

Workers with disabilities in Hungary

Introduction

History

In Hungary until the last decade of the 20th century due to specific historical reasons the problem of disabled people was not a matter of public interest it remained the problem of their family. During the social planned economy where people were employed mainly in big enterprises the social and vocational rehabilitation system did not exist. The system of wage-regulation demanded many spheres of activity with low wages therefore in simple unskilled jobs disabled people were employed. Their rehabilitation and jobs corresponding to their abilities were not available. Disabled people were employed in great numbers only in "sheltered" work places and in enterprises.

This role in the labour market did not require the availability of special education and vocational training for the disabled children.

This stratum being at the periphery of the society anyway became the biggest loser of the political and economic change.

At the beginning of the 90ies the number of employed people decreased by 1.5 million in Hungary but only a part of this decrease appeared in the increase of unemployment. The more dramatic change was registered in the increase of the number of inactive people of working age.

In 1993 the Rehabilitation Fund was established for encouraging the investments and developments offering employment for disabled people.

In spite of the above this activity did not become part of the main activities in the labour centres. There were no means for avoiding the long-term unemployment of people becoming disabled for health reasons and also the labour market situation did not make it possible to introduce institutional solutions. In the first part of the 90ies the rate of unemployment, its dynamic did not allow the creation of the system of services providing personal advice and care.

The medical experts of the employment rehabilitation were not available, the conditions for medical rehabilitation were not ensured; practically there were no co-operation between the experts of the labour market and the doctors.

The number of people living on disability pensions increased parallel with the number of unemployed meaning that the burdens of the society increased significantly.

In 1994 drafts of acts were prepared for ensuring the rights and equal chances of disabled people, the elaboration of the concept of the vocational rehabilitation started. At this time the emphasis was laid not on the rehabilitation but rather on changing the system of passive benefits and of other elements of the budget.

In 1995 the reform of the budget focused on changing the disability pension system, the benefit system for the disabled people in order to achieve the financial balance between the health insurance and the pension insurance. During this work it became clear soon that the primary condition for changing the benefit system is the assurance of the employment chances for those people who drop out from the benefit-system and will not be included in the changed system. The initiatives at that time remained unsuccessful due to the situation of the labour market, to the high unemployment rate and to the lack of conditions.

In 1996 the unified Labour Market Fund was created from the separated funds, the Rehabilitation Fund became part of it ensuring the conditions for integrated services for the disabled employees.

Way to the practice of today

Hungary joined the Geneva Convention No. 159 on Vocational Training and Employment dated 20th June 1985 and the Geneva Convention No. 161 dated 20th June 1985 on the Health Service at Workplace.

The Conventions were accepted at the General Conference of the International Labour Organization and published by the decrees of legal force No. 9. of 1985 and No. 13. of 1988., but they have been adapted only in their elements and ad hoc.

The planned changes were included in the decision No. 75/1997 (VII.18.) brought by the Parliament on the changes of the social insurance and social benefits' system for the disabled people.

In 1997-98 during the economic and social transition period heated debates begun on the equal opportunities of disabled people, it became urgent to establish the medical and labour institutions and conditions for the vocational training. During these years the unemployment rate slightly decreased and one could start with the rehabilitation of the inactive people.

Thus, the backlog of 50-70 years in the Hungarian society had to be significantly decreased, the legal framework, the institutions had to be established and the problems, values of the disabled people had to become public.

In spring 1998 fundamental legal rules came into force, e.g. the employment rehabilitation became a service of the public employment service, the conditions, legal status and support of NGOs, acts ensuring the rights and equal chances of the disabled were elaborated, significant modifications in the legal rules of health care and taxes were made in order to support the rehabilitation and equal chances for the disabled people.

The Act IV.1991 (hereinafter Flt.) on the Promotion of Employment and on Unemployment Benefits includes the terms of employment rehabilitation within the institutional system of the employment policy from 1998.

It was an important aim to make the services available all over the country, in each county, in each settlement in order to achieve the positive discrimination for the disabled people.

This work required the elaboration of new solutions, regulations, different financing in the framework of a close co-operation within the public service, within the government and through involving the non-profit organisations. The representations of interests of the disabled strengthened, the National Council of Disability Affairs, as a consulting body of the Government was established.

In 1999 by involving the parties concerned the National Disability Programme (100/1999.XII.10-OGY) was elaborated and published. It contains the medium-term tasks for the implementation of the equal chances for the disabled. The Programme also contains an Action Plan. (2062/2000. III.24. Governmental Decree)

The further development of the system is part of the legislation process but also because of its complexity it does not receive the required attention.

The topic of disability appears as a horizontal priority in the National Development Action Plan.

List of legal rules referring to the quality of life, equal chances and integration of disabled people

New legal rules:

XXVI Act of 1998 on the rights and equal chances of the disabled
11/1998(IV.29) MüM (Ministry of Labour) Decree on the Rehabilitation Process of the Labour Centres

C Act of 1999 on the announcement of the European Social Charta (Article 15 "the right of physically or mentally disabled persons to vocational training, rehabilitation and social inclusion" Act V. of 2005 on the amendment of the C Act of 1999 on the European Social Charta)

100/1999 (XII.10.) Resolution of the Parliament on the National Disability Programme (Listing of measures in order to ensure the equal chances, the right to self-determination, the independent living and the active participation in the social life for the disabled persons.)

2062/2000 (III.24.) Resolution of the Government on the middle-term Action Plan for the Implementation of the National Disability Programme (the middle-term Action Plan for the Implementation of the National Disability Programme refers to all fields of the life, the tasks are determined separately for each ministry).

30/2000 (IX.15.) Order of the Ministry of Economy on the services of the labour market and on the referring benefits. (Content of the service, rehabilitation advising, as an independent form of advising.)

Act of CI of 2001 on Adult Training (22§ on the normative support for adult training).

29/2002 (V.17.) Order of the Ministry of Education on the terms ensuring the equal chances for disabled students for continuing their studies.

Act CXXV of 2003 on the equal treatment and on promoting the equal chances.

Resolution of the Government - 362/2004 (XII.26) - on the Authority for Equal Treatment and on the detailed rules of its procedure.

1/2000. (I.7.) Order of the Ministry of Social and Family Affairs on the tasks of the social institutions providing personal care and on the terms of their functioning. (organising the employment for persons living in the institutions; elaboration of individual rehabilitation programme; supporting service; rules referring to the rehabilitation institutions; rules for the work of those who get any social service.)

Legal rules modified between 1999-2005:

III. Act of 1993 on the social administration and on the social benefits, 112-113 E § (separate rules referring to the rehabilitation institutions and to homes for rehabilitation)

Act XXII of 1992 on the Labour Code; 72 §, X/A Paragraph (regulates the telework as a special labour relationship; 87/A the employment relationship of the person entitled to a disability pension can not be terminated with regard to this)

IV. Act of 1991 on the support of the employment and on the unemployment benefit 41/A orders the employment obligation of the employer employing at least 20 persons (a quota of 5 %) and the payment of a contribution to the rehabilitation after the missing number. In 2004 the rate of contribution increased to 8 % of the national economic gross average earning in the year prior to the given year.)

Act LXXXXI of 1996 on the Corporate Tax and Dividend Tax 7§ (1) v): If the corporate tax payers employ at least to 50% disabled employees they are entitled to decrease the taxable value to the extent of the valid minimum wage. (per month and per person)

CXVII Act of 1995 on the personal tax income 21.§ 49/B §(6)a; if the personal income tax payers employ at least to 50% disabled employees they are entitled to decrease the taxable value to the extent of the valid minimum wage. (per month and per person)

Order 6/1996 (VII.19) of the Ministry of Labour on the supports for promoting employment and on the support from the Labour Market Fund that can be given in case of employment crises. 19 - 20 §. (Support that can be given for the employment of disabled persons)

Joint Order of the Ministry of Health and Ministry of Finance 8/1983 (VI.27) on the Employment and Social Benefits of Disabled Employees (rules for providing support for the employers, support of the sheltered employment).

Who are we talking about?

There are different answers for the same circles of persons depending on whether it is a question of civil right, human right, of social rights or of work.

The Preamble of the Act XXVI 1998 about the rights and equal opportunities of the disabled people determines the disability – contrary to the definition of the WHO which says it is a “permanent damage of physical functions that make the participation in the society permanently difficult” - as a significant change in physical movement and in communication’s abilities, or the lack of them.

4.§ according to this Act:

- a) *a disabled person*: is whose organs of senses – especially his visual, hearing, physical and mental abilities are damaged to a great extent or totally, i.e. he is significantly handicapped in the communication and through these facts he is in a disadvantaged position in the active participation in the social life;
- b) *rehabilitation*: a process implemented in the health, mental health, education, training, employment and social systems with the aim to develop, to keep up the skills of the disabled persons, to promote their participation in the social life and their independent way of living;

The use of definition – different in its content – makes the international communication, the comparison of the data very difficult, as – if it is not about definite health conditions – we can not speak of the same cases. As the Hungarian definition refers only to severe cases, the justified expectation of the social participation is always accompanied by the problems of benefits and care-taking. In the way of thinking of the public the disability is associated with being a wreck and there are often doubts about the possibility of an integrated solution.

On 27th January 2004 the Act CXXV of 2003 on the Equal Treatment and on the Promotion of the Equal Chances came into force. As per this Act any negative discrimination is prohibited besides other fields of life on the basis of disability or health status.

However it can not offend any basic right, can not ensure unconditional advantage and can not exclude considering the individual aspects.

In Hungary the disabled person appears in the legal rules relating the labour relations, employment, promoting of employment, labour safety and suitability for work in the group of persons with changed working capacities.

As per the Act on Promoting Employment and on the Unemployment Benefits - (Flt. 1991 IV.tv.58§ paragraph (5) point m) - the definition of a person with changed working capacities is - in accordance with the ILO definition – as per the following:

“a person with changed working capacities is a person who is physically or mentally disabled, or whose chances of getting a job or keeping his job after the medical rehabilitation are reduced due to physical or mental damages.”

(Thus the definition for a person with changed working capacities as per Flt. considers only *the worsening of the labour market chances - the threatening of the expectable social role* - it does not examine the unemployment of the person in question or his benefits paid by the social insurance.

At the same time *it considers the disability* without the examination of the labour market chances, according to the real situation of the labour market from the view of the services and supports – as a *condition causing changed working capacities*.

However it excludes the persons entitled to disability pension, receiving no other benefits from being entitled to unemployment benefits. (Flt.25§(1) par.c);41.§)

The Order of MÜM (Ministry of Labour) *on the employment rehabilitation process of the labour centres and supports for helping the employment of disabled persons* (11/1998. IV.29) regards the disabled

unemployed persons as subjects of the employment rehabilitation process being started in the labour centres.

As per the legal rule (Joint Decree of the Ministry of Health and Ministry of Finance 8/1983(VI.29) §28(1) par.) the employment of those persons can be supported and those belong to the quota for the employment obligation who are in labour relationship, socially insured home workers and the extent of whose health damage achieves minimum 40%, in cases of miners 36% as per the medical assessment.

An unemployed person with changed working capacity - who can do a job corresponding to his vocational training's level or who is hindered in doing his previous job that he did the last time one year ago and it is proved by a medical-employment expert's opinion – can be subject of the rehabilitation process of the labour centres.

At the same time *all persons being entitled to employment* – thus all persons with changed working capacities – have the right to make use of the services of the State Employment Service thus to get information on the labour market and to be helped in finding a job.

Employment rehabilitation process of the Labour Centre

The circumstances in connection with the health condition of the unemployed person that hinder his employment are revealed during the registration and contact-keeping.

If the unemployed person agrees, a health and employability expert's opinion is to be obtained for certifying the employability unless there is an expert's opinion about the restriction of employability due to the health condition of the unemployed person.

The Labour Centre examines by taking into account the expert's opinion which service or support can help the employment of the unemployed person with changed working capacity. His professional experience, educational level and age are to be considered in complexity during this process.

If the Labour Centre can not make a decision as to the type of support, the unemployed person will be sent to the Employment Rehabilitation Team of the Labour Centre.

The Rehabilitation Team of the Labour Centre may give him advice on the rehabilitation, if it is required, they may involve experts to find out what job the person with changed working capacity could do on the basis of his health condition, what type of training and practice and what services are needed to achieve it.

(4) The Labour Centre will help the placement into work through considering the suggestion of the Rehabilitation Team.

The employee with changed working capacity belongs to the group of "Endangered" employees as per the Decree for Implementation of the Act XCIII of 1993 on the Labour Protection.

8/A. Endangered group: category of employees who due to their physical, mental conditions are increasingly threatened by risks arising from their work, or who themselves mean increased risk during their work (e.g. young people, pregnant women, mothers after childbirth, nursing mothers, older workers, workers with disabilities).

The employer is obliged to provide an employment-healthcare service for all employees.

The Act CLIV of 1997 stipulates the tasks of employment-healthcare within the healthcare.

"55.§ It is the task of the employment-healthcare to

g) pay special attention to the control of the health condition of young workers, women, pregnant women, nursing mothers, older workers, chronic sick people and of the disabled during their work.

h) to initiate the employment rehabilitation of the persons with changed working capacity, i.e. to take part in it."

Since 1998 the medical background for the employment rehabilitation of the unemployed is the certificate of employability made out by the local organ of the employment-healthcare service, containing the -47 ability pairs.

The employment rehabilitation of the disabled people is hampered through the fact that when the extent of the disability is diagnosed, the working capacity is determined on the basis of the seriousness and prognosis of the health-damage and of the evaluation of the working capacity under average working conditions first of all in order to determine the benefits (disability pension, or disability pension in case of accidents). The Medical Assessment Institution of the National Health Insurance Payment Office (OOSZI) is entitled to determine the extent of benefits. The result of this examination can be - depending on the disability - the qualification "totally unsuitable for work", which makes the further evaluation of the employability independently from the real abilities difficult or even impossible.

The new guideline of the medical assessment published in 2004 makes a different approach of the evaluation possible that contains certain elements of the professional disability applying the FNO of the WHO. It has not come into force yet.

Good practices

International activity to evolve services established for rehabilitation and employment of people with altered working abilities

In Hungary providing occupational rehabilitation independently of the employer is carried out in the framework of Public Employment Service (Employment Office of Ministry of Employment and Labour, regional labour centres, regional work force development and training centers), integrated into the main function, by development of a specific process.

The efforts of Public Employment Service - rehabilitation services, efforts to broaden forms of atypical labour - aim at providing people with disadvantages, including ones with altered working abilities, with full value work suitable for their conditions on the labour market.

The current incentive system promoting employment of people with altered working abilities does incite employment of people with altered working abilities, however it cannot influence the quality of the employment.

Equal opportunity can basically be ensured in integrated employment, and the subvention system of employment aims at increasing the number of employed people in such circumstances.

In the rehabilitation process of labour centres it is possible to provide services and support enhancing the employability of the employee and reducing the employer's risk of taking on labour force.

The professional cooperation between labour centres and civil organisations familiar with the specific needs of the target group is an essential tool of the occupational rehabilitation service.

There is often a need for information and advice when taking someone with altered working abilities on work. To facilitate this, the network of Rehabilitational Information Centres (RIC) has been established besides the regional labour centres. (The network is expected to be fully built in 2006.)

It is possible to get information about vocations and workplaces - taking the disability of the client into account - in an accessible environment, and it is possible to ask for help from rehabilitation working groups.

(More than 50% of the buildings of labour centres and branch offices, as well as regional training centres are physically accessible, and establishing an accessible environment in case of reconstruction or new investment is a basic requirement.)

Establishing connection is further helped by the fact that in 2003 in the framework of The European Year of People with Disabilities, labour centers and regional workforce development and training centers started to be communicationally accessible. (This means making accessible environment for visionally impaired and blind, hard of hearing and deaf, or the mentally retarded.) Properly accessible customer care locations were established in 18 regional labour centres and 4 regional workforce development and training centers in 2004-2005.

Training of the disabled is served by a widening set of vocational programmes and making the conditions of training accessible in regional workforce development and training centers. Labour

market services, consultation, guidance, physically and communicationally accessible environment in more centres, and training programmes targeted at various disabled groups are available for clients. (The 4th appendix gives information about its content.)

The most extensive task is to "translate" the informational material into simple, comprehensive language for the mentally retarded. There are regional initiatives in this area.

We can rightly anticipate that complex help and information of clients with altered working abilities will enhance their employment situation, and the probability of keeping their jobs.

There is much work left to open the opportunity of work, and give a solution to those who are not yet looking for a job, or though they want to have a job, but do not have sufficient knowledge about the world of labour, skills to fulfill the assumed job, but can be made capable for that with help.

Those original, innovative employment solutions, which answer the special needs of the target group from a new point of view, help obtaining readiness for work, and widen opportunities of labour market emplacement, are supported by Ministry of Employment and Labour with central programmes from the central budget of the Labour Market Fund's rehabilitation chapter.

These include among others dissemination of good practice of civil organisations, trying out innovative solutions, establishing the conditions of accessible service in the institutes of Public Employment Service, standardisation of services, development of alternative employment services.

The system of labour market supporting services has been developed as a tool for labour market integration or reintegration of the long-term unemployed and clients with altered work abilities, who have considerable disadvantage in the labour market.

The rules of providing labour market services is regulated in a ministerial decree since 2000.

The professional rules of giving help are summarized in a publication by the Ministry of Employment and Labour, by the experts of labour centers, and by representatives of civil organisations.

In recent years two programmes with Phare support have facilitated widening of work opportunities of cumulatively handicapped people and establishment of complex toolset of work rehabilitation. The regional labour centers have helped the fulfilment of programmes as participators, main applicants or contributors.

We consider publication of achievements important. Regional events, regional and nationwide publications serve this intention.

Measures on the interest of employability of people with altered working abilities

The Adult Education Act (no. CI of 2001) on adult education instated the normative support of adult education which

- a) can be given to educate the adult participating in education aimed at the first, government recognized certificate included in National Educational Register, and*
- b) can be given to educate the adult with disability for general, language, and vocational education in government recognized, accredited adult education institution*

The normative support is provided since 2003 by the budget

Year	Source (1000 ft)	Number of people supported (person)	Number of disabled people (person)	Disabled participation (%)
1	2	3	4	4/3
2003.	475 000	4 772	410	8,6
2004.	2 900 000	27 235	2 374	8,7
2005. (planned)	3 000 000	15 084	1 502	10,0

Concerning the permanent employment of unemployed people with altered work abilities we are planning labour market education to play an increasing role. According to experience this customer group basically needs to resettle to an occupation fast, their education experiences are outdated, and rarely undertake the regular strain associated with education. There are only few accessible

educational institution, or institutions in accessible environment, and remote training is chosen only in small number because of lack of learning routine.

Support of education of people with altered work abilities
(2001-2004.)

		2001.	2002.	2003.	2004.
	Registered unemployed with altered working abilities (person)	42 825	38 276	42 706	45 002
By art. 19 of act no. IV of 1991	Started labour market education (person)	2 395	1 890	1917	1 103
	Proportion of educated (%)	5,6	4,9	4,5	2,2
By art. 22 of act no. CI of 2001	Received normative adult education support (person)	-----	-----	410	2 374
	Sum of labour market and normative educational supports (person)	2 395	1 890	2 327	3 477

The special programmes are organized and realized by non governmental organisations, supported by governmental and European funds. These programmes aim at reintegration of people with disadvantages on the labour market. The main elements of special programmes are education and mental help taking the capabilities and limits of the people with disadvantages into account, and supported occupation.

The Phare supported projects have helped the cooperation of participators of occupational rehabilitation.

With the support of the Phare programme 'Promoting Access of People with Disabilities to the Labour Market' (2003-2004) 250 people with heavily altered work abilities obtained certificate included in the National Educational Register, and opportunity to work on the open labour market by the learned profession.

With the support of the Phare programme "Employability and permanent employment of multiple disadvantaged population groups" (2003-2004), 28 people got an opportunity to practice the learned profession on the open labour market.

Concerning employment of people with disadvantages, there is an important role of municipalities in organising public work programmes, the role of social institutions is ensuring supporting services, and the role of civil organisations is implementing targeted programmes. The National Employment Foundation (Országos Foglalkoztatási Közalapítvány, OFA) has been supporting the labour market reintegration and employment of the unemployed people with disadvantages since 1992, mainly through experimental programmes which build upon the partnership and cooperation of more local participators.

Act No. XXVI of 1998 on provision of the rights of persons living with disability and their equality of opportunity created Opportunity of Disabled Public Foundation, the main goal of which is helping social integration of people with disabilities. Its tenders initiated development in all areas of life of disabled people, directly helping employment {e.g. establishing support and transport services, autistic farms, grounding the network of regional sign language translation centers, and dissemination of international good practices (Jobwards)}.

The Opportunity XXI Public Benefit Company, founded by the Foundation is an important professional workshop of establishing complex accessibility of the built environment.

The cooperation of the government, civil organizations and organizations representing disabled people is indispensable for the realization of the above assignments. All of them contribute to establish equal opportunity in employment with their own range of possibilities and tools towards social integration.

Interest organisations of disabled are thus make significant efforts to ensure wider access to information for the people they represent to provide equal opportunity in this field as well. E.g. the foundation of Hungarian National Association for the Blind and Visually Impaired has held Jaws for Windows training for 40 blind people each year since 2001 in a special informatics training. The National Federation of Disabled Persons' Associations established a Teleworking Institute, which also organises computer handling and computer operation training.

The network of sign language services has been built with the participation of Hungarian Association of the Deaf and Hard of Hearing, and with significant government support (network of regional translation centres, translator training, etc.)

The representatives of interest and civil organisations are present in the National Disability Council, and the government builds in their recommendations into its measures. This is a very vivid control system based on participation.

The Equal Treatment Authority has started its function in 2005 as a national administrative organisation with national scope of authority responsible for supervision of fulfilment of requirements of equal treatment. As a basic task, the authority performs the assignments defined in act CXXV of 2003. They supervise the deadlines for making building accessible and interest representation of the disabled according to the act on Equal Treatment and Promotion of Equal Opportunities. In case of lack of activity they can even seek legal remedy at court. (An example for this is a test case against some offices lacking accessibility, which enjoys great publicity, and as such, helps prompt correction.)

Implementation of measures of the National Disability Programme are coordinated by the Ministry of Youth, Family, Social Affairs and Equal Opportunities, and reports to the Parliament annually about the actual state of affairs.

The methodological development of occupational rehabilitation activities of the labour market organisation is supported by a central programme each year since 1999.

There are also initiatives to favourably alter the social attitude to help the aims of employment of people with altered work abilities (central PR programme for the enhancement of employment level of people with altered work abilities, programme to influence the enrollment willingness of employers, etc.)

In summary, the measures aimed at increasing the employment of people with altered work abilities were implemented as a part of overall employment policy with close relationship with the social policy and human right efforts aimed at equal treatment of the disabled and against exclusion.

The achievements in the field represent a state of a long process, and there is a need of a coordinated effort of all concerned parties, and further resources and capacities are needed for the measures.