation:

- How you are going to introduce yourself?
- What is the nature of your job?
- What is the aim of the conversation?
- Whether you mention disability or not.
- Whether you ask about vacancies.
- Whether you arrange the duration of a meeting.

Introducing yourself. You will naturally need to introduce yourself to your interlocutor and provide your full name. You can also give the name of your organisation/institution/agency. This may be particularly useful if it contains words such as 'employment', 'support', 'recruitment' etc. However, the situation may be different if the name contains words such as 'care', 'disability' and 'impairment'. Such words are automatically associated with charities and socially marginalised groups. The resulting impression is that you are calling to ASK FOR HELP or financial/material support while in fact you want to offer assistance and valuable services. You need to make sure that your call will be associated with employment and supporting the employer to fill their vacancies with a qualified workforce.

In some cases it is, however, advisable to provide the name of your organisation, particularly if the organisation has a good reputation among employers and if its activities are widely recognised and appreciated.

Nature of your work. A phone conversation is too short to present the nature of your work to the employer. However, you will need to provide information that may arouse the employer's interest.

From the part devoted to marketing strategies you already know that you should use arguments that the employer is likely to "buy", not the ones pertaining only to what we want to sell.

Instead of saying:



“We offer services for people with disabilities and we help them find employment”.

It would be more appealing if you said:



“We provide services for employers and focus on their existing or future recruitment needs”.

The objective of your phone conversation. It is important that you present the aim of your phone call concisely. The objective has already been mentioned: the arrangement of a face-to-face meeting with the employer. What’s more, you also need to provide a reason for the meeting. If we say that the reason is finding a job for one of our clients, it is very likely that we will hear refusal and our request to meet will be rejected. It is very easy for employers to say they have no vacancies and leave the caller with nothing. If, however, we say that we want to meet in order to present our services and the ways in which they could help the employer, the likelihood of getting an appointment increases.

Issues surrounding disclosure of disability. If you quoted the name of your organisation at the very beginning and it became clear that you work in the disability sector, the natural follow-up would be to say that your organisation also deals with offering support to employers who decide to employ persons with disabilities.

However, if you call an employer who is not aware of the area you work in, it will generally be a bad idea to disclose disability during the very first phone conversation with a prospective employer. It is better to discuss disability during the first face-to-face meeting in order to better tackle the fears and concerns of the employer.

Vacancies. As previously mentioned, it is not advisable to ask directly if an employer has any vacancies. The employer may very easily respond negatively (even if he/she in fact has some vacancies) in order to avoid a meeting. If we say that we offer recruitment and support for employers in filling their vacancies with qualified staff, the likelihood of meeting with them face-to-face will increase (even if the meeting does not take place immediately after the call and if it takes some time to organise it).

Length of the meeting. The longer you intend a meeting to be, the lower the probability that the employer will say “yes”. Based on our experience we can recommend meetings that are approximately 20 minutes long, as most employers will be able to find 20 minutes for you. Timekeeping is also very important during the meeting. If the employer is interested in the subject but time has run out, you can ask if it is possible to extend the meeting or organise a follow-up meeting.

## EXERCISE 5

*Based on the information you have read, write a step-by-step scenario of a phone conversation with an employer (the objective of the conversation is to arrange a face-to-face meeting).*

## FACE-TO-FACE MEETINGS WITH EMPLOYERS

The objective of the phone conversation was to arrange a meeting.

In some cases meetings can be arranged with no prior phone calls.

Whatever the circumstances, the course of the first face-to-face meeting with the employer should be similar.

The objective of the meeting is to find out if the employer has any vacancies and if so, if they are ready to hold a job interview with your client – the candidate with disabilities.

This means that you will need to present the person with disabilities to the employer using marketing strategies.

### Effective marketing:

- Gathering information on customer needs, and then presenting a product as one that fulfils these needs.
- Showing an advantage over the competition.
- Emphasising the strong points of a product and neutralising its weak points.

Prior to the meeting it will be necessary to acquire sound knowledge about your product and to prepare thoroughly. In supported employment, the “product” is the person with a disability; your job is to know the person’s skills, abilities and motivation inside out. This information is readily available if you have helped prepare the person’s vocational profile. The profile is extremely helpful for the creation of a list of the person’s assets, and these may become sales arguments during the face-to-face conversation with the employer.

The meeting can be split into a few steps:

1. introduction,
2. identifying the needs of the employer,
3. presentation of sales arguments,
4. reaching an agreement,
5. close-out.

### 1. Introduction

The meeting typically begins with a short introduction. Remember it's polite to thank the employer for making the time to meet face-to-face. You can also briefly refer to your phone call and provide the reason why you want to talk with the employer. If you are meeting the employer with no prior phone call, you will need to introduce yourself with your full name, job position, organisation name and also provide the reason for the meeting, as specified in the phone conversation guidelines.

### 2. Identifying the needs of the employer

The next step is the identification of the employer's needs. Remember you are selling what the employer is willing to buy – you are not selling everything you have on offer! At this stage of the conversation it is the employer's turn to talk; you are the one to ask questions and listen carefully to the answers.

You can ask questions pertaining to the following:

- the employer's vision of a good employee,
- types of tasks that the employee will be expected to do,
- the employer's experiences with recruitment agencies,
- experience in hiring persons with disabilities.

If your contact with the employer has resulted from a concrete job offer, you will need to ask specific questions pertaining to the position, training requirements, tasks required in the job and support measures for new employees.

When you have received answers to these questions, it will be easier for you to identify and present your candidate's advantages; you will need to know the advantages thoroughly as your arguments have to precisely address the needs of the employer.

For example:

If the employer says that their contact with recruitment agencies has so far been disappointing, that they have not been able to find matching candidates and that they left the employer all by himself after the recruitment process, you can then inform the employer about the methods applied by job coaches who ensure precise matches and on-going on-the-job support.

If you are discussing a particular vacancy and the employer says that a good employee should be punctual, reliable and orderly – then you should emphasise the corresponding features of your candidate or explain how you will ensure that the employer's requirements are met.

### 3. Presentation of sales arguments

At the second stage of the meeting the ball is in the employer's court: this is the time for him/her to talk and extensively present his/her expectations.

The ball returns to job coach's court at stage three when the job coach needs to convince the employer that it would be a good decision to use supported employment services and hold a job interview with the candidate with disabilities.

In order to achieve your objective you can use two "sets" of arguments:

1. arguments that explain why supported employment services are better than the services of regular employment agencies,
2. arguments that explain why the person with disabilities is a good candidate for the position in question and why a job interview with the candidate should be arranged.

Most often, there are a few people applying for one position. It may also be that more than one employment agency have offered their services to the employer.

In other words, we should always expect competition.

In order to effectively compete on the open market, supported employment services and employees with disabilities need to offer added value, which we will refer to as our "marketing advantage" or "marketing edge".

## **EXERCISE 6**

*Think about all the arguments you can use in order to convince an employer that supported employment services have an advantage over other recruitment services.*

*Write down a list of all your arguments.*

**EXERCISE 7**

*Think about all the arguments you can use in order to convince an employer that hiring a disabled (supported) employee is a better solution than hiring an employee through a regular recruitment agency or hiring an individual applicant.*

*Write down a list of all your arguments.*

**EXERCISE 8**

*After you have done the exercises, go on to the list of value-added items that come with supported employment and supported employees. Read the lists and the items you have missed in your lists from the previous 2 exercises.*

Added value of supported employment:
<ul style="list-style-type: none"> <li>• The service is provided both during recruitment and afterwards.</li> <li>• Support for the employer can be provided at every moment.</li> <li>• Job coaches are experts in cooperating with disabled people.</li> <li>• Job coaches know what benefits employers can gain by employing people with disabilities.</li> <li>• They are experts in job matching.</li> <li>• They have broad knowledge of the candidates they propose for a given position.</li> <li>• Job coaches' services are free of charge.</li> </ul>



Many advantages result from hiring a disabled employee with ongoing support in the workplace.

Added value of employing supported employee:
<ul style="list-style-type: none"> <li>• His/her profile, skills and motivation have been defined by the job coach.</li> <li>• The job coach will offer ongoing support to the employer in the training of the new employee.</li> <li>• The job coach will support and advise the employer in order to keep the employee at work.</li> </ul>



If the meeting results from a job offer and if you have already been able to identify the employer's needs (stage one) you now need to proceed to the marketing of the disabled candidate's skills that respond to the employer's needs. Subsequently, you will need to sell the candidate's added value; this will increase the probability of the success of the process of convincing the employer to organise a job interview with the candidate with disabilities.

In the next part we will deal with supporting persons with disabilities before and during successful job interviews.

What if we meet the employer only hoping (not knowing for sure) that they have any vacancies?

If this is the case, we first identify the employer's general recruitment needs and experiences and react appropriately to these by emphasising the elements of our offer that best match the employer's needs and that build the competitive advantage of supported employment services over the services of other recruitment agencies. This will help us successfully sell our product.

If you played your cards right in the first phase of the conversation, the employer has most probably become interested in your offer. At this point you can ask if the employer has (or will soon have) any vacancies. If the employer is in fact looking for an employee, you will need to ask about the requirements of the job and the characteristics of the desired candidate. If you have a particular candidate in mind and this candidate has the required skill set (either with support or without it) you can at this stage inform the employer about the candidate and present the candidate's skills and motivation for work. This strategy may be more effective and the employer may more easily agree to arrange a job interview with the candidate.

## JOB CARVING

Another job finding method is referred to as job creation or job carving.

In job carving, we support the employer in specifying tasks that should be performed but are not performed at the moment. By doing so, we create an employment opportunity.

Job carving can be applied in two situations:

- 1) when there are tasks in a company that nobody is responsible for,
- 2) when tasks are included in an employee's job description, but the employee does not have enough time to perform them.

A supported employment professional can notice certain unperformed tasks even before the first meeting with an employer, e.g. shopping trolleys scattered around the parking lot of a supermarket: a person is needed to collect them and line them up next to the entrance.

If the employer has a positive attitude to supported employment, it is sometimes possible to ask him/her to walk you round the workplace.

Such a tour of the workplace can let you see potential jobs that you otherwise would not be able to see. This idea can be discussed with the employer (but remember your comments should never take the form of criticism of the business or its staff).

In other cases the employer himself/herself may suggest job positions that could be created through restructuring in order to take some tasks away from overburdened employees. It is also very important to make sure that the staff in the workplace does not perceive the situation as “stealing jobs away” from the company’s existing employees.

## EXERCISE 9

*In order to develop the job carving skill, take a few minutes to think about the organisation you work for. Are you able to identify tasks that should be performed but are not, or tasks performed by persons who would have nothing against having some part of their workload taken away from them?*

*Please write down your ideas concerning job carving.*

## DISCLOSURE OF DISABILITY

One of the previously mentioned key components of effective marketing was:

**“Emphasise your product’s assets and neutralise its disadvantages”.**

Of course, we will try to sell assets, not difficulties associated with a product.

Can you imagine a second-hand car dealer presenting the drawbacks of the car they are selling?

“This car has poor suspension, you’d better carry an extra pillow with you on local roads; it’s got spots of rust as well, and the back windows don’t open. It’s not economical, and you’ll have to visit a mechanic more frequently than with other models. Also, you’ll pay more than average to have it fixed.”

“An honest salesperson”, you’ll probably think, but then you’ll choose a different car. And if you do decide to buy the car, will you be willing to pay a regular price, or would you rather only pay a lower price?



The situation of employers seeking employees is analogous. They look for people with the right skills and the potential to become good workers. Employers tend to avoid problems: they may accept a few difficulties if they hire an employee who works for free, or for a lower rate. In supported employment, however, our objective is to ensure regular rates for our clients with disabilities.

If you have successfully MATCHED the skills and preferences of the persons with disabilities to the needs of an employer, you can assume that there will not be many problems.

However, there will be situations where the employer may fear problems due to multiple disabilities, some of which may be unknown to the employer. In such cases you will need to disclose disability to the employer and talk about the potential impact of the disability in relation to task performance. It is also important how you disclose the information: the employer should not perceive it as a problem but rather as the presentation of a situation with ready solutions.

In other words, by presenting the information appropriately you “neutralise” the problem.

Whether you are advertising a candidate with disabilities during a face-to-face meeting with a potential employer or supporting a person in sending a job application, you always need to make a decision about disclosure: when to disclose and how to disclose disability.

### Responding to job advertisements

If you are supporting a person responding to a job ad, you will need to help him/her prepare his/her cover letter and CV. The advertisement may specify if candidates are also to apply through a special form.

Job applications are supposed to ensure invitation to job interviews.

CV and cover letter drafting principles are the same for disabled and non-disabled candidates.

None of us would prepare job application documents that disclose information that could be perceived as an issue by an employer. For example, you would not inform an employer that you have five children and that you often cannot rely on your babysitter, or that you are planning to start a family next year, or that you have regular headaches that force you to stay home.

Your job application documents are your first presentation to the employer. When you draft them, you hope that their contents will secure an invitation to a job interview. In direct contact and during the interview you have further opportunities to present yourself and discuss all details that the employer should know about.

**CV and cover letter should follow the same guidelines, whether the applicant is a person with disabilities or not.**

## EXERCISE 10

*Below you will find a case study – the example of Jan Kowalski.*

*Read the case study and prepare Jan's CV based on the information provided.*

### Case Study

#### Example 1: Jan Kowalski

*Jan Kowalski is a 30-year-old male with moderate disability.*

*Jan attended a special school until the age of 18. On leaving this school he did not receive any diplomas or certificates but he was able to write and read at elementary level. He still has problems with numeracy skills although he recognises numbers when they are written down.*

*Following his school education Jan attended his local centre for persons with disabilities. He was evaluated as a hard-working individual eager to assist in, for example, carrying heavy boxes from lorries onto smaller trucks and later unloading them in the warehouse.*

*Jan was employed at a sheltered workshop for four years where he was responsible for thermostat assembly. He did not like the work too much as he had problems handling small parts; his hands and fingers are big and his hand-eye coordination is not always good.*

*Jan was later moved to the printing section where he liked handling printing equipment but he was not interested in manual labour, e.g. inserting leaflets into envelopes. Jan spent 6 years working in the printing department.*

*2 years ago the workshop was closed and Jan lost his job. He began to attend his local day care centre for persons with disabilities where he was contacted by a job coach. Jan has acquired some experience by doing job samples and an apprenticeship at a pub where he cleaned tables and collected glassware. He got on well with the pub's customers but he would sometimes become so engaged in conversation that he needed to be reminded of his duties. He wasn't particularly keen on working at nights: as a fan of TV series he preferred to spend evenings and nights at home, watching his favourite programmes.*

*At the centre, Jan is always eager to help the staff. He has good contact with other persons with disabilities and the centre's visitors. He participates in sports classes outside of the day care centre; he particularly enjoys playing football with his friends.*

*Jan still lives with his parents, who are already in their seventies. He cleans his room on his own and helps his mother clean the floors, wash the windows and do the shopping. He cannot cook and he cannot wash his clothes.*

### Disclosure of disability during face-to-face meeting with an employer

If a person with disabilities has been invited to a job interview after a successful CV or preliminary meeting with their job coach, the time will inevitably come to disclose disability.

As a rule, it is better to first present the candidate's advantages and arguments in favour of their employment by focusing on their skills, personality, areas of interest, motivation, experience, honesty, loyalty and reliability.

After that, when you have generated the employer's interest, it will be necessary to inform them of the disability. It should be done with the following principles in mind.

#### **How to inform about disability:**

- Before the meeting, agree with the job seeker what information is to be passed on to the employer.
- Only reveal what is relevant to the job.
- Do not use medical terms - explain the influence of the disability using concrete examples.
- Do not present the problem - present the solution.

If you follow these rules, disclosure of disability should not negatively impact the employment prospects of the candidate with disabilities because the employer has learned how the job coach will provide the necessary support and how he/she will guarantee appropriate task performance by the employee with disabilities. In other words, the employer has not perceived the person's disability as a problem.

### Be careful not to overdo it

When you are selling job coach support, remember not to overdo it. In the early days of supported employment (based on the Irish experience) staff would give guarantees to employers and promise that work would be done and that all problems would be solved by supported employment experts. Employers were given emergency phone numbers and the scope of job coach responsibility was very broad (introduction into the workplace, task performance training, introduction into the working environment and community). Job coaches used to be responsible for all training issues associated with the employee with

disabilities. You will soon see how supported employment has evolved: we are currently placing more emphasis on job coach assistance that does not replace natural employer support. The new approach means that there needs to be appropriate training and problem solving that accompany the disabled employee's introduction into the new workplace along with the presentation of work-specific solutions. This means that supported employment supports employers in what they normally do for their staff rather than replacing employer's tasks.

When you disclose disability to an employer, it is important to refer to the means of supporting them in problem-solving. You should avoid references to areas that will be the sole responsibility of supported employment staff.

### EXERCISE 11

*Using the case study description from the previous exercise, think about:*

- a) arguments that you would use to convince an employer to offer Jan a job interview,*
- b) the way in which you would disclose Jan's disability to an employer.*

*Write down your answers to questions a and b.*

## WHO SHOULD BE RESPONSIBLE FOR JOB FINDING?

Job finding and job carving are tasks that demand specialised knowledge. Some supported employment models have experts, referred to as "job developers", who exclusively deal with these areas. In other supported employment models, all the stages of the process are performed by one person, e.g. a job coach, and there is no specialisation in particular steps. There are pros and cons to both approaches: specialised job developers are often effective salespeople with relevant marketing expertise, and are capable of selling a product efficiently.

On the other hand, when only one person is accountable for the entire process, there are clear advantages: the coach accompanies the person with disabilities throughout the whole process and gets to know the client really well, along with his/her skills and job-related interests, and is able to match a suitable work environment to the person. Thanks to their in-depth knowledge, the process of "selling" the candidate to the employer should be easier. Moreover, people responsible for the entire process know the work environment very well and are the point of contact for the employer if there are any problems; thanks to their knowledge, they can quickly and effectively react to any issues without the involvement of third parties. As we have already mentioned, both these models have their advantages and disadvantages.

## PART FIVE

### SUPPORT IN THE WORKPLACE

The material in this part pertains to methods of supporting the relationship between the supported (disabled) employee and the employer.

In this part you will learn about the following elements of supported employment:

- 1) natural support,
- 2) support for job interviews,
- 3) ongoing training.

### USING NATURAL SUPPORT

In the early days of supported employment, service providers focused on delivering support to persons with disabilities. The concept of supported employment was presented to employers as a system that would not only satisfy their recruitment needs, but also their training needs, as employee support was available for any issues that might arise during employment.

With time it became clear that this approach was associated with a number of problems.

#### Problems with the traditional approach to support:

- The job coach takes natural responsibility for the support.
- It is very hard for the job coach to limit their support.
- The employer does not treat an employee with disabilities as a “regular” employee.
- Co-workers do not take up the natural role of supporting the new employee.

In the presented approach, the job coach is almost totally responsible for support.

Employers should be responsible for all their employees, whether disabled or not.

### Scope of the employer's natural responsibility:

- Conducting interviews and making employment decisions.
- Creating an employment agreement.
- Training the new employee.
- Taking care of all the problems linked to the new employee.
- Disciplining the employee if necessary.
- Making the employee redundant if necessary.

Early on, it was often the case that supported employment experts placed employees with disabilities without them having had a prior job interview. In such cases, employers would simply meet with the supporting person and agree to hire the candidate with disabilities. The employer also received a guarantee that the job tasks would be performed (if necessary by the job coach). The coach was also burdened with training and any other issues that could arise. We can therefore say that the employer took no risks and did not need the interview, as there was a guarantee of task performance anyway.

There were a range of negative phenomena associated with the approach.

- ✓ The mode of employment was very unnatural and not aligned with the social role valorisation principle (according to which we should strive to provide access to socially valued tasks in a way that is most typical and natural).
- ✓ By giving employers access to a special and non-typical recruitment type, approval was given also for a non-standard work relationship between the employer and the employee with disabilities from the very start. Before the employee with disabilities entered the workplace, the employer had already given away most of his natural responsibility.
- ✓ The presence of the job coach who supported the person with disabilities in the workplace. The job coach introduced the person to his/her colleagues, showed them their workstation and began training. The natural introduction into the workplace that is normally aided by co-workers and managers was, in the previous approach, almost entirely replaced by the activities of the job coach. Again, the employer was not responsible for this introduction.
- ✓ When the employee with disabilities mastered his/her work tasks, the job coach would begin to fade out and limit their presence to making sure that everything was fine. If there were any problems, the employer was advised to contact the job coach, whose duty was to turn up immediately and try to resolve the issue. If the employer was not happy with the employee with disabilities' productivity, he would pass this

information on to the job coach who later instructed the employee on how to remedy the situation.

Based on, among others, Irish experiences, we today think that instead of taking over the responsibilities of the employer, supported employment staff should only support the employer in their natural responsibility for cooperation with the employee with disabilities. This support includes: assistance during a job interview, support in training, evaluation, feedback and, if need be, in disciplinary action.

### Support fade-out

It used to be very difficult to withdraw job coaches from the workplace: in order to sell the concept of supported employment more easily, employers used to receive many guarantees from job coaches. Even after on-the-job training was completed, job coach fade-out was difficult because both employers and colleagues of the persons with disabilities treated them as a “different” and “special” case that required ongoing support from supported employment professionals. There was a widespread conviction that non-disabled co-workers and managers had no responsibility for supporting their disabled colleague. Employers only reluctantly agreed for job coaches to withdraw and they would call job coaches when small problems appeared that would normally (in the case of non-disabled employees) be solved in-house. For example, employers would call the job coach when the employee with disabilities turned up late or extended his/her coffee breaks or talked too much when on duty. However, these situations are common in any workplace and employers have to deal with them on a regular basis.

### Employers, therefore, did not treat their employee with disabilities as a “normal” employee

Without an appropriate job interview and with no responsibility for training and typical support on the part of the employer, co-workers and managers it was not possible for the employee with disabilities to be treated as a “normal” employee.

In some businesses employees with disabilities became mascots: pictures of them were taken for articles in the press to prove that the business was an equal opportunities employer. Persons with disabilities would also be employed in a visible position to provide evidence of the company’s active role in social inclusion.

Elsewhere, employers would approach their supported employees with charity: “He/she is doing his/her best. May God help him/her”. Consequently, the person was treated

leniently, turning up late for work was tolerated and days off would be given whenever the person felt like going bowling with friends. Co-workers only laughed when the employee whistled at secretaries. In simple terms, the person was not being treated seriously and was subject to compassion and exaggerated understanding.

Co-workers do not take over the role of natural supporters of the employee with disabilities

In most cases people need 3 to 6 months to learn all the tasks of a new job. During this period of time new employees receive a lot of formal and informal support from their co-workers. Formal support may lead to someone becoming a mentor for a person with disabilities. Mentoring is usually instigated by an employer or manager as a response to the needs of the person with disabilities that become visible during employment. Informal support, in turn, is spontaneous and not planned beforehand. Both formal and informal support are natural types of support.

Many forms of natural support are available in the workplace.

**Natural co-worker support:**

- Help in organising working time (work and breaks).
- Giving an opinion on the quality of work, confirmation of competences.
- Paying attention to personal problems, providing help on bad days.
- Providing explanations and help regarding contact with crew, in workrooms, and with other problems.
- Offering modifications and adjustments in order to find tasks that best fit the employee's interests and skills.
- Taking care of all the problems linked to the new employee.
- Disciplining the employee if necessary.
- Making the employee redundant if necessary.

A concept was introduced in order to facilitate the takeover of a job coach's tasks by natural supporters after the job coach's withdrawal.

However, the takeover did not happen as planned.

## EXERCISE 1

*What do you think – why did natural support not replace the tasks of a job coach after job coach withdrawal? Think about what you have just read and write down the reasons for failure below.*



Emphasis was placed on developing the strategy of natural support, but the core problem was not recognised.

### NATURAL SUPPORT

- **Natural support does not have to be developed as IT IS ALREADY IN PLACE!**
- **Natural support should be taken advantage of and not blocked!**

You should use the natural support potential in the workplace, starting from the first day of a disabled person's employment. A job coach should not take over full responsibility for the person, but instead look for ways to promote natural training and, if necessary, support instructors in adapting their training methods to the employee with disabilities.

The job coach should also not be too eager to solve problems that crop up; he/she should only be available for the employer in order to discuss alternatives and offer support with feedback or corrective instructions given to the employee with disabilities.

A great part of the "old" scope of the job coach is therefore (in the new approach) shifted to managers and supervisors of the work of employees with disabilities in the workplace.

#### Natural extent of superiors' responsibility:

- Distributing tasks.
- Modifying and adapting tasks.
- Approving changes in the schedule, and to holiday/other forms of leave.
- Providing the employer with opinions on the employee's progress.
- Reacting to problems and fears.

It is important that job coaches let managers keep their management roles, along with all of their duties and obligations. However, it must once again be underlined that job coaches need to provide their support whenever necessary.

Using natural support and natural responsibilities in the workplace enables the job coach to overcome barriers to social inclusion. It also makes it possible to get rid of the disabled person's image as a quasi-employee and strengthen their image as a normal employee in the eyes of employers, managers, and co-workers.

Currently job coaches no longer lift responsibility from employers, managers and co-workers, but instead ensure support for building natural relations in the workplace.

In other words:

**The job coach is nowadays responsible for supporting natural relations in the workplace between the supported employee and his/her employer, co-workers and managers.**

Focusing on natural support does not mean that supported employment becomes obsolete. It means, however, that the traditional approach to the role of supported employment is changing and job coaches are becoming more like recruitment consultants.

The job coach is not the key driving force behind the support provided to employees with disabilities. The coach's job is to help the disabled person's direct supporters. Employers, managers and co-workers should naturally adopt supporting attitudes towards new employees, whether disabled or non-disabled. Let us bear in mind that the existing staff in a company may not necessarily have had any experience in supporting persons with disabilities – hence it is necessary to support them.

Even though the new model currently prevails, there will still be situations where application of the traditional approach will be more appropriate.

For example:

- A small business owner may think that his staff do not have enough time and resources to ensure the additional support that may be required in the case of employment of a supported employment programme client.
- Some supported employees may require specialist assistance and have high support needs (in autism, intellectual disability, and multiple disabilities).

This means that in each particular case you will need to make a decision about the most appropriate type of support for the employee as well as for the employer and staff. As much natural support as possible, however, will always be the preferred option (decision-making for support will be discussed in detail in part six).

It is important to remember that natural support is available in all situations, not just in the workplace. It should also be treated as the preferred alternative to support by experts/specialists. The key is therefore to identify the available natural support and use it across the entire supported employment process.

## EXERCISE 2

*In part three you learned about the means of supporting persons with disabilities in making their career choices and plans.*

*Think about what you have just read about natural support. What natural support can you provide to persons with disabilities to enable them to make informed decisions about their career plans? How can we use natural support for career planning? Write down your answers to these two questions.*

Part four was devoted to job finding. The process of job finding also utilised natural support through networking and connections that facilitate the identification of potential employers and the establishment of contact with people who may lead to employment opportunities for persons with disabilities. Personal networks may also be a useful source of natural support for CV drafting and gathering references/certificates etc.

Job finding is not about job coaches selecting the right employees for the employer/s; it is, rather, about recommending one or more candidates for job interviews. It is the employer that is responsible for employee selection and recruitment; consequently employers need job interviews.

In the next part we will deal with supporting persons with disabilities before and during successful job interviews.

## SUPPORT DURING JOB INTERVIEWS

Job interviews are the point of departure for launching natural cooperation between an employer and an employee. Employers very rarely employ anyone without first having met and interviewed them. Although an interview's level of formality may vary, it is always an important opportunity to meet for both parties. During an interview, an employer may acquire some relevant information that will lead him/her to the decision to employ the candidate. The candidate also receives relevant information that will enable him/her to accept or reject a job offer.

If the employer decides to employ the candidate based only on the recommendations of supported employment specialists, and with no face-to-face interaction with the candidate, then the employer-employee relationship automatically starts differently than in the case of non-disabled candidates.

**A job interview is a necessary and important initiation of contact between an employer and an employee.**

We have already said that job interviews are of crucial importance for starting the employer-employee relationship in the workplace. Now it is time to make decisions concerning the type of support needed during an interview.

Planning this support requires answering many questions.

### EXERCISE 3

*Employers are used to conducting job interviews. However, they typically have no experience in recruitment of persons with disabilities. In your view, what concerns and problems may employers have as a result of this lack of experience? Please write down a list of concerns/problems.*

All items on your list are potential areas of support for employers. Candidates may also have multiple support needs for a job interview.

### EXERCISE 4

*Think about individuals with disabilities whom you know well. What kind of support would these persons need during their job interviews?*

*Create a list of possible job interview-related support needs of candidates with disabilities.*

It is clear that both the employer and the employee may have support needs associated with preparation for job interviews and performance at job interviews. Below you will find a list of issues that a job coach needs to think about prior to a job interview.

#### Interview – important elements:

- What the first impression of the job seeker will be?
- To what extent the disabled person can present information and answer questions?
- Whether an alternative form of interview is necessary?
- To what extent it is possible to prepare the job seeker for the interview?
- How the employer can be prepared for the interview?
- Whether you have to be present at the interview?
- If yes, what your function will be?
- How to incorporate a person with limited verbal communication abilities into the interview?

### First impressions

It is often said that employers make their recruitment decisions during the first three minutes of a job interview!

Their decisions are based on first impressions: seeing how the person enters the room, shaking hands with the person, the person's presentation and appearance, the way the person takes his/her seat. The employer will typically pay attention to the looks, behaviour, body language, facial expression and communication skills of the candidate with disabilities.

Bearing this in mind, it is important to assess the candidate's first impression potential, and any possible support needs in this area.

#### Support in making a good first impression:

- Appropriate attire for the interview.
- Personal hygiene.
- Entering the room, smiling and shaking hands, an appropriate introduction.
- The ability to sit down and wait for the first question.

### Will it be necessary to use an alternative job interview format?

During regular job interviews, employers normally ask a range of questions pertaining to the candidate's qualifications, professional experience and motivation for work, and the candidate does his/her best to answer these questions. At the end of a typical interview, candidates are given the opportunity to ask questions.

The regular job interview format is suitable for disabled people with good verbal communication skills. However, this format is not suitable for persons with disabilities with limited or non-existent verbal communication skills.

If we are supporting a candidate with limited verbal skills, we may have to consider a conversation with the employer on the possibility of arranging an interview in an alternative format: a format that will enable both the employer and the candidate to acquire the necessary information without verbal communication.

### **EXERCISE 5**

*During the job interview the employer wants to find out if the employee's skills will match the requirements of the job. The employee, in turn, wants to get as much information as possible about the job itself in order to make an informed decision after the job is offered.*

*Be as creative and innovative as possible and offer ideas for alternative interview formats that do not rely on verbal communication but still offer both parties all the necessary information. Please write down your ideas.*

### Preparation for job interviews

Preparation can be beneficial for both parties: the employer and the candidate. Sometimes preparation is indispensable, as in the case of the application of alternative interview formats. However, even if the interview is going to be held in the traditional format, there are several good reasons for preparation.

#### **Preparation by an employer**

If the candidate has problems articulating words or if his/her vocabulary is limited, it will be necessary to inform the employer of this fact and to hire a sign interpreter. You can also ask the employer in advance to use an alternative communication format. For example, candidates could use symbols, pictograms or signs to communicate. Employers may require support from the supported employment consultant in order to understand these alternative formats during the interview.

If the candidate has specific behaviours such as tics, spasms, hand jerks or lolling that may become aggravated under stress, it is a good idea to warn the employer of such behaviours in order to guarantee that they feel at ease during the interview.

If the candidate suffers from a condition or disability that impacts his/her appearance, it is a good idea to inform the employer of this fact. Most employers are acquainted with Down's syndrome and feel comfortable in the presence of candidates with Down's syndrome; however, they may be less comfortable when faced with other syndromes, for example the ones that result in disfigurement and unusual face or hand appearance. If the employer is not comfortable during the interview, it may not be as successful as it could have been had they been informed of the condition/syndrome.

Of course you need to remember that any disclosure must be discussed and approved by the person with disabilities beforehand.

#### **Preparation by a candidate**

Many persons with disabilities in supported employment programmes have not had any previous experience with job interviews.

We all prepare for interviews; often family and friends also help us prepare. We ask them to advise us on the right clothing, the right answers, and we can also rehearse in front of the mirror.

Persons with disabilities need the same preparation opportunities in order to get ready for their job interviews.

If we meet the employer prior to the interview, we can ask about the types of questions that he/she might ask. Knowledge of the questions will let us role play the interview with the candidate. We can also discuss any questions the candidate himself/herself would like to ask.

You should also make sure that you have prepared the candidate for the question about the impact of their disability on job-related tasks (by practising the relevant answers).

Families of candidates with disabilities often volunteer to practise for the interview with their sons and daughters; additionally, they may have valuable experience of job interviews that their other children have had.

### Should the job coach be present at the interview?

The job coach's presence at the interview should be subject to prior approval.

It is preferred that the candidate and the employer are both open-minded and ready to conduct the interview without the presence of a supported employment professional; the fact that the candidate can go through the interview independently automatically proves his/her competence.

If the employer, or the candidate, or both, require the coach's support, then support should be offered.

However, even if this is the case, it is important for the candidate to show as many of his/her competencies as possible; the job coach should provide as little support as possible (i.e. just enough).

#### **The lowest level of efficient support during the interview:**

- The job seeker should sit in front of the interviewer.
- The job coach should sit to the side and slightly behind the person with disabilities.
- All questions should be directed to the person with disabilities.
- The person with disabilities should reply to the questions to the best of their abilities.
- The job coach should help the person with disabilities only if necessary (the support can consist of translating, explaining, encouraging the person to speak).
- The job coach should reply to questions only if the person with disabilities is unable to do so.

It may be necessary to provide the employer with the above information prior to the interview so that they are aware of your presence and understand your role and the support you offer for both parties.

## FACILITATION OF LEARNING THE JOB'S SCOPE OF RESPONSIBILITIES

Assuming that the candidate has successfully gone through the recruitment process, supported employment enters the next phase, which is initiated by learning the necessary skills and the scope of responsibilities of the specific job position.

### PRIOR TO COMMENCEMENT OF WORK

The first day at work requires us to prepare beforehand to ensure that the employee comes across as a competent and work-ready person from first day.

Preparation for the first day is a necessary activity that must not be skipped.

#### EXERCISE 6

*Think about how most people prepare for their first day at work. Create your list of preparation.*

Some of this preparation may be facilitated through support: for example, your partner knows that s/he has to look after your child while you're getting ready; or a neighbour who drives a lot may tell you the best shortcut to your new workplace.

Other pieces of preparation can be dealt with by the candidate: purchasing the appropriate clothing, opening a bank account, gathering social security and Inland Revenue documentation. All of this is to ensure that everything is ready for the first day.

#### EXERCISE 7

*Apart from the typical preparations for the first day, persons with disabilities may also have additional support needs. What other support needs may the person have? Write down your thoughts on the subject in your notebook.*

Preparation can be organised by family and friends but the job coach needs to make sure that everything is in place and, if necessary, should provide advice.



## COMMENCEMENT OF WORK

As mentioned in the previous section, it is important that the employee with disabilities comes across as a competent worker from the first day.

This will be partially facilitated by the preparation: the person will arrive at work on time and properly dressed, he/she will know how to introduce himself/herself to the boss and co-workers, will know where to go upon arrival at work, etc.

Additionally, attention must be paid to what can happen on the first day at work so as to prepare possible reaction strategies to potential events. If we do not prepare for these events, the person may make mistakes and give a negative impression of himself/herself.

Below you will find a list of aspects that must be considered on the first day at work.

1. The new employee will be shown his/her new workstation; here, pay particular attention to:
  - the person's workstation and adjacent area,
  - entrance/reception area,
  - canteen/social room,
  - toilets,
  - dressing rooms (if applicable).
2. New employee should be introduced to the company's existing staff, in particular:
  - his/her manager,
  - his/her colleagues,
  - his/her mentor (if applicable),
  - the receptionist,
  - the accountant/remuneration specialist.
3. New employees should also receive training in health & safety in the workplace, e.g. the principles of safety wear and emergency exits.
4. The new employee should also meet the company's administrative staff to discuss issues related to remuneration, sign his/her employment contract, receive a copy of workplace regulations and instructions for employees, provide full personal data (full name, address, contact details of close family members) – all of this is necessary for newly-employed persons with disabilities.
5. The new employee also learns about the tasks that he/she will perform in his/her job.

This process is typical for every new employee and every workplace has a unique way of dealing with the introductory activities at work. It is important that employers stick (as much as possible) to their standard procedures and avoid delegating people to specifically look after the employee with disabilities; in other words, every other member of staff should be doing their regular routine tasks when a employee with disabilities joins the business; this will activate natural support. The job coach should be present and provide advice and support whenever necessary, but only if necessary.

The most important factor that influences the person's success at work is the person's ability to learn the skills necessary for the job.

## LEARNING JOB-RELATED SKILLS

Professional skills can be split into two categories:

- 1) practical skills required in the job,
- 2) social skills required in the job.

### Practical skills required in the job

These skills are necessary for the performance of work-related tasks. For example, if the employee is an office assistant, his/her tasks may include making photocopies, filing documents, sorting internal mail, preparing parcels and keeping the office area clean, etc.

There are other practical skills that are not necessarily task-related but are still necessary for the person with disabilities to be a good employee. For instance, they must be able to clock in and out, get dressed for work, record their hours of work, call the boss in the case of illness, etc.

### Social skills required in the job

These skills pertain to social interactions with other employees and supervisors/managers. Good employees have the skill of building good relations with their colleagues, managers and clients. Social skills are often more subtle than practical skills but experience shows that they play a very important role in the development of good workplace relations: employees who insult customers will lose their jobs much more quickly than those who find it hard to learn how to work the till!

Disabled employees often have specific support needs in the areas of both social and practical skills. Supported employment programmes used to focus on practical skills, but today we are much more aware of how important it is to also pay attention to social skills.

We will look at examples of skills training for both of the areas under discussion, but first we will focus on probably the most effective skill-teaching strategy. Although the strategy may be used for any employee, it is particularly effective in the case of employees with disabilities. The strategy is called “systematic training”.

## SYSTEMATIC TRAINING

Systematic training in the workplace is intended for persons with disabilities who have difficulties learning new skills; a learning disability is a key aspect of their disability (e.g. persons with intellectual disabilities, autism, multiple disabilities). However, this does not mean that such persons are **unable** to learn, as was popularly believed until recently.

Persons with disabilities are able to learn new skills if we manage to find an effective mode of teaching and learning. Over the last 50 years it has become clear that appropriate methods for the transfer of knowledge may lead to effective learning in persons with disabilities. These days we know much more about appropriate ways of teaching effectively and we are still developing this knowledge.

### Three keys to effective teaching of the disabled:

- Teach the same method of executing a task every time.
- Provide the disabled person with information on how to execute a task so that they understand the instructions well.
- Provide the possibility to constantly repeat and practice the execution of task in the same way.

Based on this knowledge, a teaching strategy called “systematic instruction” was developed in the 1960s .

### Systematic instruction:

- Systematically organise skills to be acquired.
- Systematically tell the person with disabilities what they have to do.
- Systematically limit help for the person with disabilities as they learn how to execute a task.

### Systematic sequencing of the skills to be learned

In order to ensure that a task will always be taught in the same way, we must first align the remaining steps of the task.

Each skill may be broken down into a series of steps that are performed in sequence.

For example, to boil an egg you first need to put the egg into a small pot, cover it with water, boil the water and remove the egg after 10 minutes.

Breaking the task down into steps is referred to as “task analysis”.

Returning to the egg example – there are other ways to boil an egg. Some people first pour water into the pot and boil it and then add the egg. Then the egg needs to boil for about 6 minutes (soft-boiled) before it can be removed from the pot.

If one instructor uses the first method to teach a person with disabilities how to boil an egg while another teacher uses the second method, we can predict it is fairly likely that the person with disabilities will have problems learning the skill of boiling an egg.

Firstly, you need to specify the mode of task performance. If the skill is used across the business/workplace, then the way it is taught should reflect the typical performance of the task in the workplace.

If the person with disabilities is to receive on-the-job training, the method of task performance needs to be specified first. If similar tasks are performed by other persons in the workplace, the method that we teach should reflect the one used by the majority of the staff. If no one is currently performing the task, you should contact the production manager and specify the method of task performance with him/her.

## EXERCISE 8

*Describe at least three methods of washing windows.*

When we have agreed the method, we must then define each of the steps.

**Breaking the task down into a series of steps/stages is called “task analysis”.**

Step descriptions contain information necessary for task performers to perform particular tasks. How much information the descriptions contain depends on the skill level of the person with disabilities.

For example, one method of egg boiling could be broken down into the following steps:

**TASK ANALYSIS: BOILING AN EGG**

1. Put the egg into a pot.
2. Pour enough water into the pot to cover the egg.
3. Put the pot on the stove and turn it on.
4. Remove the egg from the pot after 10 minutes.

The amount of information in each description depends on the current skill level of the learner with disabilities.

For example, the following step description:

“pour water into the pot”

contains less information than:

“pour enough water into the pot to allow a margin of 3 centimetres between the surface of the water and the rim of the pot”.

The number of required step descriptions will vary from one person to another.

For example:

“fill the pot with water”

may be further broken down into these steps:

1. Hold the pot under the tap.
2. Turn on the cold water tap.
3. Wait until the water fills the pot but keep a minimum of 3 cm margin from the top rim of the pot.
4. Turn off the water.

This number of steps/stages of the task may be sufficient to teach person A how to perform the task.

Person B, however, may have problems turning on the water and it may be necessary to continue to break down the task further, for example:

Step 1 “turn on the cold water tap” will be broken down into three sub-steps:

- *place your right hand on the top part of the tap*
- *slowly turn the tap to the left*
- *stop turning when the water starts flowing.*

Step 2 “turn off the water” will also be broken down into three sub-steps:

- *place your right hand on the top part of the tap*
- *slowly turn the tap to the right*
- *stop turning when the water stops flowing.*

The new task analysis for filling the pot with water looks as follows:

1. Hold the pot under the tap.
2. Place your right hand on the tap.
3. Slowly turn the tap to the left.
4. Stop turning when the water starts to flow.
5. Keep filling the pot until the water reaches the level of 3 centimetres below the rim.
6. Place your right hand on the tap.
7. Slowly turn the tap to the right.
8. Stop turning when the water stops flowing.

Task analysis for Person A was 4 steps while the same task was broken down into 8 steps for Person B.

In order to analyse a task, you will need to make a few decisions.

#### Decisions based on task analysis:

- What is the method of executing the task?
- What are the steps to executing the task?
- What does each step consist of?
- How many steps are there?

You will typically start by creating a task analysis for an average non-disabled person.

For example:

#### Task analysis - washing your face:

- Fill the washbasin with warm water.
- Soap your hands.
- Wash your face with your soapy hands, using circular movements.
- Wash the soap from your face with the water from the basin.
- Dry your face with a towel.

This is a general task analysis that can be placed next to a washbasin.

The analysis may later be developed to match the needs of a specific person whose job is to learn the task. The method is the same but the problematic steps are broken down into smaller ones.

Task analysis for a specific person may therefore look as follows:

#### Individual task analysis - washing your face:

- Fill the washbasin with warm water.
- Take the soap.
- Wet the soap in the water.
- Soap your hands.
- Wash your face with your soapy hands, using circular movements.
- Wash the soap from your face with the water from the basin.
- Dry your face with a towel.

This analysis supplies very detailed information about the steps to be learned by the person with disabilities.

When we are creating task analyses, we must remember about the following rules:

#### IMPORTANT!

- The steps are written in a way that makes it possible to read them out to the trainee (although they probably won't be read out).
- The analysis describes what is to be taught and not HOW to do it.
- The training strategy is defined after analysing the task.
- Individual task analysis is prepared for a particular person – everyone needs a different analysis according to their specific needs.

## EXERCISE 9

*Now your job is to practise task analysis. Analyse the task of changing a car tyre.*

*Initially, you will need to write a generic task analysis i.e. an analysis that would suit an average non-disabled person.*

*Subsequently, you will write a more detailed analysis of the task as if it were designed for a person with disabilities you know. The analysis should be written in a way that will facilitate the person learning the particular steps.*

*If you don't know a person with disabilities, make up a person in your mind for the sake of the exercise and write a matching task analysis.*

Systematic presentation of the subject to the learner

**Task analysis describes the steps to be taught, NOT the method with which these steps will be taught.**

The next stage, therefore, is to make a decision about the teaching method (when we already have the task broken down into steps).

Teaching task steps involves informing the person with disabilities about things they need to do at each step, and of what the following step is.

## EXERCISE 10

*How can instructors pass information to their disabled trainees about what needs to be done at particular steps/stages of a task? Create a list of methods.*

We can refer, in short, to the information that we pass on as “hints”.

There are four categories of hints and the ways in which information is given should fit into one of these four categories.

## Hints:

- Verbal hints.
- Demonstration/modelling.
- Gestures.
- Physical guidance.



### Verbal hints

Verbal hints are used when the instructor tells the person with disabilities what needs to be done, while still using a step description from task analysis: for example, “fill the washbasin with hot water”.

### Demonstration/modelling

These types of hints are given when the instructor performs a task while the disabled trainee watches. In this method, the first step would be to actually fill the washbasin with water instead of just talking about it. The instructor would first put the plug in the washbasin and fill it with warm water. When demonstrating, it is important that the instructor offers the person with disabilities the opportunity to copy task performance before proceeding to next step. In the example it would be ideal to have two washbasins next to each other; one of which would be used by the person with disabilities. However, if there were only one washbasin, the teacher would first need to empty the washbasin and then let the person with disabilities perform the task for themselves.

### Gestures

Gestures are physical and non-verbal signals that convey information about what needs to be done. For example, showing the person an open hand may mean “stop”, beckoning with an index finger may mean “come here”, indicating an object with a finger should draw the person’s attention to the object, a twisting hand movement shows how to screw, etc. These gestures are normally very easy to understand, even when they are used to convey information in an entirely new situation. If, for example, the instructor wants the trainee to turn the sheet of paper before putting it into the copying machine, this can be easily shown with one’s hand – as if the hand/palm were a sheet of paper.

It is important that you distinguish demonstration from gestures. Demonstration includes task performance while gestures only show what needs to be done. When gesturing, the instructor’s hands do not touch the trainee or the tools that the trainee should use to perform the task.

### Physical guidance

The fourth type of hinting is regarded as the most powerful and the most invasive, as it requires physical contact with the learner. The instructor guides the hands or other body parts of the learner and shows them how the task needs to be done. If the activity is turning the tap, the instructor places his/her hand on the wrist of the learner and shows them how

the task must be done. Skilled physical guidance requires a lot of sensitivity on the part of the coach; no movements must be forced and the trainer must withdraw guidance as soon as he/she realises that the person is performing the task independently.

#### Making a decision on which particular hinting methods to apply

The hint that should be used depends on what best suits the learner, e.g.:

- Learners with no verbal skills will naturally be unable to use verbal hints.
- Blind learners cannot learn through demonstration and gesturing.

As a rule, persons with learning disabilities learn more quickly through visual methods than through verbal methods.

Persons with moderate or mild disability or persons with attention disorders may benefit from physical guidance. A combination of methods can also be applied. When a person learns a task for the first time, he/she may need physical guidance from the instructor in order to perform a difficult step. For easier steps it may be enough to use gestures such as indicating, raising hands to convey the message to stop or showing the twisting gesture to show how to turn off the water tap.

#### Ongoing repetition and the opportunity to try out task performance

Persons with disabilities learn best when they consistently learn the same type of task performance and when they have plenty of opportunities to practise.

After repeating the same steps over and over again many times, the person will eventually master the task and will become less dependent on hints from the coach; instead, the person will rely on his/her own memory.

It is therefore important that all stages are introduced in sequence and in totality, from the very beginning to the very end of the task. This is referred to as 'total task training'. Total task training is the most effective method, as it enables the person to learn the sequence of steps and also the performance of the steps each and every time they perform the task.

#### **Total task training:**

- Hints are given on all stages of task execution, from the first to the last step.
- It is the most efficient way of training, because the person with disabilities can repeat every step in the appropriate order.

The systematic reduction of support as the skills of the person with disabilities improve

The third component of systematic training is the gradual reduction of the intensity of support provided by the job coach, starting from the moment when the learner begins to effectively learn particular steps.

This is referred to as job coach fade-out.

There are three different ways to fade support out.

**Support fade-out - systematic reduction of support for the person with disabilities:**

- Fading out through delayed hints.
- Fading out through weakened hints.
- Fading out by using less invasive hinting methods.

1. Fading out through delayed hints

A task is not fully mastered until the person with disabilities is capable of chronologically and consistently performing all the steps without any hints from the job coach i.e. until independent task performance is possible. It is not enough to ask the person to perform the task once: employers often expect continuous task performance.

In order to teach the person to become independent, the job coach must gradually withdraw his/her support. One of the ways of fading out is to **delay hints**; first you need to observe whether the person can independently perform the task, and only provide hints when the person hesitates or makes an error.

2. Fading out through weakened hints

The second method is to **reduce the intensity of hints**.

Hints may vary in their intensity.

For example:

The verbal instruction: “Put the kettle on the smallest ring of the stove” is a more intensive hint than “put the kettle on the stove” as it contains more information.

**Demonstration:** Demonstration of the entire step is a more powerful hint than demonstration of a fragment of a step.

**Gestures:** Indicating the screw, the screwdriver and showing a twisting and turning hand movement, and then indicating the hole drilled in a piece of wood where the screw is to be fixed is stronger than just indicating the hole and the screw.

**Physical guidance:** Physical guidance of the learner’s hands in order to enable task performance is a stronger hint than gentle guidance of the person’s elbow.

When the person repeats a step, hint strength should be gradually reduced until the learner is able to perform the task independently with no hints.

EXERCISE 11

*Fill in the table below by recommending weaker forms of hints for each of the cases in the table:*

Hint category	Strong hint	Weaker hint
Verbal hint	“Lift the box with your right hand”.	
Modelling	The job coach puts washing liquid into the container’s measurement cup and then pours the measured amount of liquid into a bucket of water.	
Gestures	The job coach makes circular movements in the air with his hands as if he were cleaning a mirror.	
Verbal hint	“Approach the cupboard and take out a box of printer paper for the photocopier”.	
Physical guidance	The job coach shows how to wring out a wet cloth by guiding the hands of the learner with his/her own hands.	
Guidance by gesture	The job coach indicates with his/her finger the place on the table where the telephone should be placed.	
Physical guidance	The job coach puts his hand on the shoulder of the learner and turns the learner in the opposite direction.	
Modelling	The job coach presses the green button and takes out the CD from the CD player.	

### 3. Fading out by using less invasive hinting methods

Another way to reduce the intensity of hints is to use less invasive hints. For example: gesturing instead of physical guidance or verbal hints instead of demonstration. The level of intervention will of course vary. Some persons may perceive verbal hints as more invasive than demonstration. Hints ought to be organised hierarchically for a given learner; the process of fading out will involve moving down the hierarchy of hints.

Frequently, when more than one hint is applied, fading out will be a combination of weakened hints and less invasive hints.

The degree of reduction of hint intensity will depend on how quick the learning process is. If you reduce the intensity or weaken the hints too quickly, the learner will start making mistakes during task performance. If mistakes occur, it is important to increase the intensity of hinting in order to make sure the learner receives support that is sufficient for effective task performance.

### 4. Documenting progress

If you use systematic instruction to teach task performance (i.e. you've broken down the task into steps and you use hints and you gradually fade support out) it is important to keep a record of progress made. Only empirical and documented data will tell us whether the learning process is effective or not and whether the person is likely to become an efficient task performer.

Training without documentation of progress is, of course, possible, but it makes it impossible to assess the learner's actual progress. This is particularly relevant for persons with severe disabilities whose progress may be much slower or irregular. Documentation will let us verify the effectiveness of our teaching even if the end goal (independence in task performance) still seems very distant.

The most commonly used and most effective way of documenting progress is to document hints at each stage and step of the task. If your training is effective, you should be able to notice a gradual and consistent decrease in the number of hints, and a reduction in their intensity and strength.

Below you will find an example of how progress can be documented for the task of "washing your face".

Career plan							
Step	Description of step/task stage	1	2	3	4	5	6
1	Fill the washbasin with warm water	V	V	V	V	I	I
2	Take the soap	G	G	G	V	I	I
3	Wet the soap in the water	G	P	V	V	I	I
4	Soap your hands	P	P	G	G	V	I
5	Wash your face with your soapy hands, using circular movements	P	P	P	G	G	I
6	Wash the soap from your face with the water from the basin	P	P	G	V	I	I
7	Dry your face with a towel	G	G	V	V	V	I

This example contains six hints.

The letters in the table stand for particular types of hints:

V= verbal hints

G = gestures

D = demonstration (not applied in this case)

P = physical guidance

I = no hints

The example shows that the instructor is using a combination of different hints from the very beginning of the process and that the hints become weaker and less invasive with time. Finally, at the 6th attempt, the learner acquires full independence in task performance.

Please note that step 3 in the second attempt required more powerful hints than in the first attempt. It indicates that the initial hint was too weak and that it was necessary to

apply physical guidance in order to ensure correct task performance. After strengthening the hint, step 3 made it possible to return to a weaker stimulus i.e. gestures in attempt no. 4.

The form of documentation shown above enables you to track progress in connection with the hints you have used.

A more advanced system of documentation would be necessary to track the reduction in hint intensity. Verbal hints can be reduced from full sentences to short phrases such as “now – the towel” or even the question “what’s going to happen now?”

For the more complex processes we need a system that will register the intensity of particular hints.

#### Example of coding system for recording the strength of hints:

- P5=The hand guides the whole arm.
- P4=The hand guides the wrist.
- P3=The hand guides the elbow.
- P2=The hand guides the upper arm.
- P1=The hand guides the shoulder blade.
- A similar system can be used for all four types of hints.

This system will enable us to record even subtle differences and note progress that would otherwise be missed.

#### Documentation of progress:

Step	Description of step/ task stage	1	2	3	4	5	6
1	Fill the washbasin with warm water	V4	V3	V3	V1	I	I
2	Take the soap	G5	G4	G1	V1	I	I
3	Wet the soap in the water	G4	P4	G3	G	V1	I
4	Soap your hands	P5	P3	G1	G	V1	I
5	Wash your face with your soapy hands, using circular movements	P5	P4	P1	G	G3	I

6	Wash the soap from your face with the water from the basin	P4	P3	G2	V	I	I
7	Dry your face with a towel	G4	G3	V2	V	V1	I

## EXERCISE 12

*Look at the progress documentation for the task of washing one's face (the example).*

*Write a summary of what the information in the table tells you about the learner's progress. Write down your summary in your notebook.*

*The example demonstrates that the more progress a person makes, the less intensive the hints become.*

The type of documentation shown above would not be necessary in all cases. However, it is useful for persons with disabilities with high support needs and a slow pace of progress.

In difficult cases, the task should be relatively short and simple and should not contain too many steps. Such shorter tasks also make it easier to document progress.

If the learner is not making any progress, it is necessary to review the method of instruction:

- Are the hints powerful enough?
- Does the method match the learner or should it be adapted to their needs?
- Does the task itself match the learner's needs?

Answers to the above question should be provided in collaboration with the person's employer and managers.



## PART SIX

### JOB POSITION ANALYSIS AND ONGOING SUPPORT

This part of the guide refers to supporting persons with disabilities who are already in employment. At the beginning of this part, we will discuss work environment analysis in order to define a person's support needs. Subsequently, we will look at the decision-making behind the selection of support types and responsibility for support.

This part contains information on the following items:

- 1) work environment/workstation analysis,
- 2) job matching,
- 3) decisions pertaining to support needs and support strategies,
- 4) supporters,
- 5) ongoing support.

## INTRODUCTION

In previous parts we have dealt with systematic instruction as a structured and effective approach to teaching new skills to persons with disabilities. We have used examples of both practical and social skills – systematic instruction can be applied for both types of skills.

Supported employees usually need support in both areas: they require practical skills for work and new social skills that will enable them to adapt to the new work environment, managers, co-workers and (sometimes) customers.

The specific training needs of each person may be defined prior to the commencement of work or within the first days/weeks at work. Some issues may be sufficiently explained already during the first meeting with the employer, prior to the job interview. The first meeting often includes topics such as health & safety and other regulations that all employers must comply with.

Here, again, we can stress the importance of documenting information as we accumulate it.

This includes general information about the workplace and its staff (the way new staff are introduced to the workplace, the recruitment process, holidays, overtime regulations, etc.) The information is usually contained in the company's internal regulations and rules of conduct.

## JOB POSITION ANALYSIS

It is also important to analyse the particular job position with the candidate with disabilities in mind. With this information you can identify the skills necessary to successfully secure the desired job position.

In the case of supported employees with mild and moderate disability it will be important to analyse the job and skills before the person starts work. This will make it possible to discuss and plan the support that needs to be provided prior to employment. The job coach's visit to the workplace will therefore be useful. During the visit the job coach will observe other employees and take note of the physical and social environment. Important information can also be gathered as a result of conversations with managers and other employees.

Furthermore, at the workplace the job coach can also analyse the tasks that might require systematic instruction. The job coach may also learn the task himself/herself in order to be able to teach it better to the supported employee (or the employee's co-workers – the person's natural supporters) on-the-job. It is impossible to effectively teach a task you cannot perform! And it is just as impossible to give effective advice on how to teach a task that you are not able to perform yourself!

Task analysis consists of four parts.

Task analysis:
<ul style="list-style-type: none"> <li>• Analysis of job duties.</li> <li>• Analysis of job-related duties.</li> <li>• Job environment analysis.</li> <li>• Environmental analysis.</li> </ul>

### Analysis of job-related duties

These duties are tasks that an employee is obliged to perform. He/she receives remuneration for their performance. You will need to analyse these tasks, their sequence and duration.

The example below is an analysis of the tasks of a kitchen assistant whose shift runs from 9 a.m. to 1 p.m.

### Task analysis of a kitchen helper working from 9 a.m. to 1 p.m.:

- 09.00 a.m. Come to work, change into working clothes and hat.
- 09.10 a.m. Receive instructions on the preparation of vegetables from the chef.
- 09.15 a.m. Prepare the vegetables.
- 11.00 a.m. Coffee break.
- 11.15 a.m. Rinse pots and other kitchen equipment.
- 11.30 a.m. Wash the frying pans and other dirty dishes.
- 12.00 a.m. Dry the washed dishes.
- 12.15 a.m. Wash dirty crockery and cutlery in the washing machine.
- 12.30 a.m. Restock clean crockery and cutlery.
- 1.00 p.m. Change and leave.

However, not every job is composed of routine and repetitive tasks. Some jobs will have dynamic schedules and only a proportion of routine tasks. An example here could be cleaning a canteen kitchen refrigerator, which is performed every Friday.

### Periodic tasks are performed from time to time.

However, we can claim that most jobs are based on some basic tasks that are repeated over a relatively short period of time: they are performed a few times a day or at least once per day. Examples of such tasks include: peeling potatoes (when peeling many potatoes, the task is repeated many times) or washing and drying dirty pans.

### Ordinary tasks are repetitive tasks, performed regularly and frequently.

Differentiating between ordinary and periodic tasks may become important as persons with disabilities typically find it easier to learn ordinary tasks – not periodic ones. The reason is that the frequency and repeatability provide multiple opportunities for the person to practise the task in all its stages. Periodic tasks are so rare that a person may forget them over a period of one week.

### Analysis of job-related responsibilities

Such responsibilities are naturally linked with everyday work but are not paid for by the employer. Employers still expect them to be performed. For example:

- getting dressed for work,
- washing one's hands prior to touching any food,
- turning up for work punctually,
- returning from breaks on time,
- finding the way to work.

Some of the responsibilities will be relevant during working hours while others are part of everyday preparation for work.

Thanks to responsibility analysis you will be able to recognise the current scope of a person's skills and clearly define his/her support needs.

### Job environment analysis

Environmental analysis is a very important part of job analysis. Research shows that an inability to blend in with the work environment is a frequent reason for supported employees losing their jobs. Apart from the risk of job loss, inappropriate social behaviour is very often a barrier to social inclusion: the person's co-workers start to avoid the employee with disabilities and do not feel at ease when the person is around.

There are often unspoken rules in the workplace; nobody talks about them, but everyone is expected to respect them, including new employees.

This may be a problem for persons with disabilities who often have problems grasping such unspoken rules. They may need external support and additional explanation in order to understand the situation.

Job environment consists of:
<ul style="list-style-type: none"><li>• Informal rules regarding clothing.</li><li>• Topics of conversations during breaks at work.</li><li>• Accepted language/slang at work.</li><li>• Respecting break times.</li><li>• Tradition of celebrating birthdays, name days, integration parties.</li><li>• Speed of work and reliability.</li></ul>

### Environmental analysis

The fourth area of analysis is the work environment. This is particularly relevant for persons with multiple disabilities, for example a physical disability combined with a sensory disability.

The analysis should cover access to the workplace (entrances and exits, doors to rooms and toilets, emergency exits), equipment, lighting, noise, furniture, machinery, health and safety issues, etc.

### EXERCISE 1

*Analyse your work environment.*

## JOB ANALYSIS AND JOB MATCHING

Job analysis is a very important tool for gathering information about a job and a workplace that enables us to identify and satisfy support needs.

Another important reason for performing job analyses is to facilitate job matching.

**Job matching means matching the skills and interests of the person to the requirements of the job.**

We said earlier that the quality of support for persons with disabilities directly translates into their effective employment. Job matching is the second key to successful employment. It means matching skills to tasks, but also matching the person to the job's physical and social environment.

### Job matching:

- Skills necessary to perform work-related tasks.
- Expectations regarding social behaviour.
- Physical environment of the job.

- Candidate's skills.
- Candidate's social skills.
- Work environment requirements.

A well-matched job increases the likelihood of successful and lasting employment thanks to a few elements.

**Positive consequences of good job matching:**

- Higher chance for the employee to be perceived as a competent person.
- Higher chance for the social inclusion of the employee.
- Higher chance for the appreciation of the employee.
- Higher chance for natural support, thanks to which it is possible to reduce dependence on the job coach.
- Supported employee gains independence faster.
- The job coach can fade their presence out faster.

Poor job matches usually have negative consequences.

**Negative consequences of a poor job match:**

- Lower probability of the employee being perceived as a skilled worker.
- Lower probability of the employee being socially included.
- Lower probability of the employee being perceived as a valuable person.
- Higher dependency on the job coach and lower probability of application of natural support.
- The employee with disabilities remains dependent on the support of his/her job coach.
- Long-term presence of the job coach in the workplace.

In order to ensure the best match possible it is important to perform a complete job analysis before final decisions are made and before you are certain that the job matches the candidate with disabilities. Gathering relevant information and making it available for the person is the support that empowers the person to make an informed choice regarding job offer acceptance or rejection. If the person decides to accept the offer, the analysis will be an invaluable tool in recognising further support needs and strategies for the employee.

The quality of the match should be verified periodically. The match may improve thanks to thorough training and development of the disabled person's skills. However, the reverse is also possible (i.e. deterioration of the match). For example, if documentation shows no progress despite systematic instruction, it may be necessary to consider a job match review.

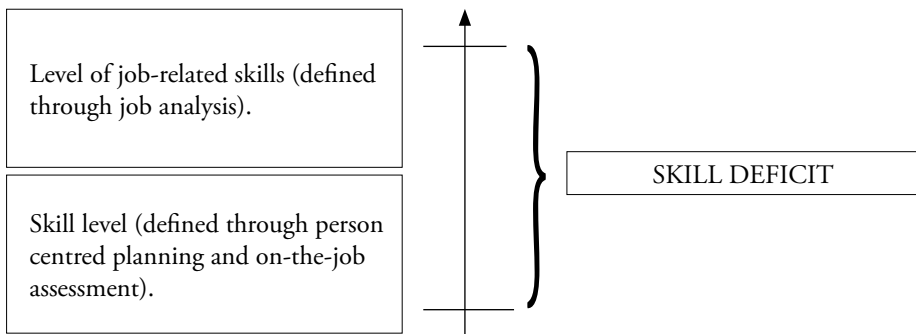
Poor job matches also result in constant support needs that do not decrease over time. In some situations supported employees receive full support even a few months after commencement of work, and sometimes even after a few years, as they are unable to perform

the tasks themselves. In such situations, repeat evaluation of the job match is necessary in order to decide if it is necessary to look for a different job position for the employee with disabilities. We have already said that job coaches and the support they offer may be a barrier to natural support and social inclusion if their presence is constant and vital over long periods of time.

## DECISIONS PERTAINING TO SUPPORT NEEDS AND SUPPORT STRATEGIES

Based on the information regarding the person's skills that you gathered in the person centred planning and job analysis processes you will identify the support areas in the given case.

### Defining support needs:



The skill deficit is the difference between the required level of skills and the person's current level of skills. When it has been recognised, some decisions are necessary pertaining to the relevant support strategies.

### Support strategies

There are many support strategies.

### Forms of support:

- Teaching new skills.
- Practising social roles.
- Advising employees, employers, superiors and co-workers.
- Creating rules and clearly stating the consequences breaking them.
- Adaptation to the execution of the task and the environment.

### Teaching new skills

Systematic instruction is an effective and stage-based strategy for teaching any kind of skill.

The acquisition of certain skills that facilitate social inclusion in the workplace may also be divided into stages supervised (if necessary) by the job coach. For example, the person may learn to purchase a birthday cake for work or to come back to work after coffee breaks with all the other employees. However, some social interaction skills are not that easy to learn. As opposed to practical skills, social skills are very diverse.

#### **EXERCISE 2**

*Write down a task analysis for the task of offering a piece of birthday cake to a colleague from work. The assumption is that the person with disabilities is able to communicate verbally.*

Writing down the steps for this simple social interaction is relatively simple. The steps can be learned with various hints.

#### **EXERCISE 3**

*Create a task analysis for the task of greeting a receptionist upon arrival at work in the morning. The assumption is that the person with disabilities is not able to communicate verbally.*

There are many ways of greeting and not all of them rely on verbalisation. The task above can also be broken down into stages fairly easily and subsequently taught to the person with disabilities.

Work environment and complex interaction skills are not easy to teach with systematic instruction. Unlike tasks, social skills are very complex.

If we plan to teach a person with disabilities how to prepare a lunchbox or wash the windows, it is enough to decide on the method and then break down the task into steps. If each step is performed in the same manner, the person will eventually learn the task.

If, however, you want to teach a person with disabilities how to reach out to a dissatisfied customer or how to make small talk during coffee breaks with colleagues – the definition of the methods and the breaking down of the task into steps will be much more complicated. The difficulty stems from the situational variety of social interactions. Such interactions often include many people, which is a further complication.



Simple social interactions, for example shaking hands or introducing oneself may be broken down into steps as they are ruled by convention. More complicated interactions, e.g. chatting with colleagues during coffee breaks are much more abstract and diverse. For example, we typically quickly learn with whom we can share a dirty joke and who prefers to talk about politics or TV series, and what topics we should not discuss at all. We also learn that interaction relies on listening as much as talking, that it is important to break off the conversation for lack of time or due to signals sent by our interlocutor, and that sometimes it is better to avoid a conversation. We also learn to balance a conversation so as not to dominate it or how to interpret signs of boredom in an interlocutor.

Systematic instruction is not a good strategy for teaching more complex social skills as it would make it even more difficult to define teaching methods and stages.

Usually it is better to rely on role-plays or to inform the person with disabilities about some real-life situations as ways of coping with such situations.

**Systematic instruction is a good tool for teaching practical skills and simple social interactions.**

**Role-plays are more suitable for teaching more complex social skills.**

### Role-plays for social skill training

Thanks to role-playing exercises, persons with disabilities have the opportunity to experience many social situations in a safe environment where different reactions and their consequences may be discussed.

For example, if Jan finds it hard to react to criticism of his mistakes appropriately, he can be taught proper reactions through role-playing exercises.

You need to create an exercise scenario similar to the situation experienced by Jan. You can also ask him and his colleagues about the details of the event to make the role-play more realistic.

Moreover, you can ask Jan to observe the role-play acted out by two job coaches, or he can play his role himself (however, it is important that Jan should be aware that the exercise is only a role-play).

After acting out the scene you can discuss it with Jan and ask him if there are any alternative ways of reacting to his employers' criticism. If Jan has any other ideas for solving the situation, you can also act them out. If his idea is to apologise to the employer and do the task over again, the person acting as the employer should express satisfaction, but if his idea

is negative, further criticism and discontent should be expressed. This will show Jan what reaction is appropriate in the situation that he has experienced at work.

When Jan realises what the expected reaction should have been, you can once again arrange the role-play and this time react in the right way. This sequence can be repeated until everything is clear for Jan. You can also modify the reactions of managers, employers or supervisors by adding different body language reactions, levels of anxiety and different scenarios (different mistakes leading to similar situations) so that Jan knows that different situations involving criticism require similar reactions from him. In short, we can say that the employer is always right: it is bad practice to argue, curse and leave in anger. The employee with disabilities should simply apologise and perform the task once again.

Contrary to systematic instruction, role-plays must be enacted outside of the workplace. While on-the-job practical skill training is highly natural, training for social skills is not (although there are exceptions, for example in telesales or customer service – however, such role-plays never include real customers).

**Practical job skills are learned on-the-job.**

**Social skills are taught outside of the workplace.**

### Advice for supported employees, employers, managers and/or co-workers

Systematic instruction and role-plays are strategic teaching methods, particularly suitable for persons with moderate and severe disabilities. Such persons learn best by doing, with ongoing support, hints and feedback.

However, not all persons with disabilities will need intensive support or behavioural training: persons with good communication skills often learn and change their behaviours simply based on the advice and information they receive.

If Peter does not put empty bottles where he is supposed to put them, he can be told about this fact and shown the right place to put the bottles – this information will be enough for him to change his behaviour.

When Barbara is 20 minutes late for work you can advise her to set her alarm clock 20 minutes earlier to prevent further late arrivals at work.

If Celina gets on her colleagues' nerves because she's always talking at work, you can suggest that she try to be less talkative.

You also need to recognise that sometimes it is the employer/manager/co-worker that needs advice, not the employee with disabilities.

For example, when Marta, the receptionist, complains that Richard, the supported employee, keeps asking her out to the cinema and she doesn't feel like going out with him, it makes sense to ask about the reasons for her reaction to Richard's requests. If Marta's arguments are "I can't go out with you, I have to wash my hair" or "It won't work tonight, I have to visit my mum", she's not sending the clear message of "I don't want to go to the cinema with you". If you invite anyone for a drink or dinner and if you keep receiving evasive answers, you quickly interpret the hidden message "I don't want to go out with you after work" and you no longer ask. People with disabilities often take things very literally and can't read between the lines – this is why they continue to ask. Your advice for Marta should encourage her to react to Richard's requests in a more straightforward manner while doing her best not to hurt his feelings.

Lack of clarity in social interactions may lead to problems for employers and managers who often request a job coach's advice or ask for suggestions from other supported employment experts. In many situations the answer is clear: you should react just as you would in the case of any other employee.

#### EXERCISE 4

*There are many situations in which employers treat their supported employees differently to other staff; they don't criticise people with disabilities for turning up late for work, they give them days off to visit their relatives, let them have longer coffee breaks, etc.*

- a) *Why do you think employers react differently to their employees with disabilities?*
- b) *What are the consequences of this different treatment of employees with disabilities?*

*Write down your answers in your notebook.*

Below you will find three typical reasons for the different treatment of supported employment clients.

#### Why do employers/superiors have different reactions to supported employees:

- **SYMPATHY** – they feel sorry for the person with disabilities, they want to be kind, good and caring.
- **LACK OF EXPERIENCE** – they are afraid of the disabled person's reactions or possible behavioural problems that can be difficult to cope with.
- **FEAR OF OTHERS' REACTION** – won't the job coach, local media, families create a negative image of my company?

Through conversations with employers you can discuss their concerns, attitudes and help them understand how important it is to treat their employees with disabilities equally. If persons with disabilities are to be fully included, they must accept their responsibilities and the consequences of their activities in a regular workplace. If they do not, they will still be treated as “others” instead of being treated as the “slightly different ones” (as, after all, all of us are different from one another) who follow the same principles as anyone else in the workplace.

**Every employee is different, but all employees have to follow the same rules of behaviour!**

Clear rules and the consequences of breaking the rules

Persons with disabilities sometimes breach rules because they are not aware of them.

We have already mentioned the unspoken rules that play an important role in everyday social interaction. Some other rules may also be unclear: for example, they may not know that they need to notify their employer as soon as possible in the case of sickness – not on the next day or after returning to work – or that they can take a day off to visit a doctor, but not visit a beautician or the hairdressers.

Sometimes support will consist of a thorough explanation of the unspoken rules. Sometimes such rules may even need to be written down and the consequences of breaking such rules will need to be specified.

For example:

*Rules regarding appropriate language in the workplace*

- I am allowed to use swear words when I talk with Peter and Jan who sweep the warehouse with me.
- I am not allowed to swear when I talk to Mr Kowalski, my boss. If I use bad language when talking with the boss, he will give me a reprimand. If he needs to reprimand me one more time, I will lose my job.

*Rules for leaving work early*

- I have to request my manager's approval for leaving early and I have to explain why I want to do so.

- If my manager says I cannot leave early, I will have to stay until the end of my shift. If I do not stay, I will get a written warning, and if I do it again, I will lose my job.

### *Rules for conversations and not interrupting*

- If I have to ask Marek a question about work and he is currently talking with a customer, I have to wait until the customer leaves.
- If I do not and I interrupt their conversation, Marek and the customer will be angry. The customer won't return to our business and Marek will be dissatisfied with my work.

Please note that each of the examples above includes the following three elements:

1. What should the employee do in the situation?
2. What must the employee not do?
3. What are the consequences if the employee decides to break the rule?

### Task adaptation and adaptations in the environment

The last on-the-job support method is task and environment adaptation.

### Task adaptation

If you have not been able to teach the person new skills in accordance with the criteria specified by the employer, if the pace of their work is too slow or if it contains too many errors, you may consider task adaptation. There are many ways to adapt a task.

#### **Adapting the task:**

- Changing the method of task performance.
- Reducing the task so that the person is not responsible for the performance of certain elements.
- Using technical aids that facilitate the performance of more difficult stages of the task.
- Exchanging the task.

### Change the method of task performance

When we discussed task analysis we concluded that it involves: (1) defining the method of performance and (2) breaking down tasks into steps. Most often this method is the commonly applied method in the workplace (as it is usually the most sensible and effective way of performing the task). If, however, the method is not suitable for the supported employee, you can discuss an alternative one with the employer.

For example:

#### **Changing the method of task performance**

Kristof's work is to sort silverware and put paper bands on cutlery sets. It is usually done by holding the set with one hand and putting the napkin on with the other hand. However, despite his long training, Kristof is not able to perform the task in the usual way. Consequently, we discuss an alternative with the employer: the napkin is placed and held on the table and then the cutlery is inserted into the napkin (different method, same outcome). The new method, of course, requires its separate task analysis and steps performed by the job coach. Moreover, you will need approval from Kristof's manager or employer.

### Task reduction

Sometimes the person is able to perform most steps in the task but some steps are too difficult, despite training. In such a situation you can sometimes divide the task so that the employee with disabilities is only responsible for the steps that he or she can perform well.

For example:

#### **Task reduction**

Margaret works in a sewing workshop and she has quickly learned how to use the sewing machine. She's on a sweatshirt team. Her job is to sew sleeves on to sweatshirts.

She must first sew the sleeve onto the body of the sweatshirt and then finish the sleeve ends. Although Margaret has been trained to do both tasks, she still has serious problems finishing the sleeves.

After her manager's approval a decision is made: Margaret will only sew the sleeves onto the sweatshirt bodies, and a different staff member will finish the sleeve-ends.

### Use technical aids

Some tasks may require skills that the employee with disabilities does not possess and that cannot be learned. In such situations, a way out may be to use technical aids – this is sometimes very easy to be organised but sometimes it is costly and requires consultation with physiotherapists and occupational therapists.

For example:

#### **Using technical aids**

Janine's job is to put hooks into boxes and then seal the boxes. Each box contains five hooks.

Janine has no numeracy skills and cannot count. She has received a tailor-made wooden box with five compartments shaped according to the shape of the hooks. When her box is full, Janine knows that she can put the hooks into the box and then seal it.

### Task modification

If the task cannot be taught, reduced, performed differently or with technical aids, then the final resort is to discuss the possibility of task exchange so that things become easier and more suitable for the person with disabilities.

For example:

#### **Task exchange**

David works in a canteen at a large pharmaceutical company. He is a kitchen assistant. His job is to collect dirty plates and cutlery from tables, clean tables, fill the dishwasher, to remove leftovers from plates and to put clean plates on the right shelves. David's last task every day is to wash the tables where meals are served during the day.

Both canteen staff and customers like David very much. In general, he is a good employee. However, he has received a number of warnings and he has been told to pay more attention to the cleanliness of the canteen's meal serving area. (Apparently, some leftovers have not been cleaned thoroughly enough on the rails in the serving area). Despite many reminders to deal with the problem from David's manager, there has been no improvement.

Consequently, the job coach is summoned to observe David on the job. The job coach tries to re-train David and draws his attention to double-checking the cleanliness of the areas he's already cleaned. Moreover, the job coach also attempts to teach David how to use different spray and cleaning equipment.

As hygiene is of paramount importance in such workplaces, David receives a different task and will from now on take out rubbish bags from the kitchen; also, he will re-fill salt and pepper dispensers on all tables.

### Adaptation of work environment

Sometimes problems at work are not caused by a task; the reason is the environment. In such situations it is necessary to consider introducing adaptations that will solve the problem and that will be acceptable by co-workers, managers and employers.

For example:

#### **Problems with too much noise**

Adam is an employee in a mechanic's garage. His task is to clean some engine parts. He likes his job very much and he's good at it. However, Adam's employer is concerned about Adam's focusing skills as Adam works best in a quiet environment and it is easy to disturb him with noise, a common thing at a car garage (especially as Adam's co-workers like listening to the radio at high volume all day long).

Adam, his manager and his job coach discuss the problem. Adam understands that his colleagues like listening to the radio loud. The Manager suggests that Adam should wear ear plugs or muffs that will enable him to concentrate despite the radio. Adam likes the idea very much. The manager also declares that he'll talk to the employer about the need to purchase the ear muffs/plugs.

#### **Problems with spatial orientation**

Sebastian is a hospital employee – he sorts internal mail. His room is on the 1<sup>st</sup> floor and to get there, he has to walk through a tangle of halls and corridors that all look similar.

Consequently, he sometimes has problems getting to the right room. He often tries to enter other rooms, including restricted access rooms. His verbal communication skills are not too good so he can't ask for directions.



Sebastian, his manager, co-workers and his job coach meet to discuss the issue. After a brainstorming session an idea crops up: one of Sebastian's colleagues will wait for him at the entrance and walk him to the right room in the morning, and also walk him back to the entrance after work.

However, everybody agrees that this solution would take away some independence from Sebastian. Moreover, the colleague would have to be available each time Sebastian wants to go to the toilet or the canteen; this is not feasible.

Another idea is to stick a thin red tape on the floor that will lead the Sebastian from the entrance to his room. Green tape will lead from the room to the canteen, and blue tape will lead from the room to the toilet. This will enable Sebastian to independently get to all three places.

The second solution is approved by the employer and instantly implemented.

## EXERCISE 5

*Below you will find a case study.*

*Read it and think about how you would react to problems in the workplace if you were the job coach responsible for the person in the case study.*

*Your ideas may include one or more strategy.*

### Anna

Anna is a reception worker at a large hotel. The work is the job of her dreams; she was extremely happy when she signed her 1-year employment contract. Anna reads and writes quite well, and she's able to do simple computer work. After being trained by the head receptionist she is now able to register guests on the computer and give them their room keys. She also tells hotel guests where and when breakfast is served. She answers phone calls and provides answers or forwards calls to her more experienced colleague.

Anna loves her job; she loves getting dressed for work and sitting in her seat at the reception. Every two weeks, Anna's job coach comes to the hotel to enquire as to whether everything is fine.

During his most recent visit the head receptionist asked the job coach for a face-to-face conversation and told him that a few days earlier there had been problems with Anna. Due to peak season there were many guests at the hotel and the receptionists' workload increased. Anna was heard addressing hotel guests in a rude manner twice; she once angrily threw the phone receiver. When the head receptionist tried to have a conversation

with her, she denied everything. The hotel's management did not know how to react to the situation but warned Anna that her contract might be terminated if a similar thing happened again.

*Write down your suggestions for appropriate support strategies.*

## EXERCISE 6

*Below you will find another case study.*

*As in the previous exercise, read the case study and think about how you would react to problems in the workplace if you were the job coach responsible for the person from the case study.*

*Your suggestions may contain a few different strategy types.*

### Magda

Magda works in the canteen of a large pharmaceutical corporation.

She has a moderate intellectual disability and has some problems with communication.

In order to learn new skills, she requires intensive physical guidance combined with multiple task repetitions.

Magda's job is to re-fill cutlery boxes, sugar, pepper and salt dispensers and to put the dispensers on tables in the canteen; she also collects dirty plates, puts them onto a trolley and takes them to the washing area. Once a week Magda cleans shelves in the canteen's storage room.

In the beginning, she received all-day support from the job coach. When she learned her tasks, the responsibility for support was taken over by her manager.

Magda has now been working for three months. At one of the regular meetings with the job coach, Magda's manager wants to discuss the following issues:

1. Magda is often up to 15 minutes late. The employer has not yet complained about this fact and understands Magda's disability, as well as the fact that getting Magda ready for work is not an easy task for her mother.
2. Magda also likes picking her nose; this has been noticed by both canteen staff and customers. Her managers have been trying to convince her to use tissues, to no avail.
3. Magda often forgets to clean all the surfaces she's responsible for; she also fails to check all salt, pepper and sugar dispensers. Her managers have to double check if she has done her job properly. The situation has not improved over time.

4. Magda rarely does things of her own accord, even though she knows her tasks very well. She will often stand by the window and do nothing until she receives detailed instructions from her manager.
5. She is still unable to clean the storage room properly. Full supervision is required when she's cleaning the storage area – a time-consuming burden on her manager.

*Please write down some strategies that in your opinion would be helpful in eliminating the issues. Describe the roles of the employer, manager, and job coach in the implementation of all of the strategies you have listed.*

## WHO PROVIDES SUPPORT?

Decisions concerning the type of support are important, but it is equally important to select the right support providers.

We have previously discussed the scope of support available for supported employees.

### Types of support:

- From organisations.
- From businesses.
- From the government.
- From the family/community.

The key principle for sources of support is: natural support is the best type of support.

- It would be unnatural for families to take part in on-the-job training, but it would be highly natural for them to help the person with disabilities get ready for work, get up on time, commute to work and to provide practical tips for different situations in the workplace, etc.
- Job matching should be the responsibility of the manager/employer, unless the job coach or another expert is necessary due to the complicated nature of the task to be taught.
- It is right and natural for employers, managers and co-workers to support the employee with disabilities in learning his/her job tasks unless systematic control is required. For the more demanding jobs, the presence of the job coach and training delivery provided by the job coach may be necessary. The same applies for situations that require

much longer training periods than usual. Employers typically know well what amount of time is required for new employees to learn the necessary skills. It is therefore clear that if this amount of time turns out insufficient, employers will expect support.

Moreover, even though employers do understand extended training needs, there is a maximum duration of training that they will be willing to accept. After exceeding this duration, they will not be happy.

**The best support is the most natural support:**

Job coaches should provide direct support only if the required extent of support significantly exceeds the capabilities of the employer and family members of the person with disabilities.

Natural support brings many benefits:

1. It improves the disabled person's social status

Persons with disabilities may be supported in the development of their careers and job selection just like anyone else, i.e. mostly through natural support. The social role valorisation theory underlines the importance of the application of natural methods for social status improvement.

2. It also enhances the employee's professional position without focusing on disability

If managers and employers are responsible for their new employee, they treat him/her just like any other member of staff. The employee with disabilities is no longer the "weird one" who requires special treatment, training and qualifications to do the job. He/she becomes a regular employee.

3. Promotion of social inclusion

In earlier sections we discussed barriers resulting from different approaches to on-the-job training of persons with disabilities. Job coaches used to hamper the building of natural relations in the workplace between the person with disabilities and his/her managers, co-workers and employers.

Job coach withdrawal at some stage may mean the removal of a barrier: natural reactions return to the workplace. Supported employment currently focuses on building a natural system of support in the workplace through the provision of advice to all stakeholders in the process, not just the person with disabilities.

#### 4. The employee with disabilities receives support from those who know the job best

In the past the prevailing idea was that disability experts were the most suitable people to support persons with disabilities. Today we know that was a mistaken way of thinking.

**Disability experts are specialists in their field – not specialists in each individual case and each area of life of a person with disabilities.**

**People who know the person with disabilities and have contact with him/her on a daily basis know the most about the person and are the ones most competent to provide support.**

- Employers know more about the course and content of job interviews at their companies than supported employment staff.
- Managers know best how to organise and manage a group of employees.
- Co-workers know their work environment and tasks best.
- Families of persons with disabilities know best how to help them prepare for work at home.

Supported employment experts play an important role in supporting the supporters of persons with disabilities! The experts have experienced cooperation with many people in different circumstances and can therefore provide good advice. There may sometimes be the need for direct support (e.g. in the case of systematic instruction) but direct support should be the exception rather than the rule.

## ACTION PLAN

When you have already identified a person's support needs, ways of resolving issues, and when the right support persons have been selected, it is possible to develop an action plan for workplace adaptation. The plan can be prepared in the easy steps.

Action plan:			
Support needs	Type of support strategy	Person responsible for support	Schedule

## ONGOING SUPPORT

Persons with disabilities usually require ongoing support after they have learned tasks and behaviour patterns.

The quantity, frequency and type of support differ in each individual case.

There are two main categories of support.

Ongoing support:
<ol style="list-style-type: none"> <li>1. Support in seeking and finding employment.</li> <li>2. Support in solving any problems that may crop up.</li> </ol>

### 1. Job development support

Ongoing support for job development is the most important part of the process.

It provides the means of ensuring that an employee can make progress at work.

Earlier in the guide we looked at the process of career planning, but not only job finding. We also described how, according to research, supported employees still have low-paid and low-status jobs and are unable to get promotions and develop professionally like most non-employees with disabilities.

If we are serious about empowering persons with disabilities to have careers and development opportunities, not just jobs, we should be serious about the provision of ongoing support for career-building. It is our task to find training opportunities for persons with disabilities so as to enable them to gradually take on more challenging tasks. We also need

to look at remuneration, promotion and at encouraging employees with disabilities to develop professionally.

## 2. Support in coping with issues

The second area covered by ongoing support is support for the disabled employee's managers, co-workers and employers. Families and relatives of persons with disabilities may also require support in issues that crop up as a result of supported employment.

Experience shows us that things may go wrong in supported employment and it's best to have means of support ready as soon as a problem appears, instead of fire-fighting and crisis management later on. Job coaches have regular contact with the disabled person's work environment. The frequency and type of job coach intervention (in writing, by phone, or direct) also need to be defined between the employee, the employer and the job coach. Importantly, the person with disabilities must be aware of this contact and must participate in it.

Regular contact facilitates the early recognition of issues and their prompt resolution.

Problem-solving should be planned and discussed just like on-the-job training and support.

## **EXERCISE 7**

*You have now reached the end of this training guide.*

*In the final exercise you will go back to each of the 6 parts to write down their key messages. The key messages are the most important pieces of information you have learned through this self-study guide and constitute the knowledge that will enable you to become an effective job coach.*

*Write a summary (in brief bullet points) of the key messages from each different part of the guide.*

*KEY MESSAGES, PART 1: Understanding supported employment*

*KEY MESSAGES, PART 2: Supporting clients*

*KEY MESSAGES, PART 3: Career planning and marketing*

*KEY MESSAGES, PART 4: Job finding*

*KEY MESSAGES, PART 5: Support for building relations in the workplace*

*KEY MESSAGES, PART 6: Job analysis and support strategies*

This “Self-Study Guide for Training Participants” has been developed based on material by KARE Promoting Inclusion For People With Intellectual Disabilities (an element of a two-stage training course prepared as part of the “Conversion” project funded by the European Commission’s Leonardo da Vinci Programme) and on the experience of Polish NGOs that implement supported employment programmes.