



Survey and Research on Specific Practices on Disability Accreditation and Assessment of Work Disabilities in Foreign Countries

-Focusing on France and Germany-

(Research Report No. 154) Summary

[Keywords]

Other disabilities, adjustment for the economic burden, vocational-assessment, employment quota, deemed employment, and cooperation between welfare and labor

[Point for Practical Purpose]

France and Germany assess needs in individual cases integrally with vocational rehabilitation including support for employers to respond to persons with disabilities without disability certificates, to whom the employment quota system for persons with disabilities is not unconditionally applied, and to compensate economic burdens of companies which employ persons with disabilities. Not only disability accreditation and severe disability assessments but also vocational rehabilitation including local relevant organizations, support for employers as well as the way of effective collaboration between welfare and employment might be informative to Japanese counterparts.

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2. Research period

FY 2018 to 2019

3. Composition of the research report

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4. Background and purpose of research

It is a social demand to consider the disability accreditation according to work disabilities in accordance with the definition in Article 2 of the Act on the Promotion of the Employment of Disabled Persons. Therefore, it is necessary to learn from the disability accreditation and severe disability assessments according to work disabilities in France and Germany for the development of the future system.

The purpose of this research is to identify the “disability accreditation and severe disability assessments according to work disabilities” in concern with Japanese policy and practical challenges, aiming at comprehensively investigating and analyzing approaches including specific practices, significance, challenges, etc. in France and Germany.

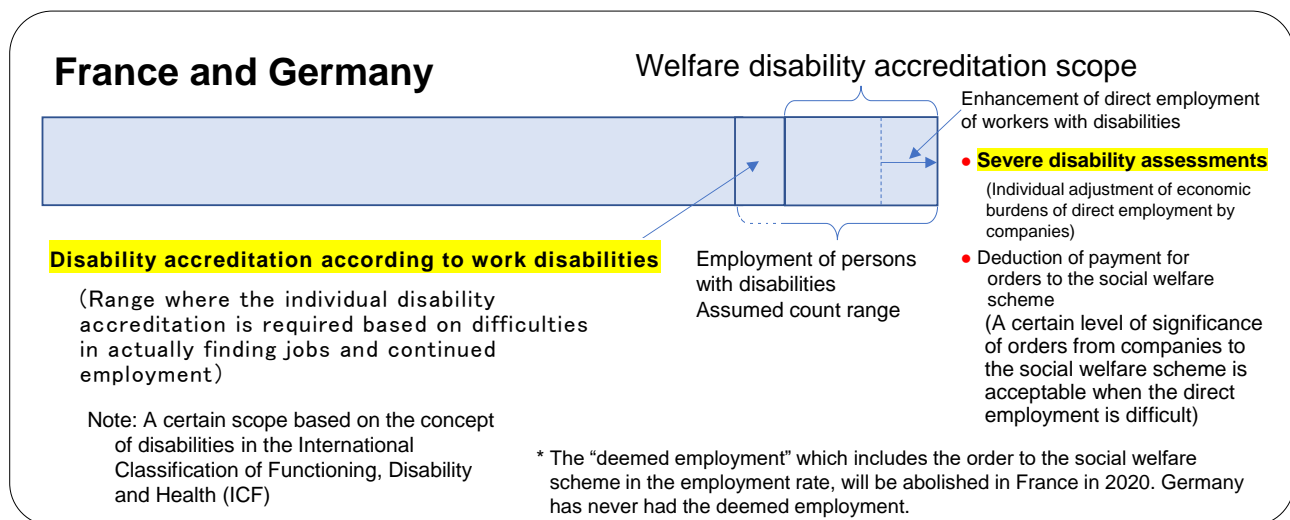
- Specifically, how do France and Germany realize the “disability accreditation and severe disability assessments according to work disabilities” in relationship with the modern vocational rehabilitation and practical support for employers, not just in medicine and welfare?
- What type of results have France and Germany actually accomplished by realizing the “disability accreditation and severe disability assessments according to work disabilities,” which could not have been achieved by disability accreditation and severe disability assessments from the viewpoint of welfare in Japan?

5. Method

- ① committee for research
- ② French/German visit survey
- ③ document investigation

6. Summarized results of the study

This study revealed France and Germany have changed the method of capturing disabilities from the medical model to the systematized individual assessment at the “activities and participation” level of work disabilities (in actually finding jobs or continued employment), and the economic burden of companies that employ persons with disabilities, and the specific practices been integrated with vocational rehabilitation and support for employers. And this study clarifies their significance. Sometimes, only disability certificates, etc. are exempted from the employment quota system for persons with disabilities. France and Germany, however, follow approaches of more inclusive employment by assessing needs for support in individual cases of both milder and severer disabilities.



Disability accreditation and severe disability assessments according to work disabilities in France and Germany

(1) Disability accreditation integrated with vocational rehabilitation practices

Based on the results of field visit survey and document investigation, France and Germany realize disability accreditation suitable for the social demands to grasp the work disabilities (in finding jobs, continued employment, etc.) and support needs which are omitted in welfare disability accreditation but arise according to individual status such as job type, workplace and region. In addition, a certain level of the quality of disability accreditation is pledged by the multi-disciplinary case management system including employment supporting specialists and its continuous improvement practices. However, the wide regional difference in the quality is suggested, arising a challenge for the continuous improvement.

Table 1 Practice of “disability accreditation according to work disabilities” in France and Germany

	France	Germany
Medical and welfare facilities for disability accreditation	Disability Rights Independence Committee in MDPH (prefectural center for disabled persons)	Assisting authority
Name of the system of individual disability accreditation due to work disabilities	Assessments of the Status of Disabled Worker (RQTH)	Assessment of people whose disability is classified as equivalent to a severe disability (disability level 50 or more) (“equivalence assessments”)
Legal organizations of disability accreditation due to work disabilities	MDPH Disability Rights Independence Committee	Federal Employment Agency
Standards for disability accreditation due to work disabilities	If all of the following conditions are satisfied: ① Malfunction in the category of disabilities, ② employed or seeking a job, and ③ influence of malfunction over seeking jobs or employment	A disability degree is 30 or 40, and the disability prevents finding or retaining a suitable workplace without equivalence assessment
Actual accreditation practice	Accredited by the multidiscipline specialist team including MDPH vocational entry specialists in accordance with the individual support plan	Accredited upon receiving expressions of opinions from on-site supporters of employment placement for people with severe disabilities and settling into the workplace in actual job hunting and continued employment
Organizations and job types providing information on expert judgment regarding actual work disabilities	Industrial physicians, Cap Emploi, AGEFIPH (Fund Management Organization for the Professional Integration of People with Disabilities), local disability specific support organizations, etc.	Department of employment placement for people with severe disabilities in the Employment Agency, integrated specialist service, job coach, etc.
Challenges for standardization of accreditation and improvement approaches	Confirm the large unevenness of accreditation through the national MDPH investigation. Consider a national training and an accreditation guideline	Specialized instructions and Q&A improvement on equivalence assessments by Federal Employment Agency

a. Practice of disability accreditation according to work disabilities

France and Germany mainly use medical disability accreditation for institutional simplicity and do not require individual disability accreditation based on work disabilities for the persons with disabilities of types and degrees which would be covered by the employment quota system in Japan. But at the same time, France and Germany offer additional disability accreditation reflecting individual work disabilities and support needs (of workers themselves or companies), which are not included by the medical disability accreditation, to be covered in the employment support system for persons with disabilities including the employment quota system.

(a) Significance of recognizing "situation"-dependent difficulties that are overlooked by general disability accreditation

According to WHO's 2001 International Classification of Functioning, Disability and Health (ICF), the modern way of thinking for “disability” is “difficulties in functioning of living due to health conditions,” “caused by interaction between individuals, environment and society,” and “universal challenge for anybody.” Like Japan where disabilities became to be defined by the relationship with social barriers by the Basic Act for Persons with Disabilities, etc., in France

and Germany, the definition of disabilities has also been revised.

However, in France and Germany, all disability conditions caused by these mutual interactions between the society and environment are not necessarily individually accredited. Certain level of disabilities whose obstacles are generally found in ordinary living conditions are accredited simply according to the dysfunction level and medical state of such a person.

On the other hand, in Japan, mild disabilities which may need supports in finding jobs or continued employment only in specific condition depending on job types, workplace environment, intentions of employers, would not be accredited by the welfare disability accreditation. In France and Germany, under these circumstances, unique disability accreditation is conducted only for the situation to be covered by the employment quota system. If a professional employment support personnel determines it suitable to apply the employment quota system, etc. based on the understanding of specific difficulties of finding jobs or continued employment in the individual case, the judgment itself is the “disability accreditation due to work disabilities.” Such disability accreditation is in line with ICF’s method of assessing disabilities (individual difficulties caused by disabilities and mutual interactions between individuals and the environment).

(b) Evaluation of medical and psychological disabilities

In both France and Germany, the scope of disabilities includes almost all of ICF’s body function classification and is wider than the Japanese one. In France and Germany, there is a clear public consensus that various health conditions such as cancers and chronic diseases, learning disorder, back problems, migraine, skin problems, fatigue, and bone disfigurement are “disabilities” even if they are mild. In both France and Germany, however, only above a certain level of such disabilities is covered by the support system.

(c) Disability accreditation in the employment support system regardless of individual work disabilities

In both France and Germany, above a certain level of medical and psychological disabilities, it is unconditionally covered by the welfare system and the employment quota system for persons with disabilities. Persons with physical disability, intellectual disability, schizophrenia, autism spectrum disorder, higher brain dysfunction, etc. who are applicable to disability certificates in Japan, are almost automatically applicable to a “disabled worker” accreditation also in France in the first inspection of the prefectural center for disabled persons (MDPH) if the person applies the disabled worker accreditation. In Germany, they are accredited as “people with severe disabilities” with the disability level of GdB50 or more and covered by the employment quota system for persons with disabilities. In addition to this, in France and Germany, even workers during the treatment of cancer and other chronic diseases are acknowledged as “disabled workers” (France) and “people with severe disabilities” (Germany), and are applicable to the employment quota system for persons with disabilities.

(d) Disability accreditation in the employment support system based on specific work disabilities

Actually, only this stage requires the disability accreditation for work disabilities based on an individual state. Even in cases not applicable to the general disability accreditation such as dyslexia, dyscalculia, and other disabilities caused by chronic diseases with comparatively stable symptoms, the person may need supports depending on job types etc. To ensure support to such people, a disability accreditation system has been developed. The “disability accreditation according to work disabilities” in this stage grasped the concrete state where a person actually faces difficulty in finding jobs or a continued employment, or a state where there are specific support needs. Therefore, it is not based on any assumption from person’s impairment or disease.

b. Vocational rehabilitation practices as a basis of disability accreditation

Both in France and Germany, like in Japan, practices of vocational rehabilitation and support for employers are individually and continuously conducted for both individuals and companies/workplaces in collaboration with various specialist supports in local related areas. The “disability accreditation according to work disabilities” are conducted as grasping individual problems in the employment support practices.

In both France and Germany, the vocational rehabilitation and the support for employers are developing even now. Any more objective and standardized evaluation of the difficulty in working is not realized comparing to Japan. However, it can be said that France and Germany give priority to the basic stance to recognize and support people with difficulty in finding jobs and settling into the workplace rather than objectively understanding the work disabilities, by securing public validity and reliability through local multi-disciplinary case management and a continuous improvement approaches.

(a) Regional support for persons with disabilities and companies/workplaces before and after finding jobs

Both in France and Germany, for the persons with disabilities to find jobs and a continued employment, in both side of the persons with disabilities and companies/workplaces, collaborative supports with various specialist supports in local related areas are conducted. Combinations of organizations responsible for individual supports look like greatly different among countries, but looking as a whole picture, their specific challenges and supports contents are basically common to Japan.

(b) Secure legal basis and reliability of disability accreditation

Both France and Germany conduct disability accreditation and severe disability assessments according to work disabilities integrally with providing the actual assistance for job seekers in finding new work and for the continued employment, collaboration with local relevant organizations, and individual assistance for workplaces. Therefore, to secure “uniformity,” “reliability,” and “legitimacy” of such disability accreditation, the involvement of specialist supporters, who can make the most proper judgment about work disabilities and not medical accreditation by doctors, etc., is expected.

(c) The development of the system, which is expected to improve the accuracy of disability accreditation

There are many matters “informally” conducted in Japan and treated as local individual challenges. France and Germany systematize approaches such as support for multi-disciplinary specialist teams and individual support plan preparation common to related organizations. Many of such approaches are related to securing the reliability of “disability accreditation and severe disability assessments according to work disabilities” and its improvement.

(d) Promotion of both the confirmation of persons with disabilities and “the prohibition of discrimination against them and reasonable accommodation”

In Japan, there are persons who need disability accreditation according to the work disabilities to avoid stigma of disability accreditation. But this visit survey reveals neither “disabled worker accreditation” in France nor “equivalence assessment” in Germany has solved the problem. Even now, many disabled workers do not want to disclose their disabilities to employers. Especially, though communication with employers is essential in the accreditation of disabled workers and the equivalence assessment, there is a challenge that some of them reject it. However, this issue is thought as a need to establish policy to prevent discrimination and enlightenment in companies/workplaces.

(2) Support for direct employment of workers with disabilities based on “severe disability assessments”

In the employment quota system for persons with disabilities, which obliges industrial

companies to employ persons with disabilities, it is practically difficult for the companies to employ people with disabilities severer than a certain level, considering the managerial condition. In Japan, the employment of persons with disabilities means the direct employment by companies while France and Germany take a different approach: they put more emphasis on indirect employment by ordering services to the social welfare scheme as well as direct employment. However, Japan, France, and Germany have common challenges: how to realize inclusive employment support for persons with disabilities, who used to be applicable to the social welfare scheme and life supports, etc. in accordance with requests of the Convention on the Rights of Persons with Disabilities. These years, France and Germany have been taking following approaches to this common challenge: they promote direct employment in industrial companies by providing supports to individual companies in accordance with “severe disability assessments” that individually evaluate the actual economic burdens of companies’ and promote indirect employment only by deducting payment, not by counting the employment rating.

a. Companies’ individual adjustment of economic burdens according to “severe disability assessments”

In France and Germany, besides extending supports to capital improvement and reasonable accommodation and grants for necessary expenses at the time of employment, in cases where their productivity does not satisfy the minimum wages in spite of such maintenance and where excessive burdens are required for accommodation or adjustments, there is a system that individually evaluate the economic costs to employ them, and adjusts several counts of the employment quota and compensates the economic burdens of companies. The individual evaluation corresponding to “severe disability assessments.” That is to say, “severe disability assessments from vocational difficulties” in France and Germany do not focus on impairment levels, which are associated with “severe disability assessments” of persons with intellectual disabilities in Japan but evaluate the actual individual economic burden of companies.

Table 2 Practices of “severe disability assessments according to work disabilities” in France and Germany

	France	Germany
Purpose of “severe disability assessments”	Economically compensate productivities of less than minimum wages and excessive burdens of employers to promote direct employment	Economically compensate productivities of less than minimum wages and excessive burdens of employers and multi-count for quota to promote direct employment
System to economic compensation to employers’ burden	Aid for employment of disabled workers (AETH)	“Baden-Württemberg (employment protection aid) (BSZ)” and “Employee Assistance (PU)”
Name of “severe disability assessments”	Severe disability accreditation (RLH)	(None in particular. Claim benefits required.)
“Severe disability” classification	Two phases according to the “normal rate” and the “additional rate” of aids	Three to four phases according to the ability deterioration rate (30%, 50%, and 75%) and the support time by colleagues, etc.
Legal organizations that make “severe disability assessments”	AGEFIPH (Fund Management Organization for the Professional Integration of People with Disabilities)	Integration Offices (economic compensation) (Federal Employment Agency for multi-count for quota)

Actual assessment practices	A premise of applications from employers is the most suitable improvement of jobs and workplace environment according to observations of industrial physicians. After application details of monthly burdens are confirmed by AGEFIPH and specialists, applications are approved	Based on an application for benefits from an employer, the integrated specialist service investigates details of actual circumstances. If it confirms the productivity is lowered by 30 % or more, Integration Offices give an approval
Responses to labors who switch from social welfare scheme	The premium rate will be unconditionally approved for labors who switch from social welfare scheme for the next three years after the first application.	Labors who switch from social welfare scheme will be compensated up to 75% capacity reduction rate of ability deterioration rate as “labor budget.”

(a) Background of individual severe disability assessment in France and Germany

An individual “severe disability assessment” in France and Germany is a relatively new system to support employment in industrial companies including wage compensation for the employment of persons with disabilities, such as decreased productivity of less than minimum wages in spite of conducting reasonable accommodation, or excessive burdens to offices. Japan has no such system. In France and Germany, companies used to directly hire persons with disabilities as well as indirectly hire them by ordering services to the social welfare scheme. The indirect employment used to play an important role. These years this is required to promote a higher direct employment.

(b) Actual “severe disability assessments” for the companies’ individual adjustment of economic burdens

In 2005, France established a system that an employer can individually claim excessive burdens as specific economic burdens including productivity of less than minimum wages and excessive burdens of supports and accommodation, and they can be compensated by additional count for the employment quota or grants for wage compensation. From 2020 and on, the additional quota count is abolished and only grants are given. On the other hand, Germany maintains the system to specifically assume situations resulting in large burdens as a “special group of people with severe disabilities” and allow multiple counts to the employment quota, and started the system to compensate individual economic burdens of employers, “labor budget” in stages in accordance with the Federal Participation Act in 2018.

(c) The specialist support for employers’ system, a premise of “severe disability assessments”

In both France and Germany, the “severe disability assessments” related to the system to adjust economic burdens of employers who employ persons with disabilities individually or specifically assess excessive burdens related to the productivity decline that are actually born by employers. And on its assumption, it is necessary to conduct suitable job placement and environmental arrangement to exhibit high productivity regardless of disabilities. Therefore, such “severe disability assessments” are realized as a part of specialist support with cooperation between AGEFIPH and Cap Emploi/industrial physician in France and cooperation among the Employment Agency, Integration Offices, and the integrated specialist service, etc. in Germany.

b. The “deemed employment” and approaches for bridging welfare and employment

In France and Germany, the employment of persons with disabilities are not only direct employment by industrial companies. As the approaches of the “sheltered employment/social employment” which enhance the quality of the working life even in the social welfare scheme, the indirect employment in the form of ordering services from industrial companies to the social welfare scheme is recognized to some degree in the employment quota system for persons

with disabilities. The deemed employment had been accepted only in France, but to improve the direct employment rate in companies and simplify the employment quota system for persons with disabilities, currently neither France nor Germany has the “deemed employment” system. This revision has not changed the legally required employment quota of 6% in France, and especially, the country aims to increase the direct employment rate in private employers which had more used the indirect employment method.

On the other hand, both France and Germany recognize the significance of enhancing contact places between the social welfare scheme and corporate management. Therefore, the indirect employment continues in the form of “payment deduction” as in Japan. Furthermore, during the last few years, France and Germany created a legal system for the “supported employment,” which has been adopted earlier in the U.S. and Japan and used job coaches, etc. to support general and direct employment of persons with disabilities. This operates simultaneously with approaches of the “social employment,” which gives importance to the perspective of corporate management in employment support for persons with disabilities including the social welfare scheme.

7. Related research outcomes

Documents related to disability accreditation and assessment of work disabilities in France: Material Series No. 103-1, 2020

Documents related to disability accreditation and assessment of work disabilities in Germany: Material Series No. 103-2, 2020