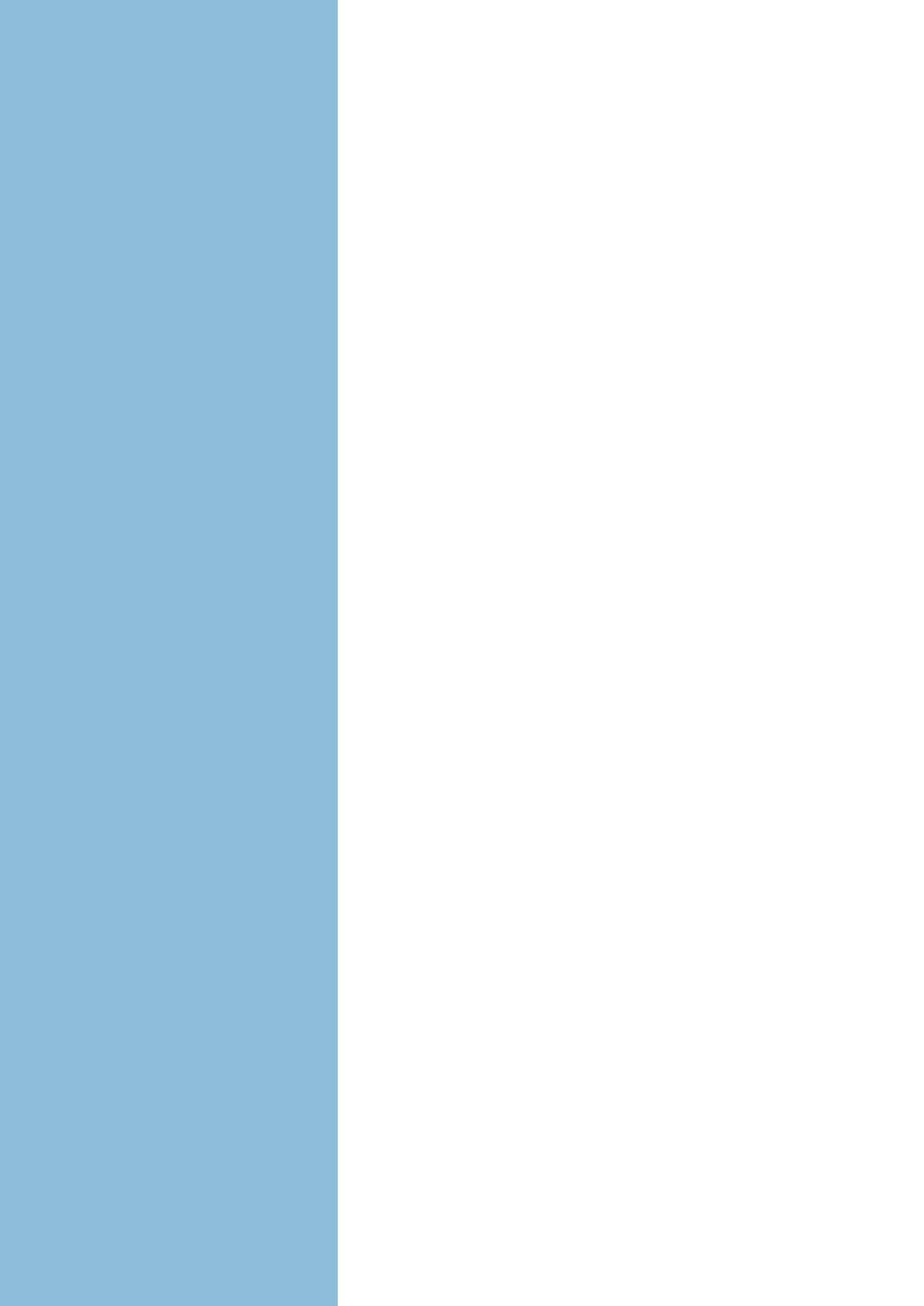


# (HANDI) cap'emploi

## PRACTICAL GUIDE TO DISABILITY IN THE WORKPLACE







## PRACTICAL GUIDE TO DISABILITY IN THE WORKPLACE



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DU GRAND-DUCHÉ DE LUXEMBOURG  
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# EDI TO RIAL >>>

Having a job is a necessity. Not only from a financial point of view but also for social inclusion. Often, successful integration in the workplace is the first step to a more active participation in society, and a disabled worker's first step to a more fulfilling life.

10 to 15% of people live with a disability. We have witnessed a paradigm shift in the last few years: shifting from a perception of people with disabilities as people who need help and protection, to a perception of them as active members of society, worthy of the same opportunities as everyone else.

As regards work, people with disabilities are now understood as people who can bring real economic and social added value to a company.

In the same vein, the UN Convention on the Rights of Persons with Disabilities provides that “Persons with disabilities must be able to live independently. They must be able to decide their life freely”. The main goal is the full enjoyment of fundamental human rights by persons with disabilities and their active participation in social life. And yet, for the CRPD’s above-mentioned provisions not to remain wishful thinking, persons with disabilities must have the possibility to engage in a professional activity that suits their abilities and enables them to reach economic independence and social integration.

The Luxembourg Government has launched many initiatives to ease access to employment for disabled persons, and many of these deserve to be brought to the public’s attention, on one hand to inform the public of existing measures and advantages in this field that are often still too poorly known, and on the other hand to demystify disability. In order to achieve this, more needs to be done through awareness-raising and information campaigns and actions. This guide is

an excellent example of this and I hope it will lead many employers to hire employees with disabilities.

Indeed, for many people, disability is taboo because too often it triggers a sense of fear and bias, when in fact it is often a source of added value, namely for companies. Recruiting a person with a disability can be a source of innovation and creativity and is an integral part of developing the rich diversity of a company.

I strongly encourage companies to adopt a proactive approach to diversity management by also taking disability into account, in order to reduce, or even eliminate, any remaining barriers to the inclusion of a vulnerable person on the mainstream labour market.

*Corinne Cahen,  
Minister for Family and Integration*



# 1

## WHY ADOPT A DISABILITY-FRIENDLY APPROACH?

The role of an employer, whether it is a private or a public employer, is also to encourage and support the fundamental rights of persons – such as persons with a disability – who, for various reasons, have been excluded from the labour market. Their inclusion within the workplace is driven by the principles of equality, respect and pluralism.

Disability is a human rights issue: the right to accessibility, to education, the right to make one's own life choices, to participate fully in the social life of one's community, and of course the right to employment. Employers are social actors of the implementation of these rights. Without employers, persons with disabilities cannot be employed.

When employers wish to hire a person who has been recognised as having a disability, they face issues related to the recruitment and human resources management procedures. Indeed, employers are not qualified to rule on the person's disability (see the section on "The procedure for the recognition of the disabled worker status"). However, they must express their recruitment needs and assess the candidates' competence, know-how and social skills, whether or not these candidates are persons with disabilities.

On a daily basis, employers around the world put forward their best practices in terms of hiring persons with disabilities. Indeed, these practices help companies improve their social responsibility through their capacity to innovate, the coherence with their

1 - [http://www.ilo.org/skills/pubs/WCMS\\_183673/lang-en/index.htm](http://www.ilo.org/skills/pubs/WCMS_183673/lang-en/index.htm)

diversity policies, a knowledge and a better understanding of their markets, a lower job turnover or absenteeism, an improved social dialogue, etc. You can refer to the work carried out by the ILO (International Labour Organisation) for examples<sup>1</sup>.

### Five reasons to hire people with a disability:

**1** It is a concrete action in the **fight against discrimination and exclusion**, as nobody can be excluded from a recruitment process based merely on their disability. Recognizing the capacity of people with disabilities to work like everyone else reveals a company's **respectful and intelligent diversity management**. Hiring a person with a disability contributes to changing fundamental attitudes and to rejecting preconceptions about disability.

**2** This way you can broaden your pool of candidates. Market necessities are such today that it would be a pity to forgo a non-negligible part of the labour market. Although in theory employers do not bar people with disabilities from their recruitment process, sometimes they look for profiles that are too standardised for applicants with disabilities to meet the demands of the process. By opening the recruitment process to persons with disabilities, companies **broaden the range of possible candidates**.

**3** Recruiting a person with a disability also meets the **legal requirement** that sets the employment rate of disabled workers in companies and public institutions. Moreover, a company that hires people with disabilities may **receive subsidies** from the State, which recognizes and supports the employer's action.

4 Recruiting a disabled worker makes it possible to consider the organisation with a **fresh outlook**, because it tests a company's capacity to integrate a disabled person among its staff, **examines the work organisation and conditions**, the training of its workers, workstation ergonomics, as well as the recruitment, evaluation and production processes.

5 Studies confirm that **workers with disabilities are perceived positively by their employers**. More conscientious, strong-willed, motivated at work and with **strong adjustment skills**, persons with a disability are well aware of their own skills but also of their limitations.



# 2

## DISABILITY, WHAT ARE WE TALKING ABOUT?

### WHAT IS “DISABILITY”?

---

The word “handicap” stems from the term “hand in cap”, referring to a way of bartering between two people in the 16<sup>th</sup> century in Great Britain and based on the unequal valuation of two different personal items. The term “hand in cap” started to describe a negative and unfair situation of inequality and progressively became applicable to several fields, including sports.

The term was reinforced after the Second World War, when States began to create support measures for persons with disabilities making it possible for the first organisations defending the rights of people with disabilities to emerge.

According to the WHO (World Health Organisation), disability is the “result of an interaction between physical, sensory, intellectual or psychological impairments that lead to more or less severe incapacities that are reinforced because of an ill-suited or inaccessible environment”.

2 - [http://www.who.int/disabilities/world\\_report/2011/summary\\_fr.pdf?ua=1](http://www.who.int/disabilities/world_report/2011/summary_fr.pdf?ua=1)

There are different definitions of “disability” that progressed to the acceptance that “disability is not the sole limitation of a person, but can be considered as the result of the environment’s incapacity to adapt to a person’s needs”.

In fine, **“disability” is not synonymous with disease**. Whereas illnesses are diagnosed by health professionals, disability is a situation that results from the interaction of a person’s capacities and possibilities to act and think in a given environment.

## VARIOUS TYPES OF DISABILITIES

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Breaking down the various types of disabilities gives us a chance to better organize the inclusion, guidance or even the care and support of people with disabilities. Theoretically, this classification makes it possible to differentiate between various disabilities. However, real life situations are even more diverse.

No disability is more excluding than another: a person with a disability can be visually impaired and in a wheelchair (“Multiple disabilities” - pluri handicap). Indeed, several types of disability can coexist for the same person, or even follow each other. So persons who are hard of hearing can experience a change in their disability depending on their hearing aid, by benefitting from new technological progress or from support measures set up in their workplace.

Moreover, whilst 15% of people with disabilities have been disabled from birth, 85% are disabled following an unforeseen event or due to an incapacitating illness as adults<sup>2</sup>.

These people may have developed skills on the labour market or have a past professional experience. It is absolutely essential to take this into account when addressing the question of employment as regards people with disabilities.

There is no fixed and unanimous classification of the various types of disabilities. However, the following 9 distinctions are generally made:



### **PHYSICAL/MOTOR Disability:**

all the disorders that can cause partial or total mobility impairment.



### **HEARING Disability:**

weakening or loss of hearing ability (different degrees are possible) and in some cases difficulty to express things orally.



### **INTELLECTUAL Disability:**

limitation in the speed of mental functions in terms of comprehension, knowledge and perception.



### **COGNITIVE Disability:**

impaired development of cognitive functions resulting in memory or attention disorders, and disorders in executive functions or language.



### **PSYCHOLOGICAL Disability:**

resulting from an individual's relational disorder vis à vis themselves and others.



### **VISUAL Disability:**

impairment or loss of visual capacity (different degrees possible).



**Disability due to an INCAPACITATING ILLNESS:**

result of an illness that can be temporary, permanent or progressive.



**SPEECH AND LANGUAGE Disability:**

incapacity or problems to express oneself orally and/or to use language.



**MULTIPLE DISABILITIES:**

combination of motor and/or sensory impairments of the same degree of which one cannot be determined over the other as the main impairment.

For more information on the different types of disabilities, please see the section (in Chapter 9) "To take it further - details on the different types of disabilities".

# IN BRIEF

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- > There are different definitions of “disability” that progressed to the acceptance that “disability is not the sole limitation of a person, but can be considered as the result of the environment’s incapacity to adapt to a person’s needs”.
- > “Disability” is not synonymous with disease.
- > However, many disabilities are the result of disease.
- > 15% of people with disabilities have been disabled from birth, 85% are disabled following an unforeseen event or due to an incapacitating illness as adults.
- > As regards the different categories of disabilities, there is no unanimous classification. However, the following 9 distinctions are generally made:



Physical/motor disability



Psychological disability



Hearing disability



Visual disability



Cognitive disability



Disability due to an incapacitating disease



Intellectual disability



Speech and language disability



Multiple disabilities (Pluri handicap)



# 3

## DISABILITY WITHIN THE WORKPLACE IN LUXEMBOURG

### THE STAKEHOLDERS WORKING IN THE FIELD OF DISABILITY IN LUXEMBOURG

In Luxembourg, a number of stakeholders work in support of people with disabilities. Employers who wish to recruit a person with a disability, or who have to redeploy someone internally, can consult several organisations that are experts in the field.

#### > ADEM (National Employment Administration)



It is the public body of reference in Luxembourg for any employer who wishes to recruit employees with disabilities or employees with reduced work capacity as well as for any person with a disability or who is going through professional redeployment.

The ADEM's **Department for Disabled Workers and Professional Redeployment** is in charge of training, placement, rehabilitation, professional integration and reintegration of persons who are acknowledged as "disabled workers", or "employees with reduced work capacity".

› Info-Handicap Association (National Information and Meeting Centre for Persons with Disabilities)



It provides general information in the field of disability for anyone who requires it. Info Handicap also publishes a whole series of documents and information leaflets that are available on its website and on request by telephone or email.

› Adapth



adapth

This association provides unique expertise in the Grand Duchy to assist any company that wishes to test the accessibility of its premises. It also helps building professionals when they carry out construction or renovation projects to make them more accessible to all.

› “Sheltered workshops”

These are enterprises that are accredited as sheltered workshops by the Ministry for Family, Integration and the Greater Region. They are set up and managed by organisations with a social and economic mission and they enable workers with disabilities who are directed to the sheltered work environment by the Occupational Counselling and Redeployment Panel to carry out paid employment in conditions that are adapted to their skills. These structures provide disabled workers with a paid professional activity in an economic production unit. They provide professional inclusion measures as well as support and supervision to enable workers with disabilities to then obtain jobs on the mainstream labour market.

› The CET (Center for Equal Treatment)



Its mission is to promote, analyse and monitor equal treatment between people, by fighting against discrimination based on race, ethnic origin,

gender, sexual orientation, religion, beliefs, and disability. Interested persons can access reports and studies on discrimination in Luxembourg, as well as information pertaining to individual rights, legislation, case law, and the best means to assert the rights of any person who is discriminated against.

3 - [http://europa.eu/rapid/press-release\\_IP-10-1505\\_fr.htm?locale=en](http://europa.eu/rapid/press-release_IP-10-1505_fr.htm?locale=en)

4 - Ministry for Family, Integration and the Greater Region

This list of associations and organisations is non-exhaustive.

You will find more information and contact details in Chapter 10.

## FIGURES AND STATISTICS

Percentage of Luxembourg residents who have relatives with a disability

17%

4,000

Number of persons residing in Luxembourg who are recognised as “disabled workers” or “employees with reduced work capacity”

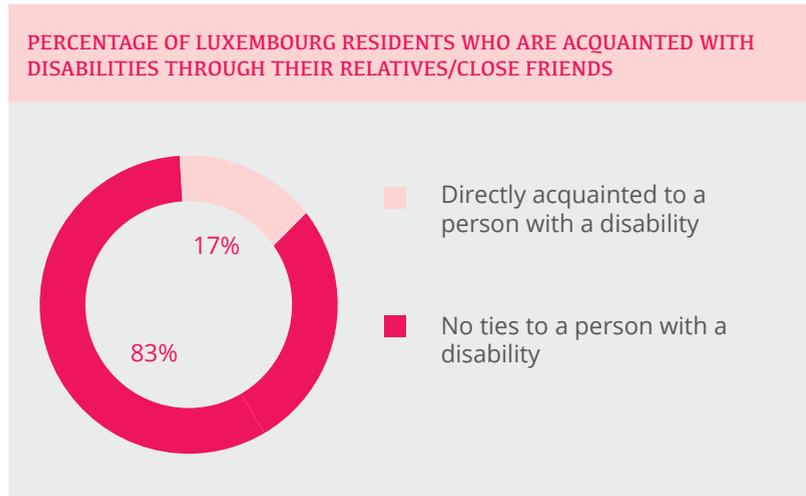
Percentage of jobseekers with disabilities who are registered with the ADEM

22%

Disability, whether severe or mild, affects about 80 million people in the European Union<sup>3</sup>. In 2015 in Luxembourg, there were about 55,000 people with disabilities<sup>4</sup>, but these numbers may not be reliable. First of all, there is a multitude of types of disabilities that are not clearly defined. Also, information sources and statistics focus on separate and distinct disabilities.

5 - <http://www.coe.int/web/portal/people-with-disabilities>

Even though these data do not always match, all the stakeholders agree that the number of persons with disabilities is actually a lot higher.



About 17% of Luxembourg residents claim that they have relatives who have a disability. In Europe, studies show that one person out of every ten is directly concerned by disability. Particularly in developed countries, where the elderly population is increasing, the number of people with disabilities is extremely high, because more than half of the people over the age of 65 have a disability<sup>5</sup>.

#### TO BETTER UNDERSTAND: THE ADEM'S ADMINISTRATIVE CATEGORIES

In this guide we will base our study on the following administrative categories as defined by the National Employment Administration (ADEM):

- **Disabled worker (SH - Salarié handicapé):** person who has the status of disabled worker with a work capacity that is diminished by at least 30% and who is at the same acknowledged as apt to hold paid employment on the mainstream labour market or in a sheltered workshop.

- **Worker with reduced work capacity (CTR - Capacité de travail réduite):** person who is the beneficiary of a measure for external or internal redeployment following a decision by the Joint Committee for the redeployment of employees who are incapable of continuing in their previous work position<sup>6</sup>.

6 - In accordance with provisions L.551-1 and following of the Labour Code

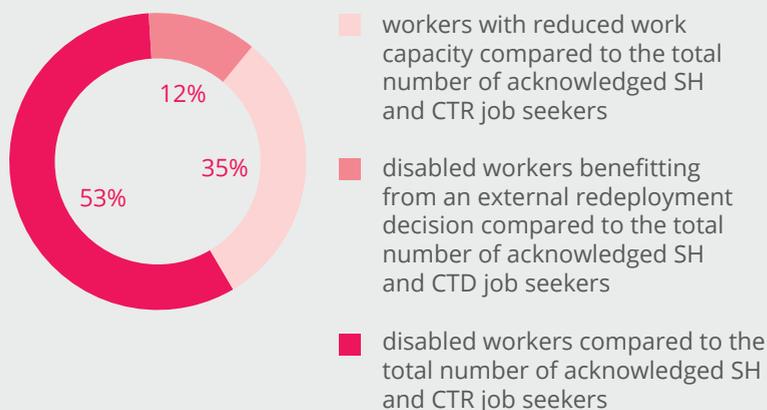
7 - ADEM, bulletin luxembourgeois de l'emploi, février 2016 (Luxembourg Employment Bulletin, February 2016)

8 - The following statistics are based on the disabled workers (SH) and employees with reduced work capacity (CTR) who reside in Luxembourg, without taking into account non-resident CTRs

There are also people to whom both categories refer to, when jobseekers with “disabled worker” status receive a decision for external redeployment.

### CHARACTERISTICS OF DISABLED WORKERS/WORKERS WITH REDUCED WORK CAPACITY REGISTERED AT THE ADEM

#### SHARE OF RESIDENT SH AND CRT



**About 4,000 people<sup>7</sup>** who reside in Luxembourg are recognised “disabled workers” or “disabled workers with reduced work capacity”. Among the persons who are registered as jobseekers at the ADEM as “disabled workers with reduced work capacity”, there are also 2,240 cross-border workers<sup>8</sup>, who have the same unemployment benefits as Luxembourg residents.

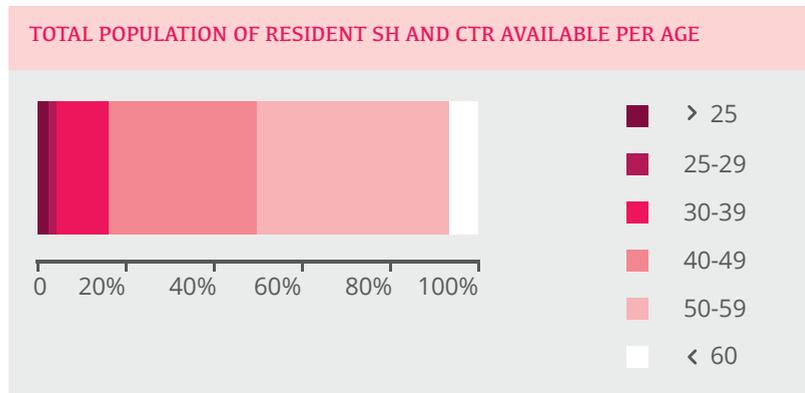
9 - ADEM, Luxembourg Employment Bulletin, November 2015

10 - In Luxembourg, schooling is compulsory from age 4 to 16

11 - ADEM, Luxembourg Employment Bulletin, February 2016

Between 2010 and 2015, the number of “disabled workers” recognised by the Medical Commission varied between **400 and 500 people per year**<sup>9</sup>.

There are several medical examinations to undergo in order to be recognised as a disabled worker. However, the Medical Commission follows standards of approval and not all applications for the status are granted. Indeed, about **30% of applications are refused**.



The age of people with disabilities who are apt to work is quite varied. According to figures provided by the ADEM, 43% of the persons with disabilities who are apt to work are between 50 and 59 years old.

More than half of jobseekers who have the disabled worker status (SH) are men – that is 57.7%.

Two-thirds have a low level of formal education, that is, they have only been through mandatory schooling<sup>10</sup>. A rather high number (20.5%) has a medium high literacy level, with an end of secondary school diploma.

In February 2016, 22% of jobseekers registered at the ADEM were people with disabilities, either disabled workers or workers with reduced work capacity<sup>11</sup>.

# IN BRIEF



- > In 2015, there were 55,000 people with disabilities in Luxembourg.
- > Over half of the disabled workers and workers with reduced work capacity registered at the ADEM are men.
- > Two-thirds of registered job seekers have a lower level of formal education.
- > In February 2016, 22% of job seekers registered at the ADEM were people with disabilities.



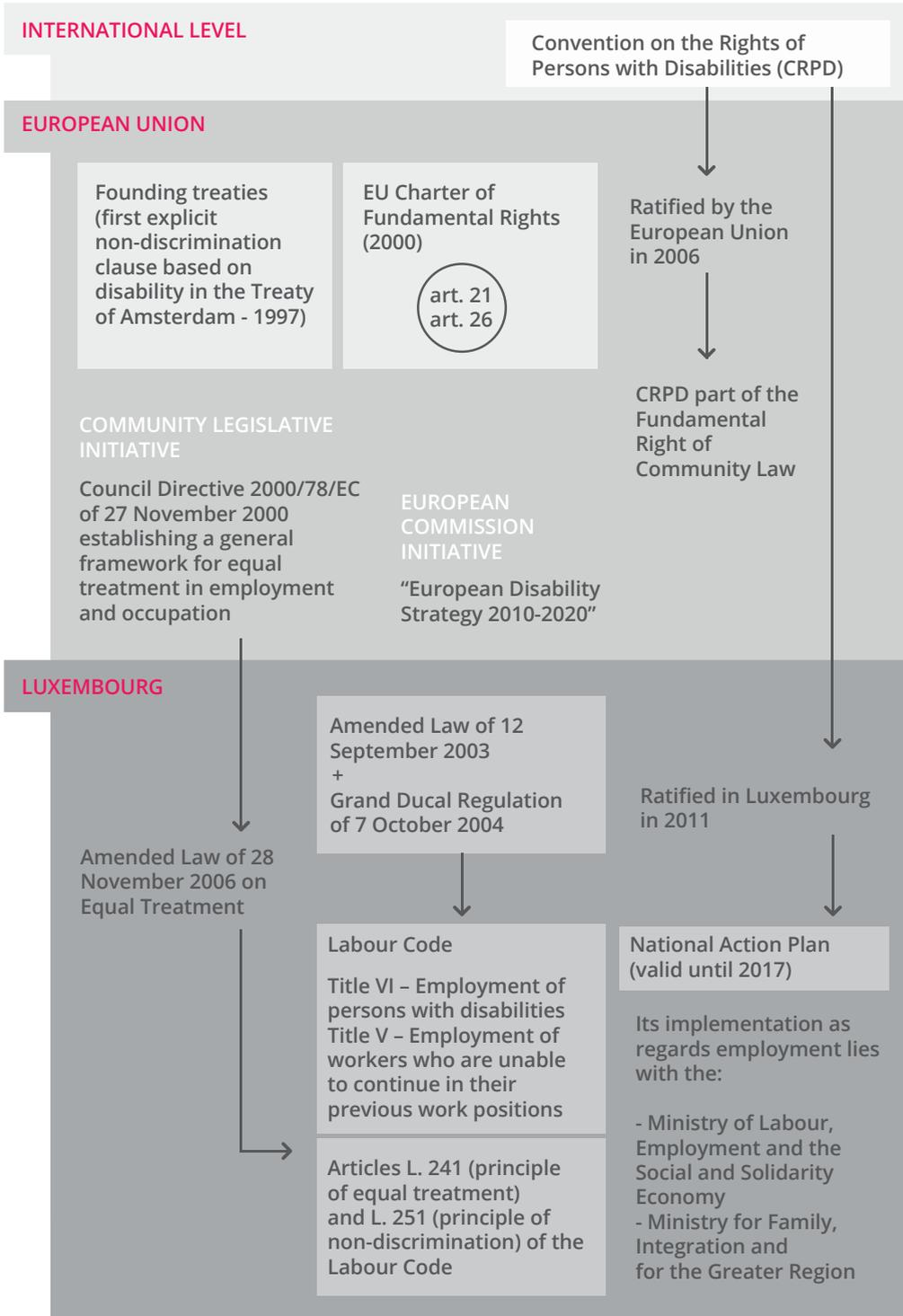
# 4

## WHAT IS THE LEGAL FRAMEWORK FOR DISABILITY IN LUXEMBOURG?

The legal framework in Luxembourg was established through a number of documents produced by international and national organisations: the UN, The European Union, The Consultative Commission on Human Rights, the Center for Equal Treatment and the Mediator, or Ombudsman.

The Luxembourg Labour Code (Title V Book II and Title VI Book V) and the Amended Law of 12 September 2003 on Disabled Persons (and its Implementing Regulation of 7 October 2004) are the national source documents.

In Luxembourg, the Higher Council of Persons with Disabilities (*Conseil Supérieur des personnes handicapées*) advises the Ministry for Family and Integration on draft laws or regulations related to disability. The Ministry coordinates national policy for people with disabilities.



## A UN CONVENTION, THE FRAMEWORK FOR LUXEMBOURG ACTION

On 13 December 2006, in order to fight the discrimination against people with disabilities across the world, the United Nations General Assembly unanimously adopted the **Convention on the Rights of Persons with Disabilities (CRPD)**<sup>12</sup>. **It was ratified by the Grand Duchy on 26 October 2011.**

In Luxembourg, the implementation of the Convention is partly carried out through a 5-year National Action Plan (2012-2017). Among other measures, it provides for the implementation of a series of actions that contribute to increasing the recruitment of people with disabilities, namely through the improvement of professional training possibilities, awareness-raising campaigns for potential employers, a more dynamic use of legal measures to guarantee skilled employment, and the implementation and improvement of support measures to keep disabled workers in employment<sup>13</sup>.

<sup>12</sup> - Approved by Luxembourg with the Law of 28 July 2011

<sup>13</sup> - Annual Report 2014 ADEM

<sup>14</sup> - Supplemented by Article 454 of the Penal Code

<sup>15</sup> - <http://www.legi-lux.public.lu/leg/a/archives/2006/0207/2006A3584A.html>

## EQUAL TREATMENT AND THE FIGHT AGAINST DISCRIMINATION

**The fight against discrimination** is set forth in Articles L.241 (principle of equal treatment) and L.251 (principle of non-discrimination) of the Luxembourg Labour Code. Disability features as one of the criteria of non-discrimination<sup>14</sup>.

**The Amended Law of 28 November 2006 on Equal Treatment**, that condemns all types of discrimination, applies to all persons, whether private or public, natural or legal, including public bodies<sup>15</sup>. This law also applies to the conditions of employment and work, to membership in a trade union or in other organisations related to the profession, to social protection

16 - You will find more details on this legal framework on the Diversity Charter's website, on the website of the National Institute for Sustainable Development and CSR, and on the Government portal's website [www.guichet.lu](http://www.guichet.lu)

17 - Amended Law of 12 September 2003, Art. 10

18 - Integrated into Article L.562-3 of the Labour Code

19 - State institutions, the communes, all public establishments and the Luxembourg National Railway Company / CFL

20 - Labour Code, Art. L. 562-3

(including social security and health care), to social benefits, education, and to the access to goods and services (including on matters of housing)<sup>16</sup>.

## "QUOTAS"<sup>17</sup>

The **Amended Law of 12 September 2003**<sup>18</sup>, integrated into the Labour Code, regularizes the recruitment of a disabled worker. This law is supplemented by the **Grand Ducal Regulation of 7 October 2004** incorporating the rules on the recognition of the disabled worker status. This law confirms a collective awareness of the capacities of people with disabilities and their need for independence, achievable through a professional activity.

Article 10 of the 2003 Amended Law contains a provision setting up "**quotas**", a very common standard-setting tool in European countries, provided that the ADEM has received a job application from a disabled worker who meets the skills required by the company.

Whereas the **public sector**<sup>19</sup> must comply with the obligation to employ full-time employees who have been recognised as having a disability at a rate of **5% of their total staff**, private employers must hire disabled workers in accordance with the size of their organisation<sup>20</sup>:

DESCRIPTION	RATE OF MANDATORY EMPLOYMENT OF DISABLED WORKERS
Private sector employer with 25 to 50 employees	at least one disabled worker
Private sector employer with 50 to 300 employees	2% of the total staff
Private sector employees with over 300 employees	4% of the total staff

Employers who do not comply with this obligation may be subject to penalties. They will have to pay a compensatory tax of 50% of the social minimum wage to the Public Treasury (Trésor Public). As the monthly social minimum wage is 1922.96 euros<sup>21</sup>, defaulting employers will owe the State 961.48 euros for each month that this default lasts and for each disabled worker not employed<sup>22</sup>. In order to calculate the number of positions to be filled by disabled workers, figures that reach or exceed the half percentage point are rounded up to the higher number, the rest must be disregarded. Both disabled workers who have obtained the status and disabled workers who are already employed in the company are taken into account.

<sup>21</sup> - [www.guichet.lu](http://www.guichet.lu)

<sup>22</sup> - Labour Code, Art. L.562-5

<sup>23</sup> - Labour Code, Art. L.562-3

Companies who employ a number of disabled workers exceeding the mandatory employment rate can apply to the ADEM for an **exemption from paying the employer's social security contributions** for each one of the disabled workers beyond the mandatory number, and these contributions are then covered by the State<sup>23</sup> budget.



# IN BRIEF

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- In Luxembourg, the Ministry for Family and Integration is in charge of coordinating national policy for persons with disabilities.
- The purpose of the Higher Council of Persons with Disabilities is to advise the Ministry on all draft laws or regulations related to disability.
- The Grand Duchy of Luxembourg ratified the UN Convention on the Rights of Persons with Disabilities in 2011. With this act, Luxembourg committed to implementing a National Action Plan that aims to eliminate all barriers to the recognition and effective exercise of the rights of persons with disabilities.
- The Ministry of Labour, Employment and Social and Solidarity Economy (MTEESS) implements the National Action Plan as regards the professional integration and reintegration of persons with a disability.
- Article 10 of the Amended Law of 10 September 2003 has a provision setting up “quotas”.
- Private sector employers with less than 25 employees are not affected by these quotas.



# 5

## DISABLED WORKERS

The recognition of the disabled worker status enables professional inclusion through the granting of specific accompanying measures.

The Amended Law of 12 September 2003 on disabled persons defines a “disabled worker” as any person whose working capacity is diminished by at least 30% but who nevertheless remains apt for work. So this concerns any person whose possibilities to obtain or remain in a job are reduced following the alteration of one or more of their physical, sensory, intellectual or psychological functions. However, the reduced work capacity must be the result of a stable medical state and not only due to a long-term illness.

The “disabled worker” status is different from that of a “worker who is incapable of carrying out his/her work”<sup>24</sup> or has a reduced work capacity and who is subject to an internal or external redeployment procedure.

During a period of work incapacity as a result of illness or accident, part-time employment on medical grounds (mi-temps thérapeutique) enables employees to start work again on a part-time basis, provided the employer has agreed to it. This measure has a limited period, generally of maximum one year<sup>25</sup>.

<sup>24</sup> - To be considered “incapable of work” does not mean that the employee is incapable of working at all, but that s/he is unable to carry out his/her latest position at work or needs particular accommodation (for ex. reduced working time) for health, infirmity, or strain, all the while remaining capable of working.

<sup>25</sup> - <http://www.guichet.public.lu/citoyens/fr/travail-emploi/incapacite-travail/incapacite-maladie-accident/mi-temps-therapeutique/index.html>

26 - <http://www.gui-chet.public.lu/citoyens/fr/travail-emploi/salarie-handicape/statut-salarie-handicape/reconnaissance-statut-salarie-handicape/>

27 - Labour Code, Art. L.561-3

28 - Labour Code, Art. L.561-6

29 - Labour Code, Art. L.561-3

30 - Should disabled workers refuse to take up a position that was assigned to them and if this position matches the ADEM's rehabilitation decision, workers then lose their right to a position reserved for disabled workers as well as the income benefits for severely disabled persons

## THE PROCEDURE FOR THE RECOGNITION OF THE DISABLED WORKER STATUS

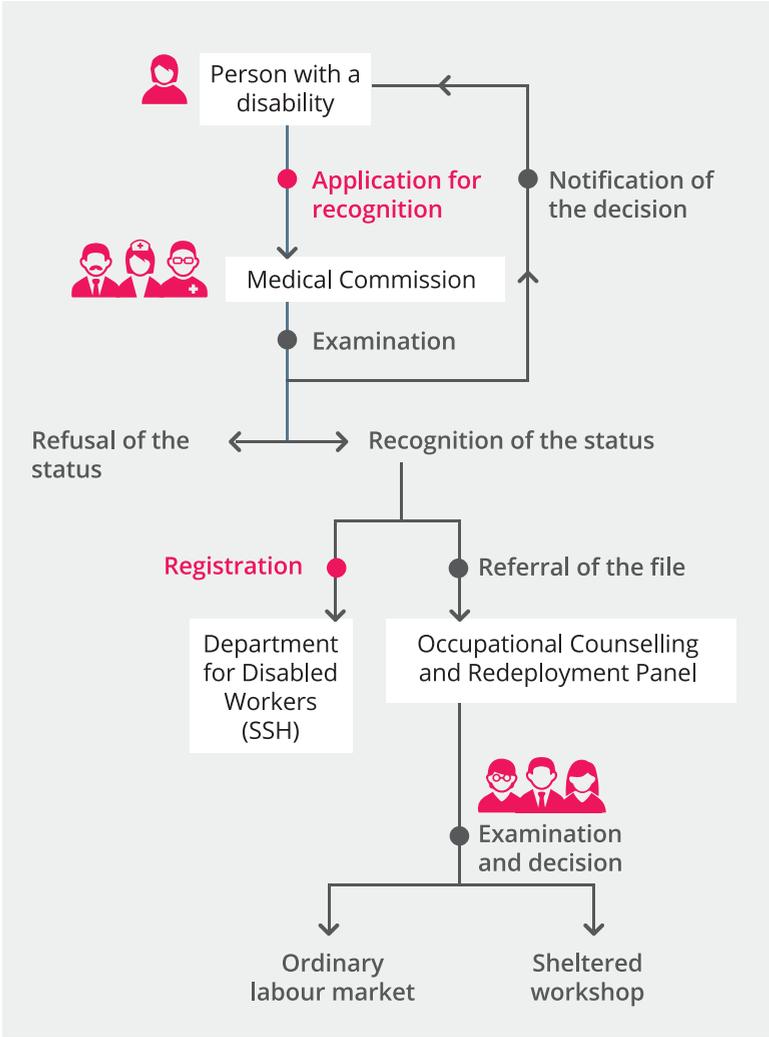
The person with a disability launches the recognition process to obtain the status of “disabled worker” by submitting a request to the ADEM's Medical Commission. It is compulsory for applicants to participate in an information session organised by the ADEM's Department for Disabled Workers (Service des salariés handicapés) during which they receive an application form. Additional documents must be attached to this form, providing further information about the applicant's professional situation and qualifications, but also on their reduced work capacity and general health<sup>26</sup>.

The ADEM's Medical Commission<sup>27</sup> determines the percentage rate of the reduced work capacity. The process can take several months. The rate is assessed in comparison to a valid person of the same age. So it is the ADEM's responsibility to decide whether or not to grant the recognition of the status.

The Occupational Counselling and Redeployment Panel (COR / Commission d'orientation et de reclassement professionnel) then makes a substantiated decision<sup>28</sup> on whether to guide the disabled worker into the mainstream labour market or into a sheltered workshop. Lastly, based on the COR's proposal, the ADEM decides what action must be taken for the professional integration or reintegration of the candidate who has been guided into the mainstream labour market<sup>29</sup>.

Recognised “disabled workers” are automatically registered with the ADEM if they have no employment<sup>30</sup>.

Workers who have been recognised as “disabled workers” in their country of residence other than Luxembourg must restart the recognition procedure in Luxembourg.



<sup>31</sup> - The wording for job offers is not very regulated, but nevertheless it is subject to a few legal rules, among which the principle of non-discrimination. The ADEM cannot circulate job offers that have discriminatory content or that do not respect the legal provisions pertaining to job offers.

<sup>32</sup> - <http://www.adem.public.lu/fr/formulaires/emplois/places-vacantes/Declaration-emploi-handicape.pdf>

## HOW TO RECRUIT A DISABLED WORKER?

### › Via the ADEM:

Recruiting a person with a disability is regulated by the Amended Law of 12 September 2003 that provides for the involvement of the ADEM and its Department for Disabled Workers (SSH).

Employers must declare any vacant positions available for disabled persons to the ADEM's Department for Disabled Workers (SSH) which has a database of candidates with the "disabled worker" status.

**Stage 1:** When employers declare a job vacancy at the ADEM, they may be offered the possibility of hiring a person with a disability, unless they make note of specific contraindications and constraints. Employers can also fill in a specific form to recruit people with disabilities<sup>31</sup>. This form is downloadable on [www.adem.public.lu](http://www.adem.public.lu)<sup>32</sup>.

Declarations of vacant positions must be made to the ADEM at least three days before they are published through other media.

**Stage 2:** The Employer Service is in charge of assigning candidates who have the disabled worker status when the competence of said candidate matches the requested profile. In this case, an **assignment card is addressed to both interested parties** - employer and disabled worker - requesting the candidate to contact the employer.

**Stage 3:** The employer must inform the ADEM of its decision concerning the assigned candidate.

If the employer refuses to hire the prescribed number of persons with disabilities, a compensation tax must be paid to the Public Treasury for as long as the refusal lasts. However, if the ADEM is not able to find a candidate who matches the job description, the employer has no obligation to pay this compensation tax.

33 - <http://www.adem.public.lu/fr/jobboard/employeur/index.html>

The ADEM's JobBoard is now available for employers to look for candidates anonymously and proactively. They can use the "I'm interested in this candidate" feature (see under "Ce candidat m'intéresse"), and the ADEM will transmit the candidate's contact details to the employer to facilitate direct contact<sup>33</sup>.

#### ➤ Via classic recruitment methods:

The employer can also hire people with disabilities via the classic recruitment methods. In this case, particular attention must be paid to **writing disability-friendly job offers** that can attract the interest of candidates with a disability. For example, mentioning a flexible organisation of working time can interest a candidate who must regularly be absent from work.

Make sure to write your job offer in a language that is easy to read and understand - in order to make it as accessible as possible, namely to people with an intellectual disability - by simplifying the vocabulary or syntax of the sentences.

These job offers can also be published in networks of people with disabilities, for example by ensuring that they are shared with specialist organisations in the field or by contacting specialised agencies or recruiters.

It is possible to benefit from the support measures for a recruitment that does not go through the ADEM, as long as the person who is hired has the "disabled worker" status.

34 - <http://www.adem.public.lu/fr/employeurs/demande-aides-financieres/embaucher-salarie-handicape-ou-reclasse/sh/Prise-en-charge-frais/index.html>

35 - Labour Code, Art. L.562-8

36 - Labour Code, Art. L.233-4

## SUPPORT MEASURES FOR HIRING A DISABLED WORKER

Disabled workers can receive aid to facilitate their professional integration. However, they should be hired first and foremost for their competence and potential.

In order to be granted the reimbursement of expenses related to hiring a disabled worker, employers must contact the ADEM's Department for Disabled Workers<sup>34</sup>.

### WAGES

Because sometimes hiring a disabled worker can result in a loss of output for employers, they can receive a participation in the payment of the worker's salary. The State participation level **depends on the employee's yield loss due to his/her reduced work capacity**.

The State reimburses between 40% and 100% of the disabled worker's gross salary, including the employer's share of social security contributions<sup>35</sup>. As there can be changes in the worker's disability and/or in his/her adaptation to the work environment, this percentage can be periodically reviewed by the ADEM in consultation with the Occupational Counselling and Redeployment Panel.

In 2014, the SSH covered the costs of 202 participations in the salary of employees with disabilities who were guided into the mainstream labour market.

### LEAVE

According to the provisions of the Labour Code, disabled workers have a right to 6 additional days of leave per year, covered by the State through a daily allowance<sup>36</sup>.

In 2014, the SSH covered the cost of 837 additional days of leave.

## TRAINING

37 - Labour Code,  
Article L.562-9

The ADEM management can set “training, rehabilitation, professional integration or reintegration measures, or measures of initiation or traineeship” as advised by the Occupational Counselling and Redeployment Panel<sup>37</sup>.

38 - Labour Code,  
Article L.562-1

If a disabled worker refuses a course or a rehabilitation measure s/he loses the rights to one of the positions reserved for disabled workers.

In 2014, the SSH covered the cost of 185 vocational training courses.

## ADJUSTMENTS AND TRANSPORT

Workplace accessibility is a prerequisite for the inclusion of persons with disabilities in professional life. Even though removing infrastructural or environmental obstacles, by providing technical tools for example, is not always a guarantee of the person’s well-being, some improvements can be essential.

When recruiting a disabled worker, employers may have to make adjustments in the company in order to adapt the workstation. Often there may also be additional expenses related to transport, as persons with disabilities may have a difficult time reaching their workplace.

The State can intervene on different levels to facilitate the appropriate integration of the new employee with a disability. According to the Labour Code<sup>38</sup>, the State can participate, on the advice of the Occupational Counselling and Redeployment Panel and after a decision by the ADEM, in:

- 1 covering the expenses linked to the workstation layout or accessibility to the workplace;
- 2 reimbursing professional equipment and special educational material for the employees as well as the trainers’ fees;
- 3 reimbursing transport costs.

Even though the State can cover these “additional” costs related to hiring a disabled worker, employers must not overlook their own role: it is up to them to initiate the appropriate measures to enable “a disabled worker to get employment, to carry out the work, and to progress in it, or to benefit from a training course”, on condition however that these measures do not come at “unreasonable cost to the employer”.

Reduced working time may be a necessary, appropriate and reasonable adjustment when it eliminates barriers to employment and enables disabled workers to pursue their paid occupation - employers are accordingly required to offer this adjustment to them.

### **What is considered reasonable accommodation?**

In compliance with Article 5 of the European Directive on Equal Treatment, employers of a person with a disability must provide “reasonable accommodation”. In the event of a dispute, a court will decide on a case-by-case basis - taking into account the company’s size, financial resources, and the possibility of obtaining public or any other funds - whether or not the accommodation requirement imposes an undue burden on the employer.

In 2014, the SSH granted 8 requests for participation in the costs of adapting a workstation and ensuring accessibility and two requests for participation in transport expenses for disabled workers.

## FOCUS: THE WORK CONTRACT

39 - Labour Code,  
Art. L.562-6

Wages	<ul style="list-style-type: none"> <li>• A disabled worker's salary "cannot be lower than the one that results from legal, regulatory, or conventional provisions" at equal level with their tasks and responsibilities and irrespective of their degree of disability<sup>39</sup>.</li> <li>• The salary must be at least equal to the hourly rate of the social minimum wage for a non-skilled employee and multiplied by the number of hours of work set forth in the disabled worker's employment contract.</li> <li>• The decision determining the disabled worker's wages must be made irrespectively and without any consideration of the amount of pensions for injuries granted to the employee by the Accident Insurance Association (Association d'assurance contre les accidents) and/or the Office for War Damage (l'Office des Dommages de guerre).</li> </ul>
Work hours	<ul style="list-style-type: none"> <li>• The schedule is set by the employer in joint agreement with the employee, since it can thus be adapted to the nature of the employee's disability.</li> <li>• Unless otherwise advised by the occupational health practitioner, legislation does not provide for specific measures related to the work time slots.</li> <li>• Contrary to the provisions of a work contract in a sheltered workshop, a regular work contract <b>does not include</b> the following provisions in the work schedule: <ul style="list-style-type: none"> <li>- Daily transportation times;</li> <li>- Socio-educational and therapeutic activities carried out during working hours;</li> <li>- The time during which employees participate in (unpaid) traineeships in a company and organised by the sheltered workshop.</li> </ul> </li> </ul>
Terminating the contract	<p>Legislation does not provide for specific protection against the dismissal of a "disabled worker".</p> <p>However, one must bear in mind that employees benefit from a protection against dismissal if they are undergoing a redeployment procedure.</p>

## INTEGRATING A DISABLED WORKER

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Recruitment is only one stage in the integration of a person with a disability. Integration must be well prepared and well planned, and needs to have targeted and in-depth support. There are a certain number of management and organisational principles to follow in order to facilitate the integration of a disabled worker.

### PREPARING THE ARRIVAL OF A “DISABLED WORKER”

Preparing the arrival of a newly hired person in a team is always a key factor for success. This rule also applies to workers with disabilities. The person with a disability has been recruited for **his/her competence and experience** and it is important to ensure that the work environment will not become a disabling factor.

Some companies **arrange for a company tutor**. This makes sense with a newly hired disabled worker in order to ease communication for example with teams that are wary of being clumsy towards their new colleague, or to facilitate any adjustments in the work conditions that may appear once the person has started working.

It is important to be able to **anticipate and make the necessary adjustments** for the person to be fully operational as soon as his/her contract begins. In order to do so, a space for dialogue and discussion with the manager and/or human resources team must be thought out beforehand so that the disabled worker may **express his/her needs**. Two visually impaired people will not necessarily have the same needs: accommodating a guide dog, walking with a white cane, compatible magnifying software, braille transcription equipment, etc. Making all of a company's premises accessible is a **gradual approach that needs to be constantly enhanced by practice**.

It is sensible to inform the **security service** and all **coworkers ahead of time**. It is, however, even more important to include the disabled worker in the process, namely by asking him/her what

adjustments s/he would need.

Let's keep in mind that for 80% of people with disabilities, the disability is completely invisible and that only 2% of persons with disabilities are in wheelchairs. Services companies today encounter mainly psychological disabilities (mood disorders, etc.).

40 - The Red Cross's HELP service, Stéftung Hëllef Doheem, Camille, etc. This is a voluntary action from the person with a disability

There are many provisions that complement what the employer can do internally. For example, when it comes to support for daily household tasks and care (medication, cleaning, self-care, grocery shopping, meals and so on), persons with a disability can use the "Home care" service<sup>40</sup> in their workplace if necessary.

## RAISING THE TEAM'S AWARENESS

The newly hired person is integrating a working team and may need to be supported. However, for this employment initiative to be **fully coherent with the company values** of promoting diversity and non-discrimination, this usually means preparing all coworkers and not just those in the department itself or in the team that will be working directly with the disabled worker.

It is important to **raise awareness, among the company's employees**, on issues that they may not have considered yet:

- understanding and knowledge of what disability is;
- the impact of common representations and biases in the collective imagination;
- what is at stake with the inclusion of people with disabilities in a company and in a team;
- the will of the Management to lead a policy in favour of employment and job retention of people with disabilities;
- the best ways to act when faced with the different types of disability.

41 - <http://www.handiuni.fr/fr/comment-sensibiliser-au-handicap-dans-l-entreprise---gc150.html>

This awareness-raising concerns all the employees of an organisation:

- the Human Resources management;
- the security and health managers and representatives;
- the team that is receiving the disabled worker;
- the disabled worker's tutors, if any;
- anyone involved in the disabled worker's workday, such as the support functions for example.

It is reasonable to develop – together with the person involved – **what will be said surrounding their arrival, all the while respecting the right to personal data protection**. It will also be necessary to inform future colleagues of the disabled worker's missions, duties and obligations – in the same way as for any new staff member – as well as mention any constraints due to the disability – again, if the worker wants to.

Management can choose between several options **to raise staff awareness**:

- external events;
- disability-related training;
- awareness-raising workshops such as role plays or first-hand experience shared by people with disabilities.

**Information about disability** can be included in internal newsletters, the company's website or intranet, among other possibilities<sup>41</sup>. These practices should be organised at regular intervals, especially in companies where staff turnover is especially high.

The effectiveness of these initiatives in the middle and long term lies in their coherence with the overall running of the organisation, with the company values and in the meaning given to the adjustments and measures in the company.

## TRAINING THE HUMAN RESOURCES (HR)

The integration of disabled workers is at the heart of the HR mission. Raising their **awareness is essential** in order to lead a successful integration policy for disabled workers. The employees of the department should receive training, which would enable them to cover the various HR aspects of the issue:

- The legal and regulatory aspect;
- The launch and implementation of the process;
- The recruitment process: drafting a non-discriminatory offer promoting the diversity of expected applications, sparking the disabled candidate's interest, chosen interview methods, how to receive the new coworkers, integrating them into the team, etc.;
- The recruitment channels and integration measures of an employee who has been recognised as a disabled worker;
- The procedures for work retention;
- State funds for wages, compensatory tax, etc.

HR are a **key support** in the integration process of disabled workers. However they must not be the only receivers of this type of awareness-raising/training. **All the individuals within the company** can be made aware of their role in this process.

# IN BRIEF

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- Recognition of the disabled worker status enables professional integration through the granting of specific measures.
- If the person with a disability is recognised as a “disabled worker”, he/she is considered “apt to have paid employment on the ordinary labour market or in a sheltered workshop”.
- It is up to the person with a disability to launch the procedure to be recognised as a “disabled worker” at the ADEM.
- Recruitment of a person with a disability is regulated by the Amended Law of 12 September 2003, which provides for a strong involvement of the ADEM and its Department for Disabled Workers.
- Disabled workers are recruited first and foremost for their competence and potential. However, they can receive assistance facilitating their professional integration and development, more particularly financial aid from the State as regards wages, training and workstation adjustments or accessibility to the workplace, including transport costs.
- Employers cannot overlook their own role: it is up to them to initiate the appropriate measures to enable “a disabled worker to get employment, to carry out the work, and to progress in it, or to benefit from a training course”, on condition however that these measures do not come at “unreasonable cost to the employer”.
- For 80% of persons with a disability, the disability is invisible. Note that only 2% of persons with disabilities are in wheelchairs.

- Recruitment is only one of many stages in the integration of a person with a disability: integration must be prepared and planned, and needs to have effective and in-depth support. There are a certain number of management and organisational principles to follow in order to facilitate the integration of a disabled worker.
- Preparing the arrival of a newly hired person in a team is always a key factor for success. Employers can think about using a tutor's support and expertise, as well as making the necessary accommodations.
- It is essential to raise awareness among the employees who are already in the company to issues related to disability that may be unfamiliar to them.
- It is reasonable to develop – together with the person involved – what will be said surrounding this/her arrival, while respecting his/her rights to personal data protection.
- HR are a **key support** in the integration process of disabled workers. However they must not be the only receivers of this type of awareness-raising/training. **All the individuals within the company** can be made aware of their role in this process.



# 6

## PROFESSIONAL REDEPLOYMENT

The professional redeployment procedure concerns employees who, for reasons related to their physical but also to their psychological state of health, are unable to carry out the tasks that correspond to their latest work position.

<sup>42</sup> - Published in "Mémorial A n°143 du 27 juillet 2015"

Internal redeployment aims to facilitate the professional reintegration of workers in the company. The worker can be redeployed to another position or be assigned to other tasks, if necessary by benefitting from another work scheme, for example through reduced working time, while working for the same employer.

<sup>43</sup> - Published in "Mémorial A n°144 du 27 juillet 2015"

External redeployment consists in redeployment on the labour market.

The procedure for redeployment was modified by the Law of 23 July 2015<sup>42</sup>.

As for the **Law of 23 July 2015** on the reform of social dialogue<sup>43</sup>, it extended the missions of personnel representatives in terms of information and consultation, to include the implementation of internal redeployments.

If an employee starts work again after an uninterrupted leave of more than 6 weeks due to sickness or accident, the employer must inform the occupational health practitioner.

44 - Labour Code,  
Art. L.326-9

45 - Labour Code,  
Art L.326-2, L.326-3,  
L.326-5 or L.326-6

For professional redeployment, cross-border employees are assimilated to workers who reside in Luxembourg.

## THE REDEPLOYMENT PROCEDURE

### 1<sup>st</sup> PROCEDURE: DECLARATION OF INCAPACITY BY THE OCCUPATIONAL HEALTH PRACTITIONER<sup>44</sup>

During a compulsory medical visit<sup>45</sup>, the competent occupational health practitioner can declare the employee unfit for the position. In this case, the occupational health practitioner must inform both the worker and the employer by registered letter.

Employers must subject all new employees to a pre-employment medical examination to determine if they are fit to perform the considered position.

Any employers who hire a worker who has not undergone a medical examination may face a prison sentence of 8 days to 6 months and/or a fine of 251€ to 25,000€.

Employers cannot continue to employ a worker in a position for which the worker has been declared unfit by the competent occupational health practitioner. Whenever possible, employers must assign the worker who has been declared unfit for one position to another position in the company. They are therefore required to proceed to the internal redeployment of the employee who has been declared "unfit" if the three following conditions are met:

- the company has at least 25 employees in total,
- the employee concerned has been working in the company for at least 10 years,
- the employee occupies a high-risk job.

Companies employing less than 25 workers can benefit on a volunteer basis from the internal redeployment system in the case of a worker with at least 10 years' seniority and working in a hazardous job. In that case, and with the agreement of the employer and the worker, the occupational health practitioner will refer the case to the Joint Committee.

46 - Labour Code, Book V, Title V "Employment of workers who are unfit to occupy their latest work position"

## 2<sup>nd</sup> PROCEDURE: DECLARATION OF WORK INCAPACITY ESTABLISHED BY THE SOCIAL SECURITY<sup>46</sup>

The redeployment procedure progresses chronologically as follows:

- 1 Assessment by the Social Security Medical Board (CMSS), that the person concerned may be unfit to carry out the tasks that correspond to his/her latest work position.
- 2 Simultaneous referral to the Joint Committee and to the competent occupational health practitioner by the Social Security Medical Board.

Workers who have been in their current position for less than three years are eligible for professional redeployment only if they have a certificate of fitness for the position established by the occupational health practitioner when they were initially recruited for the position. The competent occupational health practitioner must inform the Joint Committee during the referral.

The Joint Committee will refuse professional redeployment if the worker does not go to the medical examination or if the competent occupational health practitioner considers that the employee is fit for his/her latest position.

If the competent occupational health practitioner considers that the worker is unfit to carry out the tasks that correspond to his/her latest position, s/he adjudicates on the worker's residual capacities, on a possible reduction in work hours and on the temporary or permanent nature of the disability.

47 - Economic and financial consequences putting the business at risk

### 3 Joint Committee Decision

Employers who can prove that an internal redeployment procedure would cause severe losses<sup>47</sup> to the business may be exempted from the redeployment measure by the Joint Committee after submitting a duly substantiated file.

#### > Internal redeployment

In the private sector, internal redeployment consists in professional redeployment in the company, possibly at another workstation or under a work scheme that is adapted to the worker's residual capacities. Capacity for this new work position must be established by the competent occupational health practitioner. This assessment of fitness for the new work position by the occupational health practitioner is to be considered as proof that the employer has met the legal requirements regarding redeployment.

It is compulsory for employers with a staff of at least 25 employees on the day of the referral to the Joint Committee to redeploy the employee. It is up to the employer to provide proof that they employ less than 25 workers. For companies with multiple establishments, this redeployment procedure is compulsory for each separate establishment.

Employers' redeployment obligation is reinforced by the abolition of the rule taking into account redeployed and disabled workers in quotas. So employers cannot invoke compliance with quotas in order not to implement a decision for internal redeployment.

Employers who refuse to implement an internal professional redeployment decided by the Joint Committee are required to pay the Employment Fund (Fonds pour l'emploi), a compensation tax equal to the average monthly contributory income during the 12 calendar months preceding the internal professional redeployment decision and for a maximum period of 24 months.

In case of a refusal by the employer to carry out the internal professional redeployment procedure and if this is duly recorded

by the Joint Committee, the worker can request an external professional redeployment decision from the Joint Committee.

48 - At least 10 years' length of service or aptitude for the position

### › External redeployment

When internal professional redeployment proves to be impossible, the Joint Committee will decide in favour of the worker's external professional redeployment.

The work contract ends automatically on the day of the notification of the external professional redeployment decision. The worker is automatically registered as a jobseeker at the ADEM and receives the status of person undergoing an external professional redeployment procedure. This status is a guarantee for beneficiaries who accept a new employment position that they will maintain their benefits for as long as they have not recovered the necessary abilities to occupy a position that is similar to their former position.

While waiting to find appropriate employment, workers will receive unemployment benefits. When their unemployment benefits have expired<sup>48</sup>, workers who have been redeployed externally will be allocated, under certain conditions of attribution, a tideover allowance that amounts to 80% of the average monthly contributory income during the 12 months preceding the redeployment decision.

## SUPPORT MEASURES FOR JOB RETENTION

In view of the internal or external redeployment, the Joint Committee can order retraining or rehabilitation measures - training or language courses for example - whose costs will be covered by the Employment Fund. The employee involved must follow these measures or forfeit his/her status.

On the recommendation of the competent occupational health

practitioner, internal redeployment can include a reduction in work hours that cannot exceed half of the working time provided for in the work contract in force before the initial decision for professional redeployment.

Exceptionally, based on a duly substantiated request by the employer or the worker, and on the advice of the ADEM's occupational health practitioner, the Joint Committee can decide on a reduction of working time of up to 75% of the work hours in force before the initial decision for professional redeployment.

If the professional redeployment measure involves a loss of income, the employee under a work contract is entitled to a tide-over allowance paid by the ADEM borne by the Employment Fund. This allowance is the difference between the average monthly contributory wage under the pension insurance scheme during the 12 calendar months preceding the professional redeployment decision and the new monthly contributory income.

Moreover, the ADEM can allocate a participation in the wages of the worker undergoing internal professional redeployment or under external professional redeployment status. This wage participation is covered by the Employment Fund and is set namely depending on the worker's loss of productivity, on the effort by the employer to maintain the worker in employment, as well as of the nature and duration of the work to be carried out. Participation may be limited in time and cannot exceed 75% of the wages paid to the worker, including the employee's social security contributions share. However, it can go up to 100% during a rehabilitation or retraining measure decided by the Joint Committee.

The State also covers the whole or part of the expenses related to any adjustments made to workstations and access to the workplace.

### **Protection against dismissal**

Will be considered null and void any dismissal notified by the employer or, as the case may be, any summons to a pre-dismissal meeting from the day of the Joint Committee's referral until the end of the 12<sup>th</sup> month following notification to the employer of the decision to conduct a mandatory internal professional redeployment measure. However, terminating the work contract for serious misconduct by the employee remains possible, and so do the expiry of a short-term contract (CDD) and the automatic termination of the employment contract.

### **Tax relief**

Employees who carry out an internal redeployment procedure for their employee or employers who hire the beneficiary of an external redeployment measure can apply for tax relief.



# IN BRIEF

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- The professional redeployment procedure concerns employees who, for reasons related to their physical but also to their psychological state of health, are unable to carry out the tasks that correspond to their latest work position.
- Internal redeployment consists in professional redeployment in a company as well as in a public administration or service.
- Mandatory internal redeployment applies to companies with at least 25 employees and the quorum of disabled workers has been abolished. From now on, **employers must hire the number of disabled workers required by law without taking into account the beneficiaries of a redeployment procedure.**
- Employees that were hired less than three years preceding the start of the procedure, the fitness certificate becomes one of the conditions to be able to launch the redeployment measure. The employee is only eligible for possible redeployment if s/he has the fitness certificate in question, which is also transmitted to the Joint Committee.



# 7

## FACILITATING THE INTEGRATION OF DISABLED WORKERS ON THE LABOUR MARKET

There are several programmes in Luxembourg aimed at facilitating the integration of persons with disabilities on the mainstream labour market, now supplemented by the IMS Luxembourg project “(Handi) Cap Emploi”.

### (HANDI)CAP EMPLOI

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Given that companies in Luxembourg seem to have little information on the inclusion of people with disabilities, and yet that many signatories of the Diversity Charter have expressed an interest in recruiting such profiles, IMS Luxembourg is inviting companies to reflect on the issue through the “(Handi) Cap Emploi” project.

In close cooperation with the ADEM and with full stakeholder consultation, IMS Luxembourg as coordinator of the Diversity Charter has launched the “(Handi)Cap Emploi” project. The project aims to enhance the access of people with disabilities onto the mainstream labour market. Funded by the European Social Fund, the Ministry of Labour, Employment and the Social and Solidarity Economy, as well as the Ministry for Family, Integration and for the Greater Region, the project aims to organise “Job Cafés” that will be a chance to connect people with disabilities who are looking for work with companies that have vacant positions.

49 - <http://www.adem.public.lu/fr/employeurs/demande-aides-financieres/embraucher-salarie-handicape-ou-reclasse/sh/stage-professionnalisation-employeur/index.html>

50 - Persons with unemployment benefits, a tideover allowance, a professional tideover allowance, or income for severely disabled persons continue to receive these benefits during their traineeship

These “Job Cafés” will be preceded by preparatory workshops both for the candidates with disabilities and for the employers. These will be a chance for candidates to reflect and build on their self-worth and skills in order not to be anxious about meeting the potential employers, and for the employers to be made aware of the diversity of disability by working on demystifying the issue and by addressing the possible means to establish a disability policy in their company.

These courses are a chance for all participants - candidates as well as employers - to voice their fears, concerns, and the obstacles they face, in a secure environment guided by experienced trainers on these issues.

Following the training session, candidates and potential employers have a chance to meet informally during the “Job Cafés”. This is a friendly meeting to initiate contacts between employers and potential future employees. The “Job Cafés” give employers the chance to tap into a pool of candidates that they have less access to. These friendly interactions can set the stage for a recruitment or an internship to be established, enabling candidates to integrate or reintegrate the mainstream labour market.

## PROFESSIONALISATION TRAINING (SP/STAGE DE PROFESSIONNALISATION)

This traineeship aims to connect potential employers who can offer real job prospects to people with disabilities or who are in an external redeployment programme and who have been registered at the ADEM for at least one month<sup>49</sup>. To ensure the traineeship goes smoothly, a tutor must be assigned to support and supervise the trainee. This in-company skills acquisition is not paid, but the trainee is entitled to a traineeship allowance of 323€ per month paid by the ADEM on condition that the employer provides the ADEM with the trainee’s attendance record<sup>50</sup>.

At the end of the traineeship, the employer must inform the ADEM in writing of the trainee's possibilities for integration in the company. If the jobseeker who is in a traineeship is recruited for a permanent employment contract (CDI) at the end of the traineeship, the Employment Fund will refund the employer, on written request to the ADEM, 50% of the social minimum wage for non-skilled workers for a 12-month period.

51 - [http://www.adem.public.lu/fr/employeurs/demande-aides-financieres/embaucher\\_de\\_45-ans/Contrat-reinsertion-emploi-emploi-yeur/index.html](http://www.adem.public.lu/fr/employeurs/demande-aides-financieres/embaucher_de_45-ans/Contrat-reinsertion-emploi-emploi-yeur/index.html)

If the worker is hired on a part-time permanent contract, reimbursement will be calculated in proportion to the number of working hours. Reimbursement is only due and paid 12 months after the start of the employment contract and on condition that it is still in force when the application for reimbursement is made but also that the traineeship period has been specifically deducted from any trial period.

Employers can contact the ADEM's Employer Services for more information about this measure.

## EMPLOYMENT REINTEGRATION CONTRACT (CRE/CONTRAT DE RÉINSERTION-EMPLOI)

The Employment Reintegration Contract (CRE)<sup>51</sup> consists in a course of practical and theoretical training which the ADEM offers to jobseekers with the disabled worker status who have been registered with the ADEM for at least one month, and to jobseekers who are in an external redeployment programme. This type of contract also aims to securely integrate a person with a disability on the mainstream labour market. In this case, in coordination with the employer and the candidate to integration, the appointed tutor must establish a training plan (that must be submitted to the ADEM). The Employment Reintegration Contract is effective for a 12-month period. Every month, the ADEM pays the jobseeker an allowance that is subject to standard social

52 - This proportion is reduced to 35% of the social minimum wage for non-skilled workers if the jobseeker is of the under-represented gender in this field of work

security and tax contributions applicable to wages, and the employer contributions are covered by the Employment Fund provided that it receives the jobseeker's record of attendance.

Based on an invoice issued by the ADEM, every month employers must pay the ADEM<sup>52</sup> a 50% share of the social minimum wage for unskilled workers. The employer may moreover pay the jobseeker an optional performance bonus.

At the end of the 12-month contract, the employer must inform the ADEM on the possibilities of integrating the jobseeker into the company. If the jobseeker is not hired, the employer must provide the ADEM with a document detailing the skills acquired during the employment reintegration contract and any identified shortcomings.

Employers who in the 3 months following the end of the Employment Reintegration Contract wish to recruit new staff must give priority to the former beneficiary of the Employment Reintegration Contract provided that the required qualifications and the beneficiary's profile match.

## PARTNERSHIPS WITH SHELTERED WORKSHOPS

A disabled worker is guided to sheltered workshops if, because of his/her reduced work capacity, s/he does not (yet) meet the demands and constraints of the mainstream labour market.

Large companies, institutions and small and medium-sized companies have the possibility to subcontract some of their activities to sheltered workshops, which are establishments that are adapted to persons with a disability. Such partnerships make it possible to act indirectly, but concretely, in favour of

the employment of persons with a disability, and to broaden the impact of the organisation's corporate social responsibility actions.

53 - [http://ec.europa.eu/justice/discrimination/files/cowi\\_final\\_study\\_report\\_may\\_2011\\_final\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/cowi_final_study_report_may_2011_final_en.pdf)

The 27 certified sheltered workshops are distributed geographically on the Luxembourg territory, and make it possible to establish local partnerships that enhance short services channels. Business relationships between a sheltered workshop and a company partake in the development of the local economy, at similar prices to those of other service providers, and for equal quality.

A sheltered workshop is managed like an economic production unit, integrating the particularities of each disability and eventually leading to the integration into a work position, after a training course.

Sheltered workshops offer various areas of activity: in agriculture-livestock, gardening, butchery-delicatessens, woodwork-locksmithing, food and beverage industry-catering, ceramics-DIY, laundry services, sales, technical services, metalworks, cleaning services, traditional crafts, multimedia, screenprinting, etc.

Since 2004, sheltered workshops have hired over 1,000 people in Luxembourg.

## SUPPORTED EMPLOYMENT “JOB COACHING” AND “JOB CARVING”

“Supported Employment” is defined as a system that supports people with disabilities or other vulnerable groups to obtain or retain paid employment on the mainstream labour market. Support measures include the payment of benefits to the employee before, during and after recruitment, as well as a financial aid for employers. The key person in this system is the “coach”. Employment support is obtained by focusing on the candidate's abilities rather than on their disability<sup>53</sup>.

## JOB COACHING

Together with its institutional and civil partners, the Luxembourg Government wishes to improve and diversify the tools for the professional integration of disabled workers, for example with measures such as Job Coaching.

“Job Coaching” is the intensive and individualised support provided to guide a person towards and during their employment. It focuses on the person’s empowerment and accountability. It is centred on developing and expressing the worker’s personal strengths in adequation with the company’s needs.

A “Job Coaching” programme consists in a series of steps to prepare candidates to integrate into their professional environment and to follow them up after their integration. The programme can comprise a series of tasks such as the assessment of socio-professional competencies, professional guidance counselling, follow-up in the workplace in both mainstream and sheltered environments, setting up customised training, organising professional integration traineeships, implementing a mentoring programme in the workplace, working in partnership with the competent services and administrations, as well as providing information and raising awareness on disability.

Several sheltered workshops provide employment support for their disabled employees. The European Social Fund has supported several specific “Job Coaching” projects in Luxembourg.

Specialised organisations also offer intensive and individualised support programmes for persons with or without disabilities that end when an employment contract is signed. The organisation’s coaches guide candidates in creating their personal projects, developing their objectives and preparing their applications for targeted work positions. They also provide help in preparing for job interviews.

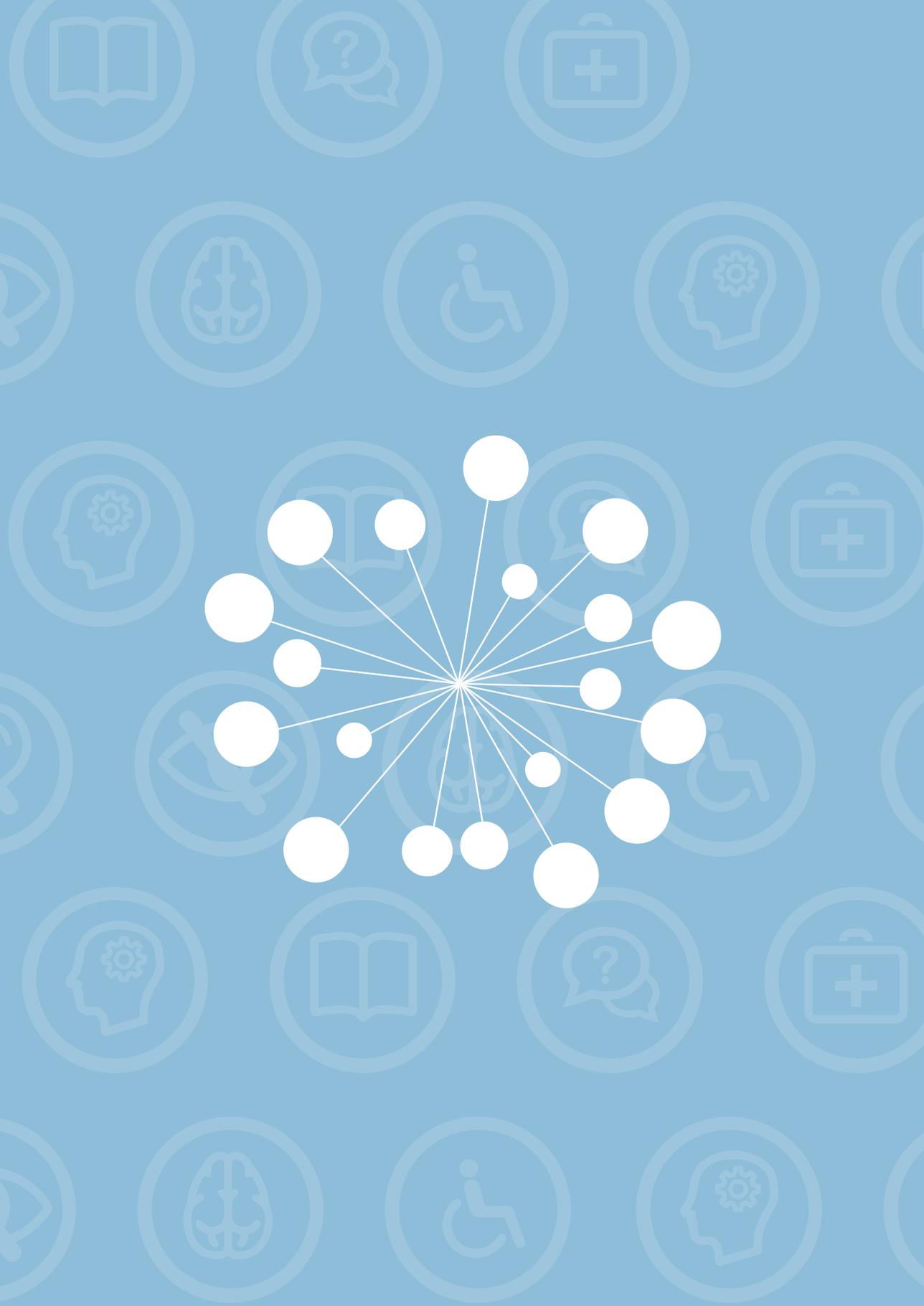
## JOB CARVING

“Job Carving” consists in analysing the functions and tasks of a specific work position to identify the tasks that could be assigned to an employee with reduced capacities. “Job Carving” can thus be used for people in the company who need specific support for a variety of reasons, but it can also help in defining a vacant position, namely for a person who needs further accommodations.

The point is not to create jobs that devalue people with disabilities by separating them physically from other workers or by making them carry out tasks that are considered inconvenient, dangerous, or unpleasant for example, but to enable the realisation of tasks that match the person’s competence, while unburdening them from tasks that are understood as inadequate.

## THE COMMON CHARTER OF THE OGBL, LCGB, UEL AND THE INDR

On the 2015 International Day of Persons with Disabilities, the OGBL, the LCGB, the UEL and the INDR signed the “Common Charter to promote equal opportunity in the labour market for persons with disabilities”. With this signature, the four social partners reaffirmed their common commitment to reinforcing the integration of persons with disabilities in the business world by raising the awareness of signatory organisations.



# 8

## FACED WITH DISABILITY: SOME ADVICE

The vast majority of people who are employed today have grown up, been educated and now work in environments that have done very little to promote social diversity and they had thus very little direct contact with people with disabilities.

However, 17% of today's population states that they are closely acquainted to a person with a disability either in their private or professional lives. Every one of us can have an unconsciously stereotyped perception of disability, often based on our experience of it. These age-old fears inspire our behavior and concerns about 'not knowing how' to communicate, to work, and to act 'naturally' with people with disabilities.

Raising awareness on disability aims to break down these barriers. As a first step, it can always be useful to take note of some practical advice on each of the previously defined types of disability, whether this is for the workplace or for any other day-to-day context. In any event, it is essentially a matter of using common sense. Whatever the situation, you should be considerate and offer assistance without imposing it. The only person who can tell you what s/he needs is the person with the disability, so go ahead and ask: "Can I help you in any way?".

54 - Info-Handicap  
Brochure "Rencontrer des personnes en situation de handicap" ("Meeting people with physical disabilities")



As regards **PHYSICAL DISABILITY**<sup>54</sup>

### Going up or down a kerb or a step:

**Ask the person how they prefer to cross over a step** and if the wheelchair is too heavy, ask for help.

### To go up some stairs:

**If there is a mechanical system to go up and down let the person use it independently** (unless they specifically ask for your help).

### Before an interview:

**Before the interview, clarify with the person what their needs are, review how accessible the interview location and infrastructure is, and what specific communication tools they need**, etc. If the location proves to be inadequate, offer an appropriate alternative.

### During the interview:

**Make sure you remain at the same height as your interlocutor** and if several people are taking part in the conversation, **make sure that the candidate has visual contact with each one of the participants**.



As regards **HEARING DISABILITY**

### Before starting any conversation:

**Find out what language the person would like to communicate in** (sign language, lip-reading, etc.).

**Suggest writing if necessary.**

### If the person can lipread:

**Place yourself in a well-lighted spot** to make it easier to lipread.

### When you are speaking to the person or are giving a task or instructions:

**Maintain eye contact**, and speak clearly and calmly, **in short, simple sentences**.

Make sure the person has understood you well.

### If the person with a hearing impairment seems to have trouble understanding you:

Do not get impatient, **do not raise your voice**. Rephrase your sentence or write down what you want to say.

### In a conversation with several people:

**Avoid surrounding noise** and choose a quieter place.

### In a conversation with several people:

Make sure the person is included.

### To make an appointment:

**Ask the person if s/he wish to have an interpreter in sign language** (there are often long waiting times for this service so make sure to request it well ahead of time).

### If you want to signal your wish to speak to the person:

Make eye contact before gesturing or lightly touching their arm or shoulder.

Avoid using the term “deaf and mute” because it does not always mirror reality (people who are hard of hearing are not necessarily mute).



As regards VISUAL DISABILITY

**When addressing blind or visually impaired persons:**

**Introduce yourself and tell them if you wish to shake their hand.**

Prefer speech to gestures to communicate.

Do not speak raise your voice.

**If you are accompanying a visually impaired person:**

**Give him/her indications along the way** (top or bottom of a staircase, an open or closed door, etc.) by being precise and factual.

**To guide the person (if s/he wish it):**

**Offer your arm** (generally the left arm): move forward at your normal speed, and the person will follow half a step behind you.

**To help a person sit down:**

Place his/her hand on the back of the chair.

**During or after a conversation:**

Tell them that you are leaving or if other people have arrived or are leaving.

**If you wish to transmit information to a visually impaired person:**

**Find out what his/her preferred medium is** (font size, compatibility with a braille transcriber, or voice-recorded information on an audio support, etc.)

**When a blind or visually impaired person comes to an appointment regularly:**

Avoid changing the position of furniture or objects in the room, or else point out that the furniture has been moved.

If a guide dog is wearing its harness, this means it is working: do not distract, feed, or pet it.



As regards **COGNITIVE AND INTELLECTUAL DISABILITY**

**To communicate with a person who has an intellectual disorder:**

**Speak in simple and clear terms** by using positive sentences and in an “age-appropriate” language and form (**without using childish words or ways** when you are addressing an adult).

**When you explain a task or give an instruction:**

**Make sure the person has fully understood** your explanations.

**In a written communication:**

**Write texts that can easily be understood by everyone**, by ensuring proper structure and avoiding needlessly complicated words or sentences.

Aimed at enhancing access to information for persons with an intellectual disability, “easy language” (that is, language that is “easy to read and understand”) intends to provide persons with an intellectual disability with a more accessible written mean of communication, for instance by using simpler words and syntax.



As regards **PSYCHOLOGICAL DISABILITY**

**To speak to and give instructions to the person concerned:**

**Avoid stressful environments** (loud noise, uncomfortable lighting, unidentified interlocutors, inadequate waiting, etc.). **Express yourself in simple and clear language, but not in a simplistic way.**

**If you have doubts as to whether the person has understood you or not:**

**Make sure s/he has fully understood** your message.



## As regards **DISABILITY DUE TO AN INCAPACITATING ILLNESS**

### **If an employee is absent for an extended period for health reasons:**

**Remain in contact with the co-worker who is on sick leave**, set up a real dialogue and provide the necessary support to help his/her return to work.

### **In order to make your organisation more welcoming and capable of adapting to the needs of employees according to their state of health:**

Inform and raise awareness among your HR department on the effects of the illness and its treatments in order to ensure better understanding and preparation for the job retention/return to work, respecting the employee's personal data.

### **If you wish to contribute to the well-being at work of all your colleagues and employees:**

**Demystify chronic illnesses:** find out about their main physical and psychological impact, any side effects to their treatments, and how people who are chronically ill might feel, etc.

### **To ensure better inclusion of the person concerned in his/her workplace:**

Take the employee's constraints and expectations and adapt them to the company's constraints.



As regards **SPEECH AND LANGUAGE DISABILITY**

**To speak to and give instructions to the person concerned:**

**Choose a quiet and relaxing environment** to talk.

**Do not raise your voice.**

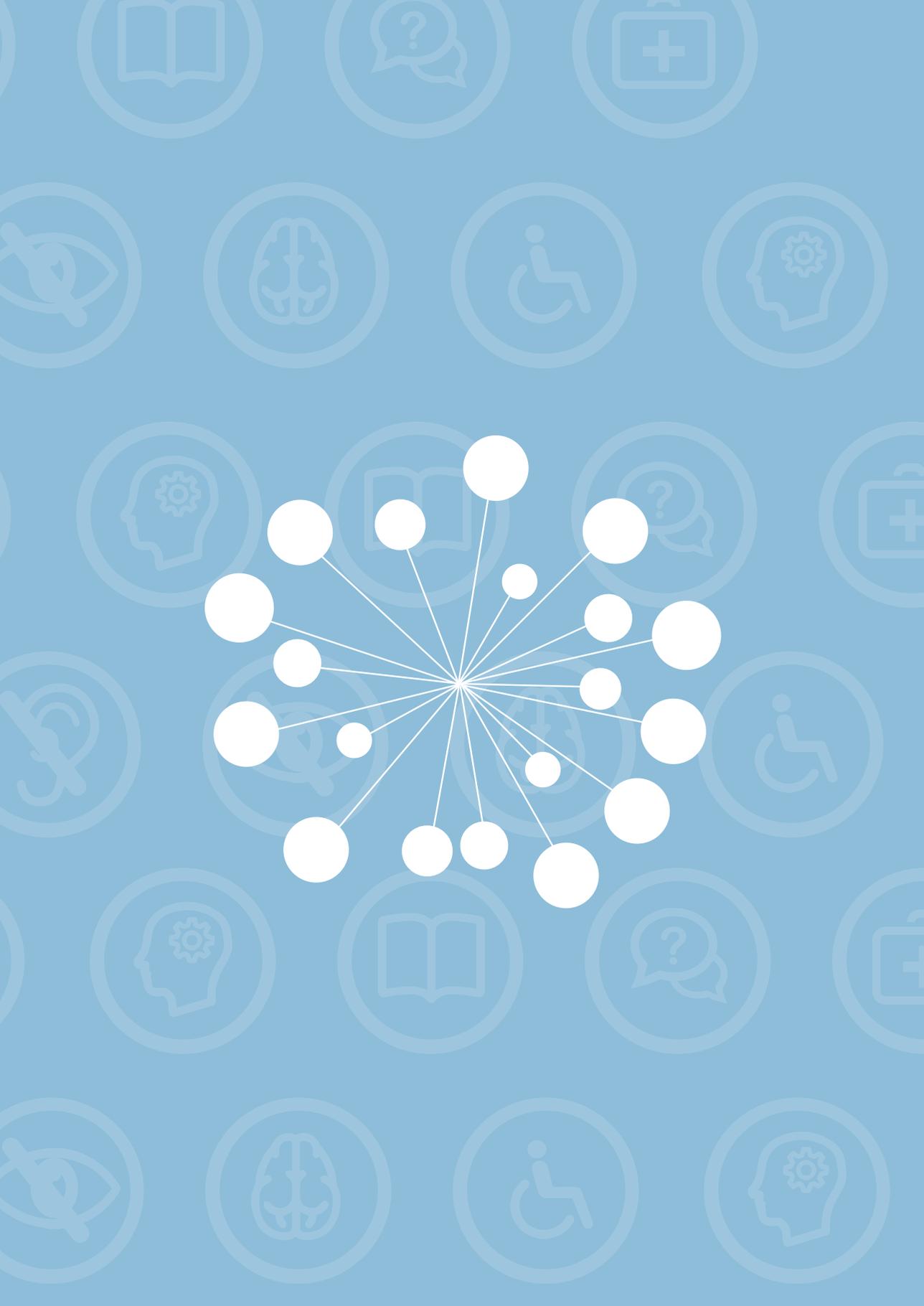
**If you feel communication is more difficult than expected:**

**If necessary, rephrase your sentences as questions**, so that the person can answer simply with “yes” or “no”. Give him/her the possibility to take notes.

**Give the person ample time to express him/herself.**

**Do not interrupt the person needlessly.**

As much as possible, adapt yourself to the person’s preferred way of communication (written, visual, in small groups, etc.), and to his/her limitations (speaking in public, audio/video recording, etc.).



# 9

## TO TAKE IT FURTHER

### DETAILS ON THE DIFFERENT TYPES OF DISABILITY



#### PHYSICAL/MOTOR Disability

##### CHARACTERISTICS

Physical disability encompasses all the disorders that can lead to a partial or total loss of motor skills, namely of the upper and/or lower limbs.

People who are affected by a physical disability may have difficulties moving from one place to another, maintaining or changing positions, picking things up or handling them, or performing certain acts. They may also have difficulties with gestures and language, along with their physical disability.

##### CAUSES

People with physical disabilities have limited mobility for very diverse reasons: an acquired or genetic disease, a birth defect, a traumatic injury due to an accident or old age, etc.

55 - Luxembourg sign language classes in partnership with the Daaflux association, the city of Luxembourg provides German sign language classes:

<http://www.vdl.lu/Culture+et+Loisirs/Cours+organism%C3%A9s+par+la+Ville/Langue+des+signes.html>

## SUPPORT USED

To move around freely, people with a physical disability may need to use a walker, crutches, a manual or electric wheelchair, or other technical assistance. For example, a person with reduced mobility of the lower limbs may use a joystick.



## HEARING Disability

### CHARACTERISTICS

Complete loss of hearing is rare. Most people with a hearing disability do have (very) limited hearing capacities. So depending on the level of the disability, we describe people as being hard of hearing or deaf. Sometimes the hearing impairment is also accompanied by a difficulty to communicate verbally.

### CAUSES

The causes of a hearing disability can be genetic, viral or parasitic (during pregnancy), due to diseases like meningitis, to drug toxicity, to an accident or to an acoustic trauma.

### SUPPORT USED

People who are hard of hearing usually use a **hearing aid** (hearing device, cochlear implant, etc.) and have little or no problems communicating.

People who are severely hard of hearing or deaf use **sign language** and/or lipreading to communicate. This language, produced by the movement of the hands, face and body as a whole, carries out all the functions that oral languages do<sup>55</sup>. There is no universal sign language, but several languages and codes: French, Portuguese, British, and German, which is used in Luxembourg (DGS, Deutsche Gebärdensprache).



## COGNITIVE Disability

### CHARACTERISTICS

This type of disability can range from a mild, almost invisible impairment to a severe impairment that makes the help or assistance of a third party indispensable. This disability stems from problems with thought processes. It can include loss of higher-level thinking, forgetfulness, learning disabilities, difficulties to concentrate, a decrease in intelligence, and other decreased mental capacities.

**Learning disabilities** or “**dys**” disorders appear during a child’s development and can last into adulthood, resulting in a disability. Among the main learning disabilities are dyslexia and dysorthographia (specific reading disorders), dyspraxia (motor skills and spelling disorders), dyscalculia (difficulty in understanding numbers), dysphasia (speech or language delay), attention disorders and memory impairment.

### CAUSES

Causes vary between the different types of disorders but most of these causes include brain damage. The disability may be due to chromosomal abnormalities or genetic syndromes, prenatal exposure to drugs or malnutrition. Cognitive disorders can also be caused by disease in adulthood (such as alcohol or substance abuse, dementia etc.).



## INTELLECTUAL Disability

### CHARACTERISTICS

A person with an intellectual disability has a more limited learning capacity and a lower than average intellectual

development. This is translated into more or less significant difficulties in thought processing, conceptualisation, communication, decision-making, etc.

#### CAUSES

This disability is due to **very diverse causes** that often remain unknown. For a great number of people, the causes of the disability are **genetic** (chromosomal abnormalities or hereditary defects). The disability can be the consequence of an accident during pregnancy or at birth, of a brain malformation, or of a disfunctioning metabolism. Some contagious diseases (such as whooping cough, measles, or meningitis) can have serious complications.



## PSYCHOLOGICAL Disability

#### CHARACTERISTICS

Psychological disability most often creates behavioural and affective disorders that can disrupt social adjustment. It can be long-lasting or episodic with remissions.

Psychological disability translates namely into rather common diseases, including some that are on the rise: psychoses (such as schizophrenia), bipolar disorder (manic-depressive disorder), severe personality disorders and some severe neurotic disorders such as OCDs (Obsessive compulsive disorders).

Psychological disability does not imply intellectual impairment and shows up in a variable manner over time.

#### CAUSES

The causes for psychological disability remain unknown to date. They often appear in adulthood.

## SUPPORT USED

In most cases it is indispensable to take medication associated to care practices that compensate for, or even readjust, a person's capacity to think and decide.



## VISUAL Disability

### CHARACTERISTICS

A distinction is made between people who are blind and people who are visually impaired. Their needs and the best way to assist them change depending on their level of visual impairment. Blind persons perceive the environment through hearing and touch. Visually impaired people do not see well but can still use their eyesight, with varying levels from one person to another.

### CAUSES

Causes can be diseases such as cataract (clouding of the lens of the eye) or glaucoma (affecting the optical nerve), they can even be hereditary.

### SUPPORT USED

In order to overcome mobility and reading difficulties related to the visual impairment, people who are blind or visually impaired can count on guide dogs and on the Braille alphabet.

The Braille alphabet is a tactile writing system with embossed points, for blind or highly visually impaired persons.

Guide dogs work in the service of people who are visually impaired to ease their daily life and in particular their mobility. These dogs are trained in specialised schools and handed to their future masters at no charge.



## Disability due to an **INCAPACITATING ILLNESS**

### CHARACTERISTICS

This kind of disability is due to a disease that can be momentary, permanent or progressive. Often people with a disability due to a disease do not show it openly. The severity of the disease can change as time goes by and the status of a person with this disability can go from not being disabled to being disabled and vice-versa.

### CAUSES

Among the causes for these disabilities, there are respiratory, digestive, parasitic and infectious diseases (such as diabetes, haemophilia, AIDS, cancer, hyperthyroid, etc.):

- Cancer and its different treatments can cause significantly diminished autonomy, which can therefore be considered as a disability.
- Diabetes can also be considered as a disability when it brings about complications with physical impairments (blindness, amputation, neurological diseases, etc.), but also when it incapacitates the person.
- In itself, having AIDS (through HIV infection) does not stop a person from carrying out his/her professional tasks, but when symptoms first appear, consequences on the person's aptitude to work vary from one person to another, depending on the nature and phases of the diseases, as well as on the work itself.



## SPEECH AND LANGUAGE Disability

### CHARACTERISTICS

Any problem in communication and oral expression is a real disability. It can be a voice disorder (caused by a disease), or a speech disorder, when the person with the disability is incapable of articulating the sounds of the words correctly.

### CAUSES

This disability has very different causes and effects from one person to another.



## MULTIPLE DISABILITIES

### CHARACTERISTICS

In the sense of "*Pluri handicap*", multiple disabilities is the combination of motor and/or sensory impairments of the same degree of which one cannot be determined over the other as the main impairment.

It has to be distinguished from "*polyhandicap*" and "*surhandicap*", since people who are "plurihandicapped" can have two or several disabilities but do maintain their intellectual capacities.

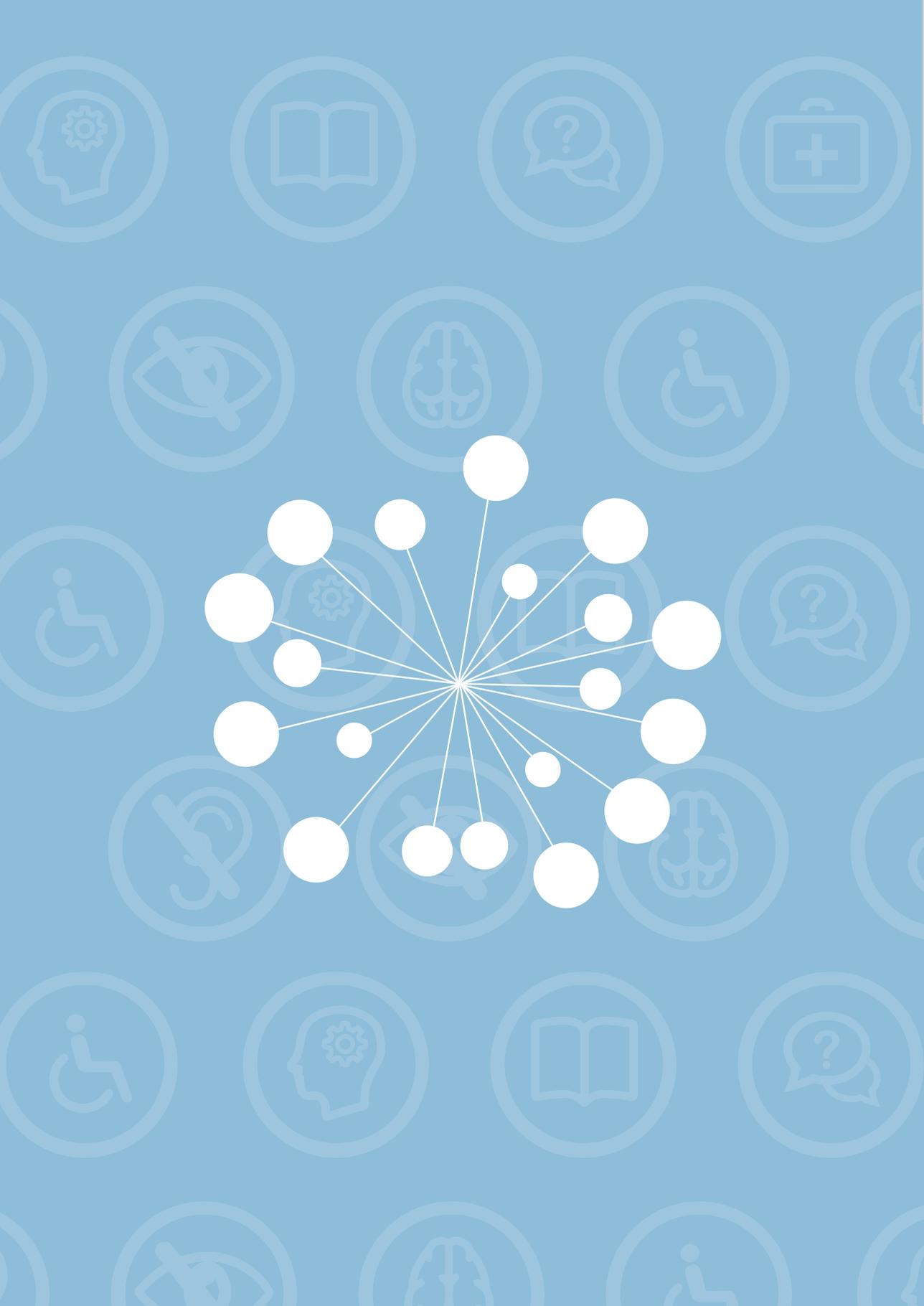
Deaf and blind persons are the most common example of persons with multiple disabilities under this definition.

## THE EUROPEAN LEGAL FRAMEWORK

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At the European level, non-discrimination as regards disability appears in the **Treaty of Amsterdam (1997)** as well as in the **EU Charter for Fundamental Rights (2000)**, that prohibits discrimination based on disability (Article 21) and recognizes that people with disabilities have the right to independence, social and professional integration, and to participation in community life (Article 26). The European Commission has also set up the **“European Strategy 2010-2020 in favour of people with disabilities”**. This is a strategy over 10 years whose primary objective is to increase the employment rate of people with disabilities.





# 10

## USEFUL CONTACTS

As previously mentioned, a variety of actors in Luxembourg work in support of people with disabilities.

Below, you will find a non-exhaustive list of useful contacts. They can assist and guide you in your recruitment or redeployment of a person with a disability.

### › ADEM, National Employment Agency

The ADEM is the public body of reference in Luxembourg for anyone with a disability who wishes to find work as well as for any employer who wishes to recruit disabled workers, namely through the Occupational Counselling and Professional Redeployment Panel.

#### **Occupational Counselling and Redeployment Panel**

1, bd Porte de France  
L-4360 Esch-sur-Alzette

Postal address:  
B.P. 289

L-4003 Esch-sur-Alzette

Tel.: (+352) 247-88000

Fax: (+ 352) 26 19 08 22

info@adem.etat.lu

#### **Employer Service**

19, rue de Bitbourg

L-1273 Luxembourg

Tel.: (+352) 247-88000

jil.voss@adem.etat.lu

sophie.grezault@adem.etat.lu

[www.adem.public.lu](http://www.adem.public.lu)

*The ADEM's Contact Center has been operational since 2012 and is composed exclusively of employees with a disability or reduced work capacity. It is one of the 10 best practices of the "Employment for All" prize awarded by the European Association of Service Providers for Persons with Disabilities (EASP).*

› OGB-L and LCGB

**Disabled workers department of OGB-L – Joël Delvaux**

31, rue du Fort Neipperg  
L-2230 Luxembourg

Postal address: B.P. 2026,  
L-1020 Luxembourg

Opening hours:  
Monday, Tuesday, Thursday  
and Friday: 8h00-12h00;  
14h00-17h00

Tel.: (+352) 496005-345

[joel.delvaux@ogbl.lu](mailto:joel.delvaux@ogbl.lu)

[www.ogbl.lu/departement-travailleurs-handicapes/](http://www.ogbl.lu/departement-travailleurs-handicapes/)

**LCGB – Christophe Knebler**

31, rue du Fort Neipperg  
11, rue du Commerce  
B.P. 1208

L-1012 Luxembourg  
Tel.: (+352) 49 94 24-1

Hotline on (+352) 49 94  
24-222

Monday-Friday: 8h30-12h00  
and 13h-17h, except  
Wednesday afternoon

Fax: (+352) 49 94 24-249

[infocenter@lcgb.lu](mailto:infocenter@lcgb.lu)  
[cknebler@lcgb.lu](mailto:cknebler@lcgb.lu) [www.lcgb.lu](http://www.lcgb.lu)

Trade unions can be a reference for employers who wish to integrate a disabled worker or a worker who is undergoing an internal redeployment procedure.

The OGB-L (Confederation of Independent Trade Unions of Luxembourg / *Onofhängege Gewerkschaftsbond Lëtzebuerg*) has a “Disabled workers department” to represent the trade union, political, and social demands of workers with disabilities.

Through its associative structure and its projects, the LCGB (Luxembourg Confederation of Christian Trade Unions / *Lëtzebuenger Chrëschtliche Gewerkschaftsbond*) commits to reinforcing the integration of persons with disabilities in the corporate world and to encouraging companies to accomplish a real integration of disabled workers.

56 - Any organisation that wishes to be referenced in this list should contact Catia Fernandes at [catia.fernandes@imslux.lu](mailto:catia.fernandes@imslux.lu)

### › CET, Centre for Equal Treatment

87, route de Thionville  
L-2611 Luxembourg  
Postal address: B.P. 2026,  
L-1020 Luxembourg  
Tel.: (+352) 26 48 30 33  
Fax.: (+352) 26 48 38 73  
[info@cet.lu](mailto:info@cet.lu) [www.cet.lu](http://www.cet.lu)

The Centre for Equal Treatment (CET) aims to promote, analyse, and monitor the equality of treatment of all persons without any discrimination on the basis of race or ethnic origin, gender, sexual orientation, religion or beliefs, age and disability.

## NON-EXHAUSTIVE LIST OF ORGANISATIONS<sup>56</sup>

### › Info-Handicap

65, Avenue de la Gare  
L-1611 Luxembourg  
Tel.: (+352) 366 466-1  
(+352) 360 885  
[info@iha.lu](mailto:info@iha.lu)  
[www.info-handicap.lu](http://www.info-handicap.lu)

The Info-Handicap Association - National Disability Information and Meeting Centre - provides general information on disability to all.

### › ADAPTH

36 route de Longwy  
L-8080 Bertrange  
Tel.: (+352) 43 95 58 - 1  
Fax.: (+352) 43 95 58 - 99  
Contact the team via an online form  
[www.adapth.lu](http://www.adapth.lu)

ADAPTH - National Centre for Accessibility - offers unique expertise in the Grand Duchy to support any person who wishes to verify the accessibility of its premises.

### › Fondation Autisme (Luxembourg Foundation for Autism)

68, route d'Arlon  
L-8310 Capellen  
Tel.: (+352) 26 91 11 1  
Fax.: (+352) 26 91 09 57  
autisme@fal.lu  
www.fal.lu

The purpose of the Fondation Autisme Luxembourg is to promote and defend the rights of people with autism, irrespective of the severity of their disability, and to take action whenever these rights are threatened. The Foundation also ensures that the rules of ethics and fundamental rights as defined in the Charter of Rights for Persons with Autism (Autism-Europe) are adhered to.

### › Fondation Lëtzebuurger Blannevereenegung (Luxembourg Foundation for Blind People)

47, rue de Luxembourg  
L-7540 Rollingen  
Tel.: (+352) 32 90 31-300  
Fax: (+352) 32 91 81  
www.flb.lu

The foundation is an orientation point and material help centre for all blind persons. It also promotes education for blind persons, an increase in their career choices and their inclusion in society.

### › Guide dogs for blind people in Luxembourg

B.P. 2420,  
L-1024 Luxembourg  
Tel.: (+352) 621 286 153  
Contact via an online form  
www.chienguide.org

The mission of this organisation is to inform the public about guide dogs through the use of all media and to assist each person who applies for a guide dog throughout the process to become "the owner of a guide dog for blind people", while ensuring the dignity and best interests of blind or visually impaired persons.

### › Rahna

7, an den Leessen  
L-5312 Contern  
Tel.: (+352) 621 63 66 61  
info@rahna.org  
www.rahna.lu

This non-profit organisation provides assistance dogs for free to persons with reduced mobility in order to help them on a daily basis.

### › Hörgeschädigten Beratung

164, rue de la Libération  
L-3512 Dudelange  
Tel.: (+352) 26 52 14 60  
Fax: (+352) 26 52 14 62  
info@hoergeschaedigt.lu  
www.hoergeschaedigt.lu

This organisation provides information on sign language interpreting and more generally on communication with persons with a hearing impairment. It supplies technical assistance for people who are hard of hearing or deaf, as well as training courses and support in seeking employment.

### › Daaflux

B.P. 68  
L-5801 Hesperange  
info@daaflux.lu

Daaflux defends the interests of people who are hard of hearing with an aim to improving their situation. It also provides classes in sign language in partnership with the City of Luxembourg.

### › SERVICE KLARO (of the APEMH Foundation – Centre of skills for easy language)

APEMH  
 Domaine du Château  
 10, rue de Château  
 L-4976 Bettange-sur-Mess  
 Service Klaro  
 Tel.: (+352) 37 91 91-321  
 Fax: (+352) 37 16 96  
 info@klaro.lu  
 www.klaro.lu

The APEMH's Klaro Service is the official contact point for easy language in Luxembourg. It provides translation services for easy language in German or French as well as a support service for translating into easy language (for example by giving advice on how to make information easy to read using proper layout).

### › Sheltered workshops

"Sheltered workshops" are establishments that are created and managed by organisations with a social and economic mission that employ people with disabilities who have not been guided into the mainstream labour market.

The contact details for the 27 sheltered workshops certified by the Ministry for Family, Integration and for the Greater Region are on the Ministry's website: <http://www.mfi.public.lu/atelier-sproteges/index.html>

This list includes the following certified organisations:

- APEMH
- Ligue-HMC
- Fondation Kräizbiereg
- Autisme Luxembourg asbl
- Fondation Lëtzebuerger Blannevereenegung
- Tricentenaire asbl
- Coopérations
- Lëlljer Gaart
- Mathëllef asbl
- Op der Schock asbl
- Yolande COOP

In addition to the sheltered workshops, these organisations also often provide training and guidance activities for persons with disabilities.

# GLO SSA RY



# A

## ACCESSIBILITY

Accessibility is a broad term that can be applied to the environment, the road network, public or private transport, and to buildings. Accessibility enables free, safe, and independent use and access to all places, services, products and activities to any person who at one time or another feels discomfort because of a permanent or temporary incapacity, or one that is due to exterior circumstances. Accessibility enables people with disabilities to participate independently by reducing or even eliminating on one hand the discrepancies between their capacities, their needs and their wishes, and on the other hand the various physical and organisational components of their environment (or workstation).

## ADJUSTMENTS (to the work station)

Adjustments can be considered during a disabled person's recruitment process (if adjustments are necessary), or when an employee returns to his/her work position or is redeployed to another work position in his/her workplace after a leave of absence. Adjustments can be made by improving the workstations as much as by changing work

habits - through the installation of new equipment, through working arrangements (namely of the work schedules) through the distribution and rotation of positions or by specific training.

Providing an ergonomic chair, fitting a company vehicle for a person with a physical disability, purchasing specific equipment for people with a visual impairment, as well as fitting appropriate lighting for the workstation are just a few examples of possible improvements.

# E

## EMPLOYMENT FUND

The Employment Fund managed by the Ministry of Labour aims to provide financial support to employers and employees.

# I

## IMPAIRMENT (DÉFICIENCE)

An impairment refers to any insufficient physical or intellectual function. Impairment can be the loss of motor, hearing, visual, intellectual, or psychological functions, or a loss that results from a mental or incapacitating illness.

## INCAPACITY (IN THE MEDICAL FIELD)

In the medical field, incapacity refers to the state of a person who is unable to carry out an activity due to illness. More precisely, it is an alteration of one's aptitude in general, leading to impairment, inability, inaptitude, unfitness for work or even disability.

## INCAPACITY FOR WORK

This refers to the state of a person who, due to an illness or a disease, is completely or partially unable to work and accomplish certain tasks. This incapacity can be total, absolute, or partial.

# J

## JOB RETENTION

This measure is implemented by the employer with the support and assistance of public sector organisations if there is a long-lasting and substantial mismatch between the current or future work position and an employee's health. It aims to determine the possibilities of retaining the employee in his/her company in order to prevent the risk of dismissal for incapacity.

## JOINT COMMITTEE

The Joint Committee is made up of representatives from the social partners, the CMSS, the ADEM and the Medical Board. The Joint Committee decides whether an employee should undergo internal or external redeployment.

# O

## OCCUPATIONAL COUNSELLING AND REDEPLOYMENT PANEL

The ADEM's Occupational Counselling and Redeployment Panel (COR) decides on the disabled worker's redeployment on the mainstream labour market or a sheltered workshop.

## OCCUPATIONAL HEALTH PRACTITIONER

Person in charge of carrying out medical examinations on recruitment, in order to determine whether an employee is medically fit for the position, whatever the position (a desk job, in an industry, in construction, etc.) but also when an employee returns to work after a prolonged illness or an accident and in certain work positions at periodic intervals after that.

All these medical examinations

aim to ensure that the employee is well suited to his/her position. Under no circumstance can it be a medical check up. Occupational health practitioners do not provide care except in emergency situations. Practitioners are consulted on all matters related to a change in working conditions, which may have repercussions on employee health and safety. Employers must inform the occupational health practitioner if a worker is absent for more than 6 consequent weeks.

following his/her placement in an employment programme (Employment Initiation Contract - CIE, Reintegration traineeship) or a jobseeker with characteristics specified by law. This aid, that can reach 15% of the gross monthly payment, is granted for a maximum period of 36 months.

## S

### SEVERE MULTIPLE DISABILITIES ("POLYHANDICAP")

"Polyhandicap" refers to severe disability with multiple manifestations. A severe intellectual disability combined with mobility impairment can lead to an extreme restriction of autonomy, where the assistance of a third party is needed to perform all everyday actions.

## T

### TAX CREDITS

Tax credits are granted by the State to employers that hire an employee who is being redeployed internally or externally, a jobseeker during or



## CONTACT

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"Let's encourage companies to commit to  
a proactive diversity management by also  
taking disability into account"

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