

REPORT ON THE COMPARISON OF THE AVAILABLE STRATEGIES FOR PROFESSIONAL INTEGRATION AND REINTEGRATION OF PERSONS WITH CHRONIC DISEASES AND MENTAL HEALTH ISSUES

BASED ON FIVE CATEGORIES OF SOCIAL WELFARE MODELS IN EUROPE

Poland: country report

Main legislative frameworks on chronic diseases, mental health and employment

There is no legislation that regulates specifically the employment of persons with chronic diseases. Eligible persons from this group are covered by the broader legislation on the employment of persons with disabilities. The existing legislation is only applicable for people with an officially recognised disability.

Main legislative frameworks on disability and employment

- Charter of Persons with Disabilities of 1 August 1997;
- Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Persons with Disabilities.
- Ratified the UNCRPD on 25 September 2012.

Policy provisions on mainstream and specialist employment programmes

Public employment services are the main bodies in Poland that provide a labour market programmes aimed at job-seekers and unemployed persons. According to the Act of 27 August 1997 on Vocational and Social Rehabilitation and Employment of Disabled Persons, persons with disabilities, registered in labour offices as unemployed or job-seekers, have the right to use public employment services. However, some labour market programmes are only accessible by people registered as unemployed and people with disabilities who are entitled to incapacity pensions cannot register as unemployed. Persons with disabilities are also entitled to support specific to their situation. NGOs (e.g. Foundation Activation, Polish Association of Disabled People) assist the employment services in targeted job search and job matching.

Employment services for jobseekers (such as career counselling, support in preparing CVs, job search) can be provided by projects, but these projects operate in short term and lack continuity.

Article 11 of the 1997 Act on Rehabilitation gives a right to persons with disabilities registered at labour offices as job-seekers to access some services and instruments (such as training, internship, a programme of intervention which provides subsidised, postgraduate courses) on same basis as other unemployed persons. These expenditures are, however, financed by the State Fund for Rehabilitation of Disabled Persons (PFRON) and not by the Labour Fund, which is the case in standard circumstances.

Policy provisions on access to employment support

The country uses a rather medical approach towards disability that is based on the judgement of a medical expert. Applicability of employment policies for persons with disabilities are determined by assessments made by Disability Evaluation Boards. A legal document that confirms disability, a “certificate of disability,” is issued by the powiat¹ disability assessment team on the basis of a medical expert's opinion. The expert's opinion is crucial because the same type of disability may be qualified at different levels in different parts of the country. According to the 1997 Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities, there are three levels of disability: severe, moderate and minor. Severe disability means a very restricted functional capacity, a full incapacity to work or a capability to work only in sheltered work. Moderate disability means that a person can work if given support and in a work environment adjusted to her/his needs. A minor disability means a person can work without support. In terms of access to support in employment (re-)integration, a disability certificate is a prerequisite.

According to Polish laws, such as the Act on Pensions from the Social Insurance Fund or the Act on Social Pension, terms such as “inability to work” and “inability to live independently/need for long term care” are used. This creates a nomenclature issue as these terms may be misleading: employers often think that people classified in these categories cannot work at all.

¹ Powiat is a second-level unit of local government and administration in Poland. It is part of a voivodeship, the highest-level administrative subdivision of Poland.

Policy provisions promoting stakeholder cooperation and integration of services

Inter-agency cooperation and integration of employment support services is not emphasised at policy level. The system of labour market activation for persons with disabilities is in general fragmented and cooperation between sectors is limited.

In order to increase users' and employers' involvement, NGOs can obtain funding from PFRON for services such as information centres, preparation of workshops and conferences. However, financial resources given to NGOs are limited.

Social campaigns are carried out by NGOs and government bodies to promote the employment of people with disabilities (e.g. "Wroclaw without barriers" by the Wroclaw commune). NGOs and organisations of persons with disabilities also hold information meetings with employers to encourage them to hire persons with impairments.

Legal advice is also often offered by service providers to help job seekers in administrative issues (e.g. information about disability certificates).

Policy provisions promoting persons-centred approach and individualised service provision

There is a legislative base for ensuring reasonable adaptation at the workplace and to address the individual needs of a person at work.

Policy provisions on localised and accessible employment service provision

Administrative reforms in the field of professional/social rehabilitation and employment of persons with disabilities have led to the transfer of the majority of relevant tasks to local governments. The voivodship-level local governments are responsible for carrying out tasks related to the (re-)integration of persons with disabilities in employment. The main three types of tasks include:

- Co-financing construction works: building infrastructure for rehabilitation of the disabled persons (including medical as well as professional and social rehabilitation);
- Co-financing professional activities within VRFs for professional activation of persons with disabilities;
- Cooperation with NGOs, co-financing of projects aimed at professional activation.

Despite the reforms, the system of professional activation of persons with disabilities in Poland remains to some extent centralised because it is organised around PFRON. Money from this state fund is transmitted to the local governments. According to some decentralization proponents, the tasks of PFRON should be further delegated to voivodeships. The current situation, where both national and local authorities are responsible for activation initiatives, creates a complicated system with entities with overlapping and duplicating tasks.

Under the Polish laws, both the national government and local governments finance and oversee actions aimed at supporting persons with disabilities in employment. However, they do not do it directly; services are provided by non-governmental organisations, often through projects. EU funding plays an important role in financing projects aimed at supporting persons with disabilities in work integration. Services provided through project do not have a commercial nature. However, when funding stops, it becomes unsustainable to continue service provision. Therefore, NGO Foundation Activation (www.aktywizacja.org.pl), for example, tries to provide commercial training courses and career counselling services, but finds it difficult to sustain.

Various counselling, training courses are provided through the frameworks of Occupational Therapy Workshops, Vocational Rehabilitation Facilities, NGOs and EU-funded projects. These entities may provide services internally or outsource them.

Employment support in the open labour market

Supported employment is not integrated in PES, but is rather provided on project basis. The PFRON provides funding for services such as job coaching.

Privileges in the open labour market:

Within the open labour market, persons with disabilities receive certain privileges such as additional 10 days of leave or reduced working hours. For example, the labour law gives a possibility to work 7 hours per day if health conditions do not allow persons with disabilities to work 8 hours per day. These provisions may, however, discourage employers from hiring persons with disabilities. In some cases, employers simply disregard these privileges.

Under the 1997 Act on Rehabilitation, employers that employ persons with disabilities for at least 36 months may receive reimbursement from the PFRON for adapting workplaces to the needs of people with disabilities, adapting or buying devices that help people with disabilities to function at work and recognising the needs of people with disabilities for medical services. In addition, since

2009, employers can be reimbursed for the costs of special software and assistive technologies and equipment. The reimbursement cannot exceed 20 times the average remuneration. When employing persons with disabilities who have been unemployed or seeking jobs for at least 36 months, reimbursement cannot exceed 15 times the average remuneration related to equipping workplaces. While legislation has provisions for reimbursement of workplace adaptation, in practice this often does not take place. The PFRON does not cover the full costs of adaptation and adaptation is usually very expensive.

Although PFRON and local authorities provide financial support and subsidies for employers to facilitate the employment of persons with disabilities, some employers find it burdensome to apply for funding. The system is quite complicated and bureaucratic, which requires companies to have experienced accountants and HR staff to handle the administrative procedures related to application for support and financing. Therefore, small companies with scarce financial and human resources lack capacities to engage in such programmes.

Employment support through Social enterprises or social cooperatives

In Poland, social cooperatives are established with at least five members who are unemployed or have various disabilities with an aim to promote the social and professional reintegration of their members into the labour market. As of 2015, there were close to 1310 registered social cooperatives, although not all of them remain active².

Other forms of social enterprise are Occupational Therapy Workshops and Vocational Rehabilitation Facilities.

Occupational Therapy Workshops (warsztaty terapii zajęciowej) offer the first stage of the professional reintegration. Persons with disabilities are offered social rehabilitation and self-efficacy building in combination with activities aimed at professional activation. Personal predispositions are checked as well as manual skills, etc. When the individual reaches a certain level of social rehabilitation and there is a general idea of professional activity appropriate to this particular person, then she/he moves on to the next stage - Vocational Rehabilitation Facilities.

² A map of social enterprises and their eco-systems in Europe: Poland

Vocational Rehabilitation Facilities (VRFs, zakład rehabilitacji zawodowej) are autonomous units of local authorities, NGOs or social co-operatives that offer employment for persons with disabilities and in addition provide social, medical and professional rehabilitation for them. VRFs run by districts, municipalities or NGOs and are financed by PFRON and/or local governments. In Malopolska voivodeship, for example, as of March 2016, there were eight VRFs employing a total of 278 persons, including seven run by NGOs and one run by a district. VRFs are engaged in economic activities (e.g. production, services) but, unlike sheltered workshops, they cannot keep the generated profit: all proceeds have to go back to PFRON or local authorities. Therefore, VRFs are not necessarily interested in being economically sustainable and come at a significant cost to the state.

For employees, VRFs offer individual development and activation programmes tailored to individual needs. There are also special commissions evaluating the development each person. When the VRF employee reaches a certain level of professional development, she/he can move on to the open labour market and her/his position is filled by another person with a disability. If no development is observed, the employee is transferred to sheltered work.

In practice, the problem with VRFs is that programme users often remain in the facilities without reaching the open labour market. One reason for this might be the inadequacy and ineffectiveness of individual development and activation measures. Another reason is that VRFs run businesses and are not interested in losing valuable and experienced workers. Therefore they chose to keep them, which in turn blocks an opportunity for other candidates to take up a position at a Vocational Rehabilitation Facilities. Thus, instead of being transitory programmes intended to prepare candidates for an open market job, VRFs become relatively permanent solutions for persons with disabilities.

An example of a VRF is the U Pana Cogito guesthouse in Krakow.

In addition to the above-mentioned forms of social entities, there are also social firms. For example, LABORATORIUM COGITO SP. Z OO is a limited liability company established in 2005 by the Association for the Development of Psychiatry and Community Care. It is a special type of commercial companies that employs people with disabilities (more than 85% of employees have mental health issues). The company provides different types of services: hospitality, catering and bike rental.

Employment support through sheltered work

In Poland, sheltered work is a pathway for persons who were not able to transition into the open labour market after Occupational Therapy Workshops and Vocational Rehabilitation Facilities. Usually sheltered workshops employ persons with severe disabilities.

Incentives for persons with NCDs to participate in activation programmes

Persons with disabilities do not receive any additional benefits for participation in employment activation programmes.

Receiving disability pension can be combined with paid work but only to a certain threshold of the amount of income.

Financial incentives for employers to recruit/retain persons with NCDs

Employers with a workforce consisting of 50% of persons with disabilities are entitled to benefits such as tax exemption and exemption from stamp duty. They can also have a partial reimbursement for training of employees with disabilities.

Wage subsidies

As of 1 April 2014, a monthly wage subsidy is the same for all employers, irrespective of their status, and amounts to:

- PLN 1,800 for people with a severe disability;
- PLN 1,125 for people with a moderate degree of disability;
- PLN 450 for people with a minor disability.

The amounts mentioned above are increased by PLN 600 for people with mental disabilities, developmental disorders, epilepsy or visual impairments.

Non-financial incentives for employers to recruit/retain persons with NCDs

Awareness raising and social campaigns are launched by NGOs to promote diversity in employment and to support disadvantaged groups in employment. In addition, some businesses support social organizations working for disabled people (charity actions, money for removing of architectural barriers, purchase the computers for the people with visual impairments, etc.)

Duties of persons with NCDs

Persons with disabilities are not obliged to undergo vocational rehabilitation or to participate in employment activation programmes before being eligible for disability benefits.

Duties of employers

Public and private enterprises with 25 or more full-time employees are required to ensure that 6% of their workforce consists of persons with disabilities. In the sector of education, the quota is 2%.

Employers are supposed to pay a penalty if they fail to fulfil the quota.

General and specialised employment services for persons with NCDs

- TELEKARIERA (www.telekariera.pl), which ran from 2011 to 2015 and aimed to support people with respiratory and circulatory system disabilities in employment. The project included three stages of support: 1) Psychological, psychosocial and professional counselling (individual sessions with a career counsellor, psychologist, and lawyer); 2) Training – social and professional competences (Self-management, professional goals, entrepreneurial skills, creative thinking, methods of time management, Basic computer skills, MS Office, other professional courses); 3) Three-month work placement (internships tailored to individual needs).
- Training and supported employment services for disabled people with mental health issues are provided by the Association for the Development of Community Psychiatry and Care. PFRON can provide funding to services of job coaches and personal assistants to help persons with disabilities overcome psychological and physical barriers at work.
- “Against Social Exclusion of people with mental disorders” project aimed at overcoming barriers in labour market for persons with mental health issues. It was co-funded by Norway Grants and the ESF. The project was run by the Open the Door Association (Stowarzyszenie Otwórzcie Drzwi) and targeted both persons with mental health problems and professionals working with them.

www.path-ways.eu