



Children and Youth Development Fund

The Institutional Environment for Young PWD: Employment and Employability Support in Georgia

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SUPPORT OF SOCIAL INCLUSION OF YOUTH WITH DISABILITIES IN
GEORGIA— funded by the CzDA

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Acronyms

CIA -Central Intelligence Agency

CYDF- Children and Youth Development Fund

CYNC – Children and Youth National Center

IDFI - Institute for Development of Freedom of Information

IFES – International Foundation for Electoral Systems

ILI- Institute of Independent Living

ILO – International Labour Organization

LHG - Legislative Herald of Georgia

MES – Minister of Education and Science of Georgia

MoLHSA – Minister of Labour, Health and Social Affairs of Georgia

PSEN – Person(s) with special educational need

PWD – Person(s) with Disabilities

TDI - The Diversity Institute

WISE- Work Integration Social Enterprise

Synopsis

The present work identifies and describes the country's norms that aim to increase employment opportunities for young people with disabilities. It's important for the Children and Youth Development Fund (CYDF) to appropriately inform its beneficiary youth organizations about the laws, policies, programmes and services that contribute to the employability of persons with disabilities and to the creation of jobs.

In 2014 the Children and Youth Development Fund decided to implement a pilot programme promoting employment for young people with disabilities carried out through the international project – **Support for the Social Integration of Youth with Disabilities** implemented by People in Need, the Georgian Association of Social Workers and CYDF, with funding from the Czech Development Agency. One of the first problems to be addressed was the fund's beneficiary organizations' perception of their own role in developing PWD employment models, such as Supported Employment (SE) and Work Integration social Enterprises (WISE).

The Fund's approach to this problem was a situational analysis of the environment of its beneficiary youth organizations, including where they plan and implement the pilot projects. This analysis was based on qualitative research and is descriptive, however it provided a comparative analysis to better understand the situation in Georgia compared to European policies and practices.

Six focus group discussions and 16 interviews with stakeholders and experts working in the field were carried out throughout the study. Secondary sources of information (38) were also studied. The research revealed specific features of existing legislation, policies, programmes and services, highlighting those that are perceived as weaknesses in light of European practices and international norms. The study should allow the fund's beneficiary civil organizations, as well as its governmental and non-governmental partners, to increase the relevance of their future steps, considering the existing reality.

Keywords

Supported Employment, Social Enterprise, PWD, Employment Policy, Employment Consultant, PWD, Sheltered Employment, Employment System, Discrimination, Rights, Work Integration, Vocational Education and Training, Inclusion, Social Integration

Introduction

PWD's employment is an important step towards their social integration. This is crucially important for youth who, even when they don't have any disability, still experience difficulties in realizing their potential. Compared to other groups of population, their employment rates are lower everywhere, not only in Georgia. They are just beginning to accumulate work experience and new skills, when their situation is complicated even more, with disability status, their employability is accordingly reduced, which is reflected in their employment rates. Society can support their employment and social integration and the role of civil society organizations is crucial. On the other hand, in order to play this role effectively, youth with disabilities need to learn about the institutional environment supporting employment, and attempt to contribute to its improvement.

Therefore, the Children and Youth Development Fund decided to carry out a study addressing the main research question: How does the existing institutional environment support youth PWD' employment and employability in Georgia? The sub-questions include:

- How does the legislative framework support employment for PWD?
- What are the PWD employability improvement programmes/measures in Public or Civil Society Sector?
- What is the attitude of employers towards PWD employment problem?
- What is the experience of PWDs in the employment process?
- What is the PWD employability support environment in Georgia, compared to international standards and European best practices?

Therefore, the main objective of the research is to identify and describe existing norms, programmes and services (in state, private and civil society) that aim at increasing employment opportunities for young people with disabilities (enhancement of employability and promotion of job creation). As for the **function of the research**, findings will support project planning relevant to existing challenges, to be carried out by CYDF's beneficiary youth organizations in light of the goals and priorities of the grant competition. In particular, it envisages a specific goal for the grant competition: "To increase the employability of youth through informal education oriented on development of competencies that will contribute to higher competitiveness on the labour market". The sub-programme component, "Enhance employment and informal education" prioritizes 1) Support to social entrepreneurship and 2) Support to schools for work transition activities. CYDF hopes this study report will be annually updated, based on feedback provided by their beneficiary organizations and expects the document to become an ongoing set of guidelines for them.

Research findings should also support the goal of the "Support to Employment through Service Development Program" of the **Ministry of Labour, Health and Social Affairs'** Social Service Agency and, in particular, creating employment support mechanisms for marginalized, less competitive groups. In addition, the findings should help achieve the objectives of the "Implementing Inclusive Education in VET system" programme of the **Ministry of Education and Science**. CYDF plans to coordinate its beneficiary programmes to enable the Children and Youth National Center (CYNC) to contribute to these projects through its trainings; this research can support this coordination. Research findings can also

be utilized by the National Youth Center **for focusing informal education trainings** on youth PWD employment skills.

The study report is structured into four chapters. **The first chapter** describes the legal environment, focusing on international norms and agreements regarding PWD employment and on existing legislation regarding PWD employment in Georgia. **The second chapter** outlines interventions by state and civil society actors, such as PWD employment-related services, inclusive education of PWD in school, after-school education for employment and social entrepreneurship for PWD employment. **The third chapter** is dedicated to European experience in PWD employment and its comparison to Georgian reality. **The fourth chapter** represents the views of two stakeholders in the PWD employment process: – employers and job-seeking PWD youth.

Research Team

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Methodology and Scope of Work

This situational analysis is based on qualitative research methods and is descriptive of the situation, however, it envisages comparative analysis for a better understanding of the current situation in Georgia compared to European practices and international norms.

Primary field data collection included fifteen semi-structured, face-to-face interviews and personal oral histories and (2) six focus group discussions. Secondary materials (literature) were also reviewed and 38 research-question sources were studied.

Within the personal oral histories of young PWD employment seekers one story refers to a successful experience and another outlines a failed experience.

Focus Group Discussions

1. The representatives of Employers (private and public): Directors and HR Managers - *(Facilitator: Avtandil Khantadze)*
2. Teachers/Specialists of Professional Orientation at Schools -*(Facilitator: Avtandil Khantadze)*
3. Representatives of NGOs (Organizations working on PWD issues and human rights) - *(Facilitator: Paata Gurgenidze)*
4. Managers of Vocational Schools -*(Facilitator: Paata Gurgenidze)*
5. Job seekers and employed PWD youth (16-29 years-old) -*(Facilitator: Ana Bakanidze)*
6. Social Entrepreneurs -*(Facilitator: Ana Bakanidze)*

Personal Interviews:

1. Tea Sturua – Head of Employment Department, Social Service Agency -*(Interviewer: Avtandil Khantadze)*
2. Elza Jgerenaia – Head of Employment Department, Ministry of Health, Labour and Social Affairs -*(Interviewer: Mikheil Tepnadze)*
3. Marika Zakareishvili – “Introduction of Inclusive Education in the VET System” Project Director, Ministry of Education and Science -*(Interviewer: Ana Bakanidze)*
4. Katy Natriashvili, Deputy Minister of Education and Science -*(Interviewer: Mikheil Tepnadze)*
5. Rusudan Kokhodze -Deputy Head of Department of Protection of the Rights of Persons with Disabilities, Public Defender’s Office -*(Interviewer: Avtandil Khantadze)*
6. Natia Leshkashvili- Press Office of Economic Policy Department at Tbilisi Mayor’s Office – *(Interviewer: Avtandil Khantadze)*

7. Rati Ionatamishvili – Chairman of Council on PWD issues at Mayor’s Office–
(Interviewer: Avtandil Khantadze)
8. Natalia Jaliashvili – Representative of Secretariat State Coordination Council on PWD issues at Premier Minister’s Office – (Interviewer: Paata Gurgenidze)
9. Mirian Tsiklauri – Deputy Chairman of Health Committee at Parliament –
(Interviewer: Paata Gurgenidze)
10. Gedi Popkhadze – Deputy Chairman of Human Rights Committee at Parliament –
(Interviewer: Paata Gurgenidze)
11. Maia Bibileishvili – “Union Child, Family, Society” (PWD Day Center), Chairman of Board – (Interviewer: Paata Gurgenidze)
12. Eka Dgebuadze – Head of Inclusive Education Division, Ministry of Education and Science – (Interviewer: Mikheil Tepnadze)
13. Raisa Liparteliani- Head of Juridical Department at Georgian Trade Unions Confederation – (Interviewer: Avtandil Khantadze)
14. Irakli Giorbelidze – World Vision Georgia- Project Coordinator – (Interviewer: Ana Bakanidze)
15. Irakli Seperteladze – “Association Anika” Project Coordinator – (Interviewer: Ana Bakanidze)

Personal Stories

1. M. K. – Young PWD (Successful case of employment, personal story) – (Interviewer: Ana Bakanidze)
2. V. K. – Young PWD (Unsuccessful case of employment, personal story) – (Interviewer: Ana Bakanidze)

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Chapter 1. Legislative Environment

1.1. International Norms and Agreements Concerning the Employment of PWD *[Avtandil Khantadze]*

This chapter briefly describes all internationally recognized instruments and initiatives related to the employment rights of people with disabilities.

International Labour Organization (ILO)

Established in 1919, the ILO is the oldest Specialized Agency of the United Nations system. The primary objective of the ILO was to promote equal opportunities for women and men to obtain Decent Work, meaning fairly paid productive work carried out in conditions of freedom, equity, security and human dignity. The ILO has four strategic directions:

1. Promote and realize standards and fundamental principles and rights at work
2. Create greater opportunities for women and men to decent employment and income
3. Enhance the coverage and effectiveness of social protection for all
4. Strengthen tripartism and social dialogue

In 1925 the ILO adopted the first international instrument related with vocational rehabilitation of employed PWD.

In 1955 the ILO approved the Vocational Rehabilitation (Disabled) Recommendation (#99). For almost thirty years, before the adoption of Recommendations #159 and #168, this international standard was used as the basis of all national legislation and vocational guidance, training and placement of people with disabilities, where appropriate.

The recommendation also envisaged special provisions for children and youth with disabilities.

In 1983 the ILO adopted Convention # 159 concerning Vocational Rehabilitation and Employment (Disabled Persons)) and Recommendation #168 (1988), which were based on the thesis of the UN World Programme of Action¹ “full participation and equality”. The Convention requires Member States, in accordance with national conditions, practice and possibilities, to formulate, implement and periodically review their national policy on the vocational rehabilitation and employment of disabled persons.

¹ On December 3, 1982 the UN adopted Resolution 37.53 “World Programme of Action” (WPA) that represents a global strategy to improve disability prevention, rehabilitation and equality of opportunities. It pertains to full participation by persons with disabilities in social life and national development. <http://www.un.org/disabilities/default.asp/default.asp?id=23>

The Vocational Rehabilitation and Employment Convention #159 describes the disabled person in the first chapter, as an individual whose prospects of securing, retaining and advancing in a suitable employment are substantially reduced as a result of a duly recognized physical or mental impairment.

Georgia has not adhered to the Convention #159. Belgium, for example, adhered to this Convention in 2015 and it will enter into force on June 10, 2016.

Recommendation² #168 is comprised of a Preamble and nine chapters that discuss equality issues:

- Disabled persons should enjoy equality of opportunity and treatment in respect of access to, retention of and advancement in employment which, wherever possible, corresponds to their own choice and takes account of their individual suitability for such employment (Art. 7);
- In providing vocational rehabilitation and employment assistance to disabled persons, the principle of equality of opportunity and treatment for men and women workers should be respected (Art. 8);
- Measures should be taken to promote employment opportunities for disabled persons which conform to the employment and salary standards applicable to workers generally (Art. 10);
- Appropriate government support for the establishment and development of small-scale industry, co-operative and other types of production workshops by and for disabled persons (and, if appropriate, open to workers generally), provided such workshops meet defined minimum standards should be enhanced (Art.11, f).
- The eleventh article also outlines necessity of free movement of PWD and adaptation of public buildings and facilities for their free movement within the building.
- Employers' and workers' organizations, together with disabled persons and their organizations, should be able to contribute to the formulation of policies concerning the organization and development of vocational rehabilitation services, as well as to carry out research and propose legislation in this field (Art 32).

United Nations

Standard Rules on the Equalization of Opportunities for Persons with Disabilities

On December 20, 1993 the United Nations General Assembly adopted Standard Rules on the Equalization of Opportunities for Persons with Disabilities. The 22 Standard Rules cover all aspects of equalizing opportunities for PWD, from awareness raising to international cooperation. Employment rules are incorporated in rule #7:

States should recognize the principle that persons with disabilities must be empowered to exercise their human rights, particularly in the field of employment. In both rural and urban areas they must have equal opportunities for productive and gainful employment in the labour market.

² Recommendations do not have the binding force of conventions and are not subject to ratification

1. Laws and regulations in the employment field must not discriminate against persons with disabilities and must not raise obstacles to their employment.
2. States should actively support the integration of persons with disabilities into open employment. This active support could occur through a variety of measures, such as vocational training, incentive-oriented quota schemes, reserved or designated employment, loans or grants for small business, exclusive contracts or priority production rights, tax concessions, contract compliance or other technical or financial assistance to enterprises employing workers with disabilities. States should also encourage employers to make reasonable adjustments to accommodate persons with disabilities.
3. States' action programmes should include:
 - a) Measures to design and adapt workplaces and work premises in such a way that they become accessible to persons with different disabilities;
 - b) Support for the use of new technologies and the development and production of assistive devices, tools and equipment and measures to facilitate access to such devices and equipment for persons with disabilities to enable them to gain and maintain employment;
 - c) Provision of appropriate training and placement and ongoing support such as personal assistance and interpreter services.
4. States should initiate and support public awareness-raising campaigns designed to overcome negative attitudes and prejudices concerning workers with disabilities.
5. In their capacity as employers, States should create favorable conditions for the employment of persons with disabilities in the public sector.
6. States, workers' organizations and employers should cooperate to ensure equitable recruitment and promotion policies, employment conditions, rates of pay, measures to improve the work environment in order to prevent injuries and impairments and measures for the rehabilitation of employees who have sustained employment-related injuries.
7. The aim should always be for persons with disabilities to obtain employment in the open labour market. For persons with disabilities whose needs cannot be met in open employment, small units of sheltered or supported employment may be an alternative. It is important that the quality of such programmes be assessed in terms of their relevance and sufficiency in providing opportunities for persons with disabilities to gain employment in the labour market.
8. Measures should be taken to include persons with disabilities in training and employment programmes in the private and informal sectors.
9. States, workers' organizations and employers should cooperate with organizations of persons with disabilities concerning all measures to create training and employment opportunities, including flexible hours, part-time work, job-sharing, self-employment and attendant care for persons with disabilities.

UN Convention on the Rights of Persons with Disabilities (UNCRPWD)

The convention was ratified by Georgia in 2013. Work and employment rights of Persons with Disabilities are discussed in Article #27 of the Convention, which also defines key actions to be carried out by the State to properly implement the Convention.

The States that adopt the Convention recognize the right of persons with disabilities to work on an equal basis with others. This obligation includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and a work environment that is open, inclusive and accessible to persons with disabilities. Participant States shall safeguard and promote the realization of the right to work.

The end goal of the convention is to enhance employment opportunities for persons with disabilities on an open market, in equal conditions with others. However, before reaching the goal, the document outlines temporary mechanisms to be carried out by each State. In particular this includes the implementation of positive discrimination, stimulation, support actions and programmes as a necessary and a temporary commitment from the government to achieve the goals.

1.2. Georgian Legislation, Policy and Action Plans related to the Employment of PWD [Paata Gurgenidze]

Laws

Assessment by Public Defender

According to the Public Defender of Georgia (2014), the entry into force of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) in 2006 has been the single most important positive change that has taken place during 2014. However, unfortunately the Convention was been ratified without the optional protocol which gives persons with disabilities an opportunity to appeal to the relevant UN committee regarding individual cases of rights violation (Public Defender of Georgia 2014, pg. 3). Also, the government has yet to develop a policy aimed at **facilitating employment** for PWD or a relevant **legislative framework**. In addition, the **non-existence of accessible infrastructure and means of transportation** throughout the country is still a big issue (ibid, pg. 9).

The Public Defender of Georgia's 2014 Report on the Rights of Persons with Disabilities outlines three recommendations to the government regarding their employment:

1. To start working on a unified national strategy for advancing employment opportunities for persons with disabilities and ensure participation of all interested parties in this process (ibid, pg. 18)
2. To take necessary measures to ensure equal employment and labour opportunities for persons with disabilities, including women (ibid, pg. 22)
3. To support the implementation of small business and entrepreneurship programmes in the regions and thus stimulate the activities of persons with disabilities, and their acquisition of necessary knowledge and skills (ibid, pg.22)

Specific steps have already been taken in these directions. In November 2015 the MoLHSA has established a working group (though informal³) on PWD employment. It also drafted laws: “PWDs Employment Enhancement Concept “(Mukeria, 2015c) and “Law for the Social Integration of PWDs” (Mukeria, 2015a). The Social Service Agency within this Ministry also implemented measures towards creating support for employment services (See chapter 2.1). The Ministry of Education carries out Inclusive Education programmes (See Chapter 2.2). Targeted entrepreneurship programmes for PWD employment, receive grants from CYDF for civil society organizations to support Work Integration Social Enterprises.

Framework Legislation

Despite the non-existence of PWD employment strategies and policies, there is legislation that defines PWD status and rights regarding social support. This legislation outlines their legal status and the importance of state programmes for PWD employment.

The Law on Medical-Social Examination (adopted in 2001) defines the term PWD, and the basics of capability limitations and categories (Parliament of Georgia, 2011). According to this law a person with a disability is someone “with substantial physical, mental, intellectual or sensory impairments, which, when exposed to various barriers, may hinder the full and efficient participation of that person in social life on an equal basis with others” (ibid). The same law defines the limits of capabilities as a “deviation from normal human activities caused by health disorders, which is characterized by the limitation of the abilities of self-care, movement, orientation, relationships, self-control, studying and carrying out labour activities”(ibid). Limitations of capabilities, depending on their severity, are defined by the degrees a) mild, b) moderate, c) severe, d) major. (ibid)

The Law of Georgia on Social Protection of Persons with Disabilities is crucial (LHG, 1995), however some of the rights therein cannot be practiced because of a lack of respective regulations and policies. This law is more a source of legitimization of programmes targeting PWD than a defence of the universal rights of PWD.

For instance, according to this law, “Enterprises and organizations producing manufactured goods, special technical and other equipment for persons with disabilities and specializing in the disability services sector shall be granted concessions in a manner and under conditions prescribed by the legislation of Georgia” (LHG, 1995, article 12). There is one example of such an enterprise and procurement of goods (as a concession) defined within a specific programme under the Ministry of Health⁴ (MOLHSA, 2009). However, there is no universal norm for such concessions in light of tax benefits or public procurement.

The same can be said of **tax benefits** for enterprises, institutions and organizations funding social assistance activities (LHG, 1995, article 29). Despite the fact that many social enterprises would qualify under this definition, there is no tax benefit for them⁵. Applying the same principle, **in order to facilitate the social integration and development of persons with disabilities and public associations established by them**, the law foresees **economic**

³ The first meeting was held at the MoLHSA on 13 November 2015

⁴ Sub programme of Persons with disabilities, the elderly and the Orphan Children's Rehabilitation 2010 State Employment programme

⁵ Many of them receive benefit just due to status of non-entrepreneurial legal entity within the Grant framework

measures (loans, exemption from taxes, targeted subsidies, special funds, etc.)” (LHG, 1995, article 32). However, these measures, instead of being embodiment of PWDs rights reflected in an universal normative act, are sporadic and address specific cases.

Based on the same law, medical, vocational and social rehabilitation is implemented through **individual rehabilitation programmes**,⁶ and “Appropriate labour conditions shall be created according to their individual rehabilitation programme for persons with disabilities employed in enterprises, institutions and organizations (LHG, 1995, Article 22)”. However, a monitoring report of human rights in institutions for persons with disabilities doubts the existence of such plans (Public Defender of Georgia, 2010, pg. 28). The same document points out that understanding occupational therapy in institutions for PWD (e.g. the Kutaisi Boarding House for Elderly Persons) does not adhere to the psycho-social standards defined by the law and “may represent a specific form of labour exploitation.” (Public Defender of Georgia, 2010, pg. 29).

The rationale behind this situation can be that **occupational therapy** is only described in legislation as therapy conducted within the framework of psycho-social rehabilitation⁷ and applies to persons who experience “chronic mental disorders” and who are accommodated in specially listed institutions (MOLHSA, 2007). There is no legislation in Georgia concerning their minimum wage which is only defined for public servants), which blurs the distinction between labour occupational rehabilitation services (occupational therapy) and the exploitation of persons with disabilities (coerced unpaid labour).

This problem is also linked the two another problem. On one side, this law recognizes special “sheltered” enterprises for occupational rehabilitation, while stating, that “local self-government and administrative bodies shall establish a rehabilitation network...enterprises and institutions providing social and domestic services to persons with disabilities” (LHG, 1995, Article 16). The work in such enterprises may be unpaid since the employment may include types of rehabilitation, however there is no clear distinction between such institutions⁸ and Work Integration Social Enterprises that should be oriented towards employment in an integrated environment with full compliance of labour rights. For example, the social enterprise (cooperatives) movement started in Italy in 1970, based on the protests by patients of psychiatric institutions against their unpaid labour (O’Reilly, 2007).

Besides the gaps (in terms of rights), the law clearly has strong sides, as it **establishes a “universal right”, which is of crucial importance for encouraging the employment of PWD.** In particular, based on the law, “**During their employment all persons with severe disabilities and persons with significant visual impairment shall retain pensions awarded to them according to the corresponding disability status**” (LHG, 1995, Article 24). People with disabilities from other categories, however, are not entitled to social packages except when carrying out public service (Government of Georgia, 2012).

⁶ According to the same same law, the individual rehabilitation program " is defined by the authorized state bodies and are arranged on the basis of medical-social expertise".

⁷ Order of the Ministry of Health – Order №112/N, April 2, 2007

⁸ For instance, Occupational therapy services in PWD Day-care Centres
<https://www.facebook.com/gustav.vonaschenbach.7/videos/10204742290388996/>

The eligibility and entitlement of PWD for social allowances are defined by Resolution #279 on the “Determination of the Social Package” according to the Law of Georgia on Social Assistance (Government of Georgia, 2012). According to this Resolution, monetary allowance is granted to PWD with major and severe categories (100 and 150 GEL respectively). As for the moderate status, only those, who obtained this status as a result of participation in wars, are eligible for the social package. PWD in the mild category don’t receive any allowance. Therefore, the law maintains social allowances for the main groups of recipients in case they are employed.

The **Employment of PWD** is also encouraged through the **Tax Code** (Parliament of Georgia, 2010b). According to Article 82, #2 Paragraph of the Code, “Taxable income up to 6000 GEL received by a person with disability since childhood, as well as persons with apparent or strongly apparent disability during the calendar year shall not be subject to income tax” (ibid).

Antidiscrimination Legislation

“**The Law on the Elimination of All Forms of Discrimination**” adopted in 2014 is intended “to ensure equal rights of every natural and legal person under the legislation of Georgia”, including people with disabilities (Parliament of Georgia, 2014). Based on this law, “Direct discrimination is the kind of treatment or creating the conditions when one person is treated less favourably than another person in a comparable situation or when persons in inherently unequal conditions are treated equally...” (ibid). In addition, temporary special measures intended to accelerate de facto equality With respect to persons with limited capabilities.... shall not be considered discrimination” (ibid).

According to this law, the supervision of eliminating discrimination and ensuring equality is the responsibility of the **Public Defender of Georgia** ... “Since January 15, 2015 the PWD rights department ... has started operating under Ombudsman’s Office” (Public Defender of Georgia, pg. 4). Despite the fact that this department increases the resources of the Ombudsman’s Office to be able to supervise PWD rights, these resources are unlikely to be sufficient to engage the Ombudsman in all cases of discrimination in view of conciliation or to apply to the Court to issue administrative acts. However, the Public Defender has the right to be involved in the court as a “third party” at the specific request from a PWD rights organization (Parliament of Georgia, 2014, Article 11).

The Public Defender can, after studying facts of discrimination, issue recommendations and mention the case in an Annual Special Report. However, legislation does not offer rules for fining violators of anti-discrimination laws, and in case of civil action, the costs associated with the Court process⁹ can be an additional burden for vulnerable PWD. This creates a legitimate gap within which PWD advocate organizations can be involved.

One of the key issues regarding discrimination against PWD is determined by their physical environment. Despite the fact that in 2014 the Government of Georgia adopted Resolution No 41 on “Approving the Technical Statute for Creating Areas and Architectural

⁹ “Each person... has the right to submit a claim to the court against the person/institution, which, as per his/own perception, discriminated against him/her” (Parliament of Georgia, 2014, Article 10).

and Planning Elements for Persons with Disabilities”, the document has a major flaw: **There is no mechanism for the implementation of the standard therein** . (Public Defender, 2014, pg.5)

The Labour Code of Georgia also dictates norms prohibiting discrimination against PWD. According to the Code, „Labour and pre-contractual relations shall prohibit any type of discrimination due to...disability” (Parliament of Georgia, 2010a). The Code defines discrimination “as creating the circumstances for a person directly or indirectly that cause their condition to deteriorate, as compared to other persons in similar circumstances.”(ibid). It does not consider the necessity for differentiation between persons “arising from the essence or specifics of the work or its performance conditions, serving for achieving a legitimate objective and being a proportionate and necessary means of achievement of that objective” as discrimination. (ibid).

The definition does not leave room for so called positive/affirmative action, such as adjusting the work place based on the reasonable accommodation principle. Therefore, the definition stated in the Code should be read in parallel with the explanation of the term noted in the Law on the “Elimination of all Forms of Discrimination”. With regard to the protection of labour rights of PWD, the Code envisages crucial norms, such as prohibition of night jobs and overnight work without their consent.

Policies and Action Plans

The State Strategy for Labour Market Formation and its Action Plan for 2015-2018 aims to increase the effective functioning of the labour market. According to the strategy document, “a spontaneously developing labour market does not provide equal employment opportunities for job seekers, especially for those groups that are less competitive in the labour market and need particular support from the state” (Government of Georgia, 2014b). According to this document, due to the underdeveloped of the labour market infrastructure, employers have problems of hiring relevant cadre even during mass unemployment .

The situational analyses sections (as of 2013) of the document note that only 38% of employed persons (PWDs and non-PWDs¹⁰) are formally employed (of which 37.6% in the state (mainly in public) sectors), while others are self-employed or informally employed. This confirms the fact that the labour market in Georgia is very limited.

Incomes of workers for certain categories are less than the minimum wage (the problem of “the working poor”); the percentage of long-term unemployed within the total number of unemployed is 46.0%. The document also states that unemployment is mainly cyclical in nature, **but the structural and frictional employment is also very high**. However, the strategy addresses the problems and eradication of the causes of structural unemployment¹¹ (2014b).

As part of the main directions outlined in the strategy, it’s important to note activities for the employment of PWD, such as **developing services contributing to employment** and

¹⁰ Wherever it is not specially indicated that data refer to PWDs (or other specific group) they refer to total population

¹¹ In order to overcome cyclical causes, it’s necessary to implement macroeconomic fiscal and monetary policies

organizing professional training in professions demanded by the labour market. Without developing universally accessible services, the inclusion of PWD won't be possible without the addition of a supported employment model (for PWD) which includes an employment consultant / mentor. Among other important programs, the document discusses the EU-funded budgetary support programmes "Employment and Vocational Education and Training" and "Employment Support Services (ESS) Capacity Development in Georgia" (ibid).

In line with this strategy, in June, 2015 the State adopted the "**Employment Support Services Development Program**". One of the programme goals is to "elaborate employment support mechanisms for vulnerable, less competitive groups" (Government of Georgia, 2015b, Article 1). Therefore, the services developed through the programme are going to be inclusive and accessible to PWDs. They fit in with the supported employment model (see chapter 3.1 Employment Models) and envisage individualized measures such as career planning and professional consultancy. In order to benefit from the program, a person should register in the labour market information system (worknet.gov.ge), a service provided by the Social Services Agency, developed within the program.

The "**State Programme for Vocational Education –training for Job Seekers and Capacity Building**", adopted in August, 2015 is also in line with this strategy, and Programme is the responsibility of the Social Services Agency. It envisages short term vocational education-training and internships within the workplace for job seekers who are more than 20 years old and registered on worknet.gov.ge (Government of Georgia, 2015a). These interns will be paid stipends and will have a chance for employment, since employers participating in the programme are required to employ at least one intern (ibid). The internship is also available for PWD and PSEs, who have professional qualifications (ibid).

The "**2014-2016 State Action Plan for Ensuring Equal Opportunities for Persons with Disabilities**" should play an important role in employing PWD since in Chapter 9, "Labour and Employment", one of the first steps is "formation of working group on elaboration of PWD employment support measures and action plan" (Government of Georgia, 2014g). However, this group has never been formed¹². It is significant that this group should be inclusive and representative, and is required by international agreement (including UNCRPWD). It is also required by the Action Plan "Ensuring participation of PWD and/or their representative organization in strategies, plans, programmes and measures elaboration processes" (ibid).

Some of the tasks of the Action Plan have been partially implemented. For example, the activity "Define responsibility for the discrimination of PWD and labour rights violations at the legislative level and implement state supervision" (Government of Georgia, 2014g, Chapter 9, 1.4.3). This task can be considered as implemented, as the law on "Elimination of All Forms of Discrimination" has been adopted, which sets out one type of supervision (by the Public Defender).

However, apart from activities that are not yet implemented, there are measures which are unrealistic or unfeasible for the implementation of the strategic vision. For example, according to one objective it's necessary to "create an information database on

¹²This issue was raised by T. Kacheishili, representative of "Parents' Bridge" at a meeting of the State Coordination Council on PWD issues (Mukeria, 2015b)

enterprises that can employ PWD” (ibid. Chapter 9. Measure 2.3). As the government tries to develop a supported employment model, based on which PWD can be employed in every enterprise, it’s unclear what the value of creating this database is. There are no sheltered enterprises today, and work integration social enterprises are in their embryonic stage. Therefore, given the difficulties in executing the Action Plan its revision is under discussion.

1. Interventions

2.1 PWD, Employment Related Services and the Supportive Physical Environment [Paata Gurgenidze]

A Governmental Resolution dated August 2015 approved the **State Programme on Vocational Education-Training and Capacity Building** for job seekers (Government of Georgia, August 2015) implemented by the Ministry of Labour, Health and Social Affairs and its LEPL Social Service Agency, in cooperation with stakeholders such as the Centre for Crime Prevention, the National Probation Agency, the IDP Livelihoods Agency, social partners and municipalities.

This Programme provides services to citizens over 20 registered on www.worknet.gov.ge. Target groups include PWD and PSEs, who are restricted by their lack of a basic level of general education. Programme services are divided into two types: 1) Vocational Educational Short-Term Programs implemented at authorized educational institutions and 2) on-the-job training (e.g. paid internships). In order to ensure the sustainability of the programme goals, employers must hire at least one of their interns after programme is over.

The internship is available for the graduates of the services¹³ envisaged by the Programme as well as for “those PWD who have professional qualifications in requested professions by employers within the inclusive education framework” (Government of Georgia, August 2015, pg.19). Services determined by the programme are reimbursed in the form of vouchers at a maximum of 1000 GEL. The monthly State Scholarship is 150 GEL. The total Programme budget is 1,900,000 GEL.

Despite the fact that one of the objectives of the Programme is to “Reveal and Register Vocational Education-Training Job Seekers” (their active identification), the first year of the Programme was characterized by low participation of PWD (Government of Georgia, August 2015, pg.6). Information on the low participation was provided by the Ministry of Labour, Health and Social Affairs during the International Seminar: *PWD Employment- Main Perspectives and Challenges*.

In 2014 the State Employment Support Service Twinning institutional and Human Resources Capacity Building EU Programme – “**Employment Support Service (ESS) Capacity Building in Georgia**”, was approved, and programme implementation started in 2015 (Government of Georgia, 2014b). This programme was followed by another, programme **Employment Support Services Development Program**, in June, 2015 and its budget was defined as

¹³ Short-Term Professional Educational Programmes

350,000 GEL. (Government of Georgia, 2015b). This programme is implemented by the Social Services Agency under the Ministry of Labour, Health and Social Affairs and envisages “Elaboration of Employment Mechanisms for Vulnerable, Less Competitive Groups”, in which PWD are listed (ibid).

The Programme includes several services that will be accessible for PWD, such as general consultations for job seekers (group, individual), professional consultations and career planning services, and mediation services. These services will be implemented by the Social Services Agency at the municipal level. All recipients of the services must be registered on Information Management System of the labour market (Worknet.gov.ge). This is also a type of service developed as one of the programme tasks. The Employment Forums can be considered as a type of service and their arrangement is defined by the Program.

The Programme intends to conduct regular Qualitative Research, trainings/seminars on employment topics in close cooperation with social partner organizations, occasional conferences, and cooperation development with stakeholders to elaborate employment support models and pilot them for the “Vulnerable, Less Competitive Groups”. A memorandum draft for this kind of cooperation has already been established involving the Ministry of Labour, Health and Social Affairs, the Ministry of Education and Science, the Social Service Agency and CYDF. Within the framework of the Memorandum and the Project funded by the Czech Development Agency¹⁴, the Fund will finance Civil Society Organization pilot projects that include employment support services for PWD. Training for employment consultants will be provided by the Social Service Agency.

The aforementioned programmes and services developed within these programmes are of universal character and exemplify **Active Labour Market Policies**¹⁵. However, a number of programmes have been implemented in Georgia, which, despite the lack of universal access to products, managed to establish importance services. An instance of it is the **Social Rehabilitation Support Program of 2010 for PWD, Elderly People and Children Deprived of Family Care** (MoLHSA 2009). Sub-programs of it addressed the development of PWD Day Care Centres and Community Organizations. In these Day Care Centres services provided include occupational therapy that is sometimes part of a sheltered employment model and implemented in sheltered/special enterprises. Regrettably, some of these Centres (for example “Social Therapy House Centre¹⁶) are being closed due to the lack of funding from foreign donors, as state subsidized vouchers for beneficiaries are not sufficient.

The mentioned program of 2010 also included “PWD Employment Support Sub-Program” within which a local enterprise for wheelchair production was established. Today, wheelchairs produced in this enterprise are purchased by the State, and the enterprise also employs PWD. Giving preference to such kind of enterprises in the public procurement

¹⁴ Support for the Social Integration of Youth with Disabilities

¹⁵ ALMP – Active labour market policies

¹⁶ <https://www.facebook.com/gustav.vonaschenbach.7/videos/10204742290388996/>

process is one of the measures for PWD employment within the Labour Market Active Policy.

In Georgia one can find individual cases of such services that don't imply employment support, but that facilitate employment¹⁷ such as, for example, Georgian audio web-pages for the blind and people with visual impairments.¹⁸ Despite the fact that we can find certain forms of employment support services in draft concept on employment support elaborated by the Ministry of Labour, Health and Social Affairs, measures related to PWD are criticized. "The possibility for professional activity and functionality is determined only by medical personnel ...and do not include individual recommendations for employment possibilities ... PWD rehabilitation measures are not oriented enough on functionality restoration and development" (Mukeria. 2015 g).

2.2. Professional Orientation for PWDs in Schools and After School Education for Employment [Ana Bakinadze]

An Inclusive education programme in Georgia was launched in 2006, with support from the Ministry of Education of Norway; the programme is under development and being improved. Some children needed inclusive education before 2006, but the programme didn't exist, and many children and youth with disabilities and special needs were deprived of education and their 9th grade certificate. Without this kind of document, it is impossible to continue their education.

Inclusion in education means that the strengths and weaknesses of each pupil are assessed at each educational level, leading to differentiated teaching strategies according to the individual. In order to establish equal accessibility to education for every child or youth, education must be accessible, student oriented, adaptive and recognized. The diversity of needs can be tackled by using individual approaches.

Inclusive Education in the School

Inclusive education at school is based on several different approaches:

1. The first is complete involvement in the educational process, along with fellow students in ordinary conditions;
2. The second is integrated classes for example, for children with some disabilities in the autistic spectrum, significant hearing impairment etc.
3. The third is working with a special teacher, which can be done in two ways. Either at school the teacher works with individuals with educational needs, or a teacher supports the child with educational need to be completely involved in learning process.

Nowadays, any school which has at least one student with a disability has the right to require a special teacher.

¹⁷ <http://www.ipress.ge/new/13628-adamiani-romelmac-usinatlotatvis-vebgverdebi-aalaparaka-icnodbet-lado-urdulashvils>

¹⁸ <http://www.rs.ge/m/default.aspx>

Inclusive education is not just a separate project – it is a part of State Educational Policy with a minor historical background: during the first stage Inclusive Education was implemented at the general education level (public schools). Today, there are children with special educational needs in almost every school, with special teachers who are paid by the Ministry of Education. Taking into consideration the increased demand for such teachers, the problem with their qualifications is evident. The Ministry of Education and Science is trying to resolve this issue, and currently there are BA and MA programmes for Special Education Teachers.

The MoES also works on parental involvement issues, a very important component of inclusive education; teachers also try to stimulate parent's initiatives. In order to increase their awareness, special guidelines and other information materials are prepared for parents. Parents are often quite vulnerable and the issue needs more attention and work in this direction.

The main achievement of inclusive education is that enrollment of disabled children at school has increased significantly, they are in contact with their school fellows and have academic achievements as well. Most important is that they are given the possibility to continue education at vocational or higher educational institutions.

According to 2008 data, around 300 disabled children were in school, and only five years later, in 2013, there were ten times as many, or around 3000 disabled children. In order to ensure continuity of education for these children, inclusive education was introduced in vocational institutions and the MoES defined it as a main priority in 2013. Accordingly, the task of the education system is to create equal accessible education space for all interested parties, where PSEs can be involved without discrimination for their physical, cognitive, sensory, social, emotional, linguistic, ethnic, racial, religion, gender or other characteristics. Inclusive education was introduced in six vocational institutions in 2013, and 51 individuals with disabilities became students in these institutions.

Vocational Schools

Vocational schools got involved in the programme in the second stage. Today, inclusive education is accessible in vocational institutions as well. The most sought-after specialty is culinary.

Beginning in 2013 teacher training began in earnest, and the adaptation of accessible facilities began in vocational institutions, and supporting staff was hired. Unlike public schools, where adapting existing buildings is complicated, in vocational institutions this is an easier process. Adapting only the first floor is considered a violation of the standards. In the process of construction of new buildings, all standards related to adaptation are taken into consideration.

The Ministry of Education of Norway has remained a technical and financial supporter of the introduction of inclusive education in Georgia through the MoES.

Accessibility of vocational education is a very crucial issue in Georgia and can have a positive influence on society, the country's economy and individual beneficiaries. It improves the chances for development of individuals as well as companies. It reduces unemployment and facilitates economic development. Thus it is important to increase inclusiveness in vocational education, making the system flexible supporting mobility between educational levels.

When testing a person with special needs for admission to a vocational institution needs are explored and tests permit to make concrete individualized plans, including the option to take tests verbally instead of only in written form. The students are free to choose their profession, to obtain information from specialists and make their own decisions once they are admitted.

An inclusive education specialist and an assistant work in vocational institutes. The specialist provides methodological support during a student's studies and the Assistant supports students in PWD physical activities.

In an inclusive educational environment, students' achievements are very different from each other. In most cases students with different abilities meet vocational education programme requirements differently, thus have different results.

Despite the different resources, it is more important that teachers in schools and vocational institutions

- Involve PWD in the learning process;
- Actively support students with disabilities ;
- Ensure that students with disabilities have all needed resources
- Recognize their achievements.

It is also important to involve all interested individuals in the vocational education process, giving them the resources for study. According to the vision of the MoES, it is inadmissible to isolate a student from the vocational education process on the grounds that their results that cannot be defined by the standard averages. Fair treatment should include the fact that:

- Involvement in vocational education does not guarantee earning a qualification.
- It is fair to have recognition of competency earned by the student
- *If changes in the learning process are applied only to the form, there is a possibility for obtaining qualifications;*
- *If changes applied to the content and competences are not completely achieved, that achieved competences are recognized.*

Access to Education

Access to Education and creation of equal learning environment are necessary conditions outlined in UN Convention and Association Agreement. In Georgia, vocational education is regulated by the Law on Vocational Education (2007). As of March 2014, the MoES based on its own initiative is working on amendments of Law of Education that outlines flexibility of vocational education and assurance of inclusiveness as one of the main priorities.

The 2013-2020 Vocational Education Development Strategy addresses the accessibility of education to all types of vulnerable groups and accessibility concerns as the main mechanisms to ensure learning PSEs. Human resources development is also addressed.

The Labour Market Strategy prepared by the Ministry of Labour, Health and Social Affairs notes the increasing accessibility to vocational education as a key issue and works with the Ministry of Education and Science. The Law on the "Social Protection of PWD" determines

state policy on equality, conditions and the basis of state policy PWD on equal realization PWD rights, living conditions and their participation in social, economic and political life.

According to the Human Rights Protection Governmental Action Plan the following actions must be carried out: ensure equal rights for PWD labour and employment; facilitate their employment; increase competitiveness of PWD job seekers; ensure a decent, safe and healthy labour environment.

The Georgian Social-Economic Development Strategy “Georgia -2020” states that PWD and other vulnerable groups must be supported to participate in Georgia’s social and economic life; Employment opportunities should be increased, and education, health protection and social security systems oriented towards inclusion; The Government’s economy policy aims to improve welfare by facilitating employment opportunities so that resources are not only limited to social allowances.

For achieving objectives of the mentioned Georgian legislation and the strategies of various governmental agencies the issues of PWDs accessibility to education plays an important role (and other vulnerable groups) .

Employment

However, access to education is not sufficient: after graduation, the task is to find a placement where application of the specific skills acquired by the individuals are required and supported. In case of reasonable accommodation PWDs become competitive within the limits of their concrete responsibilities even if they don’t have standard qualifications required on the market. At the same time, all resources and effort put into vocational education will be pointless unless changes in accordance to the sated vision are made in the employment system.

Unemployment is an important problem across most countries: in developing countries, 80-90% of working age PWDs are unemployed while in the case of industrial countries the percentage varies between 50-70%.

A motivated employer relevantly defines requirements to working activities, tasks, and qualification of the hired PWDs. Moreover, they may create for them specific job places in accordance to the principles of reasonable accommodation. In the result of this approach chances are high that applicant PWDs meet job requirements and their work results are of high quality. However, in order to employ persons with special education needs successfully, many important issues should be addressed in the education system by the ministry of Education and Science. Namely, selecting a vocational education programme based on a person’s abilities and the market requirements is a challenge nowadays. Therefore, the nearest task is to introduce professional orientation and career planning mechanism for persons with special educational needs. This orientation should be carried out by experts with a focus on person’s interests and capabilities analysis and market requirements considerations. Relevant time should be allocated to professional orientation activities.

The MoES deliberately rejected an approach to establish special vocational education programs giving access only to students with specific educational needs and excluding others. Meanwhile, this decision requires from the education system to set up a mechanism for selecting vocational education program and profession suitable for a PWD with maximum orientation on person's interests and capabilities. This mechanism is yet to be elaborated and introduced.

Higher Education

Work on the higher education system is in progress. Participation of PSEs in united national exams has been ensured according to international standards, thanks to the National Assessment and Examination Center efforts.

Problems and Challenges

Despite the work of various agencies, challenges persist:

- accessibility to vocational educational institutions physical educational space must be improved;
- accessibility to information and educational resources must be ensured, along with the diversification of education services in an inclusive environment;
- Visibility and acceptance of diversity by society must take place;
- Introduction of employment support services and enlargement of interagency cooperation.

Future perspectives

Systemic approach to the inclusive vocational education was commenced in 2013. PSEs acquired opportunity of vocational education through mainstreaming – i.e. inclusion in the education system. This means that PSEs are admitted in the vocational programs notwithstanding the fact that some of them may not be awarded the full qualification recognition (diploma). Mainstreaming also means that after the student's admission there is a process of tailoring of the educational program to the PSEs specific needs.

In accordance with this reality, in the future educational programs for students with special educational needs will be elaborated based on in-depth evaluation and the educational process will be carried out in the same inclusive environment, where other students are learning. With this approach, it will be possible for them to maximally acquire the competencies provided in the modular program.

Facilitation of Self Employment for PWD

- Facilitate social entrepreneurship and social enterprise development;

- Develop PWD entrepreneurial skills through special trainings and consultancy services; (ILO- cooperation with Employment Association, pilot projects in Tbilisi and Kutaisi- Women- 15-15)

Provision of Decent, Safe and Healthy Work Environments

- Elaborate standards and norms for PWD safe and healthy labour environment, with state supervision of their implementation. Provision of protection of PWD from violence, forced or compulsory labour.

2.3 Social Entrepreneurship for PWD Employment (Work Integration Social Enterprises) [Ana Bakanidze]

Social entrepreneurship is gradually expanding globally and implies acting on an entrepreneurial basis that has a social mission and doesn't serve only business interests. Social enterprise starts functioning through capital or funding received and should make a profit, however not for shareholders or owners but the accumulated income should be spent on a specific social mission and of course must ensure fair wages to employed staff.

Social entrepreneurship has recently become known in Georgia and should be seriously considered to facilitate PWD employment.

Employment is considered a key prerequisite for social inclusion of persons with disabilities; the goal is to enable PWD to engage in the open labour market. During the transition period, state practices and international instruments provide the possibility of incentive actions. All countries, including the United Nations Convention signatory countries use different methods, and there is no universal model. Social entrepreneurship could be promoted by state agencies, grants and legislation as a mechanism for employment of PWDs. Today several social enterprises operate in Georgia, most of them established by NGOs. Employed persons and those involved are often members of vulnerable groups, mostly PWDs. Most enterprises focus on more than just employment; at the initial stage, special training components for PWD are considered. After training, PWD are employed. In Georgia most social enterprises work with craft, needlework and other handicrafts.

3. Comparison

3.1. *European Experiences related to PWD Employment [Paata Gurgenidze]*

Employment Statistics

In the EU (EU28¹⁹) approximately 44 million persons aged 15-64 are categorized as PWD (EUROSTAT 2014). Given the fact that 500 million people live in the EU and 65.7% are of working age, **PWD in the working age group** constitute approximately **13%** (CIA, 2015). In 2011, employment among those of working age, excluding PWD²⁰ was 66.9%, and PWD employment amounted to only **47.3%** (EUROSTAT 2014). For comparison, it should be noted, that the PWDs and non-PWDs social inclusion and participation in education indicators differ from each other less than employment indicators of these two groups. (ibid).

The least difference **between PWD and non PWD employment indicators** is evident in Sweden (9.9%) and France (9.9%); the biggest gap is observed in Hungary and Netherlands (37.4%). On average, the same indicator for **EU** was **19.6%**. Sweden and France were also distinguished by a good ratio of PWD involvement in lifelong learning. In this regard, PWD ratio compared to that of non PWD was less than 1.1% in Sweden and by 1.3% in France.

It should be noted that EURSTAT distinguishes two categories of PWD status. The first²¹ includes PWD with “basic activity difficulties” and the second refers to those for whom “work limitation is caused by “long-lasting health problem and basic activity difficulty” (LHPAD²²). Accordingly, it is not surprising that among those who have work limitations (2nd definition) the employment indicator lower (38.1%) compared to those PWD determined by the first definition (47.3%) (EUROSTAT 2015).

The average level of unemployment²³ of PWD in EU in 2011 reached 12.1% and this number is 2.5% more than for non-PWDs (EURSTAT 2015). Unemployment among PWDs belonging to the second category was higher -17.4% (ibid.). In the same period, non-active PWD in EU comprised approx. 46%²⁴ of the working group. (ibid.).

¹⁹ 28 countries of EU

²⁰ employment indicator is calculated by dividing 15-64 age employed number to total persons number in this age group

²¹ Anywhere, where there is not given other determination, under PWD status we mean exactly this definition as regards to EU

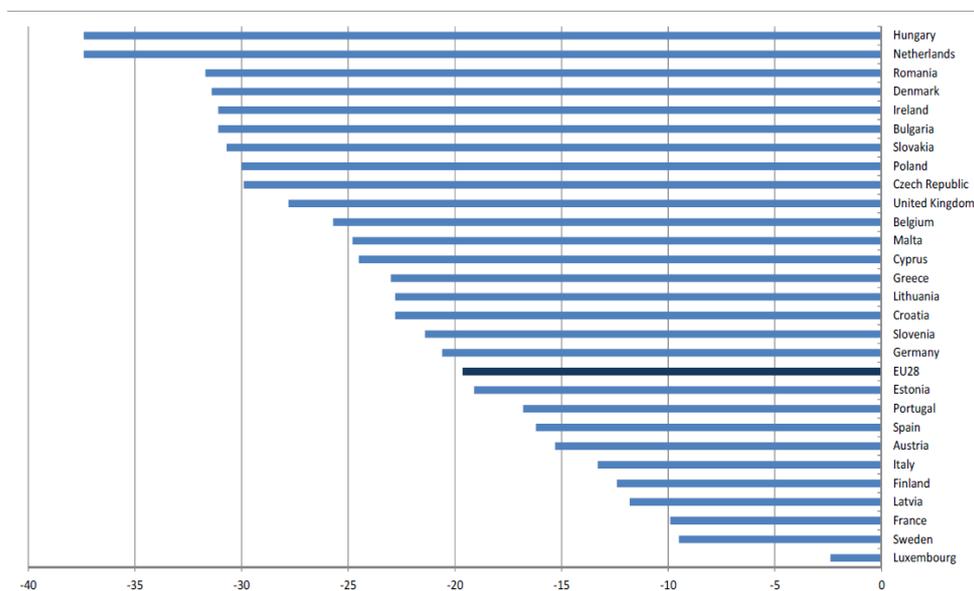
²² longstanding health problem and/or a basic activity difficulty

²³ unemployment level is unemployed share in work force (in other words, among them who actively seek for jobs) and not in employment-age population

²⁴ Accordingly, if in employment-age group employed was 47% and non active 46%, the unemployed number is less than 7%, the same as work force 12,1% (unemployment indicator) – the work force employment-age group was 54%, and 12% of 54% is less than 7%

Figure 1- Differentiation between employment indicators

Employment-age (15–64) difference between PWD and non PWD indicators²⁵



Source: (EUROSTAT 2014)

Georgia

The UN Convention on the Rights of Persons with Disabilities (UNCRPD), ratified by Georgia in 2013 obliges states to collect PWD related statistical and research data (IDFI 2015). According to the Institute for Development of Freedom of Information IDFI (2015) a lack of statistical data inhibits knowledge of the needs of this group. National Statistics Office of Georgia (GEOSTAT) at the current stage has no information on PWD employment. “According to GEOSTAT, detailed information on PWDs will be available by the end of April 2016, after the 2014 Overall Census Preliminary Data will be processed. (IDFI 2015).

Despite this, today we have Social Service Agency data, according to which approximately 11,000 PWD are formally hired employees. This number was provided by Tea Sturua in an interview with Avtandil Khantadze (Sturua, 2015). We also know that approximately 118,651 PWD in Georgia are registered, making up about 3% of the Georgian population (3,7 million²⁶) (IDFI, 2015). According to the data of the National Statistics Office of Georgia, in 2014, 692, 000 were formally hired employees (total work force was 1,991, 000 persons, or 66,5% of working–age population (i.e.2, 995,000); 58,3% of working-age population (i.e. 1,745, 000) were employed²⁷). **11,000 PWD constitute 1,6% of formally**

²⁵ expressed in percentage of employment-age population

²⁶ According to recent population census, instead of 4,6 million as it was before 2014, it is 3,7 million

²⁷ Employment Level

hired employees. If we assume that PWD share in total employed population (1,7million) is the same 1,6% (28,000) and the share of PWD in working age population is the same as in the total population (3 % or 89,000), **the PWD employment indicator²⁸ will be approximaely 30%. Thus this indicator in Georgia occurs significantly less** (approx. 40%) compared to Europe **(47,3%)**.

At first glance, this is not a significant lag since Georgia had not yet elaborated a PWD employment policy, but when comparing indicators we should take into consideration the incomplete data available on PWDs in Georgia. We have information only about those who receive financial assistance from the state. “The State pension is provided to people with sharply, significantly and moderate expressed disabilities, whose number is limited, according to 2010 data, to 138,614 PWD. This data is inconsistent with reality”, indicated the Public Defender 2010 Parliamentary Report (Berukashvili, 2012). From 2010 till 2015 the registered number of such persons declined by 20,000 and accordingly in the latest census population there are only total of 3,700,000 and not 4,900,000 registered in 2014. “According to information provided by MLHSA for March 1, 2015 118,651 state social assistance recipients were PWD. That is approx. 3% of the total Georgian population (3,729.5). However according to World Health Organization an average of 10% is the normal percentage of PWD (IDFI 2015).

Interpreting estimated rate of disability employment

As noted earlier, disability employment statistics are not available in Georgia, and our estimated rate of employment (approximately 30%) is based on several assumptions, including: 1) percentage of PWDs among working age population is equivalent to their percentage among total population; 2) number of PWDs among people that are employed (or self-employed) is equivalent to their number among hired workers; 3) structure of employment among registered PWDs is the same as among unregistered ones.

To better understand the level of disability employment in Georgia, we should compare it to disability employment rates in EU. We will find that it below the average (47,3%) and close to the lowest (23,7% in Hungary) disability employment rate in member states. It is also important to realize how realistic/probabilistic are the assumptions that serve as grounds for estimating the PWD employment rate in Georgia.

The first assumption is clearly a fair assumption with high degree of probability, considering that in countries across the world percentage of PWDs in working age population is nearly equivalent to their percentage in total population. For instance, in 2009 in the U.S., disabled people accounted for 10% of Americans between the ages of 16 and 64, which is almost equivalent to rate of PWDs in the total population (Brault 2010).

²⁸ Employed PWD among work age PWD

Fairness of the second assumption, based on which the number of PWDs among people that are employed is equivalent to their number among hired workers may not be as clear. Based on GEOSTAT's estimates²⁹, hired workers account for only 39% of people that are employed in Georgia (including the self-employed). This, in light of our second assumption, means that PWDs similar to other people (people without disabilities) are mostly self-employed. Moreover, we should expect that the rate of self-employment among employed PWDs is higher than among persons without disabilities that are employed. This comes as no surprise in a country like Georgia where labor market is active and passive labor market policies are underdeveloped.

Even in an environment where LMPs promote formal employment, "employed persons with a disability were more likely to be self-employed than those with no disability"³⁰ (შშსტატი, 2015). However, certain factors in Georgia encourage hiring of PWD employees – for instance, key group of PWDs will continue to receive their disability pension, which promotes employment outcomes for people with disabilities. They are also entitled to tax breaks (e.g. exemption from income tax), which also supports their employment. All of these factors justify our second assumption and thus support our estimated disability employment rate in Georgia.

The third assumption about structure of employment among unregistered PWDs raises more questions. Unregistered PWDs account for 3% of the total population, which is 4-5 times less than rates in Europe and worldwide³¹. This is possibly due to the lack of social welfare and therefore, lack of incentive to overcome barriers to registering the PWD status. This means that total rate of employment estimated by us will actually be higher if employment rate among unregistered PWDs is higher than among registered ones or lower if employment among unregistered PWDs is insignificant. Both scenarios are equally probable as there are equally convincing arguments on both sides.

In fact, persons with more severe disabilities (pronounced or serious impairments) are more inclined to register for the PWD status due to the fact that unlike others they are entitled to social welfare. They also have fewer opportunities for employment unlike persons with mild or moderate impairments (all else equal). Therefore, employment among unregistered PWDs may be higher (because they have better health).

On the other hand, socially vulnerable persons are less likely to register due to barriers they should overcome to obtain the status. Their share among PWDs is far more than among persons without disabilities. Because this is true for Europe, we should assume that

²⁹ National Statistics Office of Georgia - <http://geostat.ge/>

³⁰ „Employed persons with a disability were more likely to be self-employed than those with no disability“

³¹ Because people with disability status account for about 13% of working age population in Europe, we should assume that their share in total population is similar. According to some estimates, disabled people represent more than 15% of total population in Europe (See: <http://www.step-hear.com/accessibility-facts-figures.htm>)

in light of the underdeveloped social policies in Georgia relative social vulnerability³² of PWDs would be much higher (Eurostat 2014). Because the socially vulnerable have fewer employment opportunities, employment rate among unregistered PWDs is higher than among registered ones. If research proved that the social vulnerability argument outweighed other arguments that support high rate of PWD employment, our estimated rate of PWD employment would be lower.

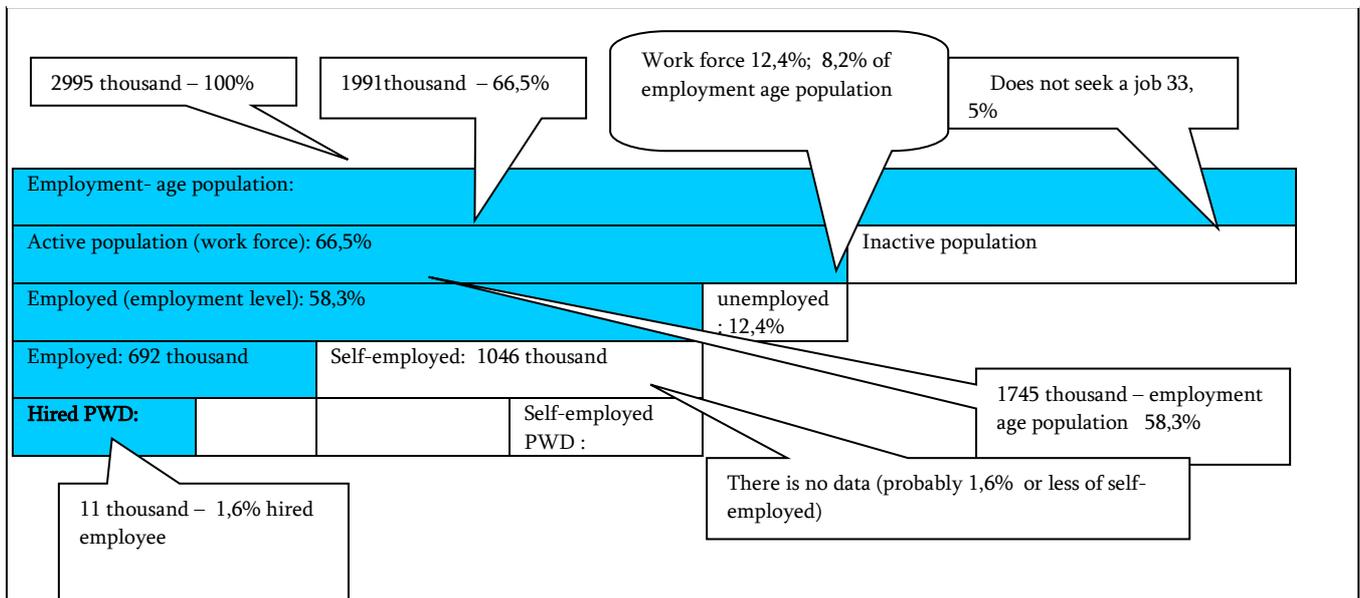
Critics of our estimation of PWD employment argue that Georgia's rate of PWD employment is incomparable to Europe's considering that 11,000 employed PWDs do not include "actual" PWDs with basic activity difficulties or work limitations, i.e. they assume that definition of PWD status in Georgia is different from Europe's. However, this is not true, considering that the law of Georgia on medical-social examination provides the same definition of PWD status as the UN Convention on Rights of Persons with Disabilities. In addition, according to Eurostat, no matter how we define disability – in terms of having a basic activity difficulty or longstanding health problem [that limits ability to work] - employment and unemployment rates will not be affected (Eurostat, 2015).

We must highlight the fact that our estimation of PWD employment (using indirect methods) is not intended to substitute the need to measure the rate using methods of direct evaluation. However, we hope that our estimate will encourage readers to carefully judge the widespread myths about lack of PWD employment amid the underdeveloped labor market policies. On the other hand, the foregoing discussion has revealed factors that affect PWD employment rate. Determining actual implications of the foregoing actors/arguments for disability employment in Georgia requires relevant research.

If we can talk about employment indicator in the country based on assumption, **we do not have enough data to calculate employment and non-activity levels among PWD.** Here we have to note, that from some point of view, a high level of inactivity among PWD is more alarming than unemployment level. One is registered as unemployed after he/she is actively looking for a job. For PWD, getting to the level of such activity and integration into work force is already an achievement. The figure below (figure #3) illustrates the correlation between different employment indicators and employment indicator based on PWD hiring.

³² Here we mean poverty and social exclusion

Figure 2: Employment Indicators in Georgia in 2014



Source: National Statistics Office of Georgia, Social Service Agency

Disability Models

The way service providers understand disability issues has a great impact on PWD employment situation. The best known models are: medical, social and bio-psycho-social. The medical model has dominated policy in Georgia for centuries. This model focuses on individual health problems and functional limitations and uses healing and rehabilitation approach. This model justifies excluding PWD from many social spheres including employment. It sometimes leads to their segregation or even placement in special institutions. This contributes to employers' believing that PWD are not able to be present at work like others. In those countries where the medical model prevails, PWD employment levels is lower and activities take place in segregated conditions ³³(Gottlieb, 2015).

The second model recognized in Europe during recent years is the **social model**, which emerged in Britain during the 1980s. The concept originated in the 1960s. This model perceives environmental, social and addiction factors as a cause of disability and pays less attention to individual limitations and more to their capabilities. Using this model showed positive results on PWD employment in the US, Canada and Australia, where many disabled persons have been hired in equal competitive conditions with others (not in specialized, segregated workshops).

³³ Here meant gathering PWD in special institutes, where they have or not limited social interaction with non PWD.

The third is the **bio-psycho-social model; accepted by the World Health Organization (WHO) in 2001**, it does not consider the other two models as sufficient, though it recognizes their strengths. This model perceives disability as the result of interaction between biological, psychological and social factors. As this approach is very new, its impact on PWD employment is not yet evident (Gottlieb 2015).

Georgia

Until recent times, the medical model approach has prevailed in Georgia and began during Soviet times. **Enterprises from this period**, which are owned by organizations working with disabled people, are not **segregated special-enterprises** (a typical feature of this model). According to the Union for the Blind of Georgia, their enterprises hired dozens of blind persons who worked in an adapted environment, along with non-PWDs who made up almost half of work force, with salaries equal for both groups.

After Soviet times, some **norms remained in force** and others **correspond to the social approach**. Namely, a 1995 Law on “Disabled People Social Protection” said that for PWD “Respective labour conditions will be created based on individual rehabilitation programs.” (LHG, 2015). These norms correspond to the social model, but most of them have not been implemented in practice.

Today, as a result of ratification of UN Convention on the Rights of Persons with Disabilities (UNCRPD), Georgia is trying to implement reforms that can bring the legal context closer to the social model. In the employment field, an example of such reform is launching supported employment programme by the Social Service Agency (see chapter 1.2³⁴). Nevertheless it should be ensured that the norms (however inactive) introduced by the 1995 Law on Social Protection of the People with Disabilities are not deteriorated, what would be against the spirit of the UNCRPD and unacceptable from the perspective of human rights.

Employment models

Different analysts have provided analyses of these models. One includes three categories: Sheltered Employment, Supported Employment and Customized Employment (Gottlieb 2015). Others distinguish between four categories: Sheltered Employment, Supported Employment, Social Enterprises and Open/Competitive Employment (O’ Reilly, 2007). There are two main distinguishing features between the models: 1) is the PWD paid a competitive decent salary; 2) is the employment environment segregated or integrated (in other words interactions with non PWD).

³⁴ Legislation related to PWD employment, polices and action plans

In the first analysis, supported employment and customized employment overlap each other because both mean working in integrated environments and open markets. In supported employment (unlike customized employment) a competitive salary is not often reached. Second, based on O'Reilly's (2007) analysis, supported employment and open market employment models overlap each other in a way where both models can be seen as employment on open market and as supported employment as well. The difference is that supported employment can include employment in a social enterprise with an uncompetitive salary (because salaries are subsidized) open market employment. Below we will discuss classification suggested by O'Reilly (2007)

Sheltered Employment

According to Gottlieb (2015), the main challenge of this element is that an employee is not remunerated or is paid in such a small amount that it cannot be called a salary, thus the employee remains dependent on social assistance from the State. This kind of employment implies a non-integrated environment, where non PWD employees are mainly supervisors rather than staff members. This approach increases the stigma of people with disabilities and hinders their further integration. Despite this, such employment is considered a preparatory stage for employment on the open market. However, only a few (up to 5%) manage to transit to open market in terms of employment (O'Reilly, 2007). Accordingly, in a long-term perspective, the impact of this model on PWD final integration is not impressive. Despite this, ILO³⁵ #168 recommendation envisages governmental support for employment in such cases, when employment on an open market is practically impossible (O'Reilly,2007).

In Europe, the definition of such employment is not uniform and implies productive work and different levels of remuneration. For example in Ireland, working in a sheltered enterprise means it was established specially for PWD, and the employee maintains social assistance, receives only a small allowance for work and the employment is not protected by the Law on Labour. The Sheltered Employment definition determines that relevant enterprises also receive State financing. Only in a few European countries can we find a complete employment system. For example, in Great Britain, this type of system emerged in 1945, known as Remploy and in 2006, this system employed 9,000 PWD in 83 factories (O'Reilly, 2007). Outside this system, at local self-governance and civil society sectors shelters employment numbers are gradually decreasing, as preference is given to employment on the open market (ibid.).

Supported Employment

³⁵ International Labour Organization

This model implies employment in an integrated environment with competitive remuneration, but the second goal is not always reached (Gottlieb, 2015). This model relies on a social model of disability, with such values as: employment rights, the individual strengths of the employee,, personal goals and a local community function in individual development. A job coach/mentor can train for working and assist the PWD to find a job, keep a job and develop their careers. The terms of reference for Job Coach/mentor and Job/Employment Consultant are often used interchangeably (TDI, 2014).

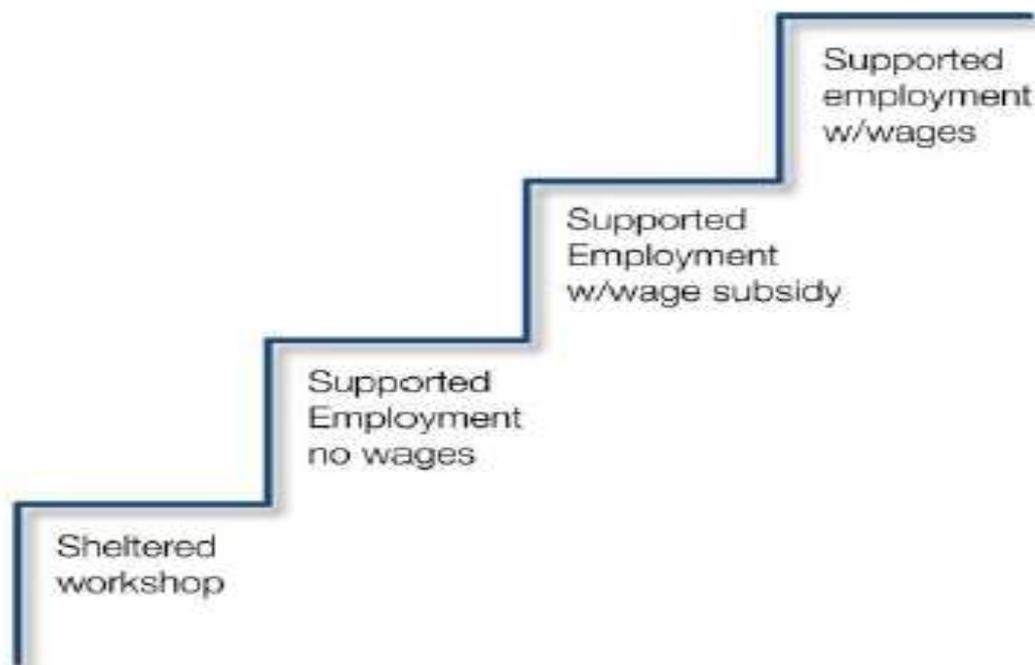
This model emerged in the United States and was determined by Law as remunerated work within an integrated environment with support services. Since 1997, remuneration cannot be less than the minimum wage (O'Reilly, 2007). This model is gradually gaining popularity in Europe.

In Europe as well as in the United States, such employment includes various strategies and overlap between sheltered employment and open market employment models in many cases. For example, in the US, this model implies individual employment as well as PWD enclaves in ordinary enterprises, mobile work crews and small business cases. Enclaves and mobile work crews differ slightly from sheltered enterprises, because here PWD are not working along with non PWD. At the same time, individual employment and small business cases differ only in terms of support services, including job coach/mentor.

Great Britain, besides having a job coach/mentor in supported employment also subsidizes employees; Netherlands subsidizes salaries; Latvia develops entrepreneurship and self-employment; and in Sweden PWD business ideas receive start-up grants (O'Reilly, 2007). It is interesting that before 1992 in The Netherlands, PWD employed within this model received a lower salary than sheltered enterprise employees where a full salary was guaranteed (more than the minimum). Salaries were calculated based on productivity and replacing it with social assistance was possible for only 85% of the minimum salary. In 1992, the State established that social assistance should equal the prescribed minimum salary in the country, and it introduced subsidies to cover the costs of the job coach (O'Reilly, 2007). Despite the fact that this model features obvious social and psychological advantages for PWD, the cost-effectiveness of this approach is unclear so critics insist that cost-effectiveness is illusory and is only present when persons with less severe disabilities are selected to participate in the programmes (O'Reilly, 2007, pg 74). In many European countries the number of those employed under these programmes are fewer compared to those in sheltered enterprises. When the Great Britain State programme - Remploy - employed 9000 PWD in sheltered enterprises, the same programme employed only 5000 in mainstream workplaces (O'Reilly, 2007).

According to EU Commission 2012 data, various forms of support are eligible for supported employment, but the absolute meaning of the title is suited to the form that includes full salary and is expressed in the last stage shown in the drawing below (Figure 3). Supported employment with no salary and salary with subsidies are stages that lead to sheltered workshop employment.

Figure 3: Stages for transition to supported employment



Source: (European Commission, 2012)

Social Enterprises

The Social Economy, according to the European Information Centre for the Social Economy (ARIES), is “based on the values of economic activities with social goals, sustainable development, equal opportunities, inclusion of disadvantaged people, and civil society”. (O’Reilly, 2007). The European Commission frequently refers to the Social Economy as a system that provides goods and services for needs for which neither the market nor the public sector currently appear able to make adequate provision (O’Reilly, 2007). The **Social Economy**, which is an important part of European economic model³⁶, along with other forms (non-profit association, mutual-support societies), also includes **social enterprises**

³⁶ Includes 6% of employed in European Union – about 11,000,000 people

(European Commission 2015). According to the European Commission³⁷, social enterprises, besides commercial activities for social purposes, reinvest the profit for a given objective and their management/property disposition system is based on democratic and participatory principles ((European Commission, 2015).

Social enterprises may include different forms, but based on their fields of activity, **Work Integration Social Enterprises (WISE)** represent crucial key group. For example in Lithuania, social enterprise is called any respectively registered enterprise with at least 30% of hired PWD or long term unemployed. Since 1960, PWD Work Integration Social Enterprises benefit from a range of tax exemptions and have preferences in public procurement process (O'Reilly, 2007, pg. 76). In Lithuania, 40 percent of those employed in social enterprises should be from disadvantaged groups, including persons with disabilities. The state subsidizes 50% of their wage compensation (ibid).

In most European industrialized countries, the State seldom has³⁸ a focused social enterprise support strategy. Some countries issue “startup” grants for self-employment of PWD or business initiatives, however, usually social enterprises have been formed in the civil society sector. In Italy, Work Integration Cooperatives started in 1974 when workers with mental illness rebelled against working without pay. In Spain, ONCE (The Spanish Organization of Blind Persons) established a foundation (Foundation ONCE) in 1988, involving the participation of different groups of persons with disabilities. In 1997 the employed owned 60 enterprises with almost 6,000 workers, of whom 72 per cent were disabled.

Georgia

During the period of the Soviet Union, there were **sheltered workshops** in Georgia, a prototype of modern **Work Integration Social Enterprises**. Labour qualified as labour therapy and psychiatric hospital patients could be identified for employment in special enterprises, but the situation regarding private enterprises of PWD' societies is more difficult today.

The **Union of the Blind** owned enterprises where more than 50% of employed were PWD. Such enterprises benefitted from tax exemptions and took public orders in priority. These enterprises had adapted environments for PWD, who received full wages and were entitled to all rights according to labour protection legislation. With all these features, these enterprises belonged to **Work Integration Social Enterprises that have appeared in Europe and the USA**. Therefore, the property and management form (where these belong to PWD), an integrated environment for employment (not working with PWD), full wages and labour rights are the main characteristics of **Work Integration Social Enterprise Model**. The minimum quota of employment of PWD applied in these enterprises is also close to the quota now demanded for European Social Enterprises (E.g. Italy and Poland) and making

³⁷ In 2006, the Social Enterprise Alliance, based in the United States with a membership drawn mainly from Canada and the United States, widened its definition of “social enterprise” from “any earned-income business or strategy undertaken by a non-profit to generate revenue in support of its charitable mission” to “an organization or venture that advances its social mission through entrepreneurial earned income strategies”

³⁸ One of the exemptions is Great Britain: <http://www.socialenterprise.org.uk/>

them eligible for state provided benefits. However, some characteristics place these enterprises close to **sheltered enterprise model** - segregated residential areas for the workers those enterprises and their owner Soviet time NGOs/DPOs de facto control from the State.

There is no obvious line between **sheltered enterprises** and **work integration social enterprises** even in Europe. For example, based on the European Commission report on the implementation of the UN convention, during public procurement the advantage is given to sheltered enterprises where 50% of the workers have a disability, and work integration social enterprises (EC, 2014, pg. 33). Therefore, there is no big difference in terms of employed PWD between sheltered and social enterprises.

After the Soviet Union, enterprises belonging to the Union for the Blind (as well as other PWD organizations such as for the deaf) lost benefits from the state. This meant almost all PWD lost their jobs. Today those who work in those enterprises are PWD from older times.

In 2014, the Union for the Blind began a process of restoration of state support for social enterprises and drafted a law in Parliament to legalize the status of social enterprises and cooperatives and introduce a quota system similar to the Polish model. The Health and Social protection Committee in Parliament rejected the initiative.

One reason it was rejected as Article #13 from the Law of Georgia on “Public Service”, which states equal opportunity has to be available according to skills, qualifications and professional training. The rationale behind rejecting benefits for social enterprises was an expected decline in budget revenues and the creation of an unequal environment for the same kind of entrepreneurial entities. At the same time, through ratification of the UN Convention of the Rights of PWD, Georgia decided to implement the activities outlined in Article 27 of the convention, including legislative measures, one of which envisaged the employment of PWD in the Public Sector (paragraph G) and supporting employment of PWD in the private sector by policies such as affirmative action (paragraph h) (United Nations, 2006). Affirmative action is in fact positive discrimination and can't be defined against the law that prohibits any form of discrimination and establishes the primacy of legal opportunities.

Besides the Union for the Blind, **there were other efforts to define social entrepreneurship legally**. For instance, the Eurasian Partnership Foundation proposed a draft law on social entrepreneurship to the Parliament, which has not yet become law. This draft law was different from the initiative by the Union for the Blind in that it envisaged other forms of social entrepreneurship besides work integration social enterprises.

Today social enterprises function with any national policy framework and mostly within the framework of donor-funded or pilot projects. Donors include local NGOs and State Actors. An example of a donor operating in the civil society sector is the Eurasian Partnership Foundation (EPF). State donors include the **Children and Youth Development Foundation** which mainly addresses work integration social enterprises. . From International donors EU should be mentioned as an important actor supporting social entrepreneurship.

Initiatives for **developing supported employment models** were made by the civil society sector. For instance, the Georgian Association of Social Workers trained supported employment consultants through one project. Among the NGOs, providing employment

consultants/ job coaches services, it is worthwhile to mention SOS Children's Village and KEDEC.

It is more important to support development of this model of PWD employment by the State, which has already been initiated. In particular, the Social Service Agency under the Ministry of Health, implements "Capacity Development of Employment Services in Georgia". The Agency will have a specialist to provide employment support services in all municipalities across Georgia. Other ministries are also involved in employment support development. A memorandum will be signed between the Ministry of Education and Science, the Ministry of Labour, Health and Social Affairs and the Children and Youth Development Fund³⁹ to identify employment support mechanisms for PWD and PSEs and pilot employment support services. **CYDF** will annually finance youth NGO projects that provided employment support services and job creation in social enterprises. One of the objectives of the CYDF's project⁴⁰, in partnership with the PIN, is to institutionalise the CYDF funded SE civic initiatives role as of pilot ones for learning lessons and improving the public services.

Work and Employment Support Measures

PWD labour/vocational rehabilitation implies employment obtaining, maintaining and career development in relevant workplace. We can distinguish categories among labour/vocational rehabilitation that are more or less interconnected with different types of PWD employment. Below we will discuss mainly those categories that play an important part in Europe in supported employment as well as in social entrepreneurship models.

Employment Services

Principle of mainstreaming, widely accepted in international practice, suggests that professional orientation, professional training, internship and other services of employment are implemented for PWDs with needed adaptation but within ordinary (designed for non-PWDs) existing services. These services might include provision of information on various trainings and job vacancy as well as training in job seeking skills (preparation of resume, interview technique, presentations skills and etc.). These services might be provided within groups as well as on **an individual basis by job coaches/mentors**. The latest is a part of Supported Employment Model.

In many European Countries (for example, Austria, Sweden), special programmes exist for earliest intervention (unemployment first 6 month period, when it is easy to provide assistance) and long-termed unemployed, when there is an intensive need for their involvement into education and training programmes (O'Reilly 2007 p.83) In some countries (e.g. Italy) public services are in close cooperation with private employment agencies, some of them have services like providing training programmes (e.g. Estonia).

³⁹ Ministry of Sport and Youth Affairs

⁴⁰ Support for the Social Integration of Youth with Disabilities

Employment Trainings

In most European countries, employment (vocational skills) training is in the transition phase, where transition from special institutions trainings (**sheltered enterprise employment models**) into ordinary conditions created for job seekers takes place (e.g. Sweden, Great Britain). Even in those countries where PWD are pushed to participate in general/mainstream trainings, their activity level is low because of a physical environmental barrier or irrelevant training courses (ibid.).

In countries that are advanced in the terms of “mainstreaming” (e.g. Netherlands), problems related to accessibility are no longer an issue and training courses are more flexible. In some countries (ex. France) training takes place on an individual basis (**supported employment model**) and are combined with internships in enterprises (“sandwich courses”). In other countries (Great Britain) the model is in transition between individual and group approaches in mainstream programs and at employment centers there are teams of specialists, who assist PWD. Among other approaches, we can sort out pre-training programmes (Germany) and close cooperation between school internship providers (Sweden). In cases where skills are obviously limited special institutions remain a site for employment training within the **sheltered employment model** (ibid.).

Financial Support

One of the best known forms of financial assistance for PWD low productivity compensation motivation, is encouraging the employer with **wage subsidies**, according to O’Reilly 2007. This subsidy can take several forms (e.g. Germany offers it for 8 years) and amounts (in Austria 80% of a full wage is possible for one year). This approach is a part of **supported employment model**, including assistance like **grants for employers** for employee training and hiring individual assistants; maintaining employment assistance during the testing period (Netherlands); **payments** to outside agencies for employment **training; PWD awards** with one-time amount in case of his/her employment (France); **providing vouchers** to PWD in order to choose internship or other service provider (Netherlands); taking into account PWD status, the **preservation of social assistance** during the first years of employment (Finland) or in case of dismissals (Spain) (ibid).

Some forms of financial assistance can be understood as a part of **Social Entrepreneurship Model**. **Grants** can be awarded to enterprises for **equipment** and adjustments to make their workplaces accessible, for **Business Start-Ups** or for setting up a social cooperative for PWD (Greece) (O’Reilly 2007). In Italy, at social cooperatives if 30% of staff composition are PWD, they have tax benefits (ibid.).

Quota Employment Systems

After the First World War, Austria, Germany, Poland, France and Italy accepted **Quota Systems** and employers were forced to hire war veterans. After the Second World War, this

system was applied to PWD in general and many countries used it in Europe as well as on different continents. This system forces employers to hire PWD as a minimum percentage of the work force. According to O'Reilly 2007, there are three different varieties of this system: 1) when state does not force **but gives recommendations** (Netherlands); 2) when employment obligations are followed by **ineffective sanctions** like it was in Great Britain; 3) when obligatory **quota violators pay compensation into a Special Fund** to support PWD employment.

Quota system's first and second options are not effective. , Great Britain's System implied special professions reserved for PWD, allowed many exceptions and did not consider payments into a special fund by quota violators. It was abolished in 1996. **The third option is successfully implemented** in most European countries⁴¹, among which Germany and France, where a certain per cent of employed PWD⁴² (5% and 6%) is obligatory for employers if a work force exceeds 20 people (O'Reilly 2007).

This system of positive discrimination seen as part of employment in the social entrepreneurship model is criticized by those against all forms of discrimination. Critics say that a set quota can't be reached in some countries so many employers prefer to pay into a special fund rather than hire PWD. This attitude ignores the fact that the aim of the system is not to provide a concrete number in enterprises, but to create an initiative for PWD employment maximization to the extent possible.

This system is successful in 10 European countries where the difference of employment levels between PWD and non PWD is very low, (reference: Figure 1) 6 countries use quota system and out of the best three countries only two (France and Luxembourg) use it. Sweden, that is not using quotas is listed in the best three, but is known for its money spending compared to other European countries (GDP in percentage) for its implementation of Active Labour Market Policies ⁴³(ALMP) (ILI, 1998). On the other hand one of the advantages of the quota system is that its financing and implementation is easier compared to anti-discrimination requirements (European Center 2014, p.5).

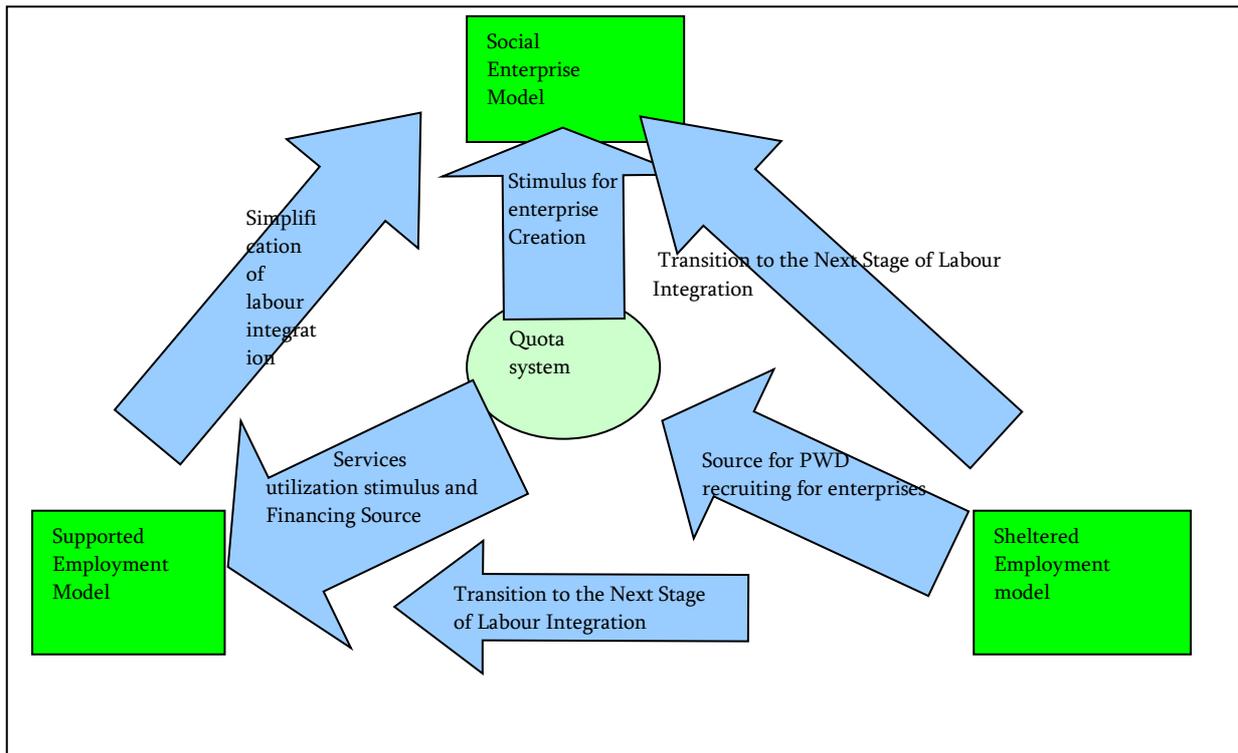
Flexicurity Strategy

A quota system **promotes the implementation of individual services determined within a supported employment model**, as it creates relevant initiatives for employers. In other words, a quota system does not exclude supported employment; on the contrary it gains effectiveness through the coexistence of various employment models. The quota **system is connected with sheltered enterprises and social enterprise** models (reference: Figure 4). For example, in order to fill their quotas enterprises in France, often address special enterprise sectors (O'Reilly 2007, p. 93). On the other hand, labour integrated social enterprise differs from quota enterprises, because it on a voluntary bases set more higher quota for PWD employment, that is a basis for receiving additional benefits from the state in a number of countries.

⁴¹ Exception is 6 countries: Denmark, Sweden, Finland, Great Britain, Estonia and Latvia

⁴² In these countries employment of persons with severe disabilities is considered to be more than on man's employment

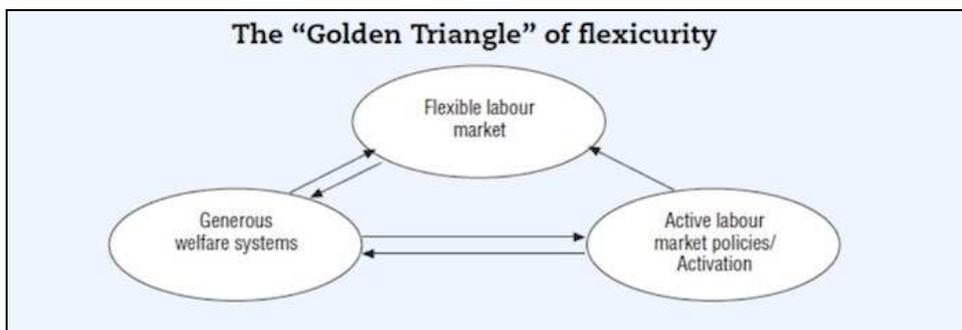
⁴³ These polices imply employment services, trainings and employment subsidize/financial support we have mentioned above



Source: Study authors analysis

EU Flexicurity Integrated Strategy that is focused on labour market flexibility and security simultaneous development and its principles are reflected in 2007 EU relevant Communication (EU Commission 2007), gives more evidence to the value of combined utilization of employment different models and measures. Flexicurity model (reference: Figure 5) relies on “Golden Triangle” principles: 1) Flexible labour markets) 2) Generous welfare state) /social security) and 3) Active Labour Market Policies -ALMP (Janseen, 2013).

Figure 5: “The Golden Triangle” of Flexicurity



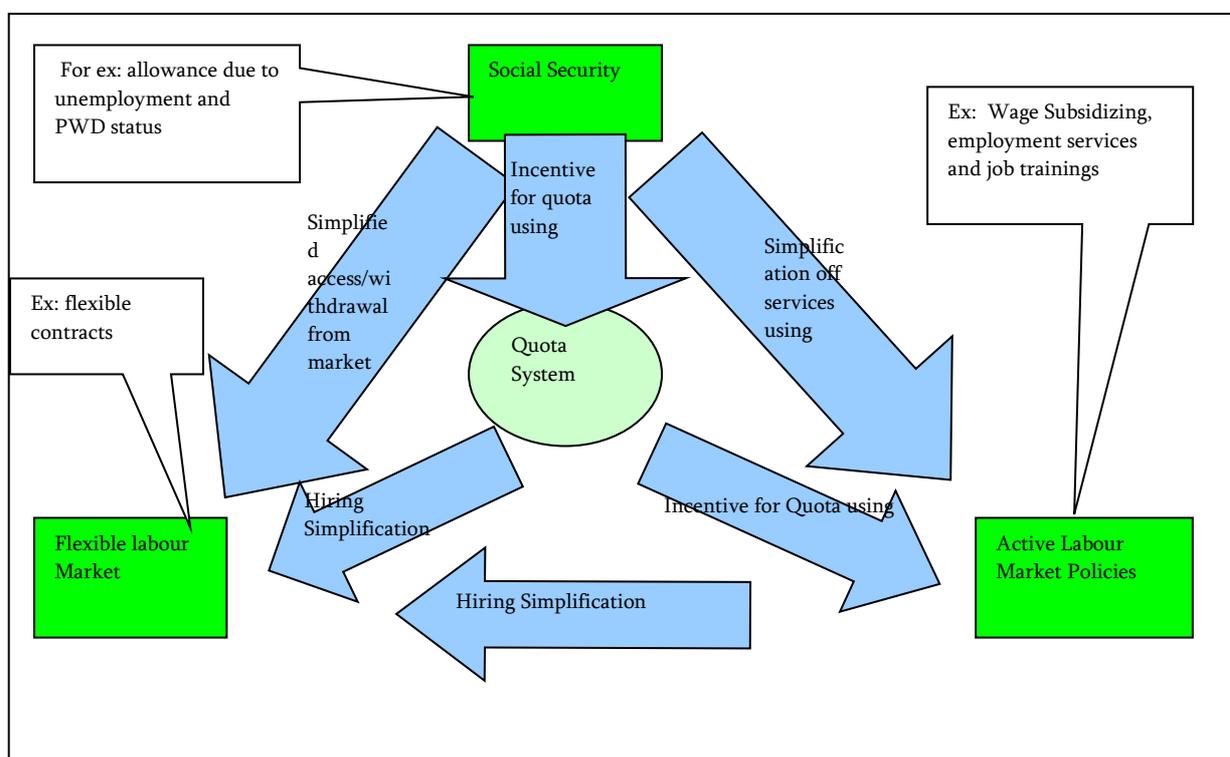
Source: (Jansen, 2013)

In case of employment supported measures, active labour market policies (ALMP) examples are: PWD wage subsidies, trainings and employment services, social security including allowances in case of unemployment and PWD status, labour rights protection and job preservation guarantee; flexible markets include: flexible working contracts, that

make easier hiring and dismissal. According to EU Commission 2012 data, in order to stimulate employers and hired employees various European countries use different instruments that cover social allowances/assistance (Social Security), wage subsidizing (ALMP), flexible contracts (Flexible Labour Market) and quota systems. **It is important that each country finds a balance to implement these instruments.**

According to the same source, wage subsidizing is an incentive for PWD hiring, but is necessary to combine it with competent job coach/mentor assistance. Social Security (allowances) simplifies PWD access and withdrawal from the labour market (in case of changes in a person's health condition). Flexible contracts simplify PWD hiring for the employer. A quota system provides more vacancies for PWD. On the next map- Figure 6, the interdependence of mentioned instruments is presented.

Figure 6: Interdependence of Employment Instruments



Georgia

Employment services development is a new trend in Georgia. Detailed Information on programmes under the responsibility of the Social Service Agency, can be found in chapter 2.1. Here, -- unlike Europe, the creation of these services for PWD was not preceded by services for the rest of job seekers. In other words, these services will be inclusive from the very beginning.

The same can be said on PWD employment supported target **training**. While vocational education was already presented by the Ministry of Education and Science, before inclusive education programme started up, but the state program, that relates to internship financing at enterprises, was established recently (reference: chapter 2.1) and will be inclusive from the initial stage.

As for **financial support**, one cannot find the same variety of programme funding in Georgia that exists in Europe. The lack of wage subsidies, despite their importance in developing PWD employment, is a crucial issue. Instead, people with disabilities who need additional assistance for their needs, have **social** assistance even in cases of employment⁴⁴. Their incomes are partially **exempt from income tax**⁴⁵. As Nika Khoperia said during a focus group discussion, the PWD outstanding employer Taxi 200-200, considers this benefit as an important incentive for PWD employment (Khoperia 2015).

Despite this fact, the Parliament of Georgia did not approve the current quota concept. The employment department of the MLHSS pushed for a PWD Employment Supported Concept that determines compulsory Quota principle. This concept, introduced to the representatives of civil society on October 22, 2015 meeting, represents an attempt to elaborate a strategic document for PWD employment and is in the process of further improvement, where civil society contributions are welcome.

44 „During their employment all persons with severe disabilities and persons with significant visual impairment shall retain pensions awarded to them according to the corresponding disability status“ (LHG, 1995)

45 Taxable income up to 6000 GEL received by a person with a disability since childhood, as well as persons with apparent or strongly apparent disability during the calendar year shall not be subject to the income tax (Parliament of Georgia, 2010 b).

4. A Vision from Inside

After reviewing the literature and hearing the stories of employed or unemployed PWD, several issues were identified concerning the attitudes of an employer towards PWD, in particular:

4.1. Employers' Attitudes toward Employing Persons with Disability *[Ana Bakanidze]*

- Employers have more positive attitudes towards persons with physical impairment than persons with mental (intellectual) and psychiatric disorders;
- Employers may express the desire of PWDs, but most of the times they are confused about how to define responsibilities, what kind of arrangements they need and what kind of support will be needed;
- Employers, in case they employ PWDs, always try to demonstrate this fact of employment, distinguishing PWDs from other employees (whether it is in a negative or positive context)
- PWDs are not yet considered as regular job-seekers;
- PWDs are not considered as potential taxpayers from their own salaries;
- There is lack of acceptance from other employees and from society during work , particularly at initial stages of employment and there is less a sense of collegiality, it's more expression of sympathy, which reduces the feeling of equality of PWD;
- Employers have a low rate of dependence on social benefits, due to their almost non-existence.

4.2. Features of PWD Employment Process, Employees' Experience *[Ana Bakanidze]*

- Compared with those out of employment, employed PWD have higher level of engagement in different areas of life, moreover, some of their problematic behaviour has been improved during job performance; their quality of life, wellbeing and quality of independence is increased;
- There are no support mechanisms for employed PWD – supportive technology and human resources are rarely fully operational. In many cases, PWD work in unsuitable

conditions and cannot fully perform their tasks, not due to lack of qualification or motivation, but due to lack of access to the above-mentioned services;

- From the perspective of focus group discussions participant employers state programs for PWDs employment, whenever they exist, have little impact. Most employers have received funding from various civic projects;
- Employment professionals' roles are not clearly defined, there are no employment consultants;
- If compared to other persons it's not so effective to teach theoretically (without hands on experience) different skills to person with intellectual impairments before starting work; however, it does not mean that their employment is impossible. This means that they may need a person with appropriate skills, who will support them in finding a job, on-job learning and keeping the job;
- The labour market is not developed. There is no sufficient information about labour market demands and labour force characteristics (profession, qualification, skills etc.);
- Vulnerable groups are isolated from the labour market in Georgia (PWD, PSEs, former prisoners, probationary, long-term unemployed, youth, women and etc.);
- Employers are reluctant to hire PWD – there is fear, mistrust, lack of awareness of benefits;
- There is no adapted infrastructure for integrating PWD in the labour market (general state infrastructure – problems related with getting to the work place);
- Awareness raising of society is insufficient, (including employers) on benefits and importance of engagement of low competitive labour resources in labour market;
- PWD status is determined only by a medical diagnosis, there is no methodology for psycho-social assessment in order to identify the potential and define labour recommendations;
- Factors hindering involvement of low competitive groups in labour market are not explored, their employment enhancement models are not identified and piloted by the state;
- Communication with employers regarding the engagement of weaker competitive groups in the labour market is not strengthened;

Successful Case of Employment (Oral Story)

I am thirty. I graduated from the Javakhishvili Tbilisi State University Poti branch, the Faculty of Law. After that, I built my own capacities, attended various courses, passed lawyer's certification exam. I did internships with private lawyers, as well as with the Georgian Young Lawyers Association. The reason I am telling all these is to show that when I had a "claim" to be employed, it was backed up with my experience.

After leaving university, I remember, I was trying to get an internship at Khobi Municipality, what was not arranged then. . Despite a lot of effort, it did not occur possible. There were promises and seemingly "real" opportunities. Nevertheless I can say with full responsibility, that there was also intrinsic fear, fear of me as a wheelchair user.

Later, my family started a business, where I was working as a lawyer and was preparing contracts. Due to health problems, I had to move to Tbilisi, where I finished weekend

school at the Georgian Young Lawyers Association and had a several-month internship. During the same period, there was a vacancy announced particularly for PWD at the Ministry of Finance. There were no positions that matched my skills; however I still applied, as a call-center operator and HR specialist.

Of course, I did not have ambitions for a higher position, everything starts from a small job and I fully realized that I might not be able to get my desired job. Therefore, I applied for the announced vacancy. During the interview at Ministry of Health, I said that I had already had experience in the private sector and enough knowledge and now the next step was to try my luck in public service.

The interview was the second stage, which was attended by heads of Juridical and Financial departments; I was 24. I remember the very first question they asked was, that with my limited experience, why did I want to get a job at any place. My position was, that everyone starts with something and when we graduate from university, we have a small “claim”, with which we can do something. There I was told, that they could not employ me due to lack of experience. This is not a good enough argument for me; I think, I deserved a chance.

After this, together with some friends, we established an NGO. During that period, CYNC had a program that allocated a room for newly-established NGOs for free, and we seized that opportunity. During one of the visits, I met with employee of the Center – , who offered me an internship at the Center. I was very surprised at the offer. It was somehow strange as I was a lawyer and had never worked on youth issues before. However, I like challenges and accepted the offer.

After 2 years of internship, I was employed and I am now a service contracted employee at CYNC, as a specialist and a trainer. I am involved in the project “Changes for Equality”. Here, with my colleague, also a PWD, Merab Dukashvili, we visit Tbilisi public schools and increase the awareness of children on rights of PWD. The project also aims at breaking the stereotypes of society. Later, these children became friends with us and they completely changed after the lectures. Simultaneously, I give lectures at GYLA on Sunday School, in addition to lectures on gender based violence, family violence, children’s rights and rights of PWD at different organizations.

Years ago, when I was a pupil, there was no inclusive education. I was lucky that my parents were open minded and never considered bringing teachers home. I went to the public school. My walking impairment started when I was 15, however I did not start using a wheelchair until due to stigma I began doing so. Later, at my parents’ desire, I entered the University and today I study for a Master’s programme of public administration at the Georgian-American University.

I have adjusted my working schedule so I go to work on Mondays, Wednesdays and Fridays. I do physical exercise in the morning, so I start working at 11:00 am instead of 09:00. I get a salary of the same amount as other employees. As public transport is not adapted, my transportation expenses are higher because I have to use a taxi service.

An Unsuccessful Case of Employment (Oral Story)

I am 22 years old. I have a secondary education. I have been keen on technical occupations since childhood, like electricity and engineering but I have a visual impairment. It does not prevent me from doing interesting things like installing a radio in a chocolate or chip box, putting vehicle charging equipment in a computer processor etc.

I often perform different tasks in the family or at my friends, like changing the bulbs, repairing damaged switches etc.

Although I don't have higher education, I tried find work in the private sector at different times, for example in stores, at electric repair booths, technical shops etc. I showed the things repaired or tuned by me, requested to assign any repairmen tasks they needed. I have good communication skills and can do my job. I move independently and I don't need support while performing my job. I tried to explain this to every potential employer.

However, unfortunately, the biggest issue hindering my employment is the fear of society and the stereotypes existing among employers: They don't perceive me, as PWD, as a regular job seeker. They have a fear of interacting with me. Probably, they are afraid, that I can't do something well and they don't give me a chance.

There were cases, when the employer as interested, but other employees present in the same room protested that it would be difficult for them to work in such environment and they declared it in my presence.

Employment is very important for me as I have a wife and a toddler. I know, that in the organization where I am employed, I will definitely do my job, however convincing others does not appear to be that simple.

Main Findings

Opportunities for Advocacy within the Institutional Environment

- The ombudsman's tools to supervise discrimination is limited and even though his supervisory authority is entitled through the “Law of Georgia on Elimination of All Forms of Discrimination”. According to this law, the Ombudsman can recommend, but it cannot impose administrative fines. Its resources to perform conciliation functions defined by law are also very limited.
- On the other hand, PWD Human Rights organizations can address the Public Defender to be included as a third party in court. Such interventions create a legitimate space of involvement for these organizations.
- It is important that PWD advocacy civil society organizations pay attention not only to arranging the space⁴⁶ while fighting against discrimination, but to encourage forms of positive discrimination, such as “reasonable accommodation” of the work place, defining preferences for enterprises employed PWD, such as sheltered enterprises, Work Integration Social Enterprises or regular enterprise, which employ PWD with quotas (See chapter 3.1)

Opportunities of Service Development in the Third Sector

- In Georgia, the weakest part of the golden triangle of “Flexicurity” (See chapter 3.1) is the “Security Principle”. We have neither passive labour market policies (e.g. unemployment allowance), nor state- supported/special enterprises, nor supported employment, nor obligatory quote of PWD employment.
- Therefore, it is important for civil society organizations to develop such type of social entrepreneurship, as Work Integration Social Enterprises. These enterprises employment are based on supported employment principles (mostly labour therapy), and full scale jobs in an integrated environment and with decent wages. It is important to establish linkages for such enterprises not only inside the country, but also across Europe⁴⁷, where such types of enterprises play a significant role in the social economy.
- In addition, it is crucial for civil society organizations to participate in developing active labour market policies. Such policies are the second weakest angles of “Flexicurity”

⁴⁶ It's regulated with respective technical order (Government of Georgia, 2014a)

⁴⁷ <http://thirdsectorimpact.eu/partners/european-network-social-integration-enterprises-ensie/>

triangle and are now being developed in terms of services provided by Social Service Agency (See chapter 2.1).

- Such participation may include piloting supported employment services for PWD and developing employment consultants/ job coaches human resources. The state plans to consider the results of such pilot projects and cooperate with them. This intention became an integral part of the “Employment Support service development program” (See chapter 2.1).

Needs for Changes in Institutional Environment

Current institutional environment in Georgia promotes further marginalization of the most socially vulnerable among the PWDs. Research has uncovered a number of facts that may be grouped under three different perspectives that support the foregoing argument.

From the first perspective, disability benefits foreseen by law are enjoyed by the most socially integrated PWDs.

From the second perspective, there are certain programs and norms in Georgia that view disability assistance as sporadic charity (charity approach) as opposed to continued realization of disability rights (human rights-based approach). It has been widely recognized that the former will be inadequate to ensure access of the most vulnerable people to services intended for their support and assistance.

From the third perspective, existing legal framework ensures flexibility of labor market for PWDs but it does not provide social security and active labor market policies to facilitate disability employment. In addition to these three key components of EU's flexicurity strategy in the labor market , Georgia is yet to ensure implementation of the fourth component of the strategy - comprehensive lifelong learning. Balancing all four components of the strategy of flexicurity serves as a foundation for providing inclusiveness and economic growth in labor market. Therefore, the fact that the country is essentially ignoring 3 out of 4 components of the strategy creates conditions for marginalization of the most vulnerable among PWDs in labor market.

One of the findings of this research that supports the “first perspective” has to do with the estimated rate of employment of registered PWDs, which is considerably high (about 30%). In absence of active and passive labor market policies, the high rate of disability employment in Georgia comparable to rates of some Eastern European countries can only have one serious explanation that needs to be addressed. It means that PWDs that are more integrated in the society are more inclined to register their disability status (and receive their disability benefits) and because they are more integrated they have better employment opportunities. To put it differently, majority of unregistered PWDs are the most socially vulnerable (even in terms of their economic status) while they are possibly also the ones with lowest rate of employment. This assumption is

supported by our statistical information (see Chapter 3.1. Employment Statistics) as well as findings of the qualitative research (see Chapter 4).

We must also note that CSOs are reluctant to recognize these factors. Instead, most of them focus on significance of disability stigma, while others question credibility of quantitative data in order to avoid challenging the existing myth about total unemployment of PWDs on the account of disability discrimination.

Another finding of the research that relates to the “second perspective” has to do with complete disregard of the human rights-based approach by an important law such as the Law on Social Protection of Persons with Disabilities. The law views persons with disabilities primarily as recipients of “charity” disability assistance and support and does not recognize them as “rights-holders”. The state may or may not choose to provide charity support like tax breaks, targeted subsidies, special funds, etc. for disability organizations and enterprises that work to provide social assistance for PWDs. The law also mentions individual medical, professional and social rehabilitation programs as well as the so-called special or protected enterprises set up for labor rehabilitation but it does not prescribe their mandatory existence or accessibility.

The third perspective is supported by several findings of the research. In particular, flexibility of labor market for PWDs is ensured by norms that keep disability pension during employment and provide tax breaks (for two out of the four grades of disability that are more serious than others). On the other hand, the country is lacking important passive labor market policies for social protection of workers that would ensure unemployment benefits or application of reasonable accommodation in disability employment. Active labor market policies for development of services like disability employment services or apprenticeships for job seekers are fledgling . In addition to being less sensitive towards the socially vulnerable, disability laws are also inconsistent in terms of approaches and conceptual frameworks . As a result, there are certain programs and norms in Georgia that view PWDs as people that are incapacitated and have no abilities. The Law of Georgia on Medical-Social Examination has been drafted largely relying on the medical model of disability. For instance, it considers PWDs with serious or pronounced impairments employable only when they have certain “defects” (or have been diagnosed a certain way). It has been recognized that legislation based on the medical model of disability does not promote employment of PWDs, which is why disability laws in Georgia need to be consistent in implementing principles of the social model of disability.

Table [3] – Summary of Findings

Findings	Opportunities for the Civil Organisations intervention	Need for further research
Employment rates are not as low as commonly believed	<ul style="list-style-type: none"> • Development of Work Integration Social Enterprises • Development of 	Structure of PWD population and their employment (based on social impairment)?

	Supported Employment Services	
Actual Problem : Institutions support increased marginalization of socially vulnerable groups	<ul style="list-style-type: none"> • Advocacy of introduction of quota and protected employment • Engagement of Public Defender in court processes 	

Recommendations:

- Prepare children and young people with disabilities to work during training (practice during school, practical skills, work habits, financial literacy, management, commerce, communication, negotiation ...)
- Focus on key competencies for work
- Establish a training guide for supported employment
- Identify professions in which they may be applied by people with disabilities in different regions
- Encourage employers = examples of good practice award in the community, the community benefits
- foreign finance use to fund pilot projects of social business, which could , after evaluation of the methodology used in Georgia

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