



ANALYSIS OF THE IMPACT AND EFFECTIVENESS OF SUPPORT MEASURES AND INTERVENTIONS ON PEOPLE WITH DISABILITIES

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Abstract²: *Social inclusion of people with disabilities is an essential prerequisite of human rights. In the current context, according to data, the social welfare system faces an increasing number of people with disabilities. The social services for these beneficiaries cover a relatively small fraction of their needs. The main type of support for this vulnerable group is in-cash social benefits, while other social inclusion measures are occupying a marginal place in practice. The accent on granting in-cash social benefits to the detriment of social reintegration programs leads to an increased dependency of disabled persons to the welfare system. Although it is considered that the situation of people with disabilities has improved since 2000, several problems occur as a lack of financial and human resources, as well as to the difficulty of setting up a coherent support system for people with disabilities. Disability is not a simple attribute of an individual, but rather a cumulative addition of various conditions created by the social environment. The management of disability requires social action and it must become the common responsibility of the whole community/ society in the sense of producing necessary environmental/ attitudinal changes to facilitate participation of persons with disabilities in all the spheres of social life.*

Keywords: *disability, socio-economic issues, discrimination, needs of people with disabilities.*

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1. Introduction

Disability is perceived as a problem that concerns the European society. This problem translates into permanent preparation for inclusion and maintenance of people into the mainstream of social life. According to statistics, 80 million citizens, representing approximately 16% of the total EU population, have a disability, ranging from mild forms to more serious ones, such as mental health problems. The unemployment rate among disabled people is two times higher than the unemployment rate among healthy people. People with disabilities are a vulnerable group, among whom the rate of poverty is 70% above average, and whose employment rates are also low. (MMJS, 2013).¹

This article focuses on the analysis of the current situation for people with disabilities in terms of the impact and effectiveness of support measures and interventions, especially at national level. The article continues with an analysis of public policies for people with disabilities. The emphasis is on European and national legislation, particularly on the legislative provisions that regulate and stimulate the full integration of people with disabilities supported by the main national documents. The purpose of the analysis is to highlight to what extent the current national policies for the inclusion of people with disabilities are effective. In developing policies, programs, services for people with disabilities, it is necessary to consider the general and specific needs (related to health services, education, well-being, economic and social security, facilitating the development of skills, community integration), so as to remove the obstacles to full participation.

The article emphasises a series of needs and specific problems that people with disabilities are facing, revealed by statistical data (most of the data refers to Sept. 2015). People with disabilities often face stigma and social exclusion (Manea, 2007). Social exclusion of people with disabilities is based on two important and closely linked areas: education and work, as persons with disabilities sometimes do not have equal access to education, health, chances on the labour market, or social relationships etc. Therefore, the social exclusion of disabled people translates into their difficulties or even their inability to take an active part in economic, social, political and cultural life.

The last part of the article underlines the general conclusions of the analysis. These refer to the effectiveness of support measures and interventions offered to people with disabilities both at national and European level. By developing and addressing social policies and specific legislation on people with disabilities, decision-makers have included in their strategies a fundamental element according to which the improvement of the situation of people with disabilities as well as social inclusion are in close connection with their access to education and to the labour market.

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2. The legislative framework regarding disabled people. Romania and the European Union.

At European level, several legislative documents and strategies have been adopted to regulate and stimulate the full and active integration of people with disabilities within society. Some of the most important documents are:

- Charter of Fundamental Rights of the European Union;
- European Social Charter, revised in 1996 and entered into force in 1998;
- Treaty on the Functioning of the EU (TFEU);
- European Strategy 2010-2020 for People with Disabilities: a renewed commitment to a barrier-free Europe;
- European Employment Strategy, adopted in Amsterdam in 1997;
- Council Directive 2000/78 / EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

The elaboration of the European Strategy 2010-2020 on disability was achieved in 2010: a renewed commitment to a barrier-free Europe whose main objective was *“to provide people with disabilities the ability to enjoy their full rights and benefit fully from participation European economic and social life, especially through the single market”*. The Commission has identified eight main areas for action: accessibility, participation, equality, employment, education and training, social protection, health and external action.

Since 2014, the Romanian Ministry of Labour and Social Justice proposed for public debate the National Strategy *“A society without barriers for people with disabilities”* 2015 – 2020¹. The basic principle of this strategy, *“assuring normality”*, is seen as a process design/redesign of social systems, so as to enable persons with disabilities to live as far as possible independent in their own family, in the ordinary life of the community. In practice, normalization translates into achievement *“of choosing the less restrictive”*, which implies that by every measure of placement and / or assistance to persons with disabilities to ensure as far as possible the same level of autonomy and social participation as the other members of the community.

In terms of participation, the Commission considers that *“there are many obstacles that prevent people with disabilities from exercising their full fundamental rights – including the rights deriving from European citizenship – and that obstructed their participation in society on an equal basis with others”*².

Romanian legislation is in the process of harmonization with European regulations regarding the conceptual framework on the disabled. In Romania, the definition of persons with disabilities is identified in Article 2/ Law no. 448 of 6 December 2006 on the protection and promotion of rights of persons with disabilities: *“Persons with disabilities, within the meaning of this law are those persons who, because of physical, mental or sensory*

¹ Decision draft National Strategy "A society without barriers for people with disabilities 2015-2020"

² European Strategy for Disabled, 2010-2020

absence, lack the skills to carry out normal daily activities requiring protective measures to support recovery, integration and social inclusion”.

The law was amended in September 2010, stating that: *“People with disabilities are people whom the social environment, the misfit weaknesses of their physical, sensory, mental, mental and / or associated ones prevent them from total or limit their access to equal opportunities in society, requiring protection measures in support of integration and social inclusion”.*

Chapter VI of Law 448/2006 (Articles 85-90) entered into force on December 23rd, 2011. Article 6 paragraph AA) defines “disability” as *“people who have physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation of individuals in society on an equal basis with others”.* It is apparent, therefore, that the legislature has fully incorporated in the adopted Law 292/2011 the definition stipulated in the Convention, thus addressing disability on an equal opportunity with others, without limitation integration and inclusion. As Moroianu Zlătescu (2015b) underlined, the issues that Convention put in question make monitoring and implementation more challenging than most conventions.

Since 2005, Romania is addressing strategic integration into the community, with equal rights for people with disabilities. The paradigm shift occurs by Government Decision H.G. 1175/2005 approving the National Strategy for protection, integration and social inclusion of people with disabilities in the period 2006 – 2013, Equal opportunities for people with disabilities – towards a society without discrimination, a planning instrument of social policies and programs for people with disabilities. The special protection of persons with disabilities is legitimized by a series of laws, government decrees or ordinances, presented in Table 1.

Table 1: National legislation regarding the protection of persons with disabilities

Acts	Main provisions
Constitution of Romania	Provisions of Constitution, the fundamental law of Romania, Art.41 par. (1) stipulates that “The right to work cannot be restricted. The choice of profession, trade or occupation, and the workplace is free “. So, all people in Romania, including those with disabilities, have guaranteed the access to the labour market. <i>“Disabled persons shall enjoy special protection. The State will ensure the achievement of a national policy of equal opportunities, prevention and treatment of disability, the effective participation of persons with disabilities in the community, respecting the rights and duties of parents or protectors.” (Art.50)</i>
Labour Code	Provisions of article 5, stipulate the principle of equal treatment for all employees and employers in labour relations, and that is forbidden <i>“any direct or indirect discrimination against an employee based on gender, sexual orientation, genetic characteristics, age, nationality, race, color, religion, political opinion, social origin, disability, family status or responsibilities, trade union membership or activity.”</i>

Acts	Main provisions
Law no. 448 of 6 December 2006 on the Protection and Promotion of the Rights of Persons with Disabilities	Within the law exists provisions regarding to the rights and obligations of economic, social, cultural and political rights of persons with disabilities. Most of these rights involve preparing for an active and productive life (right to education, right to rehabilitation and social integration) and assure that the next generation will contribute positively and actively to the whole society.
Decision no. 1175/2005 of 29.09 / 2005 approving the “National Strategy for protection, integration and social inclusion of people with disabilities in the period 2006-2013”	Ensuring the right to health for people with disabilities. By objective 2.2. – Providing family support that objective was to be achieved during 2006-2013 from MMJS, DGPPH, MS and local authorities, by <i>“accessibility for people with disabilities and their families to government social security programs, and reducing health poverty; incorporate the needs of disabled persons and their families in all policies, strategies and programs for national development, local county or local public authorities”</i> .
Social Assistance Law no. 292/2011	Art. 86 states that the person with disabilities benefit personal care at home, granted by formal or informal caregivers, these one benefiting from the facilities and support services, regulated by special laws and Art. 87 paragraph. (1) stipulates that <i>“a person with severe disability, depending on the nature of disability and the specific care needs can be assisted and cared for at home by a family member employed as a caretaker formally, as provided by law”</i> .
National Education Law no.1 / 2011	Art.12 par. (6) stipulates that <i>“the state guarantees the right to education of all persons with special educational needs. Special education and integrated special are part of the national system of school education “</i> . Article 12 (7) of Law 1/2011 of National Education <i>“Special education and integrated special school training is a form of differentiated, tailored and form of educational assistance, medical and social complex, designed for people with special educational needs “</i> .
National Strategy for protection, integration and social inclusion of people with disabilities in the period 2006 – 2013	The strategy aims to establish a national policy for protect and promote the rights of persons with disabilities by highlighting three general objectives: 1. promotion social integration of people with disabilities as active citizens able to control their lives; 2. support for families who composed people with the disabled; 3. increase employment opportunities for people with disabilities.
Social Inclusion Strategy of Persons with Disabilities 2014-2020	The strategy stipulates the continuation and development approach initiated by the previous national strategy, based on the evaluation results and its implementation in accordance with their obligations under international and European organizations’ documents to which Romania is a part of.
Law no. 76/2002 on the unemployment insurance	According to Art. 48 of the law, employers who organize training programs for their employees, conducted by

Acts	Main provisions
system and employment stimulation	authorized providers are granted from the unemployment insurance budget, an amount representing 50% of the expenditure on vocational training services organized for a number of more than 20% of staff. Employers are required to maintain working relations with people participating in program at least one year from the date of the grant amount for that program.

Sources: *Constitution of Romania* (Art.41, Art.50), *Labour Code* (Art.5), Law no. 448 of 6 December 2006 on the *Protection and Promotion of the Rights of Persons with Disabilities*, Decision no. 1175/2005 of 29.09 / 2005 approving the “*National Strategy for protection, integration and social inclusion of people with disabilities in the period 2006-2013*”(Objective 2.2), Social Assistance Law no. 292/2011 (Art.86, Art.87), *National Education Law no.1/2011*(Art.12, Alin. 6), National Strategy for protection, integration and social inclusion of people with disabilities in the period 2006 – 2013, Social Inclusion Strategy of Persons with Disabilities 2014-2020, *Law no. 76/2002* on the unemployment insurance system and employment stimulation (Art.48)

Social services for adults with disabilities are coordinated by the General Directorate for People with Disabilities (Art. 34 paragraph 1 of Law 448/2006). Services may be provided: at home (specialized care at home, mobile team, and personal assistant), in the community (professional personal assistant), in and public, private or public-private day centres and residential centres.

In order to integrate persons with disabilities into the labour market, Law 448/2006 lays down the conditions necessary to ensure the accessibility and “*set of measures and works to adapt the physical environment and information and communications environment according to the needs of people with disabilities, which is essential for exercising rights and fulfilment of the obligations of persons with disabilities in society.*” (Article 5 (2) of Law 448/2006).

Regarding the implementation of the UN Convention on the employment of people with disabilities, Romania, through the General Directorate for People with Disabilities, will need to develop measures and strategies to support the empowerment and rehabilitation of the labour market by identifying those skills and needs to ensure inclusion in the labour market of people with disabilities.

At a first view, legislation in Romania in the field of disabled people can be perceived as being proper rules of non-discrimination (Moroianu Zlătescu, 2015), containing a number of provisions that encourage obviously their support policies to increase the number of disabled people into employment. Reality shows that, like other areas, implementation of legislation is deficient and tracking of these provisions is inappropriate managed by the Romanian authorities.

For improving implementation of cohesion policy on persons with disabilities, future regulations of legislation should start from the premise need for interventions aimed at creating an inclusive labour market for persons with disabilities, improving their skills and education level, in order to raise their living standard.

3. The needs of people with disabilities. Socio-professional situation of people with disabilities in Romania

A significant number of people with disabilities don't have equal access to education and employment opportunities, do not receive specific services they need, and are, therefore, excluded from everyday activities (Neagoe, 2014). In this way, the state “condemns” people with disabilities to isolation and marginalization. These people cannot perform their civic obligations, lacking equal opportunities for the participation in community life (ONPHR, 2010).¹

While the social system in Romania started to be connected to European standards, a significant segment of people with disabilities still do not enjoy the same rights as the rest of the population. To support the authorities, and thus, people with disabilities, it is vital to identify the problems that these people encounter in society.

The main problems with which disabled people in Romania are confronted are: reduced access to specialized social services, difficulties in framing and maintaining employment, reduced access to any form of education, caused by a lack of availability of early education for children with disabilities (Stanciu, 2013) and the lack of accessibility of the physical environment and education, difficult access for people with physical disabilities in means of transportation, limited access of disabled people mobility in Romania in cultural, sports and leisure, stigma and social marginalization.

Insurance an independent life for every disabled person necessarily depend on the removal of all obstacles to meeting the needs of health, education, professional integration of leisure, socializing etc. As anyone needs support in his or her own development, accessibility of public environment, the working environment for people with disabilities represents an important mechanism in their freedom of movement. Although the legislation in Romania dedicated to accessibility is broad enough to ensure the best possible independence for persons with disabilities, meeting the obligations of public institutions is in an incipient stage (IPP, 2013).²

The needs of people with disabilities, both physical and mental, referring to the care, communication, travel, education, employment and revenue assurance can launch various responses from the community. Often, society does not recognize the real needs of people with disabilities.

By developing and addressing social policies and specific legislation in the field of disabled people, policy makers, both at European and national level, have included a cornerstone in their strategies whereby improving the situation of persons with disabilities and social inclusion are closely linked to their access to education and access to employment.

¹ National Organization of Persons with Disabilities in Romania

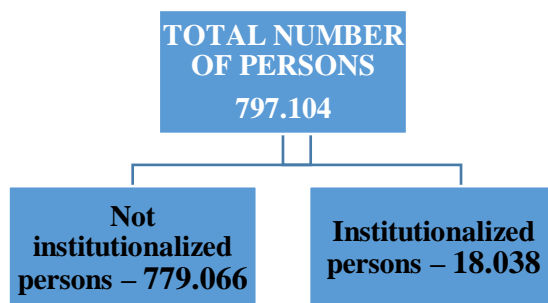
² Institute for Public Policy, Bucharest

In order to integrate on the labour market, Law 448/2006 lays down the conditions necessary to ensure the accessibility and “*set of measures and works to adapt the physical environment and information and communications environment according to the needs of people with disabilities, which is essential for exercising rights and fulfilment of the obligations of persons with disabilities in society*”.

Public authorities are obliged to take specific measures to ensure assessment, guidance, training and retraining of people with disabilities through development / diversification / financial support of programs for professional orientation for people with disabilities by providing education and training for occupations needed in the area disability, linking training individuals with disabilities with the labour market requirements by creating the necessary framework for access to professional evaluation and orientation in any profession, according to the abilities of people with disabilities.

At the end of 2017, the total number of persons with disabilities in Romania was of 797.104 people (ANPD, MMJS).¹ Of these, a percent of 97.7% (779 066 persons) is in the care of families and / or live independently (not institutionalized) and a percent of 2.26% (18 038 people) is in public residential care for adults with disabilities (institutionalized) coordinated by the two above mentioned institutions.

Chart 1. Number of people with disabilities at 31 Dec. 2017



Source: MMJS, ANPD Statistical Bulletin – September 30, 2018

It is worthless to mention, as many authors underline (see for example Manea L., 2000), that the quality of life of disabled people in the care of families and / or live independently (not institutionalized) is better than of people living in public residential care.

The evolution of the number of disabled people from 2003 to 2017 and a breakdown of the number and percentage of people institutionalized and non-institutionalized to total population are found in the Table 2.

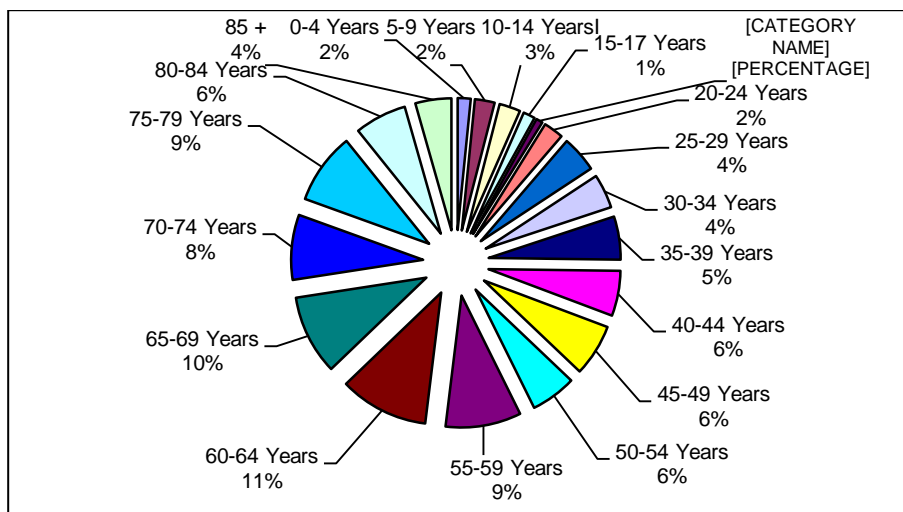
¹ National Authority for Persons with Disabilities

Table 2. Evolution of the number of adults with disabilities (2003-2017)

Year	Total population	Disabled (PH)	% population	Disabled non-institutionalized	Disabled institutionalized	% Disabled
2003	21.733.556	351.996	1,62%	332.294	19.702	5,60%
2004	21.673.320	369.419	1,70%	350.200	19.219	5,20%
2005	21.623.849	404.691	1,87%	386.960	17.731	4,38%
2006	21.584.365	432.933	2,01%	415.802	17.131	3,96%
2007	21.537.536	510.646	2,37%	493.910	16.736	3,28%
2008	21.528.627	571.952	2,66%	554.760	17.192	3,01%
2009	21.496.664	620.042	2,88%	602.951	17.091	2,76%
2010	21.431.298	628.393	2,93%	611.390	17.003	2,71%
2011	21.354.396	629.307	2,95%	612.160	17.147	2,72%
2012	20.254.866	636.310	3,14%	618.921	17.389	2,73%
2013	19.697.103	648.223	3,29%	631.112	17.111	2,64%
2014	19.942.642	678.110	3,40%	660.917	17.193	2,54%
2015	19.488.083	698.010	3,58%	680.340	17.670	2,53%
2016	19.638.309	786.546	3,91%	768.456	18.090	2,30%
2017	19.523.621	797.104	3,59%	779.066	18.038	2,26%

Data source: www.anpd.gov.ro and www.insse.ro

The share of people with disabilities by age groups (by 2015) is found in the Chart 2.

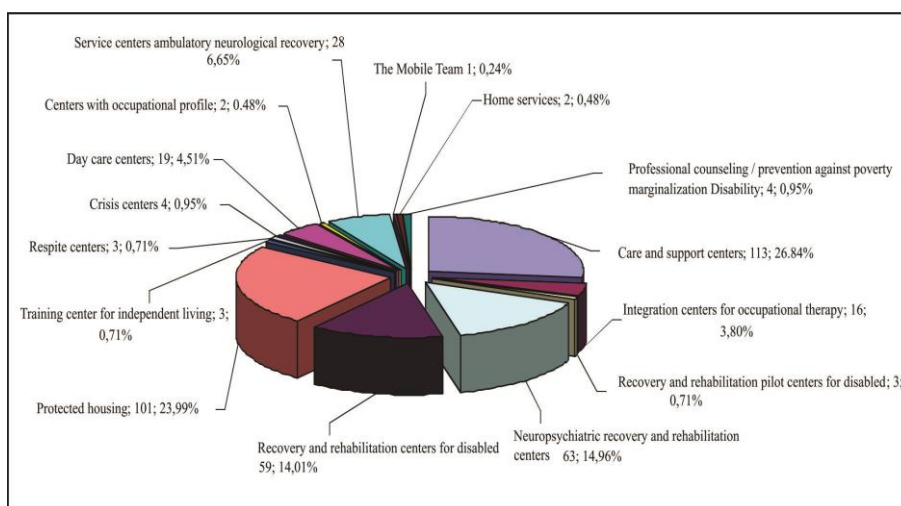
Chart 2. Share of persons with disabilities, by age group, 2015

Source: MMJS, ANPD Statistical Bulletin – September 30, 2015

The number of public institutions for social care for adults with disabilities on 2015 was 421 (compared to 399 on 30 September 2014), of which 365 residential (compared with 342 on 30 September 2014) and 56 non-residential – day care (compared with 59 on 30 September 2014). A third of residential institutions are centers of care and support,

with 6583 beneficiaries, so 37.23% of the total 17,682 persons in residential institutions. There are a significant number of beneficiaries in the 63 neuropsychiatric recovery and rehabilitation centers, 6,024 persons respectively. (MMJS, ANPD, 2015)

Chart 3: Public institutions social care for adults with disabilities residential and non-residential – under the coordination of Romanian Ministry of Labour and Social Justice by Disabled Persons Protection Directorate at September 30, 2015 (number and %)



Source: MMJS, Statistics, 2015

Individual program of rehabilitation and social integration is the document that stipulates the types of adequate social services disabled person. In accordance with the law¹, people with disabilities can receive social services provided at home, in the community or day centers and residential centers. The types of centers for the disabled are: centers of care and assistance centers, recovery and rehabilitation centers, integration through occupational therapy, training centers for independent living centers, respite / crisis centers, centers for community and training, protected housing. In 2015, the situation at national level, residential and day centers for adults with disabilities is as follows:

¹ Law no. 448 of 6 December 2006 on the Protection and Promotion of the Rights of Persons with Disabilities

Table 3. Public services for people with disabilities, the types and number of beneficiaries¹

Type	Type center	Number of center	Number of beneficiaries
Residential services	Crisis centers	4	13
	Care and Support Centers	109	6.469
	Integration centers through occupational therapy	17	885
	Recuperation and rehabilitation pilot centers for disabled	3	212
	Training centers for independent living	3	25
	Centres of neuropsychiatric recuperation and rehabilitation	56	5.370
	Recuperation and rehabilitation centers for disabled	58	3.250
	Respite centers	3	23
	Protected housing	90	761
	Total	343	17.008²
Non-Residential services	Psychosocial counselling center / vocational guidance	4	72
	Centers with occupational profile (type day-care center)	1	18
	Service centers by ambulatory neuromotor rehabilitation	29	1.242
	Day-care center	19	963
	Mobile team (home assistance)	1	0
	Services at home	2	43
	Total	56	2.338

Source: MMJS. (2015). Strategy Draft "A society without barriers for people with disabilities 2015-2020"

Data from Table 3 shows an imbalance between residential homes and day centers both in number and, especially, the number of beneficiaries. Disproportion contends that any institutionalization of more than 17,000 beneficiaries will not be covered by existing services in the community, which is already required, mainly institutionalized persons.

Another elementary aspect in the full integration of people with disabilities is the labour market inclusion. "Labour market participation of persons with disabilities is influenced by level of education, work experience and training and other variables such as age, marital status (married men and unmarried women having a higher level of employment), urban / rural or mobility to and from work. Accessibility to work, the attitude of employers or family members are potential determinants factors of employment and further research is necessary for their future." (Stănescu et al., 2013, p.16).

¹ National Strategy Draft "A society without barriers for people with disabilities" 2015-2020

² Information only refers at people receiving residential care in public structures. The difference of 662 disabled adults in residential centers are covered by private offer this kind of service.

Special Law 448/2006 stipulates three categories of forms for employment regarding persons with disabilities, namely: the free labour market, at home and in protected forms. If the free labour market is competitive market for all people, through employment at home, person with disabilities benefit from the employer of transport to and from the home of raw materials and necessary activity, as well as finished goods.

Employment disabled person in protected forms of employment is in a protected workplace or an authorized protected unit. Regarding barriers that arise in the way of labour market inclusion, WHO concludes that persons with disabilities are disadvantaged.

For example, their lack of access to education and training or financial resources may constitute grounds for exclusion from the labour market, but also other reasons could be the nature of the job and or the perception of employers about persons with disabilities. Social protection systems can create incentives for people with disabilities. In this regard, OMS suggests more research on the factors influencing labour market outcomes for people with disabilities.

The total number of disabled people employed in Romania (2015) was 31 691. On types of disabilities, the situation was: people with physical disabilities employed – 8417, somatic – 12,981, -3,462 auditory, visual – 2,680, mentally – 790, psychic – 1,186 associate – 1,575, deafblind – 21. A year earlier, in 2014, the number of persons with disabilities employed at national level to June 30 was 30,533. A review of the number of disabled persons employed, types of disabilities highlights the following: disabled people employed – 7881, somatic – 12,262, -3,441 auditory, visual – 2,924, mentally – 764, psychic – 1208 associated – 1492, HIV / AIDS – 327 rare diseases – 213 deafblind – 21. In June 2012 the percentage of people with disabilities employed adult in work over the total number of adults with disabilities was 13%. The value is significantly lower than the 58% overall employment rate of the working age population during the same period. (MMJS, 2015).

Nationally, the employment rate of disabled people is significantly lower compared to the general population. According to a study by the Institute for Public Policy (IPP) in 2013, only 4.6% of the 622 892 people were employed, while 622 892 were registered as disabled institutionalized. Table 4 illustrates the situation of people with disabilities employed by type of disabilities and regions in 2015.

Table 4. Disabled persons employees by type of deficiencies, by regions, on September 30, 2015

	Total disabled	Physical	Somatic	Auditive	Visual	Mental	Psychic	Associated	Deafness-blindness
TOTAL / Region	31.691	8.417	12.981	3.462	2.680	790	1.186	1.575	21
Nord-Est	2.934	801	1.065	412	280	70	106	116	0
Sud Est	3.165	884	1.164	322	325	51	63	283	14
Sud Muntenia	4.959	1.176	2.377	550	341	46	215	200	0
Sud Vest Oltenia	3.173	757	1.495	288	211	48	62	248	0
Vest	3.318	969	1.130	445	349	117	158	89	1
Nord Vest	4.798	1.570	1.859	480	371	136	165	169	0
Centru	4.238	1.249	1.628	449	302	225	118	199	2
București Ilfov	5.106	1.011	2.263	516	501	97	299	271	4

Source: MMJS, ANPD Statistical Bulletin – September 30, 2015 by the General Directorates for Social Work and county Child Protection and Bucharest sectors.

Most studies for people with disabilities conducted by several institutions Academic Society of Romania – 2013¹ and 2009²; Institute for Public Policy – 2011³ and 2012⁴; Association Alternativa 2003⁵; Agency Media Monitoring – 2010⁶, which addresses the issue of labour market integration of disable people, show that the main barriers to market access their labour are the mentality and attitude of employers and society in general, insufficient qualification of persons with disabilities, both educational and professional, professional integration by lack of support and lack of incentives for hiring persons with disabilities.

Under the Law 448/2006, there are a set of measures to stimulate companies to employ people with disabilities, particularly subsidized employment for these people. According to a survey conducted for MMJS in 2013⁷, a percent of 0.05% of total employment achievements programme of work of the NEA is implementing this type of active measure in 2011, compared to 0.06% in 2010. Incentives for employment of disabled persons stipulated in Law 448/2006 had an impact, but they are not sufficient given that employment of persons with disabilities increased but remained below 7%. (MMSJ, 2013).

¹ “Access to labour market reduced for people with disabilities”

² “Diagnosis: Excluded from the labour market, obstacles the employment of disabled people in Romania”

³ “Diagnosis on rural employment for people with disabilities”

⁴ “Deuce of a disabled person's chances of finding a job in Romania”

⁵ “Socio-professional integration possibilities youth with disabilities in Romania”

⁶ “Employment Policies for people with disabilities: results, directions, recommendations”

⁷ “Analysis relevance of measures and interventions support offered to disabled”

Inclusion of people with disabilities on labour market can be improved by better matching public strategies legislative changes in the field and identify mechanisms to surpass the barriers that affect their long-term competitiveness in the labour market (Stănescu et al., 2013).

In developing policies, programs and services for people with disabilities is necessary to consider the needs of general and specific (related to health services, education, welfare, in terms of economic and social security, to facilitate skills development, community integration) their data, so to be removed obstacles to full participation.

4. Conclusions and further measures to improve public policies on people with disabilities

Measures to improve public policies on people with disabilities, as derived from interviews conducted within the project “Inclusive for the Labour Market” and other research listed below, refer to accessibility, participation, equality, employment labour, retention, social protection and health services.

The perceptions of the institutional representatives on the vulnerable groups in Romania are quite diverse and comprehensive. On the one hand, they are included in the category of vulnerable groups, defined on the basis of ethnic criteria (e.g. Roma), based on age criteria, combined with occupational status (young people up to 25 years old integrated into the formal labour market or unemployed aged over 45), people with disabilities, women.

Persons with disabilities meet obstacles to full participation in all areas, i.e. to ensure equal access to the physical and service environment for other members of the society, there are not enough buildings to have their access ramps inside. These obstacles affect the quality of life of people with disabilities and contribute to lowering the standard of living, including the emergence of poverty. Although, at the theoretical level, the existing legislative framework – Law no. 448/2006 on the protection and promotion of the rights of people with disabilities – seems to contribute to the observance of the European norms regarding the accessibility of the public environment, as well as the equal access to quality services, in practice compliance with it is a precarious one.

At national level, the impact of existing facilities should be analysed, and the evaluation process should include participation of vulnerable groups. Local authorities should provide facilities to stimulate self-employment (by exempting from taxes or offering space to initiate a business).

According with the specifications of the study conducted for MMJS (2013)¹, most companies prefer to pay the amount stipulated by law at the expense of hiring disabled people. Employers use the provisions of Law 448/2006 and prefer alternative solutions not to hire disabled people:

¹ Relevance of Measures and Support Interventions for Disabled People

In line with another survey (IPP, 2011)¹ on employment in the private sector: “stipulation of the obligation to employ a minimum number of persons with disabilities in the private environment for companies with more than 50 employees, as evidenced by interviews with employers, the fulfilment of this obligation is difficult to achieve, partly due to the activity profiles that are very different from the public sector, but also because the private environment feels like this interference in their own management. Therefore, the solution of some incentives to hire a person with disabilities – both for the employee and for the employer – to replace the risk of sanctions currently in place, would probably be more appropriate than the one currently in place in the law.” (IPP, 2011, p. 12).

Regardless of how the hierarchy of vulnerability of the above-mentioned group categories is structured, most institutional representatives interviewed include people with disabilities as the most vulnerable. Their vulnerability is defined both in relation to the risk of social exclusion, many of whom are considered to be discriminated by the members of society and in relation to the risk of specific types of exclusion, such as exclusion from the labour market. In addition to the structural factors acting through exclusive mechanisms, institutional representatives believe that (in general) the attitude of public opinion and (in particular) the attitude of some key actors with which people with disabilities interact, such as teachers / educators and their potential or current employers, represents factors that sustain and amplify their social exclusion.

The attitude of society towards people with disabilities is considered to be a more hostile one, especially due to the lack of interest of civil society in properly informing the usefulness of people with disabilities „*The idea is that people with disabilities are vulnerable because society has a negative idea about them, which stems from the lack of interest of society for these people that can be useful in many aspects. The person with disabilities is not a person who can no longer be useful, the person with a disability can have a common condition that we can all have, and that does not prevent them from exerting their work.*“ (counsellor, DGASPC, Arges)²

In according with the specialists, is possible to talk about more or less obvious forms of discrimination. When it comes to the labour market, employers are dissuaded from people with disabilities, and at the same time the population has some reticence over them. “*Employers think that a disabled person does not have the same productivity and work capacity as a man without such deficiency. It is obvious that a person does not have a 100% work capacity, although it depends on the situation because a person with locomotory disability, for example, can perform a smooth office job. We should discuss differently, not to mention globally about people with disabilities, because these people can do certain activities.*” (representative of AJOFM, Arges)³.

About employment integration is possible to talk only in certain cases of disability, it is obvious that people with disabilities can be useful at work, but it is more difficult for them to fit into the current economic context. The issue of people with disabilities is

¹ Employment Diagnosis for People with Disabilities

² “Inclusive for the Labour Market” project.

³ Idem

considered to be treated only for reasons that are based on interest in the form of self-benefit and benefit by representatives of organizations for people with disabilities.

Regarding the solutions identified for the efficiency of the employment programs among people with disabilities, an integrated program that could accommodate the needs of people with disabilities is highlighted, with emphasis on the importance of a mediator of AJOFMs to mediate relations between employers and people with disabilities „*If we were to talk about solutions, I would talk about an integrated program, about leaving the needs of people with disabilities (if we are talking about people with disabilities), about a mediator function of AJOFM between employers and people with disabilities, and maybe permanent counselling during the job.*“ (Estuar Foundation representative, Bucharest)¹

In order to increase the efficacy of employment programs addressed to people belonging vulnerable groups, especially people with disabilities, cooperation between local institutions is very important. A first step in stimulating the integration of people with disabilities into work would be that those commissions that determine the degree disability of a person to be assessed should also consider setting out the types of lucrative activities that they can carry out. In this way, it would become clear in what kind of work the person with disabilities could later be employed.

In order to improve the situation of people with disabilities, two-dimensional interventions are necessary: 1) employers' awareness of the fact that vulnerable persons, despite their situation, may be active persons; 2) adjusting legislation by further stimulating firms to hire people from this category of people.

Legislation requires some adjustments and, beyond that, it is important that the regulatory provisions are better known to employers. There is a need for some legislative changes, the legislative framework being considered “bushy” but also “permissive” by some institutional representatives. Legislative changes should take into account and consider granting tax incentives to employers, as well as tax and tax relief for people with disabilities “*Legislative changes would be needed, but not restrictive provisions by which employers or forced to fit certain categories of population. Tax incentives can be an important incentive to increase employment.*” (AJOFM representative, Argeş)²

The analysis of interviews with institutional representatives revealed a typology of the factors that impede access to the labour market, which can be described by the following categories of factors:

- objective economic factors: the economic situation, which had the effect of shifting the supply of jobs;
- structural factors, related to the available job profiles, profile inconsistent with the demand for jobs from the disabled;
- subjective factors related to the lack of information of employers on the capacities of disabled people.

¹ Idem

² Idem

Lack of information and negative labelling of people with disabilities, and especially those institutionalized, either at present or at any given time, are factors that generate the rejection of people with disabilities.

It can be concluded that at national level there is a comprehensive legislative framework governing the situation and rights of people with disabilities, but applicability is one which can be perceived as being precarious. Laws need to be duplicated by administrative measures (reorganization or institution development), human resources training (involved in law enforcement) to help provide support tailored to the real needs of people with disabilities.

The development of the legislative framework must be achieved also by means of promoting and guaranteeing the rights and freedoms of people with disabilities to work – lack of discrimination in the selection, employment process, their maintenance and promotion in the workplace, the observance of the measures on labour protection, the prohibition of abuse of work and forced labour.

The social protection system has a fundamental role in creating incentives or counter-incentives for the employment of people with disabilities.

There is a considerable distance between “*theory*”- the legislative framework and the *actual practice*, the provision and development of programs and services for people with disabilities. The causes of this distance developed and preserved between the law and what is actually happening can be related both to the lack of a more effective promotion of the legislation in the area of people with disabilities and to the possible institutional, organizational, human and financial deficiencies. Legislation needs to be reassessed, complemented and revised at points where inefficiency or workability is recorded.

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