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## Article

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# Labor Market Integration of People with Disabilities According to Polish and Greek Legislation

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## Abstract

The paper presents the types of support available to employers who employ individuals with disabilities, as well as opportunities for the disabled to enter the labor market, start a business, and keep it running. The text is enriched with information about the labor rights of people with disabilities. A thorough examination of the legislation in force in Poland and Greece led us to numerous and interesting conclusions. Despite many seemingly attractive forms of support available to employers and people with disabilities, we note that the labor participation rate of people with disabilities is still much lower in Poland and Greece than in many other European countries. What is the main barrier to the activation of people with disabilities? Although the answer to this question is certainly multi-threaded, it seems justifiable to claim that the complexity of the legislation, a number of stipulations in the area of public aid, and possible new adverse amendments to labor laws effectively discourage employers from creating jobs for people with disabilities and they discourage people with disabilities from being economically activated.

**Keywords:** people with disabilities, support, employer, labor market, Poland, Greece

**JEL:** J14, J64, J71

## Introduction

People with disabilities of a productive age represent more than 14 percent of the population of the European Union, of which more than 50 percent are economically active people (BAEL 2019). In 2018, there were almost 2.9 million people with disabilities over 18 years of age in Poland. This means that according to the results of the quarterly Representative Survey of the Economic Activity of Population (BAEL), 10.3 percent of the Polish population of working age amounts to almost 2 million people. If we consider the fact that, for example, only one in four people with disabilities was economically active in Poland, and every third person in this group was employed, then the situation is extremely grave. Although there has been a visible systematic increase in both labor market participation and employment rates for people with disabilities since 2010, there is a gap between the results achieved in Poland and most European countries (Kobus-Ostrowska 2011, pp. 235–253). In Greece, according to the Global Activity Limitation Index (GALI), only 24.20 percent of individuals with severe limitations/disability are employed in comparison to 57.60 percent of the typical population (Hellenic Statistical Authority 2018). The gap between the employment rates of people with severe limitations/disability and people with no limitation is worth noting, at 33.4 percent. Respectively, 38.8 percent of individuals with severe limitations/disability are unemployed in comparison with 24.6 percent of the typical population (National Confederation of Disabled People 2018).

The situation is all the more interesting for the researcher, as the rights of people with disabilities to live a decent life and work are guaranteed in a number of documents of national as well as international law. What are the real opportunities to put the law into practice? This paper presents the possibility of activating people with disabilities in Poland and Greece, separately and narratively described for each country, considering the following aspects: (i) Support for employers of people with disabilities; (ii) The labor rights of people with disabilities; (iii) Support for individuals with disabilities entering and re-entering the labor market.

## Support for employers that hire people with disabilities in Poland and Greece

In Poland, employers hiring people with disabilities have the right to:

1. Wage subsidies for people with disabilities (Article 26 a-c of the Rehabilitation Act).
2. The reimbursement of the costs of adjusting and adapting existing workstations for people with disabilities (Article 26 of the Rehabilitation Act).
3. The reimbursement of expenses incurred by employers on workplace equipment (Article 26 e of the Rehabilitation Act).
4. The reimbursement of the cost of training employees with disabilities (Article 41 of the Rehabilitation Act).

5. The reimbursement of the cost of hiring an employee who assists an employee with a disability at work (Article 26 d of the Rehabilitation Act).

In addition, employers can create so-called supported employment enterprises, and in consultation with the third sector, also vocational rehabilitation facilities. If employers hire at least six percent of employees with disabilities, they are exempt from the contribution to the State Fund for the Rehabilitation of People with Disabilities (PFRON). All currently available forms of assistance for employers of people with disabilities in Poland are presented below.

Employers who hire people with disabilities are entitled to a subsidy every month from the PFRON funds to the wages of employees with disabilities who are employed under an employment contract, (Art. 26 a-c of the Rehabilitation Act), regardless of whether the employer operates in the open market or in a supported employment enterprise (Journal of Laws of 2011, No. 127, Item 721). The subsidy is granted if an employee has been included in the register of employed people with disabilities maintained by the Fund, as observed by Karpińska & Madej et al. (2010). Additionally, people with disabilities performing outwork, and this work is their only source of income (after presenting by these people a decision on the degree of disability), are also entitled to this form of support.

Among the entities eligible for assistance, the following are mentioned: (i) employers with fewer than 25 employees (converted into full-time work), (ii) employers with at least 25 employees (converted into full-time work), with the total employment rate of people with disabilities of at least 6%, (iii) employers running supported employment enterprises. Unfortunately, the following employers are not eligible for monthly wage subsidies (Journal of Laws No. 8, Item 43): (i) those who finance employee wages from public funds; (ii) those who have outstanding amounts due to the PFRON exceeding the amount of PLN 100; (iii) those who employ at least 25 employees (converted into full-time work), and the employment rate of people with disabilities is less than 6%.

Another form of support for employers is the reimbursement of the cost of adjusting and adapting existing workstations for people with disabilities by the PFRON (Journal of Laws No. 62, Item 316, 2011) assuming that the employer hires a person with a disability for at least 36 months. The costs may be reimbursed if an employer has: (i) adapted premises to meet the needs of people with disabilities or adapted new or existing workstations to their needs; (ii) adapted or acquired equipment to help a person with a disability perform a job or function in the workplace; (iii) purchased or authorized software to be used by employees with disabilities or/and purchased supporting technological equipment or adapted them to their needs; (iv) engaged professionals in the field of medicine to recognize the needs of jobs for people with disabilities.

The maximum amount of aid for adapting one workstation is twenty times the average salary for each work station adapted for a person with a disability (Journal of Laws of 2011, No. 62, Item 316).

Reimbursement applies to people with disabilities who (Official Journal of the European Union L 214 of August 9, 2008): (i) are unemployed and looking for work, and

sent to work by the district labor office; (ii) remain in employment with the employer applying for reimbursement if the disability of those people occurred during employment with the employer (with the exception of when the disability resulted from a breach of applicable labor laws by an employee or employer).

In addition to the above-mentioned forms of support, the employer has the right to apply for the reimbursement of costs incurred for workstation equipment (according to Art. 26 e of the Rehabilitation Act) on different principles than those mentioned above. The employer must have been operational for at least 12 months. The maximum amount of financial assistance from the PFRON must not exceed fifteen times the average wage. At the same time, the employer agrees that a person with a disability for whom he or she obtains reimbursement of workstation equipment costs shall be employed in the designated position for at least 36 months.

Another form of assistance is the reimbursement of the cost of training employees with disabilities. For this kind of assistance, an employer who employs people with disabilities and organizes training for them may apply in accordance with Art. 41 of the Rehabilitation Act. (Journal of Laws No. 57, Item 472). However, an employer may only apply for a partial refund of the cost of training an employee with a disability from the State Fund for Rehabilitation of People with Disabilities. The amount of the refund is up to 80% of the cost incurred. The refund provides the following costs incurred by the employer (Journal of Laws No. 226, Item 1475): (i) salaries and travel expenses of the training staff and trainees; (ii) the cost of a guide or guardian of an employed disabled person with a severe disability; (iii) accommodation costs of the training staff and trainees, and a sign language interpreter or reader for the visual impairment; (iv) remuneration of a sign language interpreter or reader for the visual impairment, or a guardian of an employed person classified as having a severe disability; (v) the cost of consulting services related to the training; (vi) the costs of administration and office services; (vii) the depreciation of tools and equipment to the extent that they are used for the training, with the exception of tools and equipment purchased under public support during the seven years prior to the implementation of the training; (viii) the costs of training materials.

One question remains to be considered, namely the refund amount and the type of training. And thus, the refund cannot exceed:

- 1) 55% of training costs eligible for aid for specific training, and 80% of training costs eligible for aid for general training – for small-sized enterprises,
- 2) 45% of training costs eligible for aid for specific training, and 80% of training costs eligible for aid for general training – for medium-sized enterprises,
- 3) 35% of training costs eligible for aid for specific training, and 70% of training costs eligible for aid for general training – for large enterprises.

An important innovation is the reimbursement of the cost of employing an employee who helps the employee with a disability at work (Article 26d of the Rehabilitation Act). An employer who employs an employee with a disability may receive a reimbursement from the PFRON of the monthly costs of employing staff to assist the employee

with a disability at work in the range of activities which facilitate communication with the working environment, and in doing things that are impossible or difficult for employees with a disability to do individually in their workplace (Barczyński 2008, p. 18). The method of determining the reimbursement is interesting. The amount is calculated by dividing the number of hours devoted to helping people with disabilities by the number of hours people with disabilities work in the month and multiplying the result by the amount of the minimum wage. The number of hours spent by the employee on helping the disabled worker may not exceed 20% of the number of hours the employee works in a month. What is more, the rules do not prohibit a person with a disability from being the employee who helps a disabled worker (Journal of Laws 2011, No. 62, Item 316). As in the previously examined forms of assistance, it is the governor who reimburses the cost under the terms and conditions, and the amount specified in the agreement concluded with the employer, except that the costs incurred by the employer prior to signing the contract shall not be reimbursed.

In Poland, employers have the opportunity to create also a supported employment enterprise or vocational rehabilitation facility (Barczyński 2008, p. 16–17). Specific types of relief and exemptions are provided for each of these forms. Thus, for example, the Supported Employment Enterprise is an employer to whom the governor has granted the status of Supported Employment Enterprise in the form of an administrative decision and who: (i) has run the business for a period of at least 12 months; (ii) employs at least 25 employees (converted into full-time work); (iii) for a minimum period of six months has achieved the employment rate of people with disabilities in the amount of:

1. at least 50%, of which at least 20% of all employed people must be classified as with severe or moderate disability,
2. at least 30% if the employer employs people with visual impairments or mental illness with a severe or moderate degree of disability.

The vocational rehabilitation facilities are an attractive form of vocational activity. Each of them is an organisationally and financially separate entity created for the purpose of employing people with disabilities who are classified as significantly and moderately disabled. The facilities may be established by the municipality, a foundation, an association, or another community-based organization whose statutory mission is the vocational and social rehabilitation of people with disabilities.

To receive the status of a vocational rehabilitation facility, one should ensure that at least 70% of employees are people with disabilities (employment in vocational rehabilitation facilities is determined by the number of people), in particular, those referred to work by the local labor offices, such as people classified as moderately or severely disabled, diagnosed with autism, mental retardation or mental illness. It also including those people whom the program committee of occupational therapy workshops decided could take up employment and continue their vocational rehabilitation. However, the employment of people with a moderate disability cannot be higher than 35% of total employment.

Another form of assistance available for businesses is an exemption from contributions to the PFRON. Eligible are those who employ at least 25 employees in full-time employment when they employ people with disabilities with diseases that especially hinder the performance of work: Parkinson's disease, multiple sclerosis, severe visual impairment (blindness) and amblyopia, deafness, epilepsy, mental retardation, and late complications of diabetes.

The following entities are also exempted from contributions to the PFRON (Journal of Laws No. 226, Item 1475): (i) employers with an employment rate of people with disabilities higher than 6%; (ii) state and local government agencies that are budgetary units, budgetary establishments or auxiliary enterprises, cultural institutions and agencies statutorily engaged in the protection of cultural properties which are considered heritage monuments with an employment rate of people with disabilities higher than 6%; (iii) public and private non-profit agencies for which the sole object of business is social and health rehabilitation, education of people with disabilities or caring for people with disabilities; (iv) government and non-government universities, vocational universities, public and private schools, teacher training facilities, and correctional and resocialization institutions with an employment rate of people with disabilities higher than 2%; (v) employers in businesses that are in liquidation or bankruptcy.

In Greece, in an effort to encourage and facilitate employers in the employment of people with disabilities, the following are regulated.

Enterprises or entities of the broader public sector that will employ people with disabilities may be subsidized by the Labor Force Employment Agency (OAED):

- i) for part of the compensation paid to people with disabilities,
- ii) for part of the expense for the ergonomic configuration of their workspaces.

Provisions i) and ii) above are activated through the Labor Force's Employment Agency Special Program to support employers, with a grant that is equal to employers' social security contributions for the hiring of 2,000 unemployed Persons with Disabilities, Persons Recovered from Substance Addiction, Former Inmates, Juvenile Delinquents, or Juveniles at Social Risk, and a program subsidizing 50 Positions of Ergonomic Configuration of workspace for people with disabilities (Joint Ministerial Decision of the Ministers of Social Security and Social Solidarity and Finance, N. 38839/838/22.08.2017, OGG B'2963). The goal of the program is to create new work positions by subsidizing 70% of the salary costs and non-salary costs (up to EUR 700 per month for full-time workers and up to EUR 350 per month for part-time workers), corresponding to the sum of social security contributions, as an incentive for hiring 2,000 unemployed people from socially vulnerable groups. Fifty (50) of the above beneficiaries who will be accepted into the program for the creation of new work positions may be subsidized by the OAED at a rate of 90% for the cost of each ergonomic configuration of a workspace (adapted supportive technological installations, workspace adaptation, special equipment, acquisition of equipment for people with disabilities, etc.), up to the amount of two thousand five hundred (2,500) euros for each position.



The new Program that is running is addressed to private enterprises, partnerships, professional unions, non-profit civil law partnerships, social co-ops, joint ventures, and generally employers in the private sector and some in the broader public sector who have expressed an interest in being included in the program. The duration of the subsidy is twelve (12) months with the potential for extension for another 12 months and then again for another 12 months. After the termination of the subsidy, the enterprises must retain the employees for an additional period that varies according to the duration of the subsidy, from three (3) to nine (9) months.

Enterprises or entities of the broader public sector and people who display a marked interest in employing protected people under this law and in providing protection beyond what is stipulated by the law may be awarded appreciation, commendation and monetary prizes as moral rewards (L. 2643/1998). This specific provision of L. 2643/1998 remains inactive to this day.

The OAED may pay part or all of the expense required for their vocational training of people with disabilities referred by their employers in particular, for those people who companies would like to have trained in particular specialization (L. 2643/1998). Currently, there are no vocational training programs implemented for people with disabilities. Vocational training programs are being implemented by the OAED within the framework of the Account for Employment and Vocational Training (LAEK), but they pertain to all employed people, and not specifically to people with disabilities.

For people with disabilities, the OAED operates vocational training programs that are provided through special educational structures called Vocational Training Centers for People with Disabilities. There are two centers in which the responsible body is the OAED, the Standard Industrial Unit OAED Lakkias and the School of Vocational Training of People with Disabilities, and they are located in Greece's two largest urban centers, in Thessaloniki and Athens, respectively (Labor Force Employment Agency, 2018). The goal of the Standard Industrial Unit of Lakkias is the vocational training of adolescents with disabilities, mainly with mental disorders. The duration of the programs is three to four years. The goal of the School of Vocational Training of People with Disabilities is the training of adults with disabilities. The duration of the programs is two years.

Vocational training programs are also offered through secondary education vocational training structures – the Vocational Upper Secondary Schools and the Special Vocational Education and Training Workshops (L. 4415/2016, OGG A' 159). According to article 48, par. 4 of L. 4415/2016, the Vocational Upper Secondary Schools comprise classes A, B, C and G, and classes A, B, C as well. Pupils with disabilities and special educational needs who are enrolled, benefit from the academic and vocational training programs of the particular structure. The Special Vocational Education and Training Workshops are 6-year secondary education school units aimed at graduates of elementary or general education primary schools, up to the age of 16, with difficulties in taking part in the high school academic program and who have disabilities and/or special educational needs.



Additionally, vocational training programs are offered through Social Welfare Centers (L. 4109/2013, OGG A' 16), Physical Medicine and Rehabilitation Centers (L. 4025/2011, OGG A'228), centers for the support of the disabled (L. 3730/2008, OGG A' 262) that are state social care units, and welfare societies, charities, non-governmental organizations, social organizations, and welfare structures (L. 2345/1995, OGG A' 213) that are founded on private initiative.

## **The rights of employees/workers with disabilities in Poland and Greece**

In Poland, the rights of people with disabilities are also guaranteed by the Constitution of April 2, 1997, (Journal of Laws No. 78, Item 483, as amended). It provides that no one shall be discriminated against in life or economically for any reason (Art. 32 point 2; accessed: 27.08.2018). In addition, the Act requires public authorities to ensure opportunities to prepare for work and social communication (Art. 69). Therefore, the rules in the field of labor law give special rights to people with disabilities. These people were granted various privileges, such as a shorter working day, a longer period of leave, lunch breaks, participation in rehabilitation or release from work to have specialized medical examinations. Employee rights for people with disabilities are governed by the Act of August 27, 1997, on social and vocational rehabilitation and the employment of people with disabilities, as well as by a number of implementing regulations to this Act (Journal of Laws of 2011, No. 127, Item 721; Journal of Laws of 2012, Item 986). It is worth noting that a person with a disability is entitled to all the rights under the Act from the date of commencing employment with the employer (Bereda-Łabędź 2002). For example, the working time of a person with a disability must not exceed eight hours a day and 40 hours per week. However, if a person with a disability been ruled to have a considerable or moderate degree of disability, the working time of this person may not exceed seven hours a day and 35 hours per week. This solution is guaranteed in two acts: Journal of Laws of 2011, No. 127, Item 721, and Journal of Laws of 1997 No. 78, Item 483. However, the use of this privilege does not happen automatically; it can only take place when the doctor in charge of the disabled individual issues a certificate indicating the advisability of applying shortened working time rules. In this context, it is worth noting that a person with a disability cannot be employed in night work and overtime. Pursuant to the provisions of Article 134 of the Labor Code, all employees who work at least six hours per day are entitled to a rest period, lasting at least 15 minutes. A person with a disability, regardless of the actual working hours, is entitled to an additional 15 minutes break in work. The time of these two breaks is also included as working time. A person with a severe or moderate degree of disability is also entitled to additional annual leave of ten working days per calendar year. The disabled employee acquires the right to the annual leave after working for one year. In addition, such people are entitled to an exemption from work for 21

working days in order to participate in rehabilitation, but only once a year. This does not mean that the disabled employee can use both the leave provided for rehabilitation and ten additional days of annual leave. In this case, the length of the leave (except for basic leave) shall not exceed 21 working days, as observed by Klimkiewicz (2011).

It is also worth noting that a person with a significant or moderate degree of disability is entitled to time off work in order to have a specialized medical examination or undergo therapeutic treatment, or in order to acquire orthopedic equipment when such matters cannot be done out of working hours. The employer of a person, who as a result of a workplace accident or occupational disease has lost the ability to work at the current workplace, is obliged to arrange a suitable work station not later than three months from the date that the person reports their availability for work. The exception is when it was demonstrated that the sole cause of the accident was a breach of health and safety regulations caused by the fault of the employee or due to the reported intoxication of the employee at the time of the accident.

In Greece, in Article 21, paragraph 6 of the Constitution (The Constitution of 1975, as revised by the Parliamentary Resolution of 27 May 2008) states that: "Persons with disabilities have the right to enjoy measures that guarantee their autonomy, integration, and participation in the social, economic and political life of the country." The emphasis in this article is on creating conditions to secure all the constitutionally guaranteed rights enjoyed by other citizens for people with disabilities, as mentioned by Koukiadis (2005). Additionally, in Article 22, paragraph 1 of the Constitution it is stipulated that: "*Work is a right and is protected by the State, which seeks to create conditions for the employment of all citizens and for the moral and material exaltation of the working ...population. All workers, regardless of gender or other discrimination, are entitled to equal pay for work of equal value.*" Based on Article 22, paragraph 1, the Constitution establishes the social right to work, which is ensured by both positive work and restrictive or prohibitive regulations, such as the prohibition of minors' work (Chrysanthakis 2007, pp. 167–275).

In accordance with the general constitutional guidelines for the social and vocational integration of people with disabilities, there are a number of privileges guaranteed for employees in the public and broader public sector. According to articles 50 and 53 of the 'State Code of Statement of Public Policies for Administrative Servants and Employees' (Law 3528/2007, Government Gazette A'26) and of article 27 of Law 4305/2014 (OGG A'237) there are special benefits for employees with disabilities that differ on the basis of whether the person who is entitled to the right is an employee with a disability, an employee with a husband/spouse with a disability, or an employee who is a parent of a person with a disability. In particular, an employee with a disability may be entitled to: (i) special leave with pay of up to twenty-two (22) business days a year; (ii) leave with pay of six (6) working days in addition to their regular leave each year; (iii) reduction of working hours by one (1) hour to two (2) hours per day; (iv) if he/she is a parent, ten (10) months of parental leave or part-time leave of one (1) hour if he/she has children aged from two (2) to four-and-a-half (4.5). An employ-

ee who has a husband or spouse with a disability may be entitled to: (i) special leave with pay of up to twenty-two (22) business days a year; (ii) a reduction of working hours by one (1) hour per day.

An employee who is the parent of a child with a disability may be entitled to: (i) special leave with pay of up to twenty-two (22) business days a year; (ii) a reduction of working hours by one (1) hour per day.

## Support for people with disabilities entering and re-entering the labor market in Poland and Greece

Currently, special protection **in Poland** is granted to people with disabilities who want to return to the labor market. The relevant legislation is included in the Act of August 27, 1997, on the vocational and social rehabilitation and employment of people with disabilities (Journal of Laws of 2008, No. 14, Item 72 as amended). These provisions relate to the possibility of people with disabilities obtaining financial assistance in order to start and run a business. Thus, a person with a disability can raise funds: (i) to start a business; (ii) for a cash contribution required to open a social cooperative; (iii) to subsidize interest on loans taken out for business purposes; (iv) to reimburse social security contributions.

In addition, the unemployed or those seeking employment are granted support under the instruments of the labor market (as defined by Art. 11 of the Rehabilitation Act).

The first form of assistance is a grant from the PFRON to start one's own business. It is available for people with disabilities if they have not benefited from public funds before. Only people who are registered with the employment office as unemployed or seeking work can apply for this grant. The grant is also available to people with disabilities who have completed a series of training sessions and prepared a business plan approved by a group of specialists. Applications must be submitted to the governor of the place of residence of the potential entrepreneur. The amount of the grant may not exceed fifteen times the average wage. People with disabilities can use this form of assistance if they have not previously received non-repayable public funds for this purpose. One should keep in mind that a business can only be registered after the grant to start a business has been granted; otherwise, the grant will have to be repaid.

The second form of assistance to people with disabilities are loans taken out to continue a business or run one's own or leased farm (Article 13 of the Rehabilitation Act). Applicants may apply for grants of up to 50% of the interest on the bank loan taken out to continue operation. Applications must be submitted to the County Family Support Center. This support can be obtained by people who already run businesses or own or lease farms if they have not: (i) used the funds to start businesses, or such loans have already been repaid; (ii) received non-repayable funds for starting a business or farm, or conducted this activity for at least 24 months from the date of the receipt of the aid for this purpose.

Financial assistance may be granted only after the relevant agreement has been concluded. Unfortunately, this type of assistance may not be used by people who have already benefited from a PFRON loan or raised funds from the labor office to start a business and cannot be granted to people whose loans were fully redeemed or repaid.

The third form of support for entrepreneurs with disabilities is a refund of contributions paid to social security. Over the last 12 months, the amount of funding has been significantly reduced; however, this form of assistance is still available to all entrepreneurs with disabilities who apply to the PFRON for the reimbursement of a contribution by the last day of the month in which the time for the payment of social security contributions elapsed (Kobus-Ostrowska 2013, pp. 99–112). A person with disability submits to the PFRON an application for a refund of social security contributions for this month. For people with disabilities who run businesses, the Fund will pay their obligatory retirement and pension insurance contributions in the amount corresponding to the contribution base set out in Art. 18, paragraph 8, and Art. 18a of the Act of October 13, 1998, on the system of social security (Journal Laws of 2007, No. 11, Item 74, as amended).

The fourth and last form of support is for people with disabilities who are unemployed or who are seeking employment with the available services or instruments of the labor market (Article 11 of the Rehabilitation Act). As in previous years, training, internships, intervention work, and professional training in the workplace are financed by the PFRON through county labor offices, as observed by Paszkowicz, Ochonczenko, & Pietrulewicz (2008).

**In Greece**, a large number of statutes exist for the integration of people with disabilities into the labor market. However, a comprehensive response to the issue of the integration of people with disabilities into the labor market appears in Law 2643/1998 (OGG A 220), “Consideration for the employment of people in special categories,” which constitutes the main law on issues for the professional integration of people with disabilities in the labor market. The protection afforded by L. 2643/1998 rests on the establishment of a legal framework regarding the mandatory nature of occupational integration for special categories of protected people, among which are people with disabilities in the public, broader public and private sectors, as well as to their continued protection during their working life, which is achieved through their equation with other employees, the restriction and control of reasons for their dismissal, and the regulation of specific issues, such as the ergonomic configuration of their workspace.

In particular, the subject of protection of L. 2643/1998 are categories of people for whom specific provisions are required in order to achieve their smooth occupational integration, and who are characterized as “protected people.” One of the categories of “protected people” is people with a percentage of disability of at least 50%, who have limited potential for professional occupation due to any chronic physical or mental condition or impairment.

Based on the above law, entities of both the private and the broader public sectors, as well as public services, Public Law Legal Persons and Local Government Authori-

ties, are obligated to hire people with disabilities up to a specific percentage (under the so-called mandatory employment contract). Specifically, in regards to the private sector, Greek or foreign enterprises that operate in Greece in any corporate form, as well as their subsidiaries, are required to hire people with disabilities at a rate of 2% of the company's entire workforce, provided, of course, that they meet the requirements specified by law, i.e. that they employ more than 50 people and do not have negative balance sheets (losses) for the last two financial years immediately preceding the notice year. Entities in the broader public sector are required to hire people with disabilities at a corresponding rate of 3%. In addition to the above-mentioned rates, all entities of the broader public sector are required to hire people with disabilities as attorneys at a rate of 2% of the total number of attorneys employed by their legal departments (article 2, par. 6 of L. 2643/1998). Furthermore, entities of the broader public sector, public utilities, and banks are required to hire: a) for 80% of the vacant positions in their call centers, blind people with degrees from the blind telephone operator vocational schools (article 2, par. 5, case a) of L. 2643/1998); b) for one fifth (1/5) of the vacant positions for clerks/ushers, night watchmen, cleaners, janitors, gardeners and waiters, people from all the protected categories of L. 2643/1998, among which are included people with disabilities, provided they reside in the region where they are hired and are capable of executing the job assigned to them. In regards to the narrow public sector, public services, Public Law Legal Persons, and Local Government Authorities are required to appoint or hire protected people, without competition or selection processes, for specific positions that correspond to 5% of the total vacancy notices for each entity. The number of positions that corresponds to the above percentage is allocated to the category of disabled people at a rate of three eighths (3/8), with priority over other protected categories. In addition to the above people, the narrow public sector is also required to hire the people that the broader public sector is required to hire, i.e., blind people with degrees from the blind telephone operator vocational schools for 80% of the vacant positions in each entity's call center, and here, too, one fifth (1/5) of vacant positions for clerks/ushers, night watchmen, cleaners, janitors, gardeners, and waiters are allocated to protected categories.

The employment contract for these mandatorily placed people is of indefinite duration, as is inferred from the purpose of L. 2643/1998, which is to secure lasting and long-term gainful employment for specially protected people. In particular, people with disabilities are placed as attorneys, office employees, or labor technicians, depending on each person's qualifications and the composition of the personnel employed by the business, operation, or entity. Subsequently, depending on their qualifications, the people placed are fully equated with all other personnel, regarding the terms of their employment, compensation, promotion, and overall working conditions.

The scope of L. 2643/1998 was expanded through article 11 of Law 3227/2004 (OGG A' 31), and modified with article 56 of Law 4186/2013 (OGG A' 193). In particular, the scope of L. 2643/1998, which pertains to employment contracts of indefinite duration, is expanded with article 11 of L. 3227/2004. It stipulates that people with disabilities

who are either hired under private-law employment contracts of limited duration for part-time employment, or who have been placed in work positions based on the OAED program and are on subsidized limited-time engagements, whom their employer wishes to continue to employ after the expiration of their contract or the termination of the program, are considered to have been placed pursuant to L. 2643/1998. Consequently, it is clear that with the provision of article 11 of L. 3227/2004, it is easier for employers to continue employing PWD who have been successfully trained at their business and have proven that they can be productive. Meanwhile, legislation aims to facilitate the quasi-automatic conversion of limited-duration contracts into ones of indefinite duration, provided that the employer has expressed their explicit will for the continuation of such contracts. That is, the protection of L. 2643/1998 is expanded to include the continued employment of PWD after they have been hired for a limited time. It is, in essence, completely equating such people with those who were hired from the start pursuant to the provisions of 2643/1998. It is plausible that an employer will look on all PWD employed through a program favorably, so there will also be positions available for the mandatory hiring of PWD in order to cover the legally required percentage under the provisions of L. 2643/1998.

In the same context as the previous law lies Law 4440/2016 (OGG A' 224), according to which 10% of people hired in the public and broader public sectors should be people with a percentage of disability of at least 50%. Currently, there are no subsidy programs by the OAED or by the Ministry of Development for young entrepreneurs with or without disabilities to start a business on their own. The only motivation for people with disabilities to enter the free labor market is given by L.4430/2016 (OGG A'31). According to that regulation, people with disabilities and from other vulnerable groups can be founding members or employees in social, cooperative societies. These are societies with specific advantages, such as access to funding from the Social Economy Fund and the National Entrepreneurship and Development Fund (Article 14).

## Conclusions

The distinguishing feature of the systems for the vocational integration of people with disabilities in Poland and Greece is the multitude of forms of support available. It would seem that, in Poland, the variety of forms of assistance for employers who want to hire people with disabilities, as well as for people with disabilities themselves, is so attractive that it would motivate employers to create new jobs for people with disabilities and people with disabilities to work. However, the employment rates in Poland are still very low in comparison to other European countries. The main reason for that conclusion probably lies in the fact that the recent economic crisis has affected Central and Eastern European Countries more dramatically in comparison to other European Countries, like Western ones (Mussida & Sciulli 2016). Unfortunately, the present situation is particularly difficult because the law does not work due to the



all-encompassing crisis. Businesses create jobs for people with disabilities in the protected market rather than in the open market. This situation is very difficult for policymakers. On the one hand, the existing procedures must be simplified, and on the other, employers must be sure that the provisions of the law will not change against them in the future. In Greece, it is obvious that the state emphasizes to employers the mandatory vocational integration of people with disabilities. There is a lack of active policy measures to actually motivate employers to hire people with disabilities; the same is true when it comes to motivating people with disabilities to get involved. Greece is one of the countries where the economic crisis has greatly worsened the employment rates of people with disabilities (Grammenos 2013). High unemployment rates affect the labor force and lead to fewer chances for people with disabilities to get a job. Additionally, it is noteworthy that, in Greece, there is a high percentage of people with disabilities living at risk of poverty and social exclusion (Grammenos 2013). Both in Poland and Greece, it is necessary to change the mentality of potential employers so that they could see an efficient worker in someone with a disability.

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## Streszczenie

### Osoba z niepełnosprawnością w kontekście prawodawstwa w Polsce i Grecji

W artykule przedstawiono rodzaje wsparcia dostępne dla pracodawców zatrudniających osoby niepełnosprawne, a także możliwości wejścia na rynek pracy, założenia firmy i utrzymania jej. Tekst został wzbogacony o porównanie praw pracowniczych osób niepełnosprawnych w analizowanych krajach. Dokładne zbadanie ustawodawstwa obowiązującego w Polsce i Grecji doprowadziło nas do licznych i interesujących wniosków. I tak, pomimo wielu pozornie atrakcyjnych form wsparcia dla pracodawców i osób niepełnosprawnych dostępnych, wciąż zauważamy, że wskaźnik aktywności zawodowej osób niepełnosprawnych jest znacznie niższy w Polsce i Grecji niż w wielu innych krajach europejskich. Jaka jest główna bariera dla aktywizacji osób niepełnosprawnych? “Chociaż odpowiedź na to pytanie jest z pewnością wielowątkowa, wydaje się uzasadnione twierdzenie, że złożoność prawodawstwa, szereg postanowień w dziedzinie pomocy publicznej i ewentualne nowe niekorzystne zmiany w prawie pracy skutecznie zniechęcają pracodawców do tworzenia miejsc pracy dla ludzi z niepełnosprawnościami.

**Słowa kluczowe:** osoby z niepełnosprawnościami, wsparcie, pracodawca, rynek pracy, Polska, Grecja