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

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

GERMANY

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CHAPTER 1

SUMMARY

1. The main legislative provision promoting employment for the disabled is the *Schwerbehindertengesetz* (Disabled Persons Act), which takes the WHO definition as its basis. It provides for special protection against dismissal, employment quotas for disabled workers and the payment of a compensatory levy in connection with these quotas. In addition to the obligation on employers to promote the employment of the disabled, it also regulates the payment of benefits to employers, the disabled and employment promotion bodies.
2. The project is based on interviews with people from various firms and with experts from welfare offices and employment offices as part of the evaluation of a special labour market programme on the occupational integration of the particularly severely disabled in 19 firms in North Rhine-Westphalia. Three case studies give examples of good practice in integrating workers with varying degrees of disability and various occupations in small businesses.
3. The case study "Using all appropriate means" reveals people who are very willing to engage in unconditional dialogue and compromise. The employer plays an active role, organising discussions and cooperation and expecting competent service in return, and we are shown that with practical external support it is possible to mobilise considerable internal resources to facilitate the employment of disabled workers within the firm. Future support measures for this type of employer should be geared towards providing a proper modern service.

"Learning by doing" concerns employers who have no experience of working with the disabled but who gradually learn from experience how to create suitable working conditions to facilitate permanent integration. If the employee has the right skills for the job and fits in with the firm, employers are often prepared to go to considerable expense to keep the worker on the books. Work organisation can be tailored to individual needs more easily in small working units, and the "family" atmosphere that often exists in small companies can be a particular advantage for the mentally ill and the mentally handicapped since they benefit from close social contact.

The employer's affinity with the target group in the case study "Goodwill is not enough" is very important. Giving the disabled worker a useful and valued activity stabilised his psychological state, which in turn improved his performance, while having a special "mentor" in the company helped with the process of integration. It is also clear, however, how important it is for employers to receive external guidance.

4. Employers tend to consider employing disabled workers if they already have an affinity with the target group, otherwise firms have to be introduced to the idea. Our findings show that in addition to employment offices, schemes such as workshops for the disabled or labour-market and self-help projects can play a key part in providing firms with a

range of motivations to employ disabled workers. Employers seldom have one single reason for deciding to do so.

5. Up to now small firms have tended to be overlooked as a likely source of jobs for the disabled. For them the main question is whether the person concerned can cope with the task involved, whether he or she "fits in", whether employing disabled workers is at the very least economically viable or perhaps even profitable, and whether the employer feels that his firm can cope with the social demands that employing disabled workers presents. Direct communication and small, flexible networks of "in-house helpers" are extremely important for both employers and disabled workers alike. The face-to-face guidance given to employers must tackle head-on the risks associated with employing disabled people, do more to persuade them using examples of best practice and focus on the fact that the disabled and employers should approach each case on an individual basis.
6. For the employers in the small and medium-sized businesses covered in this project, the idea of "filling the quotas" played no part in itself, and very little part in conjunction with other factors, in their decision to take on disabled workers.
7. Employers look mainly for workers to perform specific tasks. If disabled people appear to be capable of carrying out these tasks, employers are usually prepared to take them on because of the allowances they receive. However, financial considerations were seldom the main reason for employing disabled workers. The supplementary allowance which we examined in our study proved particularly useful in finding jobs for "difficult cases" who would not have had any chance of finding work from employers in the primary labour market without a 100% allowance.
8. The protection provided against dismissal is important for its job security implications, and since concern about this special protection was rarely cited as the sole reason for not employing disabled workers, it seems likely that the job security benefits outweigh any deterrent effects on recruitment.

The fact that employers are so poorly informed about the relevant provisions of labour law in this area is partly due to the fact that those responsible for placing disabled workers are deliberately vague so that they can present those concerned as "less of a risk". This is not very helpful. If employers who take on disabled workers could be given intensive support, problems would be more likely to be identified and overcome, so that in many cases dismissal would not even need to be considered.

9. Placement officers at the employment offices focus on different aspects of their job depending on their personal experience and individual commitment. To be able to act as a bridge between unemployed disabled people and employers they need to know the capabilities of their clients and what the potential employment possibilities are. They also need to take a broader view of their own job, so that they can interface with the employment-related work of the welfare offices. In many employment offices the lack of adequately skilled staff means that jobs are not pursued with sufficient determination, jobs requiring specific skills and abilities are not identified early enough and no attempt is made to find alternatives.

10. Once disabled workers have been successfully placed, the central or local welfare office becomes responsible for providing firms with technical and financial assistance. This means a change in the people that the employer is used to dealing with and is only successful if the relevant officials work hand-in-hand, passing on details of important agreements and information from earlier talks, exchanging assessments of the disabled person's employability and, ideally, meeting on-site to discuss workplace design requirements and other issues connected with work organisation.
11. At present officials from the employment offices and welfare offices take decisions on a rather uncertain basis. The integration services and firms originally set up on an ad hoc basis in Germany are now trying to solve this problem through interinstitutional networking.
12. Problems in providing adequate guidance for employers therefore stem from
 - the ill-defined responsibilities of the many payment agencies involved;
 - the fact that the advice provided by officials relates only to their own institutions;
 - inadequate cooperation and networking with other institutions involved;
 - the inflexible organisational structure of the various offices;
 - the "you come to us" structure of traditional advisory organisations.
13. One of the aspects that is of justifiable concern to employers is the special in-house care that certain disabilities require, which may mean that certain established work processes have to be redesigned, for example. In other cases the performance of disabled workers may be permanently below average. Many employers point out that every worker needs to "pull his own weight", particularly in small firms, and they therefore stress the need for payment of a 100% allowance or permanent underperformance allowance in certain cases. Welfare offices are currently conducting more critical assessments than in the past before making such payments.
14. Employers will only consider keeping disabled employees on permanently if integration has been successful on various levels, including:
 - satisfactory job performance;
 - functional interaction/support;
 - economic viability within the firm;
 - integration into the firm's culture and social structure.

CHAPTER 2

INTRODUCTION

There are some 6.5 million disabled people living in Germany¹ (46% women, 54% men), accounting for 8% of the total population (Rhineland Provincial Association, 1994). Of these around 1.3 million are available on the labour market. The main legislative provision governing the promotion of employment among the disabled is the **Schwerbehindertengesetz** (Disabled Persons Act), which uses the WHO definition for all further implementing provisions:

A disabled person is any person affected by a functional impairment which is not merely temporary and which stems from a physical, mental or psychological state which is not typical for the age of the person concerned.

Distinctions are also made according to the **degree of disability** on a scale of 1 to 100. Under §§ 1 and 3 of the Disabled Persons Act only those who have a disability pass² proving that they have a degree of disability of at least 50 are entitled to benefits.

The Disabled Persons Act, which the central welfare offices are responsible for implementing, also contains provisions on the special protection against dismissal enjoyed by the disabled, the quota scheme for disabled workers and the related compensatory levies. These are all intended to improve the situation of disabled workers on the labour market.

- The **special protection against dismissal** means that employers must seek the agreement of the central welfare offices before dismissing disabled workers. The offices assess the interests and views of the employer and the disabled worker concerned before taking a decision. Their first priority is always to maintain the employment relationship.
- In fixing a **quota of disabled workers** for firms with more than 15 workers the legislator is interfering directly in the employment policy of companies. If employers fail to fulfil the 6% quota they must pay a **compensatory levy** currently running at DM 200 for each post unfilled (§ 11(4) of the Disabled Persons Act).

In 1993 there were 1.28 million jobs earmarked for the disabled in Germany, of which 0.96 million (75%) were actually occupied by the disabled or those classified as equivalent (Federal Ministry of Labour, year unspecified). In those firms covered by the quotas the actual average employment rate was 4.2%, and of the 167 850 employers required to employ disabled workers only 15% had actually filled their 6% quota. A breakdown by size of firm shows that the more workers the firms had, the larger the disabled employment quota was:

¹ The term "disabled" includes the severely disabled and those classified as equivalent.

² Disability passes are issued by benefits offices, which base their decision on medical evidence. Passes are issued only to those who have a degree of disability of at least 50.

Table 1: Disabled employment quotas by size of firm (with at least 16 workers)

Total number of workers	<i>Percentage (%) of disabled workers</i>	
	<i>1993</i>	<i>1994</i>
16 to 30	2.9	2.7
30 to 100	3.3	3.1
100 to 300	3.9	3.6
300 to 500	4.2	4.1
500 to 1 000	4.3	4.1
1000 to 10 000	4.6	4.5
10 000 to 50 000	4.5	4.6
50 000 to 100 000	5.5	5.2
100 000 and over	5.1	5.2

Source: Westphalia-Lippe Provincial Association 1995

Between 1992 and 1996 the annual average number of unemployed disabled people increased continuously (in the Länder of the former West Germany); in 1996 the figure was approximately 157 000, or almost 16%. Disabled people remain unemployed for longer and they are less likely than unemployed people with no health problems to enter/re-enter the labour market.

In 1993, 986 100 disabled people were gainfully employed, around 85% of them in factory or administrative jobs. A further 140 000 worked in workshops for the disabled, while 176 000 were registered as unemployed. (Rhineland Provincial Association 1994).

The central welfare offices also help to promote the employment of the disabled by offering **special advisory services**. They have specialised units providing technical advice and specialised guidance for the mentally ill, the mentally handicapped and those with sensory disabilities.

The local welfare offices work on the basic principle of being as accessible and user-friendly as possible (Westphalia-Lippe Provincial Association 1995: 10). Assistance is provided directly in the form of personal support, advice and information for the disabled worker and the employer. Continued support is essential if a disabled worker is to be successfully integrated into a firm, and the local welfare offices visit the site to inspect the design of the workplace and work with the disabled workers' representatives, works councils and staff committees.

The central welfare offices obtain their funding from the compensatory levies paid by employers. They allocate the funding in three ways: to employers, to the disabled and to institutions, and they also use it to pay for training, publicity and research and model projects.

1. Payments to employers take the form of either permanent allowances or start-up grants. Permanent allowances include wage-cost grants where employers find the cost of employing disabled workers a particular burden, while start-up grants are used to create jobs or training opportunities and to pay for specialised technical advice. These payments are made on an individual basis as needed.
2. Unlike employers, the disabled do not receive any long-term support. Their payments tend to be individual, one-off benefits, the most common being:
 - help to obtain and maintain disabled-friendly accommodation;
 - technical work aids;
 - help in getting to work;
 - help towards achieving financial independence;
 - help in attending courses to maintain and extend vocational knowledge and skills;
 - help with certain disability-related situations.
3. Under the terms of § 14(2) of the Disabled Persons Act assistance for institutions is a lesser priority. It is provided for workshops for the disabled, homes for the disabled, institutions providing vocational training during medical rehabilitation and joint in-company and external schemes providing vocational preparation and training (such as vocational training or vocational advancement workshops).

Table 2: Expenditure by central welfare offices by type and level of payment (1995)

	<i>as %</i>	in DM million
Payments to employers, of which:	<i>45.6</i>	326.4
• investment aid and wage cost grants		247.8
• special programmes		78.6
Payments to the disabled	<i>7.1</i>	51.0
Payments to independent institutions providing psychosocial support	<i>7.5</i>	54.1
Assistance to institutions	<i>36.1</i>	258.9
Other payments	<i>3.6</i>	25.9
Total	<i>100.0</i>	716.3

The largest percentage of the funding provided from the compensatory levy goes to employers (45.6%), whereas payments to the disabled total only 7.1%. The payments made by the central and local welfare offices to employers and the disabled are intended to enable firms to fulfil their statutory obligation to integrate disabled workers, and to enable the disabled to have the same opportunities as the able-bodied. According to their terms of reference the welfare offices are not responsible for finding work for the disabled on the labour market, this being the job of

the employment offices and various rehabilitation institutions (statutory pension, accident and sickness insurance bodies).

The employment offices operate on the basis of the **Arbeitsförderungsgesetz** (Employment Promotion Act) rather than the Disabled Persons Act, but the same principle applies, i.e. that those in possession of a disability pass may benefit from the relevant regulations. Those with a degree of disability of 30 or over can apply to the employment office to be classified as equivalent to disabled, and under the Employment Promotion Act those classified as equivalent have the same rights as the disabled.

Employment office workers are encouraged chiefly to use the general instruments available under the Employment Promotion Act in order to promote the occupational integration of the disabled. On request they will draw up an integrated rehabilitation plan based on the skills, wishes and previous experience of the person concerned. Payments under the rehabilitation plan are made chiefly to employers and include the following³

- payments to encourage disabled workers to take jobs (such as part-payment of wage costs);
- payments to encourage the recruitment and employment of the disabled;
- the creation of new jobs and training opportunities for the disabled;
- disabled-friendly workplace and training place design;
- payments where the employment of disabled workers constitutes a particular financial burden.

Unlike the payments made to employers, the financial assistance given to the disabled themselves takes the form of more specific and short-term grants. They receive payments to encourage them to take up employment and for vocational rehabilitation and training, technical employment assistance, transport allowances, accommodation allowances and help in maintaining their skills.

Non-financial assistance is provided for employers and disabled workers alike. The employment offices offer vocational guidance, job information, job placement, placement on vocational training courses, employment counselling and equal rights advice.

All of the rehabilitation institutions offer occupational rehabilitation as a means of promoting the permanent integration of disabled workers at work, in their chosen occupations and in society. Payments made by the Federal Labour Office include transition allowances, training allowances, vocational training, other vocational advancement measures and assistance for institutions. Vocational training and retraining are given priority. The pension insurance organisations make targeted payments to enable appropriate jobs to be found for disabled workers, and regard training as a lesser priority. The statutory sickness insurance funds pay for medical and supplementary rehabilitation.

³ Payments are made in accordance with the provisions of §§ 50-52 and 56-61 of the Employment Promotion Act.

The level of spending on occupational rehabilitation for the disabled is also clear from the figures provided by the organisations concerned (1993):

- pensions insurance organisations: DM 0.7 billion
- accident insurance organisations: DM 0.5 billion
- statutory social compensation bodies: DM 1.31 billion
- Federal Labour Office: DM 4.66 billion

(Source: Federal Ministry of Labour, year unspecified; own calculations).

The employment authorities therefore account for almost half of all the expenditure on occupational rehabilitation for the disabled.

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A number of studies have been carried out in Germany in recent years on the problem of the industrial and occupational integration of the disabled. In 1986 Ritz looked at the effects of the Disabled Persons Act on the labour market. The Act was amended in 1974 to extend disabled status to workers suffering from chronic degenerative occupational diseases, and the study uses a sample survey as a basis for assessing the scale on which the disabled and severely disabled are employed and the restrictions which they face.

Kotthoff and Ochs' 1991 case study-based investigation focuses on the question of codetermination and company social policy. They class all those with chronic degenerative illnesses, with altered or reduced capabilities and the "classic" disabled as "the chronically health-impaired". The case studies illustrate the changes in working conditions that economic constraints have forced on the firms in question, the structural changes which this has brought about in the job requirements which impaired workers must meet and the staffing arrangements and measures which have had to be taken. In each case we can clearly see what conditions and requirements applied and what the reasons were for taking the workers on. A catalogue of examples of how the chronically health-impaired are dealt with under each firm's "in-house social system" (Kotthoff/Ochs, 1991) shows the major influence that power, conflict and interest group structures have on this process.

The occupational medicine projects carried out by ERTOMIS/EAM targeted "workers of reduced capability" whose fitness for work was impaired. A series of projects was carried out using occupational medical and scientific assessment procedures to produce and test a model for workplace selection or design tailored to individual capabilities. As a supplement to this study a group of institutes investigated the use of worker questionnaires to determine their "self-defined disability status". Workers were to be asked to evaluate their health-related impairments and the effect which these had on their performance at work, and to give scores for the extent to which their impairment and disability handicapped them.

In the ergonomics field Laurig's research group has spent a number of years looking at workplace design for the disabled. It has assessed a wide range of technical work aids for the design of new workplaces and the improvement of existing ones.

The Federal Office for Occupational Medicine and the Ministry of Labour, Health and Social Affairs in North Rhine-Westphalia presented a very important case study in 1995 which showed that, despite an enlightened approach on the part of the firm and the committed support of the works medical officer, employing people with impaired capabilities still raised problems from the point of view of social, economic and medical viability. From the description that is given, the procedures used, from selection to the design of suitable workplaces, could easily be transferred to small and medium-sized businesses.

A number of other studies describe the problems of particular disabled groups (disabled women, the mentally handicapped), with special reference to their situation on the labour market.

The 1994 third Federal Government report on the "Situation of the disabled and the development of rehabilitation" gives a comprehensive overview of the legal situation and the progress made on medical and occupational rehabilitation, employment and the labour market and the various forms of participation by the disabled in the life of society.

The Land governments also regularly publish comprehensive reports on the social and employment situation of the disabled, as well as evaluations of labour market projects or projects in institutions such as workshops for the disabled. These are often commissioned by the central welfare offices, which also produce literature on other subjects of special interest to the disabled, such as workplace design.

A comprehensive review of existing literature on all subjects relating to the employment of the disabled may be found on the "REHADAT" (information system on occupational rehabilitation) CD-ROM, which contains around one thousand titles and is regularly updated.

⁴ Obtainable from the "Institut der deutschen Wirtschaft Köln", Postfach 51 06 69, 50942 Cologne, Germany.

CHAPTER 3

METHODOLOGY

Our project is based on interviews carried out as part of a study to evaluate the "Aktion Integration" programme (Richter/Stackelbeck, 1995), which analysed the effect of a labour market programme on the occupational integration of the particularly severely disabled through employment or training. The main question was how many permanent employment contracts had been concluded as a result of the programme. The factors evaluated were:

- the structure of the programme and the conditions for receiving assistance,
- employers' motivation and attitudes towards employing the disabled, and
- cooperation between the employment authorities' disabled persons placement service and the institutions offering support and guidance on employment-related matters (central or local welfare offices).

The surveys carried out were based largely on discussions with people in firms, and the questions were divided into four main groups:

- factors which influenced recruitment
- application and approval procedures
- integration of disabled workers in the company
- employment prospects in the company for other disabled workers.

3.1 Selection of regions and businesses for the project

Eight regions (employment office districts) were selected on the basis of data supplied by the Land employment office on all the cases in which assistance had been provided under the programme, broken down by target group and employment office district. The survey focused on regions where there were noticeable variations in the overall number of cases and within the target groups, and it also included both urban and rural regions.

From the information supplied by the welfare offices on firms employing disabled workers under "Aktion Integration", 19 firms were selected in consultation with the local welfare office. Since the interviews were intended to provide information on the practical working and employment conditions of disabled workers in assisted jobs and on the action and motivation of the people involved in the firms, selection was tailored to cover the widest possible range of distinguishing features, thus enabling structural factors to be identified. Account was also taken of the size of the firm (small/large), its legal form and the economic sectors and types of disability involved.

Three-quarters of the firms included in the survey were in the private sector. The selection reflects the typical sizes of firms employing disabled workers, which are predominantly small and medium-sized. A quarter of the firms had up to 15 workers and half had between 16 and 150. The other quarter were large firms employing between 1000 and 20 000 workers.

3.2 *Contact with the firms*

The local welfare office provided addresses and in some cases also the names of people to contact in the selected firms. Appointments were then arranged by telephone and subsequently confirmed in writing, enclosing a short description of the project. In addition to the disabled workers themselves the people interviewed were mainly the owners or managers of small firms and personnel managers and disabled workers' "mentors" in large companies. The interviews lasted one to two hours and were recorded on tape; a written transcript of each was then produced.

Interviews were also held with experts from the welfare and employment offices to determine their views and experiences during the implementation of the programme. These interviews were also recorded and transcribed.

3.3 *Selection of cases*

For our project on the "Quality of work and life of people with disabilities" we selected interviews from the evaluation of the "Aktion Integration" programme which we felt were suitable examples of good practice. To complete our information we also carried out extra interviews in the firms or with other relevant individuals (such as those working in psycho-social or technical services).

Table 3: Interviewees

Interviewee	Case study 1	Case study 2	Case study 3
Employer / personnel manager	✓	✓	✓
Foreman / woman	✓	✓	✓
Disabled person	✓	✓	
"Mentor"	✓		
Colleagues	✓		✓
Occupational physicians, ergonomists	✓		
Officials at the relevant welfare office	✓	✓	✓
Officials at the relevant employment office	✓	✓	✓

Cases were selected according to the following criteria:

- size of firm: small or medium-sized.
- activity involved: various types were to be covered.
- type of disability: where possible all three kinds of disability were to be covered.

Because of the nature of the survey on which our project was based all the cases selected involved particularly severely disabled subjects, but far from seeing this as a disadvantage, the research team felt that it would thus be possible for the factors and problems affecting their integration to be identified all the more quickly.

3.4 Structure of the case studies

Of the many questions and answers covered in each interview, our project focused on the issue of "possible ways of integrating disabled workers into the life of the firm, seen from the employer's point of view". We were interested in all the positive and negative factors affecting every stage, from initial access to gainful employment, to everyday life at work and full integration. We looked at the firm as a whole rather than at the individuals working in it, seeing it as a free-standing social unit developing its own way of dealing with employing the disabled, separate from how the individuals working there interacted.

We wanted to examine the specific nature of company action as a form of social action, rooted in and partly determined by structural economic conditions. Firms tend to develop their own "social order" for the routines of everyday life, determined not just by economic considerations, but also culturally by the interaction of various circumstances and interests within the company (Peter, 1992). There are four levels of analysis here:

- basic institutional rules and regulations
- the structure of industrial relations and the social order
- practical problems in the everyday life of the firm
- the subjective perception of problems by the individuals concerned.

A highly pragmatic approach was adopted when interpreting and evaluating the material obtained.

CHAPTER 4

THE CASE STUDIES

4.1 "Using all appropriate means"

4.1.1 The firm

The firm, which provides domiciliary care for the elderly and the sick, was set up in 1988 and started life as a sort of self-help organisation. It is now a limited company with branches in five cities in Germany.

Unlike other nursing services or social services facilities, the service provided includes basic care, medical treatment and meals and is designed particularly for cases requiring continuous care for long periods every day, such as patients with AIDS or patients on respirators, who are cared for for up to 40 hours a week.

The firm has grown steadily since its foundation and was given a further boost with the introduction of statutory care insurance. It currently has a permanent staff of around 170, 50 full-time and 120 part-time working different numbers of hours. The staff are predominantly qualified medical or geriatric nurses, with a further number of semi-skilled nursing auxiliaries; the firm also employs people doing community service instead of military service.

The branch studied in our project is in a city at the edge of an industrial conurbation in western Germany. Although the city originally grew up around the metal processing industry, other sectors such as services now predominate. The unemployment level is currently one percentage point below the Land's average.

The firm's economic situation is good despite the growing number of private firms providing domiciliary care, since most of its competitors do not offer the type of services described above. 50% of its funding comes from care allowances under the Bundessozialhilfegesetz (State Social Assistance Act), with further payments from the various sickness or care insurance funds and private sources.

The firm's main branch employs 53 nursing staff (80% women) with a further six on stand-by, and six administrative staff handling most of the administrative work (accounts, wages, etc.) for all the branches.

The staff are relatively young, the average age being just under thirty, and they were recruited from the city itself and the rural area to the south. The company building is located at the outer edge of the city centre and has fairly good transport links. All the entrances and routes for moving around the building are suitable for the disabled.

The firm's telephones are manned round-the-clock and it has seven company cars. Most of the employees have an agreement to use their own cars to travel from client to client. Some employees have mobile telephones which the company provides.

The firm's organisation is designed to provide the best possible service for its customers. Many of the employees have lists of regular clients, work very independently and visit the offices only for regular coordination meetings and to pick up supplies. In addition to these "routine" staff there is also a small task force ready to deal with emergencies and unexpected staff shortages.

Because of the large number of half-time posts and the opportunities to work more independently than is possible in hospitals (where most of the staff previously worked), the firm is particularly suitable for young women with children. Attempts are also made to accommodate the staff's preferred working hours where possible (though the interests of clients/patients always come first). Both management and staff regard the workforce as highly motivated, and staff turnover is considerably below the sectoral average.

The firm has a good reputation and works very successfully with most of the local doctors and hospitals. It pays the normal wages for the sector and although it allows its workers a high level of independence it also expects them to provide a top quality service, and helps them to do so by encouraging them to take advantage of continuing and advanced training.

Four disabled people are employed as administrators at the main branch office (with a further three in other branches):

- one person suffering from cerebral palsy works on general data processing
- one woman with a muscular disease works in the wages and accounts unit
- one quadriplegic man works in the care coordination, planning and organisation unit
- one woman with an unknown disability works on the telephone switchboard.

None of the disabled workers have fixed-term contracts, which is in line with the firm's general policy. Clients requiring nursing prefer to have the same regular nurse since this allows them to build up a more personal and individual relationship, so all the firm's full-time staff and most of its part-time staff are employed on permanent contracts.

4.1.2 Profile of the interviewees

The **director** of the firm, Mr L, is also in charge of the firm's main office. He is 40 years old and married, with qualifications in nursing care and business management. He finds it very important to have direct contact with his staff and to maintain a "hands on" approach, and he regards himself as dynamic, innovative and "as socially aware as anyone else". The firm is "his work", but he could imagine doing other jobs. He is a member of one of the main political parties and has a seat on the city council.

There is a compulsory **works council** which currently comprises two men at the main office and one woman at one of the branches. Our interviewee is responsible for technical supplies and central services (caretaker operations, equipment logistics, appliance repairs). A trained heating engineer, he applied for this "quieter job" for health reasons at the age of 50. He is the person to whom employees, who are rarely at the office, turn when they want to know what is happening, or when something needs to be organised. He sees himself as "everyone's friend" in a company where he feels the workers do not really know each other. When there are differences of opinion with the management he goes "straight to the boss" (with whom he is on first-name terms) "but that doesn't happen very often".

Two of the disabled employees act as **disabled workers' representatives** as part of their jobs. They regularly read ZB (magazine for disabled workers), but have never been on any training courses in connection with their role. They see themselves as disseminators of information rather than actively representing anyone's interests. When there have been disputes in the firm about dismissing disabled workers they were very reticent since they "in principle" supported the management's position.

A conversation with four **employees** who happened to come into the office briefly one afternoon gave the impression that they were all highly professional subcontractors who were happy to talk about their patients and their work, but knew relatively little about what went on at the central office. Everyone knew Mrs A, whose disability was not seen as significant in terms of day-to-day work. She was generally regarded as friendly and cooperative. The way in which her performance was compared so positively with that of other disabled workers, however, indicated that at least in the past there had been a certain amount of friction with other disabled employees. We briefly talked about a fairly unmotivated disabled worker who had since been dismissed. All the employees agreed that it was important to make jobs available for the disabled, since in a certain sense they earned their living from the fact that other people needed help. One employee remembered that when she started work there was "a bit of a fuss" about making her post suitable for a disabled worker.

Mrs G, the middle-ranking **employment office official** in this case, is 26. Finding a job for Mrs A was one of her first successes in what was then her new job. She talks in very formal, cautious terms and admits that without encouragement from outside she would not have done anything about Mrs A's case "because of all the documentation". Mrs G told us in detail about the problems that the employment offices currently face in placing disabled workers, since firms are only interested in people who will be "extremely productive". Her heavy workload meant that it was very unusual for her to have contacts with firms and to take an active role in finding jobs for the disabled, but she was now working more and more with the welfare offices. She was particularly delighted about Mrs A's case.

Mrs M from the local **welfare office** studied social sciences and regards her work with the disabled "as a vocation". She is rather critical of the employment authorities and - because of what she regarded as some rather badly handled dismissals in the firm - of Mr G. In retrospect she regards Mrs A's case as "one of the easier ones", made particularly easy by her "acceptable" disability. On the subject of finding further jobs for disabled workers on the labour market she is less than optimistic, but at the same time she vehemently deplores the often limited scope which her job allows and she describes a number of ideas which she has never been able to put into practice.

The engineer in the **technical ergonomic advisory unit** simply described the technical adjustments that had been made to Mrs A's workstation.

4.1.3 The disabled worker

Mrs A is 30. After leaving secondary school (when she was still in good health) she trained as a clerk in a car supplies firm. For a number of years now she has had restricted movement as a result of a muscular disease and cannot walk or stand for long periods. She spends most of the day in a wheelchair, but needs to walk at regular intervals for therapeutic reasons. After the

onset of the disease she carried on working in the firm where she had trained, doing computerised wage accounting. The firm was at that time very helpful and allowed her a sort of "mental transition period" to get used to her new situation, because it did not want to lose a trained worker. It went bankrupt in 1991, however, after which she was unemployed. She is divorced, has no children and has recently moved into a "wheelchair commune" with two other disabled women. While she was unemployed she applied to more than 200 firms without success and would have taken "any work". Although she carried on with further training she regarded this period as a "black hole" and talks very casually about having considered suicide and sought psychological help. Her present job is in line with her training and gives her great satisfaction. She feels that she works very hard not just to make up for her incapacity, but also to make herself as "indispensable" as possible.

4.1.4 The recruitment procedure

The firm had first employed disabled workers six years previously, as a trial run and with the overriding consideration that the financial assistance provided would minimise the risk. After some initially positive experiences there were three cases where the firm allowed the probation period to expire only to discover later that the workers were not suitable. Since then it has been very careful to assess the demands on all new recruits and to investigate the possibilities for obtaining further support.

For Mr L as an employer taking workers' interests into account did not mean providing social and financial security at any price. He did not employ disabled workers out of altruism, they also had to fit into the firm. In his experience it was wrong to make too many allowances by, for example, turning a blind eye to lack of discipline, as had already happened. Adjustments might be needed in the firm if disabled workers were taken on, and it was up to the employer to carry them out (with financial assistance). Impaired performance might be accepted and compensated for, but he expected people to be motivated and to want to work, and made allowance for problems in settling in. He also tried to ensure that the jobs done by disabled workers in his firm were as interesting and demanding as possible.

In view of his generally positive experiences he intended to carry on employing disabled workers in future.

The disabled quota was no longer a factor in his recruitment policy, since the firm had already more than filled it. When the firm was expanding he had wanted to avoid having to pay the compensatory levy, but he had always expected at least to break even when taking disabled workers on. He would never recruit a disabled worker only in order to meet the quota.

It had been known for some time that the previous worker in the wages and accounts department was to leave, so Mr L approached the local employment office in the usual way, requesting someone with experience of accounting and knowledge of working with a PC. When first contacted the office was unable to provide a suitable applicant. The newly appointed disabled persons placement officer in the rehabilitation unit struck Mr L as rather incompetent and this put him off. He was not happy about the situation and telephoned the employment office again some weeks later, again without success.

The disabled persons placement officer had Mrs A's details in her files, which contained information on all disabled workers, but as it turned out, although she knew about her, the details about her state of health were not complete for data protection reasons, so she was unable to interpret them correctly and considered that a person in a wheelchair would not be suitable for the position in question.

By chance (!) Mrs M from the local welfare office telephoned, having just helped Mrs A to move into her new flat. She knew that she was psychologically unstable at the time, but she also knew about her qualifications and experience and had urged her on a number of occasions in the past to register with the employment office again, but in vain. Mrs M mentioned Mrs A to the employment office, because she thought she would benefit greatly from having a job at that time. The two women were then able (albeit partly illegally) to supply each other with the missing details about Mrs A, as a result of which the official at the employment office felt that action should be taken.

She first consulted a more experienced colleague, then telephoned Mr L to ask what the job involved and whether he would be prepared to take on a disabled worker. Mr L did not refuse and proposed to have talks with the employment office and the welfare office face-to-face.

The firm had successfully negotiated the dismissal of three workers with the central welfare office, which had in each case been difficult, personally unpleasant and expensive, but absolutely essential for the firm. The dismissals had had nothing to do with disability-related problems, but had been because of general misconduct, lack of motivation or poor performance. They had had no fundamental effect on future decisions to recruit disabled workers, and the success of the dismissal procedures had also made Mr L feel more confident that the special protection against dismissal enjoyed by disabled workers need not, ultimately, be a major obstacle.

Mr L was ambivalent about the role of the welfare office in the dismissal protection procedure: "Any worker who has had three warnings simply has to go". He basically welcomed the fact that there was an institution that stood outside the specific problems of the disputing parties, focused solely on the interests of the disabled worker and, as the mediating body, forced people to review their positions. However, he had never felt very comfortable with the procedure since as an employer he had always been in the minority with his ideas. The employment office and the welfare office had given him the impression of being "glad to get rid of people" into regular employment, regardless of whether the interests of employer and worker were likely to be compatible. He quite understood that the idea of integration was not necessarily always the first consideration, but that institutions also had to think about relieving the burden on their own finances, and that disabled workers tended to cling to their jobs because it was not so easy to find a new one in the current economic climate.

The pressure to reach conciliation which formed part of the procedure had in one case led to an unpleasant atmosphere at work ("lots of sick-notes"), and as an employer he had found it difficult to provide proof that the disabled worker could not do his job. It had been suggested that he had simply not come up with "any good ideas" for changes to work organisation. It was as if it was assumed that a firm could simply "create" another job, but as Mr L explained, "there is no point in just creating a job, even if it is subsidised; it has to be something the firm really needs". In one instance the procedure had taken over six months, but he had won the

case, and the rest of the workforce were also fairly happy with the outcome. There were no problems at all with the worker who had subsequently taken the post, who was also disabled.

Two weeks after the call from the official at the employment office a meeting was held at the firm's main branch, when the welfare office gave Mr L details of two less suitable candidates and of Mrs A, whose qualifications seemed highly suitable. He was planning to computerise some of the firm's internal procedures (timekeeping, supplies) the following year, and he felt that Mrs A would be able to do the job well. The official from the employment office had also been making enquiries and offered Mr L the possibility of financial assistance through the "Aktion Integration" programme.

Mr L arranged an interview with Mrs A at her future workplace, which was also attended by the representatives of the employment and welfare offices. Mrs A made a good impression on him, but he asked for more detailed information on her basic capability and suggested that she should visit an occupational physician of his choice before taking up the post. There was an argument with the representative of the welfare office, who felt that the information provided by her office was quite sufficient, but Mrs A resolved the issue by agreeing to the examination.

The physician consulted used a standard "requirement evaluation form" to evaluate what requirements Mrs A could meet. Mr L was asked to supply details of the requirements of the job and the physician compared Mrs A's capabilities with them. He judged her to be suitable, but pointed out that changes in workplace design would be needed to help her with posture, movement and transporting equipment.

The technical ergonomic adviser from the welfare office visited the firm and worked out what needed to be done with Mr L. Since the office building itself was already largely disabled-friendly the changes proposed only concerned the future workstation. It was recommended that the following should be purchased:

- a hand-operated, height-adjustable and inclinable desk with good leg room,
- a desk-height motorised rotary filing system with hanging files, and
- an electrically operated office chair.

The welfare office costed the proposals and indicated how much would be subsidised (usually 80%).

Mr L initially rejected the idea of purchasing the new office chair and the rotary filing system as being too expensive and suggested, instead of the latter, a considerably cheaper swivelling filing unit that he had seen in another firm. He applied for a grant for Mrs A to do a course on computerised accounts (in work time), which was approved. He also proposed regular consultations during her probation period to identify and deal with any problems at an early stage.

Mrs A was given the job.

4.1.5 The working routine

The consultations showed that Mrs A had fitted in well. After a familiarisation period she was working independently and full-time under a flexitime system. At the end of her probation period she was confirmed in her post and, at the time of this report, was still working in the firm, dealing successfully with the planned organisational changes. The electrically-operated office chair was purchased when she completed her probation period.

Less and less guidance was needed from the welfare office and its various departments since her confirmed position at work was helping her to become less and less dependent on them. Following her renewed involvement with the self-help movement, the firm has also become a sponsor of the local wheelchair basketball team.

4.1.6 Aspects of employing disabled workers: the employer's point of view

Economic viability

Mr L felt that the question of whether it was economic to employ disabled workers in the long term was one which concerned small firms in particular. Employing disabled workers usually placed an increased burden on the company, not so much because they were regularly ill, but because they tended to be absent for indeterminate periods for reasons relating to or arising from their disability.

Viability criteria differed depending on the job, however. In his firm, for example, there were three disabled workers who could easily be justified in economic terms, and he would find it difficult to justify applying for financial support. This was not the case with the cerebral palsy sufferer working in data processing, however, since there was a lot of work that this man could not do alone, and what he could and should do and with whom had to be carefully planned. His actual productivity level was around 50%, but he was also highly motivated and an eager and hard worker, which was a bonus for the firm. His was a typical case where the provision of long-term financial assistance made sense.

Assessment of cooperation

Mr L felt that relations with the employment office were good on the whole. There had always been opportunities to explain and discuss what the firm's requirements were. When jobs became vacant the firm always approached the employment office, and in one case the disabled persons placement officer had been contacted directly. It had always been possible to find suitable people for the posts from the applicants put forward by the office, though he had sometimes had the feeling that he had to "chase the office up about everything". The office sometimes worked very slowly and laboriously, and the bureaucratic mentality, changes of staff and incompetent officials he had dealt with meant that the support given was sometimes inadequate. Reviewing workplace design aspects with the welfare office had gone rather better.

Things did not always work as smoothly as they had done with Mrs A, and he felt that the procedure followed here had been very useful: everyone had joined forces in working on the case and had spelt out at an early stage what financial assistance was available and what conditions the employer would have to meet. His previous experiences had been quite different ("They tell you what is on offer, but they are always glad if you do not take it up").

The first time he had applied for assistance he had had to make a number of telephone calls about the forms he had to fill in, since he had not been clear about the terms used or the percentages to be given. Subsequently, however, he knew what was involved and the amount

of bureaucracy was kept at acceptable levels. He even went so far as to say that "the allowance was actually too much". He did not think it was the allowance approval procedure that deterred other employers from employing disabled workers.

Possible improvements

The assistance procedure should be organised more fairly: sometimes allowances that it was quite reasonable to apply for could not be obtained except by giving false information. For example, he had applied in vain to the welfare office for assistance to provide practical support for his disabled workers (going to the toilet, transport, appointments outside the office, going for meals, obtaining equipment and supplies, etc.).

More advice should be made available when needed. He did not think much of the idea of regular telephone calls and felt it was much more important to know exactly where and from whom he could obtain advice on specific problems.

4.1.7 Lessons to be learnt

As regards the outcome, this particular case is a model of good practice, in that Mrs A can now be regarded as fully integrated into the regular labour market. However, there were a number of factors involved here which cannot always be taken for granted. All of those involved were extremely open to dialogue and compromise, and there was no evidence of any sort of discrimination or antipathy towards the disabled.

- In spite of earlier negative experiences the employer was prepared to recruit another disabled worker.
- The official from the employment office made up for her initial uncertainty by showing great commitment during the course of the placement process. Optimum use was made of the help available from the welfare office. Both institutions worked hand in hand.
- Mrs A is a well-qualified, easily motivated woman who quickly regained her previous mental stability. Her disability is visible, but allows her relatively broad scope in what she can do.

The employer was "in charge" at every stage, from the initial telephone call to the appointment of the worker. He was happy to discuss and cooperate and expected competent service.

He is typical of the sort of employer who has a strong sense of social responsibility (hospital community worker, politically active, employs an above-average number of disabled workers, accepts uneconomic criteria in the case of the cerebral palsy sufferer he employs), but does not draw attention to it in discussions.

He was looking for a suitable worker and quickly recognised Mrs A's skills. He also saw how hard the others involved were working to try to find her a job. His efforts to minimise the risk involved in employing disabled workers had not always worked in the past. He knows the cost of making the wrong recruitment decisions, so he claims all the financial assistance he can as a preventive measure. He has a "clear conscience" about using public funding, since he has already invested a great deal (in building work, nerves, payment of nationally-agreed wage

levels). Although he does not make an issue of it, he knows what his small company has achieved in employing so many disabled workers.

This case shows that practical external support from social services, which reduces the burden on the employer, can help to mobilise considerable resources within the firm to facilitate the employment of disabled workers.

In future, support for this type of employer should be geared towards:

- project-related, problem-orientated work in the support unit;
- standard, competent preliminary information for those interested;
- a flexible, multi-institutional task force to work with clients at the workplace.

4.2 *Learning by doing*

4.2.1 The firm

This firm of engineering consultants in structural analysis (structural steelwork, steel-framed building construction, solid construction) is located in a medium-sized university town at the centre of a rural region which has a strong services sector and is a traditional public and church administration centre. In February 1997 the unemployment rate was 10.2%, 2% below the average for the Land (12.7%) (source: Münster employment office). The firm is in a central location on a main road near a bus stop and is therefore in a good position to benefit from the existing infrastructure. It occupies the ground floor of a building which also has wheelchair access.

It employs four workers on indefinite contracts and one temporary employee.

- The owner acts as coordinator, carries out structural analysis and produces smaller scale construction plans. He thus largely does the same tasks as his employees.
- One structural engineer (welding specialist) produces drawings, mainly in structural steelwork, and carries out structural analysis. He is employed full-time (38.5 hours per week).
- One construction engineer who suffers from mental problems produces drawings. He is employed part-time (30 hours per week).
- A clerk deals with the administrative tasks and works half-time.
- A student works as a temporary assistant doing photocopying and producing negatives.

The firm receives a lot of work, around half from the region and half from the rest of the country. It receives a lot of contracts from the new Länder.

A particular feature of the work is that it tends to involve short deadlines and is difficult to plan because it often involves ad-hoc requirements which have to be met, otherwise the firm would lose custom.

The wages paid, including to the worker who is mentally ill, are above the nationally-agreed levels, since the owner has always regarded it as important not to lose workers to other firms just because they pay more. He is also not strict about attendance: if workers need to take a

few hours or a day off for private reasons, they are allowed to work overtime or give up a day's leave in lieu. Equally, if they feel ill, with a headache, for example, he prefers them to go home because they are not fit for work anyway.

The employer sets great store by having a good working atmosphere. He and his employees have coffee breaks and lunch together, which fosters a team spirit.

4.2.2 Profile of the interviewees

The employer/manager: as the person in charge of a "family firm" he clearly feels responsible for the success of his business and his colleagues. He deliberately portrays himself as a "father-figure" and has a very open, straightforward manner. He says that he has no preconceptions about the disabled, although he had had no experience of dealing with disabled workers before he took on the engineer who suffers from mental problems. His other employees were also not prejudiced, he said.

There was a pleasant atmosphere during the interview.

The official from the employment office: the disabled persons placement officer from the local employment office seemed stressed and overworked. He regarded finding jobs for the disabled - especially the severely disabled and those classified as equivalent - as a hopeless task given the current high levels of unemployment. He saw his job as placement officer mainly as dealing with applications for financial assistance. He gave the impression of being resigned and passive, and had only occasional contact with those working at the welfare office.

The atmosphere during the interview was rather depressing, since the official was clearly totally resigned to the situation.

The official from the welfare office: the woman who was responsible for the disabled took a very active approach to her work. Unlike other welfare office workers she tried to maintain contacts with the various firms despite her heavy workload. Thus, for example, she tried to visit firms employing disabled workers, or which had employed them in the past, regularly and at least once a year. In the present case her work had simply involved offering to obtain rapid advice for the employer on anything to do with the employment of a mentally ill worker.

In our interview with the official she provided us with a great deal of information. Her work places great demands on her, and by dividing her time efficiently she tries to meet at least some of them despite being overworked.

4.2.3 The disabled worker

The worker in the present case is a middle-aged German man who became mentally ill as a result of depression. He is classified by the employment office as "equivalent to disabled", since he would be given a disability rating of 100 if he applied for a disability pass. He is able to talk quite freely about his illness and the effect it has had on him personally and professionally. Having studied as a structural engineer he worked as the self-employed head of an office producing construction drawings. The permanent pressure of deadlines and the uncertain supply of work placed him under severe stress. The mental pressure became so great that he

fell victim to depression and needed hospital treatment. While he was in hospital he decided to stop being self-employed and to work for someone else. He hoped that this would remove at least one stress factor - the uncertain supply of work - and that he would be able to cope with the second (working to a deadline). He planned to tell potential employers about his illness straight away in order to avoid the pressure that comes from trying to conceal a mental illness. He also hoped that his honesty would lead to a job with an employer who would be sympathetic and who would be prepared to tailor the organisation of work to his needs.

He did not plan to give up work, which he sees as an essential factor in promoting his recovery and a return to an independent life. For this reason he had been determined not to give up hope of finding a suitable job, even if he had a lot of rejections.

4.2.4 The recruitment procedure

The firm's work involves producing drawings and structural analyses for construction projects. Before the disabled worker was recruited both tasks were carried out by the owner, but because he often did not have time to do both, he subcontracted the drawings elsewhere. This created certain problems, however. He had to take account of his subcontractors' own deadlines and work schedules and sometimes had to visit them several times if modifications were needed. He found the whole procedure too complicated. Employing advanced students to do the drawings also did not work, since they were not up to the job. He therefore decided to take on an extra worker to share the workload, though at that stage he had no plans to recruit a disabled worker.

He advertised the post and the disabled man applied, along with several others. He was invited for an interview on the strength of his application, and the samples of his work that he brought along made a very good impression on the owner and covered the exact field where he needed help.

At the interview the applicant also talked about his mental illness, what depression as a condition involved and the fact that he was still receiving psychiatric treatment in hospital. The owner of the firm had no previous experience of this type of illness and therefore did not know much about it.

Since the applicant's qualifications matched the job profile and the employer liked him, he decided to take him on: "Let's give it a try!". If there had been another applicant who had seemed equally suitable, the owner might have decided not to take on the risks associated with the disability. However, he also pointed out that he liked the disabled applicant straight away and that it was very important for all members of staff and the employer to get on well in a small company. From his point of view it was important that the disability should not affect the worker's performance.

"If my work was also affected by the worker's disability, in other words if he could not do his work or could not do some of it without my help, there would have been no point in advertising for someone to help me. I would have been doing less work than I did before when I worked alone, and you just can't do that if you are self-employed, it just doesn't make business sense." (Employer)

The employer therefore had no particular reason for taking on a disabled worker, and had never thought of employing anyone disabled before. The disabled applicant went through the normal application procedure and was successful. The firm does not have a particular policy when it comes to recruitment, although the employer points out how important it is in a small firm for all the staff, including the boss, to get on. Likeability was therefore a recruitment requirement that the disabled applicant fulfilled.

The special protection against dismissal for disabled workers, which can often deter employers, did not affect this employer's decision. He assumed that it would become clear during the probation period whether the worker was suitable for the job.

The worker told the employer that he could apply for an allowance for employing a disabled worker. The employer approached the employment office, which helped him to make his application. He described the procedure as uncomplicated and said that his experience with the officials at the office was positive. This had surprised him, since he normally expected public authorities to have very bureaucratic procedures involving a great deal of correspondence. He was granted an allowance, but would have taken the worker on even without it.

"I would have given it a try anyway, because I had no idea what the illness involved. When he said he suffered from depression, I said I did too sometimes, when an architect was supposed to have sent me a cheque and it hadn't arrived! I just didn't know anything about it." (Employer)

Even during the worker's subsequent employment the employer did not feel that the "underperformance allowance" he received was necessary, since the worker performed as expected of him.

In this example the employment authorities did not have an important part to play in the recruitment of the disabled worker. He found the job himself and the financial assistance provided was not a factor in his recruitment. The disabled persons placement officer at the employment office whom we interviewed nevertheless saw no reason to refuse to pay the full allowance, since the worker in question met all the conditions for it. The employer received a fixed amount of DM 1000 a month for six months, then payment of his total gross wage costs including social security contributions for a further six months.

The welfare office was not involved in the recruitment procedure either, and because the worker's disability did not require the workplace to be redesigned the welfare office's technical advisory service was not consulted.

4.2.5 The working routine

The disabled worker's job is to produce drawings; the firm's owner does the structural analyses. This division of tasks works well, as the worker prefers to draw.

During the probation period the employer investigated depression as an illness, and although he found out that it is certainly "no joke", he did not dismiss the worker, who was kept on even when the assistance payments ended. The employer knew that in this case the illness had been triggered off by the fact that the worker had found it mentally very difficult to cope with the

short deadlines attached to most of his contracts when he was self-employed. He therefore knows what causes the depression and takes action to prevent it:

- He shields the disabled worker from stress by giving him only one task at a time, for example, in order to avoid putting him under pressure, even when work is piling up.
- He does not expect him to work at weekends or to do overtime. When there is a lot of work he still occasionally subcontracts outside the firm. It would, of course, be a lot easier for him if the disabled worker were able to work overtime or at weekends occasionally.
- He does not give the disabled worker work to take home.
- He tries to hide the pressure he is under from the worker. (For example, he does not tell him when he has had to work at weekends, because he thinks it will make him feel guilty for not being able to help, and this will put him under pressure.) Nevertheless the disabled worker is not totally protected from time pressures in the firm.
- If the worker encounters difficulties while working he becomes flustered; the employer will then help him to find technical solutions to the problems or try to put them in perspective.

If he did not know that the worker was ill, he would say that his behaviour was fairly typical, but since he is aware of it, he pays particular attention to what he does. For example, he is concerned if he sees him sitting at a computer peering hard at the screen and wonders whether he is just working out a problem or if he is depressed. He then talks to him and asks him how he is getting on.

The employer does not see his particular concern for the worker's sensitivity as a strain or extra burden. He enjoys looking after his workers, even those who are not disabled. As the firm is so small he feels that these details of "work organisation" are easy to arrange, whereas in a larger company with more staff it would be much harder to cater for employees' needs in this way.

The work in the firm is organised so that the disabled worker talks solely to his boss about the work he is to do and when he is to do it by. As such his working relations with his other colleagues are limited mainly to discussions of general business or private topics. It also means that colleagues do not have to make allowance for the worker's disability in the way they work.

The atmosphere in this small firm is very good, and the employer has a lot of private contact with his two male employees even outside work. The worker's disability is among the topics discussed over the communal breakfasts in the office, and the problems associated with it are talked about quite openly. It is an advantage for the mentally ill if people at work know about their illness and accept it, since this means that they are not constantly under pressure to try to conceal it.

"I have the feeling - I don't know if this is right - that if you treat people normally and you have a good relationship with them, it is much better than if they are surrounded by fellow-sufferers and spend all their time going over and over their problems. I think if they can manage to talk about it quite normally and if they feel they do not need to lie about it, then it can really help them." (Employer)

If the disabled worker had a relapse and needed hospital treatment again, the employer would visit him.

The employer now also has contacts at the local welfare office and knows who to go to if he needs advice or if the worker seems to be depressed or there are problems with him. It was the welfare office which took the initiative to develop these contacts. He also knows doctors privately whom he can ask for advice.

The official from the welfare office found out about this disabled worker during her routine visits to all firms employing disabled workers and receiving assistance under the "Aktion Integration" programme. She regards his integration into the firm as an extraordinary stroke of luck. It was very unusual to find employers who take such pains to tailor their work organisation to the needs of the disabled. She was confident that the employer would continue to cooperate even if a crisis occurred.

4.2.6 Aspects of employing disabled workers: the employer's point of view

The employer cannot imagine taking on other mentally ill workers because the firm is so small that it could not cope with the extra burden of care. He thought it would be perfectly possible to employ someone who was physically disabled, however, such as a wheelchair user. The main factor from his point of view was that the overall conditions should be such that the disabled worker could manage on his own and not have to rely on the employer or other able-bodied colleagues for help. The employer, for example, did not have time during the working day to be pushing a wheelchair around. Where the workforce was larger there would be more people to share the extra work involved in employing a disabled person, which would not then be a problem. However, as his firm had only a small workforce, there were too few people who would be expected to provide too much support.

Generally speaking the employer felt that decisions on whether or not to employ a disabled worker were based on economic considerations. If the authorities wanted to persuade firms to employ disabled rather than able-bodied persons they should either make the compensatory levy high enough to be a genuine incentive or they should provide adequate financial assistance.

When asked whether there should be a different system for providing financial assistance the employer drew a distinction between different types and degrees of disability. In the case of people with physical disabilities permanently incapable of giving a 100% performance, permanent financial support was needed if the firm was to be able to afford to employ them. He felt that greater use needed to be made of the underperformance allowance; another option would be to pay wages below the nationally-agreed levels.

4.2.7 Lessons to be learnt

This case shows that employers who have no experience with the disabled can take on a disabled worker and, gradually, learn how to create the right sort of working conditions to make permanent integration possible. The employer feels sympathetic towards the mentally ill worker and this enables him to understand his needs and provide the conditions he requires to be able to do his job.

A particular aspect of this case is the fact that it was the disabled person himself who secured the job, and that the financial assistance available played no part in the process. The employer had no reservations about the worker's mental illness. On the contrary, he was prepared to be particularly attentive to the worker's well-being and took pains to organise the work in a way which made it easier for him to do his job. He was prepared to put himself to this trouble because the worker fitted in well with the firm, both in terms of skills and personality. This clearly shows that in order to improve the employment chances of disabled workers it is important for their skills to match the demands of the job and for them to fit in with the company culture. Where this is the case employers are prepared to go to extra lengths to maintain the employment relationship. This is certainly not true of all employers, however. Employment and possibly welfare offices too should follow these guidelines: they should try to find employers who have no preconceptions about employing disabled workers, who are socially responsible for their workers and who are prepared to make a reasonable effort to maintain the employment relationship; and when placing a disabled worker in a particular job, checks should be made as to whether the worker's skills meet the firm's demands, because only if the employer's expectations are met will he be prepared to make the extra effort required.

Neither the employment office nor the welfare office were involved in the recruitment procedure in the present case. The statutory disabled worker quota did not apply to the firm, which was why no-one from either institution had had contact with the employer before⁵. This example of how a mentally ill worker was successfully integrated into a small firm shows that this is an as yet untapped source of potential jobs for the disabled. The size of the firm may even be seen as a structural advantage, since it is easier to tailor the organisation of work to individual needs in smaller working units. Furthermore, the "family" atmosphere in many small firms can be particularly good for the mentally disabled, who benefit from close social contacts.

4.3 Goodwill is not enough

4.3.1 The firm

The firm is a small skilled manufacturing business operating as a limited company and producing mainly industrial extraction units. The owner also produces industrial boilers. The extraction units are produced on a one-off basis, in other words they are manufactured by hand without the use of much machinery.

The firm has six full-time employees on indefinite contracts. They are all, including the disabled worker, responsible for production management. The owner acts only in a supervisory capacity in the firm and as salesman for the boilers. His wife does the clerical work.

This small family firm is located in a city of some 150 000 inhabitants in the south-east of the Ruhr, where the main industries are iron and steel production and metals processing. There are good transport connections in all directions, and supplies can be quickly transported by lorry to customers in the east of the Ruhr.

⁵ In many districts officials from employment offices in particular have regular contact with firms subject to the statutory quota, for instance sending them summaries of disabled workers' details so that they can assess whether any would be suitable, thus actually helping them to fill their quotas.

The city's unemployment level is below the average for the Ruhr, but is still almost two percentage points above the national average. If the workers lost their jobs they would find it difficult to find anything similar in the sector.

The firm faces little local competition in the production of extraction units, but EU Directives are placing new constraints on small companies. Modernisation would bring the firm up to the required standard, but would be extremely expensive and would inevitably entail rationalisation. Growing staff and equipment costs have also seriously affected the firm's general economic situation.

The production process is very traditional and the manufacturing methods leave workers little freedom in the hours they can work and in how they perform their tasks.

The firm's philosophy focuses on promoting good relations and cooperation between all workers, and to achieve this the employer avoids giving any sort of preferential treatment to individual workers. He also avoids making any sort of informal decisions or agreements. It is important for every individual worker to feel integrated in the firm if cooperation is to be successful. Problems are much more easily resolved if workers can deal with each other on a friendly basis.

It is not important for a small firm to cultivate a particular image: what counts are the quality of the goods it produces and the owner's personal contacts with his customers.

4.3.2 Profile of the interviewees

Mr B is the **owner of the firm**. He is 54, married and has two sons. He founded the family firm with his wife 23 years ago, and he is particularly attached to some of the workers who have been with the firm since the very beginning. He and his wife both play an active role in the firm. "We are always trying to improve the working atmosphere through our relations with our workers." He has always found that a good working atmosphere improves production quality.

Outside the firm Mr and Mrs B spend a lot of time looking after their sons, both of whom are mentally handicapped. They have found a job for the elder son working full-time for a landscape gardener, while the younger "only" has a place at a workshop for the disabled. The family had never considered the possibility of employing the two sons in the firm because they feared it would be resented by the staff. "It's never a good idea having your own children working for you, it causes problems. And imagine being the boss's son among all the other workers!"

Mr B knows from his experiences with his own children just how important it is for the mentally handicapped to have a job.

The **foreman of the firm** is 32 and has been with the firm for five years. He is responsible for ensuring that production goes smoothly and for product quality. He often speaks on behalf of the other workers if there are problems. He is not the official staff representative, "it just worked out like that". He feels comfortable in the small firm, partly because he enjoys good relations with the boss and the other workers.

Apart from the youngest member of staff (aged 19) **all the other workers** have been with the firm since it was founded. They are used to being very open with each other and feel very responsible for the firm. All of them are aware of the economic difficulties that the firm is facing.

The **officials from the employment office and the welfare office** were, according to Mr B, both competent and committed. The social worker from the welfare office had been working in this field for ten years, and had quickly found that his job had to involve more than just giving advice. To improve the welfare office's contacts with employers he worked "hand in hand with the employment office". "It doesn't always work, but I usually meet committed staff who care about finding jobs."

The official at the employment office also worked closely with the welfare office. "We have to make it as easy as possible for employers to take on disabled workers. This is why I sort a lot of things out with the welfare office myself." In the case of Mr B's firm she already knew the employer through her earlier involvement with the two sons. She thought the firm was a very suitable place for a disabled person to work and had therefore taken great pains to ensure that the recruitment procedure went as smoothly as possible.

4.3.3 The disabled worker

Mr R is a German man aged 24. He is mentally handicapped with a degree of disability of 100.

His disability means that he has severe learning difficulties (he is illiterate), and he needs to be retaught any new activities which he learns but which are then not practised for some time. His inability to concentrate and limited attention span are clearly obvious in his work. Nevertheless he is motivated and very willing to learn, and he is able to perform the tasks he is assigned to the employer's satisfaction. He also has a back injury which rules out any heavy physical work.

He has not had any vocational training and had never had a job in a firm on the regular labour market, since the severity of his disability had made this impossible. Long-term unemployment was one of the reasons for the deterioration in his mental state, and even a period spent working in a disabled workshop had not been enough of a challenge. He had learnt various small-scale craft activities such as making wooden toys, and had practised working with tools.

In the employer's opinion Mr R had had little idea about his new job. "He is prepared to do any tasks he is given and he is always eager to talk to his fellow workers. This is important if he is to feel at home in the firm."

4.3.4 The recruitment procedure

The idea of employing a disabled worker first came from the manager of the disabled workshop, who is a friend of the employer's family and knows his personal circumstances and the situation in the firm. Through his regular contact with him he knew that Mr B intended to create a new job in the firm and was looking for a suitable worker. He asked what the job involved and subsequently suggested Mr R for the post. Mr R was then working in the disabled workshop where the manager was in charge. The manager felt that Mr B's family were ideal people to employ the mentally handicapped worker, since he had the same condition as their

two sons. The fact that they knew how to deal with the mentally handicapped would help to integrate the worker into the firm. Mr R was also perfectly capable of doing the job.

The manager's enquiries first aroused Mr B's interest in employing Mr R, although as Mr B said "we still weren't sure about taking on a disabled worker".

The idea was discussed with the staff in advance, since their cooperation was regarded as essential. All of them agreed with the idea, but they also pointed out that none of them had any experience of dealing with the mentally handicapped. Nevertheless they were not given any special advance preparation for working with Mr R.

The decision to employ a disabled worker was taken without any cost-benefit analysis. The 100% financial support provided under "Aktion Integration" was secure only for the first three years. Mr B did not consider what would happen after that at the time of recruitment, but he points out that in a small firm every worker has to be able to "pull his weight". Whether Mr R would have been given the job without the initial assistance is questionable.

The only reason that Mr B took Mr R on was because of his own involvement through his two disabled sons. The firm was not required to fill an employment quota and nor did the special protection against dismissal enjoyed by disabled workers under the Disabled Persons Act influence the decision in any way. The intention from the outset was to give Mr R a permanent job.

The officials at the employment office were involved only in the recruitment procedure in this case, not with the selection procedure. The application for financial assistance was prepared by the office and forwarded to the employer for signature. The disabled persons placement officer also offered assistance under the "Aktion Integration" programme without the employer having to apply. The employer judged the cooperation between the employment office and the welfare office to be good, though he felt that this was largely due to the individuals involved. "The employment office and the welfare office worked hand in hand. It was a great success." He had found the same when his sons were given jobs.

In Mr R's case the employment office informed the welfare office about the recruitment procedure. The official from the welfare office immediately approached the employer to offer advice.

4.3.5 The working routine

The disabled worker is involved in the production process. When he was first taken on it was not clear what tasks he would be able to do, so he started by helping out. However, the employer felt it was important to exploit his potential to the full, for two reasons: from an economic point of view he wanted Mr R to work as efficiently and productively as possible; he was also sure that Mr R would not be happy in the long term if he was only ever expected to perform menial tasks.

"The more tasks the disabled worker can do, the better he will be integrated into the firm." (Employer)

Mr R therefore gradually began to work in all areas of production. He was always given clearly defined tasks to determine what he was able to do and how much instruction he needed. Over a number of months Mr R proved to be capable of doing welding, painting and cutting. With a reasonable amount of training and supervision he was able to do good quality work and was using his skills to the full. He was also able to do parts of some tasks in a responsible manner on his own.

In the beginning trying out the worker's capabilities took up a considerable amount of his time at work, and training and intensive supervision were unavoidable. In time, however, as the tasks he could manage were identified, his productivity increased, until the only support he needed was always to have someone he could talk to and more intensive monitoring of the work processes and results than with able-bodied workers. The types of tasks he performs are fairly limited, and he is hardly ever asked to do anything new which would involve further training. Moreover, he always needs help with tasks that he has not done for some time, which must be retaught. For this reason his performance cannot be classified as economically efficient: "When all's said and done Mr R always has to be supervised". (Employer)

The employer feels that Mr R could be employed efficiently if his work involved only the tasks that he can do well, such as welding. Since these activities do not make up a full-time job in a small company, however, he is repeatedly required to work in areas where he is not so capable or needs a lot of instruction, or which are unproductive ancillary activities.

The organisation of work and working time arrangements are the same for all workers in the firm, and here too no special allowances are made for the disabled worker. The employer regards it as extremely important that Mr R should fit in with the existing system, and the only exception is the extra training and supervision that the disabled worker needs.

The employer regards it as very important for Mr R to have a "mentor" in the firm to look after him and tell him what to do. The mentally handicapped need to have one particular person who shows "a bit of understanding" when dealing with them, and the mentor was also needed to provide training at the workplace and to deal with any crises. The foreman to whom this role was initially assigned found it difficult to work with Mr R. He was unable to establish a "bond" with him, partly because he did not have enough patience. He found it difficult to explain work processes over and over again without letting his irritation show. The employer subsequently asked another worker to act as mentor and instructor, someone who could explain what the work involved, but also knew the "right thing" to say when mistakes were made.

Before Mr R arrived the staff had had no experience of working with disabled colleagues of any kind. The employer's two sons had only rarely visited the factory, and because the workers knew little about the illness the employer felt that they were nervous about having to work with Mr R. They were also sceptical about the sort of skills a disabled worker would have. All these reservations have since been overcome through working with Mr R, although prejudice gave rise to a few difficulties at the outset.

Nevertheless the employer still considers that there is no point in preparing staff for working with a disabled colleague except in larger firms. In his firm his own knowledge and experience were enough to help integrate a disabled worker. Problems were generally resolved within the firm without any outside help. "Fairly small problems should be dealt with quickly, unbureaucratically and efficiently." (Employer)

This also applied to the problems encountered with Mr R. The employer does not like to "make things official straight away", which would have been the case if he had asked the welfare office for advice, for instance, on the problems raised by Mr R. He criticised the fact that the officials from the welfare office had stayed in contact with the firm only in the early stages of the employment period. He would have liked them to contact him regularly to find out how Mr R was progressing, so that he could then have talked about problems without feeling that he was reporting them officially.

During Mr R's employment his performance had on one occasion inexplicably dropped, but the employer had been reluctant to talk to anyone at the welfare office who might have been able to provide an explanation or possible solution. He felt that he was able to deal with the problem without outside help, and he also wanted to avoid making the problem official. If someone from the welfare office had come on a routine visit during that period he would certainly have brought the matter up.

"You can always contact the welfare office if you have problems, firms are encouraged to do so, but that is no substitute for regular visits." (Employer)

The employer puts this lack of regular contact down to the fact that the welfare office has so few staff. The official who was responsible for Mr R during his recruitment procedure had since been replaced. Staff cutbacks in the welfare authorities meant that firms were unlikely to receive direct support.

4.3.6 Aspects of employing disabled workers: the employer's point of view

According to the employer, a job for a mentally handicapped worker in a firm will always need to be subsidised if it is to be economically viable. It was therefore justified to receive 100% assistance for employing a disabled worker because of the amount of support needed. Nevertheless he intended to keep the worker on once the assistance provided under the "Aktion Integration" programme came to an end.

He could also imagine employing mentally handicapped workers in future, though he would be reluctant to take on the physically disabled or the mentally ill. The firm could not support two disabled workers.

Mr B felt that only jobs involving easy tasks were suitable for the disabled, but he pointed out that many of these were currently being scrapped.

He did not feel that the recruitment procedure, the procedure for applying for financial assistance or the protection against dismissal were obstacles to the employment of disabled people.

4.3.7 Lessons to be learnt

This case is a good example of how a mentally handicapped worker can be successfully integrated into the labour market. Disabled workers with low skill levels and untried capabilities face particular difficulties in finding regular employment. Thanks to the commitment of the manager of the disabled workshop a firm was found which provided the

ideal conditions for integrating a mentally handicapped worker. The employer's personal involvement with the target group was also an important factor here.

The employer had the patience to test the worker's capabilities over a long period, and this "paid off" in the end.

The disabled worker is also capable of producing good quality work, and doing a useful activity has stabilised his mental state, which has in turn improved his performance. Having a particular person as "mentor" has also significantly helped with his integration. Because he has mentally handicapped sons himself the employer already knew a lot about dealing with the disabled, although this also had some adverse effects on the integration process in that he took too little advantage of the advice on offer from the welfare office.

This case shows how important it is for welfare offices to be more active in offering advice, otherwise problems in firms will either go unresolved or not be resolved satisfactorily. There is also a clear discrepancy between what is required by law and what happens in practice, since the law states that local welfare offices are actually required to provide firms with on-site advice.

If the staff had been given intensive preparation for working with a mentally handicapped colleague, teething troubles such as the problems with the foreman acting as mentor could have been avoided. It is likely that the employer assumed others had the same knowledge as him and thus asked too much of them.

The fact that the worker's performance still does not meet viability criteria, despite the improvements he has made, has to do with the nature of the work. The number of useful activities he has mastered is not enough to fill his working time. If there was more welding work, for example, he could be employed perfectly efficiently.

CHAPTER 5

ANALYSIS OF CASE STUDIES

The case studies described above are examples of "best practice". In this section we attempt to pinpoint, from these case studies and the other information obtained from the "Aktion Integration" project, those factors which promote or restrict integration.

5.1 Reasons why employers take on disabled workers

Employers consider employing disabled workers if they already have an affinity with the disabled, for instance if they themselves, members of their families or their friends are disabled or have disabled children, or if they already have disabled workers in the firm. Otherwise the firm must be introduced to the idea. Our findings show that in addition to the employment office other bodies such as disabled workshops, labour market projects or self-help projects can in various ways stimulate interest in employing the disabled.

The employers interviewed cited the following reasons for employing disabled workers under the programme:

- filling the employment quota under the Disabled Persons Act
- the financial assistance available was an incentive
- need for workers with low skill levels
- tradition in the firm
- positive experiences with special assistance programmes
- affinity with the target group
- social reasons relating to "excluded" groups of workers
- ensuring the loyalty and dedication of the workforce.

In most cases more than one of these reasons comes into play, and some gain importance depending on the size and type of firm in question: meeting the employment quota tends to be the deciding factor in particular in large and medium-sized companies. Even in firms which have traditionally had a policy of employing disabled workers the chances of them finding jobs are now much slimmer. Many firms, particularly large ones, are not taking on any disabled workers from outside because they are keeping any existing protected places for those already employed in the company. The few new jobs left over for other disabled workers are at present so demanding that they often rule out any possibility of integration into working life (Sadowski, Frick, 1989).

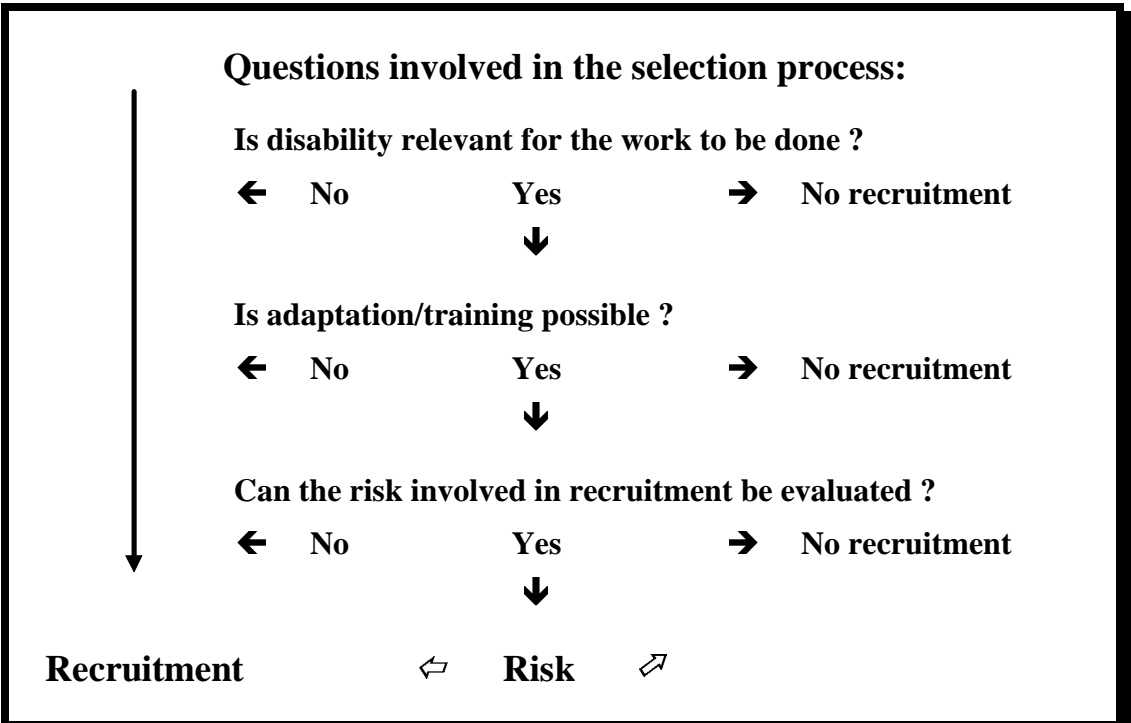
Although employers with less than 16 workers are not required by law to employ the disabled, a considerable number of disabled workers find jobs in such firms. This is a previously untapped source of jobs for such workers.

The recent economic boom in small firms is to be welcomed in that it means that greater significance is being attached to what constitute the majority of German firms. However, it would be premature simply to adopt all the instruments and procedures used by large firms for

integrating disabled workers into the labour market. Small firms have a particular approach to social issues, and the type of employer, the working routine, relations between firms and with the outside world, staff recruitment and social facilities are very different from those in large companies. This is significant when it comes to considering ways of motivating employers. For example, small firms tend not to have disabled workers' representatives, works councils or employers' representatives, or if they do, they tend not to have the same institutional power as in larger firms. Communication and small, flexible support networks of "helpers" are more important here for both employers and disabled workers⁶.

For small firms the main question is whether the disabled workers can do the work, whether they "fit in", whether employing them is at least economically viable, if not profitable, and whether the employer feels that the firm can cope with the social demands that the employment of a disabled person presents. The following diagram shows the questions that are relevant for the employer when taking on a disabled worker. They are not meant to be generally applicable, but illustrate a highly individualised decision-making process which eliminates unquantifiable factors and minimises the remaining risk. Although there are already tried and tested systems for helping to improve skills and workplace design, the concept of disability as more than a purely medical term has yet to be properly catered for in practice. Counselling for employers needs to tackle the "risks" head on, focus more on examples of best practice and draw attention to the fact that each case should be assessed on its merits not only from the point of view of disabled workers, but also from that of employers.

Figure 1: Questions involved in the selection process



⁶ Some districts, for example, have "disabled workers coordinators" in charge of coordinating the rehabilitation aid provided. This approach sometimes conflicts with the more traditional administrative methods.

5.2 The power of the quota

For the employers in the small and medium-sized firms covered by this project "filling the quota" did not in itself constitute a reason for recruiting new disabled workers, and was only marginally relevant in combination with other factors.

The quota in Germany fell continually up to 1994 and currently stands at 3.6% for the industrial sector. However, we do not have figures for the relative proportions of newly recruited disabled workers to newly disabled workers, since the fact is that the vast majority of disabled workers were not recruited on the labour market, but were already working for the firm and were kept on when they became disabled⁷. The quota and protection against dismissal therefore tend to help to secure existing jobs rather than to promote the integration of the disabled or to have a direct impact on the labour market.

Where employers in small firms have no other reasons for taking disabled workers on, they are not likely to change their staffing policy (or preconceptions) for the sake of saving DM 7200 per year (assuming a workforce of 50)⁸. For this reason the representatives of the self-help organisations have repeatedly called for a substantial increase in the compensatory levy. The current debate on subsidiary labour costs in Germany makes such an increase extremely unlikely, however. Although it would make more money available for helping the disabled, it is more likely that greater numbers of disabled workers would be integrated on the primary labour market if better information and motivation were provided for employers.

5.3 Significance of financial assistance in the recruitment of disabled workers

Employers are primarily looking for workers to perform specific tasks. If a disabled person appears to be able to do these tasks, employers in small and medium-sized firms tend to be prepared to take them on because of the financial assistance they can obtain.

"Small independent firms tend not to look for workers until they are totally overloaded and can no longer do the work themselves, and then they will certainly not think of taking on a disabled worker. They are not recruiting to meet some sort of staffing programme, but because they cannot do the work, so they are naturally looking for someone able to help them."

Financial considerations are seldom the deciding factor in the recruitment of disabled workers, although they always make the decision easier. Most employers take account of the fact that the employment relationship is permanent whereas the financial assistance is only for a limited period.

Local welfare offices point out that some firms use the grants they provide for workplace design and equipment as a sort of investment aid, or even specifically apply for them for

⁷ Irrespective of the quota, it may be advisable for an employer to employ disabled workers if there is an informal agreement with the workforce (as a non-contractual element of their employment conditions) helping to ensure cooperation and loyalty, or if workers who are still in good health expect, if their performance is impaired, that they will not be dismissed but transferred to another post.

⁸ This figure is based on a compensatory levy of DM 200 x 3 people x 12 months.

modernisation work. However, this is not regarded as a problem if there are jobs for the disabled involved. In fact, employers are sometimes offered funding for workplace design and equipment by the welfare office in the form of a modernisation grant which, taken together with the assistance paid for employing a disabled worker, means that the firm always gets a "good deal".

The supplementary assistance paid by the employment office in addition to the regular grants for recruiting and employing disabled workers has proved particularly useful in finding jobs for "difficult cases", where without 100% assistance the workers concerned would have had no chance of obtaining jobs from employers on the primary labour market.

5.3.1 The application and approval procedure

It is usually the officials from the employment office who bring up the possibility of additional assistance; only in a few cases do employers specifically enquire about it. The applications for assistance are usually completed or prepared as far as possible by the employment offices to prevent mistakes, particularly as there are a number of different forms involved. Most employers find the procedure straightforward, mainly because the officials responsible for placing disabled workers try to minimise the amount of effort involved.

5.3.2 Flexibility of assistance provided

The officials in the employment offices wish that their budget was not bound by the financial year and that they had greater scope for moving funding from one budget to another. The officials responsible for placing disabled workers feel that it would improve the assistance procedure if the implementing provisions were brought into line with the Employment Promotion Act, even if the funding continued to be drawn from different sources.

If assistance is to be an incentive for employing disabled workers it must be at a level such that employers are prepared to accept the inherent risk that the employment relationship might fail. The procedures should be as simple as possible in order to relieve the burden on officials at the employment offices. The current procedures do not present an obstacle for employers.

5.4 The special protection against dismissal enjoyed by disabled workers

The special protection against dismissal which disabled workers enjoy under the Disabled Persons Act requires employers to apply to the central welfare office for permission to dismiss a disabled worker once an indefinite employment relationship has lasted for longer than six months. The protection is important in that it provides job security. Since concern about this special protection is rarely the only reason for not employing disabled workers, it seems likely that the job security benefits outweigh the deterrent effect on recruitment.

Employers have different attitudes towards the special protection for disabled workers depending on the experiences they have had. Of the employers we interviewed those who had never been involved in such a procedure did not regard the protection as a problem. Those who had experience of protection procedures regarded it as a risk factor when deciding whether or not to employ a disabled worker. They perceived the extra interference in their

management prerogatives by the central welfare office and the upheaval caused by the protection procedure as a problem, and it was even worse if it went to proceedings before an industrial tribunal.

Our survey showed that employers need to be given much clearer information on what the protection laws involve. The fact that they knew so little about the labour law situation was partly due to the fact that the officials responsible for placing disabled workers were deliberately vague on this point in the hope of "selling disabled workers as a low-risk undertaking". The reason given for this was that the target group had to compete not just with the able-bodied but also with the long-term and older unemployed.

Officials from the welfare offices have more to do with the protection side and less to do with the recruitment disadvantages of the special protection. If employers of the disabled could be given intensive support, problems in the working relationship would be identified earlier and overcome more often, so that many cases would not get as far as a dismissal procedure in the first place⁹. The advisory bodies are often unaware of any problems until the application for dismissal is made.

81% (new Länder: 74.5%) of all protection procedures in 1995 ended with the worker losing his or her job; in more than half the cases the disabled worker agreed that that he or she should leave, concluded a severance agreement or gave up the case for other reasons while proceedings were underway. Despite this statistical ineffectiveness, the welfare offices suggest that without the special protection procedure there would be absolutely no assessment at all of the situation before disabled persons were dismissed.

While some employers are no longer prepared to employ disabled workers after a bad experience with the special protection provisions (annoyance, financial losses, confirmation of prejudices), they are more likely to be prepared to employ them if they know about the dismissal procedure and what it involves beforehand¹⁰. It also avoids unnecessary emotional reactions (feeling misunderstood, supposed disregard for the employer's position). "Shielding" employers by not providing them with full information would seem to be less than helpful as a counselling strategy.

5.5 Communication between employers and employment offices during the placement procedure

According to placement officers at the employment offices there are various ways of gaining access to job vacancies.

- Disabled persons placement officers filter all the job vacancies notified to identify those that seem suitable for the disabled. Some take no notice of whether the employer has

⁹ The dismissal of a disabled worker is often preceded by changes in his job or a move to another post. This should be seen as an indication that employers are often unable on their own to organise work in the right kind of way for disabled workers: they need outside advice.

¹⁰ It should also be borne in mind here that employers are required to pay back the assistance they have received if the employment contract is ended prematurely and no alternative position is offered. This also applies if the employment contract is terminated during the probation period.

indicated that the position is suitable or not. They usually telephone employers to ask whether they would be prepared to take on a disabled person.

- Some placement officers regularly send applicants' details to firms, particularly those that have not filled their quotas. Others routinely concentrate on employers who they think have a particular interest in employing disabled workers, or else they recommend particular workers to them.
- In rare cases employers themselves specifically ask for disabled applicants for their vacancies. These employers have usually had positive experiences with disabled workers.
- There are also disabled workers who find jobs for themselves and then inform placement officers because financial assistance is arranged through the employment office.

Placement officers tend to focus on different aspects of their job depending on their own experiences and individual commitment. Those who show initiative are viewed in a very positive light by firms.

5.5.1 Placement officers as a bridge between employers and the disabled

The work of the placement officer can focus either on the individuals who are looking for jobs or on employment possibilities in firms which need to find an unemployed disabled worker. In both cases the main role of the placement officer is to act as a bridge between unemployed disabled workers and employers. In order to do this they need to know about workers' abilities and potential employment opportunities. Their task is made all the more difficult by the fact that they are each responsible for an average of 650 unemployed workers and even more firms to be taken into consideration. Regular contacts with firms are the exception rather than the rule.

Although ordinary placement officers are also kept informed in principle about employment and assistance opportunities for disabled workers, they often avoid contact with them, since they assume that the disabled need particularly sensitive treatment and they feel that they do not have the training or experience to be able to provide this.

5.5.2 Knowledge needed of what the job involves

In addition to the usual information on the qualifications, skills, etc., of the individuals concerned, disabled persons placement officers also need to know about the type of disability and the requirements of the job if the disabled worker is to be permanently integrated at work. Employers also need to be informed about the effects of the disability on the performance of the tasks involved at the recruitment stage. Placement officers must give employers the information that they need realistically to assess the disabled worker's ability to do the job, but in many cases they are too busy to do so.

Advising and placing disabled workers is likely to be much more successful if one official at the employment office is made entirely responsible for each individual case, so that employers can get help quickly if they encounter problems.

Placement officers must also take a very broad view of their job since this is the only way to develop cooperation with those working on employment-related tasks at welfare offices. Staff shortages in many offices mean, however, that intensive efforts to find jobs or alternative

places are out of the question and that jobs with the right skill profiles are not identified in good time.

5.6 Communication between employers and welfare offices

Work relating to the special protection against dismissal enjoyed by disabled workers takes up a considerable proportion of welfare officials' time. They have been kept extremely busy processing dismissal applications particularly since 1991, when the number of applications started to rise as a result of the recession.

5.6.1 Work organisation at local welfare offices

The work involved in providing support for employers and disabled workers was organised according to two different systems in the welfare offices we looked at. In the first, the work was not divided up into specific areas; instead "everyone does everything". The officials thought this was a good idea, but it tended to mean that they hardly ever took the initiative to visit firms themselves; at best they provided crisis management at the request of the disabled workers or the employers.

In the second system officials were specifically allocated the task of visiting firms and used this as an opportunity to keep up regular contacts with them (e.g. visiting every firm employing disabled workers regularly every two years).

With both systems the complaint was that there was too little time for visits to firms, a view shared by employers. Nevertheless most judged the support provided by the welfare offices to be good.

Only a few of the officials saw it as part of their job to try to find new employment opportunities for the disabled in firms with which they already had contact.

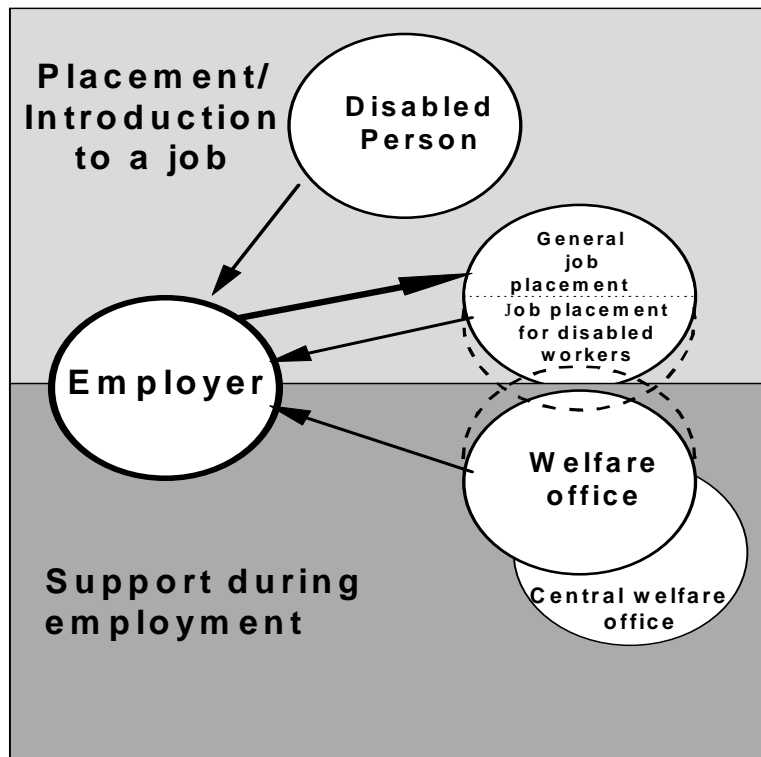
5.6.2 Cooperation between employment offices and welfare offices

Once a worker has been successfully placed the formal responsibility of the employment office is at an end, since any accompanying technical or financial assistance for firms is provided by central or local welfare offices.

For the employer this means a change in the people he deals with, and the change-over will go smoothly only if the officials in question are already working "hand in hand", i.e. if they forward details of any important agreements or information from earlier discussions, exchange assessments of the worker's employability and, ideally, visit the firm together to discuss workplace design and other issues connected with the organisation of work.

Figure 2: Placement / Introduction to a Job

The following tables show what important information (+ +), assistance and advice the



employment offices and welfare offices can provide for the employer and where more information is needed from both institutions (– –) in their efforts to find disabled workers jobs and integrate them into the primary labour market. For data protection reasons employment offices do not provide information on the functional impairments resulting from the worker's disability, while welfare offices have no information on any other more suitable jobs that might be available.

Tables 4a and b: Provision of Information, Assistance and Advice

Employment Office
++ Skill level, degree of disability
-- Type of disability, all available jobs
→ Provides general advice, technical advice and financial assistance

Welfare Office
++ Skill level, type of disability
-- Only jobs at places where people are already employed
→ Provides psychosocial and technical support

Officials from both institutions take decisions based on uncertain information, but they should not have to, because scientifically acceptable procedures have now been developed (but are seldom used in practice) enabling a direct comparison to be made of "what the person can do and what the job involves" (LVL 1994:26)¹¹.

The integration services and firms originally set up on an ad hoc basis in Germany are now trying to solve this problem by stepping up levels of interinstitutional networking.

¹¹ If they are to be able to use these procedures the advisory services need more staff and more detailed descriptions of what jobs involve.

Problems in providing adequate guidance for employers therefore stem from

- the ill-defined responsibilities of the many payment agencies involved
- the fact that the advice provided by officials relates only to their own institutions
- inadequate networking with the other institutions involved
- the inflexible organisational structure of the various offices
- the "you come to us" structure of the traditional advisory organisations.

5.7 Type of disability and chances of integration

Integration into the labour market depends on the type and severity of the disability.

5.7.1 The physically disabled

If there is no other disability apart from the physical one and if none of the main sensory organs are affected, then the worker should certainly be able to perform the tasks required if the workstation is redesigned accordingly and if technical aids are provided¹². Employers do not question whether it is profitable to employ the physically disabled, even if there is a higher risk of injury, they take more sick leave or they cannot maintain performance throughout the whole of the working day. Problems arise if workplace design is not disabled person friendly, when extra support and assistance may be needed with tasks involving a high degree of mobility.

5.7.2 The mentally ill

Although physically and mentally disabled job-seekers usually come into contact with disabled persons placement officers automatically, this is not necessarily the case with the mentally ill. They often do not apply for a disabled pass and tend to rely on the general employment services.

Depending on the condition they have and how it affects them personally the integration process can go through a number of stages and take a considerable amount of time before it is complete. Integration is also often possible only with help from community welfare bodies or associations. The most important factors for occupational integration are that the employer should have a positive attitude towards his worker's abilities and that the working conditions and atmosphere should encourage friendly relations between the workers. The mentally ill need a mentor who will not only support them throughout their treatment, but will also be available during the first phase of their employment. Employers, managers and colleagues also need someone they can turn to for advice in a crisis.

Although the level of support needed by the mentally ill varies greatly according to the individual, employers still appear to regard this as the group involving the greatest "residual risk".

¹² With the severely physically disabled there are often permanent impairments to performance that cannot entirely be overcome by technical aids. Disabled workers also need support and assistance if they are unable to perform the tasks required of them on their own.

5.7.3 The mentally handicapped/people with learning disabilities

Account must be taken here of the fact that this group often have a poor grasp of what tasks involve and that instructions about work processes need to be repeated at regular intervals, particularly for activities which are not done on a regular basis. They need to have a special mentor and their work needs constant supervision, so they require a substantial amount of extra guidance and support. Whether they can be used only to assist other workers or can be given their own responsibilities depends on the degree of disability and the understanding and commitment of the firm's owner. The firms involved here are usually very small.

Although they may have a very limited understanding of the tasks that their job involves and how to perform them, as well as problems with social behaviour in some cases, these workers also have their strong points. Employers single out qualities such as willingness to work, reliability, punctuality and helpfulness.

Because of these workers' impaired abilities and the level of guidance and support that they need their jobs cannot be regarded as economically viable, or if so, only to a limited degree.¹³

5.8 Support, underperformance and wage levels

One of the legitimate concerns that employers have is the special support that certain disabilities require at work, which may mean that previously established work processes need to be redesigned. In other cases the performance of disabled workers may be permanently below average. Many employers point out that every worker needs to "pull his own weight", particularly in small firms, and they stress that certain cases require 100% financial assistance or else payment of a permanent underperformance allowance.

There are frequent disputes between employment offices and employers at the start of the employment relationship about the wages that the disabled worker is to be paid. Employers tend to look forward to the period following expiry of the financial assistance and steer clear of "inflated" wages. The welfare offices are currently assessing individual applications for underperformance allowances more critically than before and sometimes not granting them in full, on account of the rising number of applications and the restrictions on resources.

¹³ **The particularly severely disabled** or those with multiple disabilities such as the elderly disabled, the physically and mentally disabled and the mentally ill have little chance of finding a job without special financial assistance. Disabled workers from **recognised workshops for the disabled** are rarely found jobs by the employment office. They have quasi permanent posts in the workshops and tend to leave only if they feel understretched or if they are not happy with their pay. Some find jobs through the general employment services or on their own initiative.

5.9 Integration within the firm

In small firms decisions to take on a disabled worker are usually taken by the owner or manager without further consultation. Only in exceptional cases are employees informed in advance.

There are various ways in which integration can be promoted and prejudices broken down. It is vital to be fair to the individual while still taking account of his or her disability; for some this may mean treating them like everyone else, while others may need special treatment on account of their disability. The main thing is that this special status should not be allowed to lead to exclusion or discrimination.

Generally speaking employers see disabled workers as being highly motivated in their work, although their aptitude for certain tasks often has to be "tested", particularly with the severely disabled. Workers' performance and integration in the firm can then be further improved if they are given the intensive guidance and support they need by their manager and/or colleagues (if they are not, the opposite may happen).

Once the financial assistance paid for employing a disabled worker expires, the job is covered by a further period of grace, since if the employment relationship with the disabled worker is terminated within a year of the expiry date the assistance must be reimbursed. Only after this period does it become clear whether integration has really been successful. Regardless of whether the employment relationships have continued, most of the nineteen employers interviewed said that they would take on disabled workers in the future. Most remain "faithful" to their target group: those who have employed the physically disabled prefer to take further workers from this group in future, since it is easier to deal with disabilities with which one already has experience. This is a point which should be given greater consideration in job placement strategies.

Employers will consider a permanent employment relationship with disabled workers only if they have become equally integrated in the firm on various fronts. These include:

- satisfactory performance of tasks
- functional interaction/support
- economic viability
- integration in the firm's own culture and social structure.

CHAPTER 6

CONCLUSION

The study "The Quality of Work and Life of People with disabilities" analyses successful examples of the integration of disabled people in employment. It should not be allowed to distort our view of the general situation on the labour market and of the situation of disabled workers in particular. The disabled unemployed are competing with the able-bodied for just a few job vacancies, and employers tend to want "Olympic-standard" workforces in which there is often no place for the disabled. The financial incentives offered to employers to compensate for the disadvantages or risks involved are often not enough to encourage them to take on disabled workers, particularly when they can also receive financial assistance for employing able-bodied workers such as the long-term unemployed. Furthermore, in particular for the particularly severely disabled, there is a growing gap between what they themselves need and what they are expected to do at work, making it even more difficult for them to enter or return to gainful employment. Models for promoting the occupational integration of disabled workers more aggressively need to be developed, but it must be borne in mind that there is little funding available. The following suggestions should be seen in this context. Some of them would not involve a great deal of extra expense, but they should still be subject to a cost-benefit analysis to evaluate their chances of being successfully applied in practice.

6.1 Information for employers

Providing detailed information on the allowances available and greater transparency in implementing special programmes can be very helpful in persuading employers to consider employing disabled workers. In most cases information on financial assistance and the conditions attached is provided in personal discussions between disabled persons placement officers and employers. This seems to work well and should be expanded through regular visits to firms. However, the range of information available could be extended to take account of small and medium-sized firms as a hitherto neglected source of potential jobs. For example, employment offices and/or welfare offices should provide up-to-date information on how to obtain allowances, in the form of jointly produced brochures, say, for the owners of self-help firms and small and medium-sized businesses. In some towns regular labour market forums have proved useful: the employment office and the central or local welfare office jointly invite employers to information meetings on developments in legislation and the financial support available for employing disabled workers.

6.2 Placement

If disabled workers are to be successfully integrated their skills and personality must match the job profile and fit in with the firm. This means that it must be ensured at the very start of the placement procedure that conditions which are important for future integration are met.

It is essential here that officials from employment offices should work closely with those from welfare offices (and that both should go beyond the normal limits of their responsibility). In some cases the division of responsibilities in both offices will need to be reorganised, and new

forms of cooperation between the offices developed at local level. An example of this would be to put one person in the employment and welfare offices in charge of handling each integration procedure, so that disabled workers and employers do not have to deal with different people with different responsibilities.

Preparation of disabled workers

From the very start of efforts to place disabled workers on the regular labour market there should be support measures which are not primarily job-related, but which also encourage the development of life skills in line with workers' job prospects. If they do not have any definite ideas about their future career, employment and welfare offices should offer them vocational and personal guidance and advice. Furthermore, every time a job is found for a disabled person, a meeting should be organised with the employer and the worker before he or she takes up the post so that specific issues can be discussed; this may even include reaching a joint decision on whether the job is actually suitable for the worker. Officials from the welfare and employment offices need to be trained in certain skills in order to be able to do this.

Finding new jobs

Officials from the employment and welfare offices need to take a much broader view of their responsibilities if they are to go out and find new jobs. Officials from welfare offices should look around for further job opportunities for disabled workers, while officials from employment offices need to keep their ears open for problems arising with employers. If they are approached with queries or problems by employers they must not simply "pass the buck", but should deal with them in a straight-forward manner on behalf of the other institution, referring them on if necessary.

Both institutions should set aside time for visits to firms or appoint a specific official to do this.

6.3 *Structure of financial assistance*

The aid structure which is usually applied at present - with substantial to full funding at the outset (e.g. through special extra grants) and a sudden end to funding after a maximum of three years - should be changed in favour of longer-term assistance geared towards the actual performance of disabled workers¹⁴. The underperformance allowance and the allowances for the provision of extra support should be paid systematically and in a targeted manner in order to compensate employers for the additional expenses incurred, thereby setting the employment relationship on a sounder footing. The procedure for applying for these allowances should also be made easier for employers.

An alternative to the underperformance allowance to cement employment relationships involving disabled people might be to allow employers to pay wages below the nationally-agreed levels. Irrespective of the fact that this would constitute a breach of the principle of "equal pay for equal", there are two problems with the proposal - the determination of the

¹⁴ For example: 100% total assistance for a limited period only (for the probation period or the first six months, say), followed by a gradual reduction to the level of the underperformance allowance. The assistance paid should not then have to be reimbursed if the employment relationship is terminated during the probation period.

amount to be paid and the issue of who would negotiate it. If the political will existed to pay disabled workers less, statutory bodies would have to be involved in negotiations, in order to protect the interests of the disabled. If, for example, the welfare offices were to be involved, a similar procedure to that through which underperformance allowances are determined might be envisaged.

Special assistance for the mentally ill is particularly called for. If employers recruit physically disabled workers they receive not just labour cost allowances but also investment grants, which can be a considerable incentive, and an equivalent incentive should be offered for the other disabled groups. Because it is impossible to say how the condition of a mentally ill person will progress - he or she may have relapses, for example - most mentally ill workers need jobs in an intermediate labour market (for instance in self-help firms); the special programmes should be used not just occasionally, but systematically to extend the integration phase. Self-help firms should also be given systematic assistance to keep jobs available on the intermediate labour market.

6.4 Active and creative labour market policies

Furthermore, it is essential for new, creative concepts to be developed for assisting disabled workers to find employment and for labour market policy as a whole. One instrument which has already been tested as an active labour market policy is the linking of jobs and skills. Projects in which disabled people and the able-bodied learn and work together might also be an innovative way of helping the integration of the disabled in the world of work, since besides the fact that they may lack qualifications disabled people suffer the additional disadvantage of finding it more difficult to find work after completing courses than do the able-bodied. Work experience placements in companies give the disabled the chance to prove their work experience. Employers who make such places, or indeed jobs, available have the chance to gain some initial experience with disabled employees and rid themselves of their prejudices. Combination projects which serve to meet demands for labour can thus lower the barriers between the disabled and the world of employment.

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