|  |  |
| --- | --- |
|  |  |
| **Memorandum**  |  |
|  |  |
|  14 August 2012 |  |
|  |  |

|  |
| --- |
| **Ministry of Health and Social Affairs** |
|  |
|  |

Response to the UN’s questionnaire on human rights of persons with disabilities

**Question 1 and 6**

## A strategy for the implementation of disability policy, 2011–2016

In June 2011 the Government decided on a five-year cross-sector strategy for the implementation of disability policy[[1]](#footnote-1). The purpose of the strategy is to present the direction of policy, with concrete goals for society’s initiatives and how results are to be followed up over the next five years. The Swedish Agency for Disability Policy Coordination (Handisam) is tasked with describing, following up and analysing the development and impact of disability policy.

In January 2011 Sweden sent its first report to the monitoring committee for the Convention on the Rights of Persons with Disabilities. The report contains a great deal of information that can complement the answers below.

## Better labour market opportunities

The Swedish Public Employment Service is a sector-responsible agency for disability issues in labour market policy. The agency can offer economic support to employers that hire individuals with disabilities that impair their capacity to work, both through wage subsidies and through support aimed at adapting working conditions to compensate for the employee’s impaired capacity.

The main measures are employment with wage subsidies, sheltered employment with Samhall AB, public sheltered employment, security employment and development employment. In addition to these five types of employment subsidies, the legislation also provides for [[2]](#footnote-2) economic support for other costs than payroll costs, for example, assistive devices. The Government has substantially intensified this support to offer jobs to persons with disabilities by, for example, allocating to Samhall AB the equivalent of an additional SEK 2.4 billion for wage subsidies and sheltered employment. Also resources for support for personal assistance and technical aids have increased. In 2006 Samhall AB introduced security employment as an alternative to sheltered employment. The average number of security employment employees has increased significantly. Many of the more general initiatives, including new start jobs and job and development guarantees, can also function as measures to improve the situation for persons with disabilities.

On 22 June 2011 (ToR 2011:59) the Government appointed an inquiry tasked with reviewing labour market policy measures for persons with disabilities that impair their capacity to work. The Inquiry proposes a reform that includes increasing the subsidised wages to employers that hire persons with disabilities. The report is currently under preparation at the Government Offices.

The Government has ongoing talks with the social partners on how to jointly enhance conditions for the state, municipalities and business community to increase recruitment of persons with disabilities. The Government has also instructed the Swedish Public Employment Service to draw up a strategy for how to use its employer contacts to better market persons with disabilities and how the agency will improve the way it responds to this target group.

## Information initiatives and the web

Good practices need to be broadcast to inspire and demonstrate alternatives. The Swedish Public Employment Service has therefore been instructed to carry out an information campaign aimed at drawing the attention of employers, persons with disabilities and other relevant parties to the support measures that are in place for hiring persons with disabilities that impair their capacity to work.

The Government is also considering a government agencies web portal to compile all relevant information about the help and support that the market can offer persons with a disability on the basis of different actors’ assignments. The aim is to facilitate entry into the labour market for persons with disabilities.

**Question 2, 7 and 9**

The Discrimination Act (SFS 2008:567) aims to combat discrimination and promote equal rights and opportunities regardless of disability. The Act prohibits discrimination on grounds of disability. The prohibition extends to working life and means that an employer may not discriminate against a person who, with respect to the employer, is an employee, is enquiring about or applying for work, is applying for or carrying out a traineeship, or is available to perform work or is performing work as temporary or borrowed labour. The prohibition of discrimination encompasses direct discrimination, indirect discrimination, harassment, sexual harassment and instructions to discriminate.

It also applies where an employer can take reasonable support and adaptation measures to put an employee, a job applicant or a trainee with a disability in a comparable position to a person without a disability. An employer must disregard any limitations in a person’s ability to work if support and adaptation measures could reduce these limitations so as to allow the person to carry out the most essential duties. This may include measures intended to improve physical access to the workplace, or be a matter of technical aids and special tools, as well as modifications in tasks, working hours and working methods. However, measures are not to be unreasonable and the assessment is to take into account the financial circumstances and an employer’s right to structure the work in a way that the employer deems appropriate.

The Office of the Equality Ombudsman is to monitor compliance with the Act. The Ombudsman is to try in the first instance to induce those to whom the Act applies to comply with it voluntarily. Those who breach the prohibition of discrimination may be found liable to pay compensation for discrimination for the violation that the breach entails. The Ombudsman or non-profit organisations whose statutes state that they are to look after the interests of their members may bring an action on behalf of a consenting individual.

**Question 3**

## Measures for persons with mental disabilities

Among all groups of persons with disabilities, persons with mental disabilities have the lowest employment rate. The Government has taken several steps in this matter. Between 2009–2011 SEK 500 million was spent on major initiatives, including an incentive grant to municipalities that purchase positions in employment or offer employment via a free choice system for persons with mental disabilities.

The Government has also earmarked a total of SEK 150 million for the extension of the RESA project until 2014. The aim of the project is to give persons with mental disabilities rehabilitation, occupational therapy and work through procured jobs at enterprises within the social economy.

Handisam has been tasked with carrying out a nationwide scheme in close cooperation with the National Collaboration for Improved Mental Health to improve knowledge about and change attitudes to persons with mental illnesses and mental disabilities. This includes special activities that target working life and compiling effective methods for changing attitudes that are to be disseminated to employers, union representatives, and others. Since the start of the scheme in 2009, it has been possible to measure a positive change in public opinion of between four and six per cent.

## Young persons with disabilities

Special efforts have been made to give young persons with disabilities education or a job. Young persons with disabilities must receive support and help to move into a job after completing their education. In 2011, 10 759 young persons with disabilities moved from unemployment to employment.

The Swedish Public Employment Service has special assignments in terms of young persons with disabilities. The assignments concern two groups of young people. One target group comprises pupils with disabilities who have turned 16 and are attending upper secondary special schools and other upper secondary schools. The agency is to collaborate with the schools and provide guidance and information measures as complements to the schools’ own study and vocational guidance. The second target group comprises young persons who receive activity compensation from the Swedish Social Insurance Agency. The Swedish Public Employment Service is to always welcome young people who receive activity compensation and who can and want to test their chances of obtaining a job.

The Government has instructed the Swedish Public Employment Service to draw up a proposal for how to formulate and implement a trainee programme in government agencies for persons with disabilities that impair their capacity to work. The objective of the programme is for these people to gain work experience within government agencies which can improve their chances of a regular job in future. In this way, the programme can give visibility to persons with disabilities as an important resource in the labour market while simultaneously supplying state administration with valuable knowledge and experience.

**Question 4, see also the response under 1 and 3**

The new Education Act that took effect on 1 July 2011 contains regulations for study and vocational guidance for compulsory schools for pupils with learning disabilities, special needs schools, upper secondary education for pupils with learning disabilities and education for adults with learning disabilities. The Act stipulates that all pupils are to have access to personnel with the qualifications to satisfy the pupils’ needs for guidance ahead of future education and professional activities. The National Agency for Education has also drawn up general advice that emphasises the importance of study and vocational guidance for persons with disabilities.

The transition from school to working life is very important in terms of the prospects for future, long-term establishment in the labour market. This is particularly true for pupils with disabilities. For this reason, the Government has initiated changes in vocationally oriented upper secondary adult education and vocational higher education. As of spring 2011, vocationally oriented upper secondary adult education includes students from upper secondary special schools. Through this measure the Government is enabling more people to obtain an apprenticeship. It is believed that the future design of upper secondary education for pupils with learning disabilities will also facilitate the transition between school and working life.

The number of students in upper secondary education for pupils with learning disabilities has almost doubled over the past decade, climbing from some 4 700 pupils to 9 400. At the same time, young persons with disabilities still have difficulty finding a job. The Government has therefore made it possible for the some 2 000 pupils who complete upper secondary education for pupils with learning disabilities to take part in apprenticeships and adult education.

In addition, the Swedish National Agency for Higher Vocational Education has been instructed to collaborate with Handisam to identify which higher vocational education programmes can be adapted to make them available to persons with disabilities. The task encompasses people who receive support under the Act concerning Support and Service for Persons with Certain Functional Impairments (SFS1993:387) and in certain instances, the Social Services Act (SFS 2001:453). The initiative’s target group can also include people who have completed upper secondary education for pupils with learning disabilities and who may have the capacity to complete certain study programmes.

**Question 5**

## Continued social enterprise measures

Promoting entrepreneurship is an important aspect of increasing the employment rate among persons with disabilities that impair their capacity to work. Programmes for starting a business and special support for starting a business that can be applied for from the Swedish Public Employment Service are important.

In 2010 the Government adopted an action plan for work integration social enterprises (WISEs). It contains a number of measures that will be implemented to help new social enterprises start up and existing social enterprises grow.

The ability of social enterprises (work integration enterprises) to offer meaningful occupation to persons who have considerable difficulties finding work has made it increasingly possible to offer jobseekers with special needs jobs in these enterprises. Most of the employees in WISEs are people who, due to their disabilities, have not had the opportunity to establish themselves in the labour market or who have lost contact with it.

There has been an increase in both initiatives and occupation at social enterprises for persons with disabilities. The number of WISEs in Sweden has risen. According to the latest count in 2011, there were just over 300 enterprises compared with 150 in 2007. Some 9 000 persons are active in social enterprises, an increase from some 4 000 in 2007. ‘Active’ refers to all those who regularly work in the enterprises, meaning both employees and persons who in various ways participate in rehabilitation, work training, work placement, daily activities, and so on. A survey that Handisam conducted in spring 2012 shows that around 40 per cent of Sweden’s municipalities collaborate with WISEs with the aim to increase the rate of employment for persons with disabilities.

**Question 8**

The Government believes the best way to reduce the risk of exclusion is through employment. At the same time, there is a series of support systems in place for persons who temporarily, or on a more permanent basis, do not have the possibility to work or who do not have a job.

Sickness compensation (for persons over 30) and activity compensation (for persons 19–29) is paid to those whose work capacity is fully or partially reduced due to illness and in cases where it is considered that medical treatment or rehabilitation would not lead to increased work capacity. The size of sickness benefit depends on the sickness benefit qualifying income. People suffering from serious illnesses receive sickness benefit at a compensation level of 80 per cent with no time limitation. Sickness benefit is payable as full, three-quarters, half or one-quarter benefit, depending on the extent of the reduction in work capacity. The highest compensation for sickness benefit is SEK 682 per day. Activity compensation is always paid for a limited period of at most three years at a time.

In addition to these forms of support and compensation, there is naturally the possibility of income support which is available to all residents in Sweden who qualify for social welfare. Furthermore, there is special support for persons with disabilities, including disability allowance, car allowance, rehabilitation compensation, an allowance for care of close relatives, support for technical aids, assistance allowance, etc. These measures are aimed at ensuring the rights of persons with disabilities and reducing the risk of exclusion and poverty.

**Question 10**

Handisam was instructed by the Government to conduct a survey and analysis, in consultation with the Swedish Agency for Government Employers, of which measures government agencies have taken to employ persons with disabilities. The survey showed that 41 per cent of the agencies had taken general measures to improve chances for persons with disabilities to find employment. These primarily involved amendments in the recruitment process and improvements in physical accessibility. Work has now progressed to making use of the lessons learned and disseminating good practices.

The Government has initiated discussions with the Swedish Association of Local Authorities and Regions on how the public sector in various ways can together assume greater responsibility for increasing the proportion of persons with disabilities within public sector employment.

In connection with appointing inquiries dealing with the rights of persons with disabilities, the Government always considers including civil society representatives. The Government has also a formalised dialogue with the disability interest movement, the Committee on disability, (*Funktionshindersdelegationen)*, where ministers and state secretaries have the opportunity to inform and discuss challenges, planned initiatives and the outcome of measures that concern persons with disabilities.

**Question 11**

The public sector in Sweden comprises central government, municipalities and county councils. According to a 2008 labour force survey, 5.5 per cent of central government employees had disabilities and impaired work capacity. A survey from 2011 of persons receiving various types of support, including wage subsidies, security employment, development employment and public sheltered employment revealed that municipalities account for 22 per cent and council councils for 1 per cent of these forms of employment.

However, generally speaking, out of 100 persons with disabilities and impaired work capacity, 55 have a job. For the rest of the population, 81 out of 100 persons have a job. On 1 October 2011, 31 100 persons participated in daily activities measures, marking a 3 per cent increase over the past year. ‘Daily activities’ are a form of occupational therapy for certain persons with disabilities. In 2011, 45 500 persons with disabilities and impaired work capacity (20 500 women and 25 000 men) obtained a job, with or without wage subsidies. An additional 2 000 persons went on to studies. The results show that while the total number of jobseekers has declined, the number of jobseekers with disabilities has risen. In terms of people up to age 30 with impaired work capacity, some 11 000 obtained a job last year, which is twice as many young men and young women the year before. The number of persons who received assistive devices rose by 15 per cent in just one year. Support for a personal assistant went to 11 500 people in 2011, an increase of 3 000 people in one year. Intensified marketing to schools has contributed to an increase in the scope of support, particularly for the group young persons with disabilities.

**Question 12**

The Swedish International Development Cooperation Agency (Sida) has adopted a work plan on human rights for women, men, girls and boys with disabilities that stretches from 2009 to the close of 2012. The objective of the plan is to ensure the respect of human rights for persons with disabilities and to strengthen opportunities and conditions for them to improve their living conditions in countries where Sweden has development cooperation. This is to be achieved by increasing knowledge and awareness of the effects of including PwD issues in Sida’s activities, both among Sida’s employees and among strategic implementers in development cooperation. In 2011 Sida launched support on how to conduct dialogue on the rights of persons with disabilities that is intended to provide more guidance for dialogues in the field.

In 2009, Sida earmarked a total of SEK 60.8 million for direct PwD initiatives. The sum included support to international training programmes, four global activities, two regional and fourteen national activities with the largest taking place in Afghanistan, Iraq and the West Bank and Gaza. Besides direct activities, issues of human rights for persons with disabilities are integrated into nine training programmes, three health programmes and in individual agriculture and infrastructure programmes.

Concrete examples are that in Kenya, for example, one of the target groups for the Sweden-supported agriculture programme is persons with disabilities while the infrastructure programme has set goals to include persons with disabilities in the number of employees and entrepreneurs. In Vietnam, Sweden has supported an information and communication technologies (ICT) pilot project for training people who are visually impaired. The purpose of the project is to increase knowledge and use of ICT for learning and work.

1. A strategy for the implementation of disability policy, 2011–2016 [↑](#footnote-ref-1)
2. Swedish Code of Statutes SFS 2000:630. [↑](#footnote-ref-2)