



Permanent Group on Disability Rights

REPORT

Mission: Mission to France *Enterprises run by people with disabilities and social enterprises*

Date: 4 and 5 December 2023

Members:

Gillot Dominique (Gr. III)

Christophe Lefèvre (Gr. II)

Martina Širhalová (Gr. I)

EESC secretariat: Valeria Atzori

Monday 4 December 2023

9:00-10:30: Meeting with organisations that represent people with disabilities: **Farbod Khansari**, *CFHE* (French Council of People with Disabilities for European and International Affairs) and **Carole Saleres**, *APF France handicap* (Association of Paralysed People of France)

- In France, most disability-related discrimination has been observed in the field of work, and this exists across sectors, especially for women with disabilities. The unemployment rate among persons with disabilities is twice as high as for the general population.
- The quota of 6% of staff with disabilities per company with over 20 staff, as provided for by the 1987 law for the private sector and the 2005 law for the public sector, is still far from being reached (3% in the private sector, 5% in the public sector).
- As regards entrepreneurship among people with disabilities, the CFHE distinguishes between two kinds: that arising from a genuine personal vocation, and that resulting from a need, often due to the lack of alternatives for finding a job, which makes it a choice that is not free.
- This situation is particularly prevalent among women with disabilities: many of them try to set up their own business because they cannot find a job that meets their needs, but this is often under precarious conditions and because they have been forced to do so because of the lack of alternatives.

- As regards existing financial support, more support is needed for starting up social enterprises. Administrative procedures for accessing Structural Funds support are often discouraging and complex, and funds are often paid late. The programming of the Structural Funds from the previous period seemed to be more flexible and more accessible to small enterprises.
- There is also a lack of networking among entrepreneurs with disabilities at European level, and little drive in sharing or exchanging best practices.
- The employment package recently adopted by the Commission could have been more ambitious as regards entrepreneurship.
- Coordination and links between the European Disability Strategy and the Social Economy Action Plan are also lacking: employment of people with disabilities could have been better integrated.
- Data and statistics need to be more available in order to better assess the situation.
- The social and solidarity-based economy sector is well developed. It helps workers with disabilities through suitable employment situations, supported employment, and sheltered sectors such as work preparation centres (French designation: ESAT), supported by public funding. Workers with disabilities also receive training. Despite this, there are still not enough opportunities, especially in areas such as IT, where there are some "trampoline" fixed-term contracts specifically for people with disabilities but these are still limited in number.
- The French approach has evolved¹ since the establishment of a specific disability policy and is now based on inclusive common law.
- There are several initiatives with encouraging results:
 - The zero long-term unemployment zones initiative (French designation: TZCLD) seeks to combat long-term unemployment at subnational level. The aim is to create sustainable employment opportunities for unemployed people, or even those far removed from the labour market, by mobilising an entire region. This initiative is very encouraging and has significant potential.
 - The DUO DAY initiative gives people with disabilities the opportunity to be hosted by a worker to find out about their daily work in that post. This is a good initiative as it helps to deconstruct preconceived ideas and prejudices.
- It is important to develop the subnational dimension by providing local support that caters for mobility issues.

1

1987: [Law of 10 July 1987](#) on the employment of people with disabilities, which requires at least 6% of the staff hired by companies with more than 20 employees to be workers with disabilities. This is the obligation to employ workers with a disability denoted by the French designation OETH.

1990: [Law of 12 July 1990](#) on the protection of persons against discrimination on grounds of their state of health or disability.

1991: [law to promote accessibility to persons with disabilities](#) of living quarters, workplaces and facilities accessed by the public.

2005: [Law of 11 February 2005](#) on equal rights and opportunities, participation and citizenship of persons with disabilities. This law provides for the first time a definition of disability and lays down a principle of equality in all areas, including employment.

2005: establishment of the Fund for the integration of people with disabilities in the civil service (French designation: FIPHFP) and the establishment of Departmental homes for people with disabilities (French designation: MDPH).

2006: [the new Convention on the Rights of Persons with Disabilities](#) is adopted by the UN. The convention takes the various human rights laws and transposes them for the situations of people with disabilities as regards civil, economic, political, social and cultural rights.

2018: [Law of 5 September 2018](#) on the freedom to choose one's professional future. This law launches the reform of the OETH (obligation to employ workers with a disability).

2019: [Article 11 of Law No 2019-222 of 23 March 2019](#) gives people with mental disabilities the right to vote.

2020: [the OETH reform](#) enters into force. All companies, including those with fewer than 20 employees, now have to report their efforts to employ people with disabilities. The method of calculation has changed: the OETH is calculated using all forms of employment (trainees, placement periods, etc.) in each company rather than in each establishment as before.

2023: [New measures to encourage the employment of people with disabilities](#).

- In general, initiatives rooted in a local area that address unmet needs have great potential.
- In the sheltered sector, some medical and welfare establishments such as work preparation centres offer assistance and support contracts, but not work contracts. This aspect has been criticised by the UNCRPD Committee. These medical and welfare workers do not benefit from labour code rights such as private health insurance, trade union membership, the right to strike, leave, etc. Although the most recent labour law adopted in early 2023 strengthens their rights, it does not yet grant them the status of employee. A financial question arises regarding coverage of expenditure related to extending these rights and keeping medical and welfare support.

11:00-12:30: Meeting with organisations that represent people with disabilities and the social partners: **Hamou Bouakkaz** and **Pauline Blanchard**, French National Consultative Council of Persons with Disabilities (French designation: CNCPH); **Martine Vigneau**, EESC vice-president, French National Union of Autonomous Trade Unions (French designation: UNSA), and former vice-president of the CNCPH; **Michel Doucin**, representative of the French National Union for Families and Friends of People Suffering Mental Illness and/or Psychological Disability (French designation: Unafam) to the French Association for the management of funds for integrating persons with disabilities (French designation: Agefiph); **Sylvain Renouvel**, NEXEM (French social services employers association); **Sébastien Darrigrand**, French Union of Social and Solidarity Economy Employers (French designation: UDES); **Anne Baltazar**, Workers' Force (French designation: FO)

- Only a small proportion of people with disabilities engage in entrepreneurship, but it has been noted that their businesses tend to be more resilient.
- The main obstacles encountered include accessibility (transport, technology) and access to finance and insurance.
- These entrepreneurs often remain invisible, which raises a challenge when it comes to being aware of them, recognising them and counting them.
- To facilitate this entrepreneurship, a cross-cutting rather than a compartmentalised approach is recommended; often, it would be enough simply to use solutions that already exist for other population groups.
- The support and interest from Europe is positive, but more data is needed to understand what motivates an individual to become an entrepreneur.
- It is essential to create willingness and trust to become an entrepreneur, to secure career pathways, to break existing taboos and to raise awareness on this subject.
- Knowledge and access to training need to be improved, especially in the digital field.
- It is important to recognise that entrepreneurship is not a one-size-fits-all solution: it is one of several solutions, but not the only one.
- Many employers lack knowledge about disabilities, their effects, consequences and the varying degrees. Sometimes, out of fear or shame, workers prefer to hide their disability, especially if it is invisible. Initiatives are therefore needed to raise awareness among both employers and workers, to normalise the dialogue on disabilities and to create an atmosphere of trust.

- As far as work preparation centres are concerned, priority is given to appropriate care and support, which in some cases allows for rehabilitation and access to work, including in ordinary jobs.
- A lack of data was reported, which is essential to measure the impact of the measures adopted and progress made.
- In 2019 NEXEM and UDES negotiated an agreement with trade unions and Agefiph, setting targets for progress on quantitative and qualitative monitoring. This agreement provides for awareness-raising and information activities, as well as the development of partnerships with higher education institutions.
- For a person to remain in a job, it is important to ensure quality of life at work, appropriate ergonomics, good acceptance of the working environment, physical and digital accessibility and reasonable support for the job. Ideally, early detection of sensitive situations must allow prevention to play a key role.
- The approach should be more qualitative than quantitative.
- The rights of carers of people needing care must be recognised and increased, so that their employment, wages and working conditions are also protected.
- As a good practice, an agreement promoting the employment of people with disabilities in the medical and welfare sector was presented. This programme, funded by Agefiph, provides advice and coaching for both employers and employees, with tailor-made post-recruitment support in order to provide reasonable accommodation.
- The labour code now provides for the appointment of a disability coordinator in any company employing at least 250 employees. This coordinator coordinates measures to facilitate access to and retention of people with disabilities in training and apprenticeships, reflecting this in corporate social responsibility (CSR).
- When it comes to sheltered employment activities, the trade unions are proposing to strike a balance between extending ordinary labour rights to work preparation centre workers and maintaining certain safeguards, such as the right to return. Ordinary employment is the goal, but it is essential to avoid the process leaving people without protection by closing work preparations centres without alternatives in place. However, the CNCPH does not share this view, but considers that, under the UNCRPD, everyone can participate in work in an ordinary environment if the right conditions are in place.

14:00–15:30: Visit to the sheltered workshop (French designation: APF) in Noisy-le-Sec and meeting with **Hervé Dalidode**, director; **Farid Marouani**, operations director; **Carine Lukova**, head of external services; and **Patrick Naturel**, textiles coordinator, HR officer and communication officer

- A sheltered workshop is a social enterprise that is subject to a requirement for at least 55% of its employees to be people with a disability. A work preparation centre, on the other hand, is a medical and welfare establishment whose staff have disabilities and lower work capacity.
- The role of sheltered workshops is to integrate their users into jobs and society sustainably over 10 sectors of activity and 50 professions. Their areas of activity are digitalisation, customer service development, administration and communication. In France, they have 14 000 employees and 550 establishments.

- The Noisy-le-Sec sheltered workshop has three areas of activity:
 - industrial subcontracting (ESON, Panasonic, Konica printer repair);
 - outsourced services for 50 clients (mail sorting, reception hostesses, parcel dispatching, software testing, archivists, digitisation, shuttle drivers). They hope to develop a legal sector. Customers interested include: BNP, Axa, Crédit Agricole, Penelope;
 - textiles/fashion/ethics: they started by producing transparent masks for lipreading during the COVID pandemic. They are currently producing fabric masks and various products with company logos on (printing and digital cutting, embroidery).
- They were awarded the contract for the government programme [*les 1000 premiers jours de l'enfant*](#) (a child's first 1 000 days), for which they produce and assemble the items to make the maternity kit provided by the French state – a bib, a baby sleeping bag and a holdall with accessories such as a thermometer, soap, textile packaging and guide for the first 1 000 days.
- HR: in collaboration with the general and disability public employment services *Pôle emploi* and *Cap emploi*, they set up a support service to integrate new members into teams. This service focuses on building people's confidence in capacities, encouraging them to take training courses, and improving their overall level of competence.
- They work in market niches where there is no or less competition.
- As regards accommodation, needs are identified before the employee arrives, and then a pathway is developed to define objectives and job prospects, both inside and outside the company.
- The guidance aims to support workers on their path to employability, strengthen the external services sectors, increase their regional influence, develop the value chain linked to the customer relationship and invest in the digitalisation department.
- Funding for these initiatives comes from donations, grants and results generated by the sheltered workshops' business activities.
- They also seek to diversify their activities by exploring new professions, such as application testing and mapping.

16:30–18:15: Meeting with **Didier Roche**, co-founder and president of *Dans le noir* [In the dark] (restaurants, spa and shops) and president of Ethik Connection, and **Olivier Arnaud-Blanchard**, CEO and co-founder of Linklusion, a social start-up for people with disabilities

- The company *Dans le noir* is currently made up of restaurants in 10 countries, spas and activities in the event sector on disability awareness.
- The Linklusion platform supports entrepreneurs with disabilities.
- In France, in 2016, the Macron Law introduced recognition of the status of self-employed person with a disability (French designation: TIH), and the Linklusion platform is actively engaged in securing full recognition of this status. Their mission is to provide continuous support throughout the development of a company run by a person with a disability, and also where the entrepreneur is affected by a disability linked to an accident or illness. In the latter cases, often terrible situations arise, with both personal and financial impacts, which may lead to the liquidation of the company and bankruptcy. Linklusion has recruited researchers funded with an Industrial Research Training Convention (French designation: [CIFRE](#)) contract to carry

out a study to collect available data, forecast the percentage of bankruptcies due to disability, and provide prevention tools and support through a help desk, appropriate insurance, etc. The aim is to put in place tangible solutions to prevent these difficult situations arising and provide tailored support to entrepreneurs facing disability challenges.

- They also have an audiovisual production company that makes videos accessible by introducing subtitling, audiodescription and translation into language that is "easy to read and understand" (French designation: FALC).
- Other activities include the sale of wellness and massage equipment on the internet and the management of the *Les yeux grands fermés* [Eyes wide shut] attraction at Futuroscope.
- They consider that it is necessary to support and facilitate the connection between self-employed workers with disabilities and businesses. It is essential that these workers are well informed about how to communicate about disabilities with their clients. To this end, the platform has set up a specific training programme. They advocate that every individual has potential, and that it is crucial to focus on capabilities rather than focusing solely on skills. They stress the need to see the person as a capable individual, before considering their disability.
- They also expressed the wish to replicate and extend this system at European level, stressing that simplified access to the available structural funds would be beneficial to achieve this objective.

Tuesday, 5 December 2023

09:00–10:00: Meeting with the team of the Defender of Rights (constitutional rights ombudsman), **Mathilde Zylberberg**, private employment complaints and disability consultant; **Ulrike Kloppstech**, lawyer and platform and network coordinator; and **Siham El Aissi**, lawyer

- The Defender of Rights is an institution with five roles in France: defending users against public service malfunction; protecting children's best interests; ensuring ethical practice in the security forces; fighting discrimination; and protecting whistle-blowers.
- As regards disability, this team monitors respect for the rules on accessibility of public services, the inclusion of children with disabilities in education and discrimination in private employment.
- The Defender of Rights has officers in the Paris headquarters, as well as individual complaint processing centres, and rights promotion activities carried out by volunteers representing the Defender in the area.
- Complaints are addressed either via mediation (by Defender of Rights delegates) or via an investigation known as an "instruction", through decisions: recommendations and observations (from the [Conseil des Prud'hommes](#) (French employment tribunal)).
- It is an offence for the addressee not to respond. In their reported experience, the majority of private employers respond within the agreed deadlines.
- If they do not, the Defender of Rights has no coercive power, but can publish the name of the wrongdoing company online ("name and shame"), which is a deterrent.
- The Defender also holds hearings and carries out on-the-spot checks and "discrimination testing".

- 20% of cases of discrimination in the area of employment are on grounds of disability (\pm 600 referrals per year).
- Handling of individual complaints is a free process; the complaint can be addressed via the online form or by post. The majority of referrals concern failure to make reasonable accommodation. In these cases, mediation and sensitising are tried as a first step, and satisfaction is often obtained.
- Other cases of disability discrimination include refusal of employment, which is often difficult to document, without any attempt at accommodation or to consult the occupational health doctor. There are also situations of discrimination where workers are dismissed after an accident leading to a disability, without any accommodation measures having been put in place. Cases of discriminatory psychological harassment and sidelining are also reported.
- To conclude, having a disability brings many disadvantages, and the majority of employers still perceive it as a burden. Referrals come mainly from managers and individuals with a certain level of culture who are well informed about their rights. It is therefore difficult to measure the actual extent of the problem, but these situations highlight persistent challenges related to discrimination and poor understanding of the needs of people with disabilities in the workplace.

11:45–13:00: meeting with representatives of public authorities: **Caroline Dekerle**, disability integration advisor; **Bénédicte Legrand-Jung**, deputy head of the private office of the Minister for Work, Social Relations, Family, Solidarity and Citizenship; **Maëlig Le Bayon**, head of the private office of the Minister of State for People with Disabilities; **Lionel Rollad**, director of *Cap emploi* 73-74 and moderator of the Committee on European Affairs and EURES (European Employment Services Network) for Cheops; **Didier Eyssartier**, director-general of Agefiph and **Pierre Privat**, director of career security, Agefiph; **Marine Neuville**, director-general of the FIPHP (Fund for the Integration of People with Disabilities in the Public Administration); **Ivane Squelbut**, director for partnerships and regions, directorate-general, *Pôle emploi*; **Aymeric Morin**, *Pôle emploi*

- In France, responsibility for disability is shared between different ministries, and the ministry in charge of disabilities has the task of influencing all public policies. A reform has been implemented to combine the general and disability public employment services *Pôle emploi* and *Cap emploi*, with the aim of integrating the issue of disability into the ordinary law.
- The quota of 6% of staff with disabilities per company with over 20 staff was established by the 1987 law and currently stands at about 3.5%. This underlines the fact that making it mandatory to employ these workers by law is necessary but not sufficient. In addition, employers must be supported, access to training for people with disabilities facilitated and their rights to support secured.
- Access to training is no longer restricted to specific places or centres. From now on, all training centres must be accessible to the general public and have a disability officer and a resource person to meet the specific needs related to disabilities.
- Employers' support aims to demystify disability by setting up employment plans, disability (including invisible disability)-focused policies, training and sensitising activities. EUR 1 million

of funding is made available every year, and there is a plan to introduce an accessibility advice service for businesses.

- The issue of sourcing was addressed, and it was pointed out that some employers who are willing to do so have difficulties specifically recruiting people with disabilities, as disability is not indicated on CVs, and specifying this in recruitment announcements or vacancies is prohibited. The importance of building a culture of trust that would make it possible to mention a disability during job interviews was stressed.
- One proposal under consideration is establishing a personal file with the accommodation made to help the person offset their disability, providing all the necessary information and transferable as necessary. A rule on portability of adaptations useful to the individual has been introduced.
- The idea for workers in work preparation centres is to enable them to be able to benefit from all workers' rights (strike, holidays, bonuses, collective rights) while facilitating accompanied career paths, learning new tasks and moving to the open labour market. For example, they could work part-time in a company and have the right to return.
- There is currently a moratorium on work preparation centres, preventing new places being opened up, and they need to develop with inclusive HR strategies.
- Because of the ageing population, the low employment rate of people with disabilities needs to be addressed, tackling recruitment, career guidance, coaching and mentoring, raising awareness among employers and making existing services and opportunities better known.
- Various entities, including Agefiph, the FIPHFP, the DGEFP, the employment and disability ministers' offices, *Cap emploi*, *Pôle emploi* and its successor *France Travail*, are working together to reduce the unemployment rate for people with disabilities.
- Evaluation tools and observatories are being put in place to monitor progress with this proactive policy, which was affirmed in the discussions at the [6th national disability conference](#), chaired by the President of France, with the slogan "Towards full employment of people with disabilities".

CONCLUSIONS AND RECOMMENDATIONS

- Making it mandatory by law to employ these workers is considered necessary but not sufficient. This must be accompanied by other measures, including supporting employers by providing information and sensitising them with regard to disability; facilitating access to training for people with disabilities, with a particular focus on digital, IT and sectors under pressure; supporting and informing employers as regards reasonable accommodation possibilities and support for and in employment.
- More support needs to be provided for starting up activities in social entrepreneurship, with simpler procedures for accessing Structural Funds and more flexibility to make them more accessible to SMEs. Support should be provided on an ongoing basis to enable activities to be future-proof and more resilient.
- It would be useful to bring entrepreneurs together in a European network in order to create a dynamic for the exchange and sharing of best practices.
- The part of the employment package on entrepreneurship recently adopted by the Commission could have been more ambitious, and the European Disability Strategy and the Social Economy Action Plan could have been better linked.
- Action is needed to make data and statistics more available so that progress can be measured and barriers identified.
- It is considered necessary to take account of the diverse nature of disabilities, in particular invisible and psychological disabilities, while recognising the abilities of people with disabilities and their great desire to be socially recognised by their contribution to work.
- At European level, it is essential to provide a forum for social dialogue, setting up a disability group within the ETUC (European Trade Union Confederation).
- There is also a plan to introduce disability officers among workers.
- When it comes to sheltered employment activities, a balance needs to be struck between extending ordinary labour rights to work preparation centre workers and maintaining certain safeguards, such as the right to return. The main objective is to encourage ordinary employment, but it is crucial to avoid the transition process leaving people without protection in closing work preparations centres without alternatives in place. To this end, it is recommended that work preparation centres modernise and develop genuine human resources strategies.