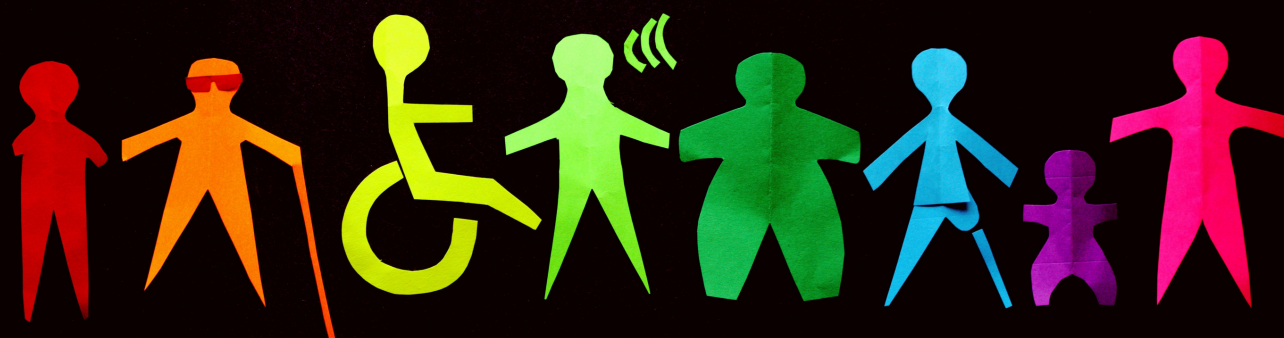




NATIONAL CONVENTION ON THE EUROPEAN UNION IN NORTH MACEDONIA



NEWSLETTER 8

WORKING GROUP 2
SOCIAL POLICY AND EMPLOYMENT



10th session of Working group 2 - Social Policy and Employment (Chapter 19)

The challenges in the inclusion of persons with disabilities in the labor market: European social perspective and national capacity



The tenth session of Working Group 2 - Social Policy and Employment, took place on March 4, 2022 via an online ZOOM webinar (from 09:30 to 13:20). It was attended by 61 participants, among which were representatives from: Ministry of Labor and Social Policy (MLSP), civil society organizations, associations for support of persons with disabilities, protection associations for employment of persons with disabilities, experts in the field, employers' organizations, the academic community and other stakeholders. The co-chairs of the session were Gabriela Madzovska, from the Sector for Equal Opportunities in the Ministry of Labor and Social Policy and Marija Risteska, director of the association "Center for Research and Policy Making" from Skopje.

Mileva Gjurovska, President of the European Movement in the Republic of Macedonia opened the Session in the capacity of National Coordinator of

NCEU-MK. She noted that the third cycle of the National Convention supported by USAID is underway. She also pointed out that the agenda reflects the nature of the National Convention, as a form of structured dialogue in which the views of various actors are confronted - institutions, civil society, academia and other professionals who are active in this field. The purpose of the dialogues is to find common solutions to the problems faced by the reform process in this chapter. She explained that the topic derives from the framework of the National Program for Harmonization of National with European Legislation (NPAA), but also from the EC Report for 2021 for Chapter 19, which emphasizes that the country should pay special attention to the effective implementation of active measures for the inclusion of persons with disabilities in the labor market. Furthermore, Gjurovska noted that the state should increase its efforts to

ensure proper control and evaluation of defined measures. As per usual, the issue is not in the drafting of the required regulation, but rather in the poor or incorrect implementation of the regulation.



Gjurovska pointed out that people with disabilities, who according to the World Health Organization make up 15% of the population worldwide, face greater difficulties in their economic activation, especially in less developed countries where only 20% of people with disabilities - able to work, are involved in the work process. States regulate the manner of inclusion of persons with disabilities in the labor market according to their social traditions and economic conditions. In RN Macedonia since 2000, this area is regulated by the Law on Employment of Disabled Persons through the form of special companies. She expressed the expectation that the experts in their discussions will present data on how many people with disabilities

have been employed and how much money from the national budget is allocated for these companies.

Gjurovska explained that the discussion is in anticipation of the new Law on Employment of Persons with Disabilities which is currently being drafted and that she believes that the debate and recommendations created by experts will contribute to the content of the Law in accordance with the Convention on the Rights of Persons with Disabilities.



Tomaz Strazaj, from the Slovak Foreign Policy Association in Bratislava, commented on the current political and security situation in Europe in the context of the future EU enlargement process, which will affect the need to reconsider enlargement policies. He stated that the National Convention includes Slovak experts who share their experience from the EU accession process and stressed the support it gives to the Government of the Republic of North Macedonia in implementing the Convention.

menting the Convention. He commented on the topic of the Session from the aspect of the turbulent living conditions in these years, which especially affects the vulnerable groups of the population, of which people with disabilities are one of the most affected. These citizens deserve attention and that is why he expressed the belief that the experts involved in today's Session will offer answers to the questions for an appropriate approach for their more efficient inclusion in the labor market.



Jovana Trenchevska - Minister of Labor and Social Policy, in wishing for a successful Session, expressed confidence that the proposals that will be adopted by the participants will be a valuable contribution to the process of adequate regulation of employment of persons with disabilities. She informed about the project for employment reform of these persons, which is implemented by the MLSP with the financial

support of the World Bank, and referred to the creation of a new model and law in order to affect their material security and independence. The Minister explained that the model will be implemented in stages and through several activities: strengthening rehabilitation centers, developing a network of service providers to increase employability, guaranteeing their jobs and referral through the system to employment, step by step introduction of employment quotas, replacement quotas (scholarships, practical work), stimulating employment and maintaining the employment of individuals with disabilities. The process of enacting the Law will be transparent both with the involvement of stakeholders and using good practices from other countries to obtain a legal solution that will meet the needs of persons with disabilities, employers and the general public.



Marija Risteska, co-chair of Working Group 2, highlighted the gender perspective in the social inclusion of people with disabilities.

She stressed that the Republic of North Macedonia is in an advanced stage of creating conditions for social integration of persons with disabilities. However, more work needs to be done to align policies more closely with the UN Convention on the Rights of Persons with Disabilities. There is also a lack of intersectional approach to gender and disability, in so that this issue is not addressed or there is no transparent approach. Therefore, policies should support the inclusion of women with disabilities in the labor market, and therefore should build a database on the gender aspect of employment by creating conditions for employment and career development.



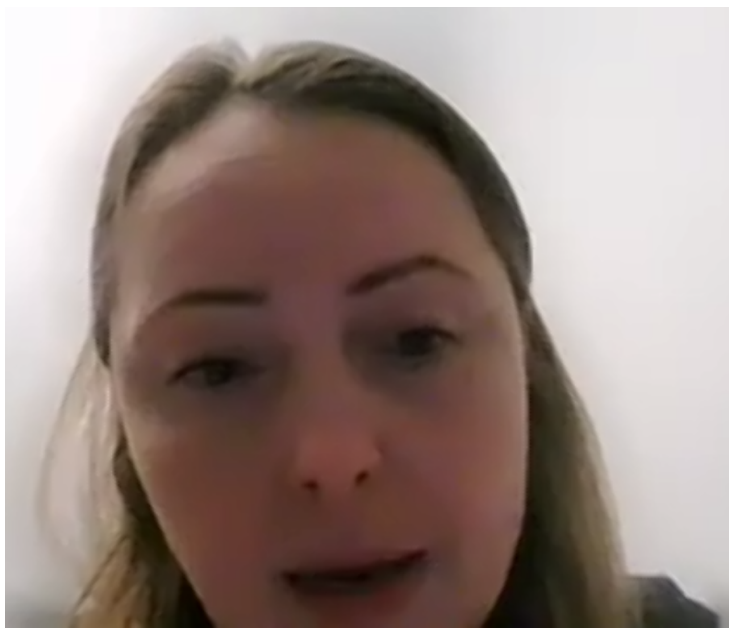
Gabriela Madzoska, co-chair of Working Group 2, addressed the new legal solution that would improve the inclusion of people with disabilities. The public debate with the participation of all relevant stakeholders will gather

suggestions and opinions that will contribute to creating an optimal solution. Proper employment of these individuals contributes not only to their position, but to the development of the whole society. The right to work on an equal footing with others is a strong benefit. Obligations to these citizens should not be an obligation only on the basis of the UN Convention, but an obligation of all citizens in terms of their acceptance and support of persons with disabilities.



Lazar Jovevski, Professor, Faculty of Law "Iustinianus Primus" UKIM, Skopje, stressed that through work, people with disabilities get the fastest, easiest, cheapest and most comprehensive inclusion in society. The current legal framework provides a certain legal basis for the employment of these persons. It has certain weaknesses and therefore the initiative to change the model is understandable. He believes that the concept of promotion should

be based on three premises: (1) reform of the legislation, (2) improvement of the subsidiary rights of persons with disabilities to build an atmosphere of equality versus a culture of rejection, and (3) control and supervision of the implementation of the legislation. The current legal solution does not implement all European standards and ILO standards. These are Directive 89654 and Directive 2000/78 and ILO Convention 159. They are not fully implemented, but have only a general set-up. Jovevski argued that a distinction should be made between vocational training and professional orientation and that measures and policies should be worked on to improve them. He stressed the need to develop the so-called soft skills of people with disabilities, to increase awareness of non-discrimination, and to develop a culture of acceptance of diversity.



Ana Podlesna, Corporate Social Responsibility Manager at "Profession" - Bratislava explained the situation in Slovakia, labor market trends, and

presented a summary of their best practices. She stated that Slovakia has more than twenty years of experience in building mechanisms to support people with disabilities. She stressed the need to respect the individuality of the people who are beneficiaries of these measures, because they have different characteristics and needs. In Slovakia, too, there is no single definition of a person with a disability under the legal system. Supported employment is a complex of individualized services intended for (socially/healthily) disadvantaged persons in the labor market that focuses on finding and retaining work in conditions of an open labor market. According to her, such a system has not yet been developed in Slovakia. Employers have a legal obligation to employ individuals with disabilities, 3.2% of the total number of employees if they have at least 20 employees. From 2018, employers have the opportunity to meet the legal regulations for the percentage of employment of citizens with disabilities by awarding certain contracts within public funding. Indicating the changed conditions of labor market, she cited data on changes in required skills (soft and hard) in 2019 compared to 2014, and only on soft skills in 2020 compared to 2010. She also presented the fears and barriers of employers who employ people with disabilities, as well as those who do not employ such people because of such attitudes. Furthermore, she also stressed the importance of coopera-

tion between: the medical community, parents, schools, NGOs and communities, employers and others institutions. The cooperation should be in the field of: medical care, education, programs for transition from school to work, supported employment and vocational rehabilitation, job coaching and mentoring and advocacy services. She presented the need to introduce a dynamic AMO model for non-divergent people in Slovakia, where there is an increase in such people (autism, dyslexia, Down syndrome). Finally, she elaborated on collaborations for using the best practices and planned activities of 'Profession' for the next two years.



Natasha Stanojkovska, Professor at the Institute for Special Education, Faculty of Philosophy, UKIM, Skopje stressed that the key point for greater social inclusion of persons with disabilities is the development of a culture of acceptance. This is achieved through activities to raise public awareness.

Stanojkovska argued that the poor information is due to a lack of state strategy. She pointed out the need that both the local communities eater efficiency in the effective employment of persons with disabilities in the municipalities. According to her, there is a significant number of disabled people at work and people with lost working ability, and that they should be adequately covered through systematically established vocational rehabilitation. For better inclusion of persons with disabilities in the education system, it is necessary to properly train teachers in primary and secondary schools, especially those involved in the education of persons with disabilities. She expressed her support of the creation of a compensatory fund provided by the new Law, which may contribute to the allocation of more funds to improve study opportunities. She also mentioned the problems with lack of access to information about these people in rural areas, inadequate infrastructure for free movement, resistance to inclusion in the labor market in order to maintain social benefits. For quota employment, she believes that it can have a positive impact, but that it should be based on evidence such as the number of employed persons.

Elena Kochoska, from the Association of Citizens "Polio Plus", presented the work of the Association. The Association has been working for the past

twenty-two years in the field of human rights of persons with disabilities, for consistent application and protection of individual and collective rights of these persons emphasizing the importance of gender equality and the rights of the child.



She expressed support for the initiative to change the legislation, and the quota system should be an accelerator for further changes in accordance with the obligations of the Convention on Persons with Disabilities. There is an urgent need to respect international agreements, which is not consistently implemented in practice. She pointed out that the rejection of diversity is what causes isolation and segregation of people with disabilities, instead of their exclusion in society. Her view is that the problems of division are in society, in that adequate infrastructure, which does not provide free movement of these individuals through urban areas, and does not encourage a culture of acceptance of such people.

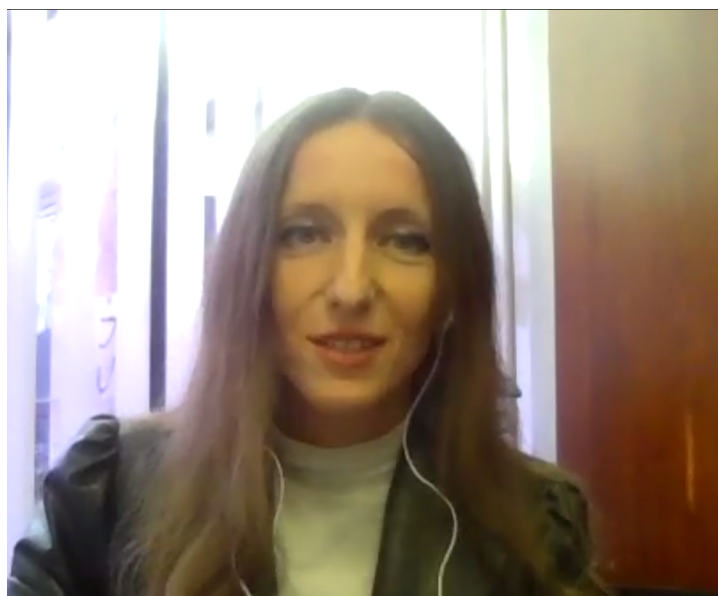
Additionally, she argued the education of people with disabilities is discriminatory and eliminatory. Policy makers, trade unions, the business community and the organizations, all play a significant role in creating the economic, social and cultural inclusion of people with disabilities. International standards and European directives are the basis for regulating the rights of persons with disabilities, but she referred to the alternative report of the European Platform for Persons with Disabilities, which states that there is no consistent application of the provisions of the Convention at European level, especially in reference to the gender wage gap, insufficient participation in the labor market and for the inclusion of artificial intelligence in the work process which as an assistive technology is crucial for certain citizens with disabilities. She stressed that the measures for the employment of these persons should apply not only to the private but also to the public sector. Article 27 of the Convention should be viewed more broadly. Therefore, persons with disabilities should be included in trade unions and other bodies where decisions are made concerning their status in society. In order to achieve decent employment for people with disability, it is necessary that the education process is tailored to their needs. Kochoska also stressed the importance of acquiring "soft skills" from the earliest level of education,

but also support for greater inclusion within higher education. There is an inadequacy in the way of requesting the general health condition at employment and it should be redefined. She stressed the need to introduce an institute "empty seat" in the institutions and the need to include a representative of people with disabilities in the Special Fund, for active participation in decision-making that affects this group.



Angel Dimitrov, President of the Organization of Employers of Macedonia (ORM). Co-chair Gabriela Madzoska asked a question regarding the attitude of employers to employ people with disabilities and whether the state is doing enough to stimulate employers to employ persons with disabilities. In his address, Dimitrov linked his presentation with his long-standing membership in the Board of the Employment Agency, which has an important role and task for the employment of persons with disabilities and occupational disabilities. In the Operational

Plan for active employment programs and measures there is a special program for support for employment of persons with disabilities in order to increase their employability. He explained the differences in the new draft law, regarding the Special Fund for which it is proposed. Instead of an employment contribution, to be financed from a compensation fund, to reduce subsidies and assistance to protection companies, to introduce a quota system, to create vocational rehabilitation centers. He recommended before proposing the new Law on Public Debate to make an in-depth analysis of the situation in practice and to see if it is feasible in our conditions and to assess whether the existing solution can be maintained with improvement.



Biljana Talevska, Manager in ZAPOV-IM, informed that this Association has 50 years of experience, but in the current form it has been operating since 2000. It includes 230 protected companies that employ more than 1,500 people with special needs.

According to Talevska, the current Law on Employment of Disabled Persons applies not only to protected companies, but to all companies. According to her, the existing law works well, although there are some weaknesses in its implementation in practice. Her arguments for the quality of the current regulations are that these companies are not shelter centers, but companies in which disabled people have equal opportunities for career development. Therefore, she believes that protected companies should not be abolished because they show solid results in the employment and retention of people with disabilities. The successes of the existing law should be taken into consideration when creating the new legal solution, and to work on improving that which the previous law lacked. Such as the inclusion of this category of workers in the work process: job training, vocational rehabilitation, promotion measures of awareness of acceptance of diversity. The funds from the special fund are intended not only for the protected companies, but also for all the needs for greater inclusion in the workforce: for equipment, for employment, for adaptation of the workplace. In reference to the proposed version of the new law, Talevska expressed a dilemma regarding the possibility to fully implement the quota system in terms of the existing offer to people with disabilities, which would not be enough, especially for large companies

with 2,000 employees or more. She suggested that the protected companies stay in the new legal solution because of the good results they have achieved so far.



Roberta Mitrevska, Association of Citizens "Lastovica" said that in the country there is a great need for a career center for people with disabilities who are trying to do it. For the employment of these individuals, there should be organizational structures that will prepare the persons for easier employment, but also for easier work. Companies should get more information on the adjustments they need to make to effectively hire people with disabilities and find that there is a gap between education and business needs in terms of the required knowledge and skills. In order to fill the identified gap, non-formal education should be used and developed, through motivation for certain trainings, greater innovation and introduction of modular trainings, co-financing of certain trainings. She suggested that the

weaknesses in the existing Law and policies be examined, and to include the experiences from the existing good practices, to work further on raising awareness, and provide greater support for work training. Moreover, she mentioned the need to reduce barriers to the inclusion of this category of citizens in everyday life and activities: negative attitudes that cause discrimination, disorganized mode of transport and access to institutional buildings, poor information, insufficient support, low self-esteem. She suggested that in order to provide decent work for persons with disabilities, a network structure of institutions and organizations should be established to support these persons in the direction from local to state level for better visibility of the persons that need to be employed.

DISCUSSION

The co-chair **Marija Risteska** opened the discussion section of the session, stating that there are a large number of registered discussants from different types of companies, organizations and institutions who want to contribute to the discussion.

Milan Petkovski, President, Macedonian Occupational Safety and Health Association. Related to the subject of the work of this Association, Petkovski raised the issue of the common need of all persons who need to get special support, and on the other hand equal

access. He expressed great concern about the high numbers of people suffering death and injury at work place (1,500 injuries and 40 deaths 40 per year), and stressed that 93% of whom are men. He suggested that the emphasis should be on prevention and proper protection in the workplace so that such injuries can be prevented.



Hristina Savevska, Associate at ZA-POVIM (Association of Protected Companies) spoke about the existing system of employment of persons with disabilities which has been changed and upgraded several times to achieve better results in their employment and that the current law largely provides this. She stressed that there is no non-compliance of this Law with the Convention.

Marija Risteska noted large differences in the views of the discussants on compliance of the Law with provisions of the Convention and she called Lazar Joveski to comment on this,

Elena Kochoska joined the discussion by pointing out that the European Commission Report found serious inconsistencies in the approach to employment, the manner of inclusion of persons with disabilities, the manner of distribution of funds and the overall infrastructure. She emphasized that Article 27 of the Convention should be interpreted in conjunction with Articles 3, 4, 5, 19 and 28.

Ana Podlesna regarding the question on the need to harmonize the Macedonian law with the European directives for employment of persons with disabilities in the accession period answered that it is difficult to answer because the situation in the country should be taken into account, as well as the availability of staff and institutions, as it is a whole ecosystem that is needed in order to implement the law into practice.

Branimir Jovanovski, President of the National European Community of Persons with Disabilities "Mobility", pointed out that from the contacts they have with the disabled people, they know the problems of these people, including those related to employment. He expressed their readiness to participate in the public debates regarding the new Law. However he underlined that all throughout their work, neither through their activities, or through the work of other similar organizations, have they succeeded in changing the awareness of the population about the working abilities of people with disabilities. He cited the

example of the public sector, which employs an insignificant number of people with disabilities.



According to him, 1,480 jobseekers have been registered, of which over 80% are non-competitive due to lack of qualification (they have no education or have not finished secondary education) and therefore the need to organize their additional training is necessary. With proper support, these individuals can return to society many times over.

Aleksandar Nikolov from Bravura Cooperative for professional orientation of people with special needs, argued that a major problem they face is the mechanisms when they have to be implemented through the labyrinths of the administration, and that the form is always the same - good laws - poor application in practice. According to him, social entrepreneurship can be a good example and should be applied.

Jovana Stankovska, Viktorija Kirovska, Jovan Pecalevski, Marija Samar-

dziska, students at the Faculty of Philosophy and the Faculty of Law Justinian I, asked questions: (1) to Ana Podlesna on how to implement the model she spoke about in her presentation in other countries and in Macedonia, (2) how to encourage self-employment of persons with disabilities, (3) whether work standards should be different from other employees and on that basis different pay for work, and (4) whether education is tailored to the needs of persons with special needs?

Igor Glindzarski from IGMA TEKS DOOEL Razlovci, Delchevo, presented the company which has a total of 100 employees, 26 of which are disabled. He believes that the new law is a solution taken from another country, which is a weakness because the experiences of other countries should be adapted to Macedonian conditions and needs. If the existing law has weaknesses, they should be removed, if there is abuse in the employment of people with disabilities, it should be prevented by controls by the relevant institutions.

Kristina Velickovi, Selma Chochovik and Stefan Stanojoski also joined the discussion by giving examples of the possibility of including persons with disabilities using their individual characteristics. They asked questions regarding the responsibility of the employer if he does not hire a person with a disability, and ways of integration of local authorities throughout the coun-

try in the strategy of inclusion of these persons in the labor market.

Mileva Gjurovska gave a final comment on the presentations of this session which demonstrated the great interest of all participants on the issue of inclusion of people with disabilities in the labor market. This yet another example of why it is essential to have all different stakeholders addressing a given topic. The expression of contrasting views on the need and manner of amendments to the Law and the introduction of quotas for employment of these persons is noticeable. However, she stressed that it is through various discussions that the current situation and needs related to the employment of people with disabilities can be better understood, in order to be properly prepare the required legal solutions. She informed that the experts included in this Working Group prepared recommendations for the employment of people with disabilities that should be reviewed and supplemented, and therefore suggestions are expected from the participants of this Session in order to formulate the final version of the recommendations. This concluded the tenth session of WG 2.