

# Striving for an inclusive labour market in Sweden

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives



#### **EUROPEAN COMMISSION**

Directorate-General for Employment, Social Affairs and Inclusion
Directorate D — Social Rights and Inclusion
Unit D3 — Disability & Inclusion

European Commission B-1049 Brussels

# Striving for an inclusive labour market in Sweden

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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This report has been developed under Contract VC/2020/0273 with the European Commission.

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Manuscript completed in August 2022

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PDF ISBN 978-92-76-56229-0 DOI: 10.2767/87956 KE-09-22-430-EN-N

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#### 1 Executive summary

## 1.1 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

The Swedish Public Employment Service presents short films on its website that address employers regarding inclusive recruitment and the employment of persons with disabilities.<sup>1</sup> It also produces a podcast in which it provides inspiration and information to employers on the recruitment and employment of persons with disabilities and the support available from the service.<sup>2</sup>

The Swedish Association of Local Authorities and Regions (SALAR) has a website dedicated to the employment of people with disabilities, with information and inspiration for employers who want to employ people with disabilities.<sup>3</sup> It also contains guidelines on non-discriminatory recruitment<sup>4</sup> and accessibility in the workplace<sup>5</sup> as well as advice on support provided to employers.

There is no information or evidence to be found on how these websites are being used by employers and if they have any effect on recruitment behaviour.

### 1.2 Support and partnerships available to employers to assist them in making reasonable accommodations

The Swedish Work Environment Authority provides information concerning the process of making accommodations.<sup>6</sup>

Employers may apply for guidance from employers' organisations, occupational health care, work environment consultants or business organisations, depending on what the employer has access to in their line of business or sector. The employer may also have special employer insurance and collective agreement insurance in which professional support for accommodations is included, which they may use as a source of support.

The employer can apply for financial support for work accommodation from the Swedish Social Insurance Agency – known as workplace-oriented rehabilitation support – for employees who have been employed for over a year, including those in self-employment.

The employer can apply for financial support for work aids from the Swedish Social Insurance Agency, for employees that are in employment.<sup>7</sup> If the employee is still to be

<sup>&</sup>lt;sup>1</sup> Swedish Public Employment Service, short films addressing employers (Arbetsgivare).

<sup>&</sup>lt;sup>2</sup> Swedish Public Employment Service, podcast addressing employers (<u>Arbetsgivarpodden</u>).

<sup>&</sup>lt;sup>3</sup> Swedish Association of Local Authorities and Regions (SALAR), information on inclusive recruitment to employers (<u>Erfarenhet av att anställa en person med funktionsnedsättning</u>).

See: Rekrytera och matcha | SKR.

<sup>&</sup>lt;sup>5</sup> See: Tillgängliga arbetsplatser | SKR.

Swedish Work Environment Authority, information on accommodations, work environment and inspections (<u>Arbetsmiljöverket</u>).

Swedish Social Insurance Agency, information on financial contribution for work aids (<u>Arbetshjälpmedel</u>).

employed or is newly employed (for less than a year), the employer can apply for financial support for work aids from the Swedish Public Employment Service.8

Employers can also receive financial support for an employee who needs sign language interpretation, written interpretation, or deafblind interpretation in connection with education or training within the company.9

Occupational health care is an expert resource, most often involving knowledge in various areas such as work organisation, behavioural science, ergonomics, medicine, rehabilitation and technology, which can provide support to employers on reasonable accommodation.

The Swedish Social Insurance Agency provides financial support for buying or renting a work aid<sup>10</sup> and may support employers with work accommodation in respect of employees who are currently on sick leave.

The Swedish Public Employment Service offers guidance on workplace support to employers of jobseekers and those who have reduced work ability or who are in need of work accommodation. 11 Guidance is offered from experts in several different fields such as occupational therapy, physiotherapy, psychology, audiology, etc.

Neither of these organisations/authorities report any evidence on the effectiveness of their cooperation with employers.

#### 1.3 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

The Discrimination Ombudsman has produced a document entitled 'Active measures in four steps – checklist for employers', which aims to give employers the tools to work with accommodation in different areas, such as recruitment and working conditions. 12

Prevent is a non-profit organisation owned by unions and employers together. 13 Its website contains guidelines in the form of dialogue support to facilitate preventive and structured work with health, and in the form of a guide on work adaptation and workplace-oriented rehabilitation.<sup>14</sup>

<sup>8</sup> Swedish Public Employment Service, information on work aids (Bidrag till hjälpmedel på arbetsplatsen - Arbetsförmedlingen).

<sup>&</sup>lt;sup>9</sup> Swedish Public Employment Service, information on financial support (Bidrag till litteratur och tolk för personer med syn- eller hörselnedsättning - Arbetsförmedlingen).

<sup>&</sup>lt;sup>10</sup> Swedish Social Insurance Agency, information on financial contribution for work aids (Arbetshiälpmedel).

<sup>&</sup>lt;sup>11</sup> Swedish Public Employment Service, information for employers (Rådgivning inom rehabilitering -Arbetsförmedlingen).

<sup>&</sup>lt;sup>12</sup> Discrimination Ombudsman (Diskrimineringsombudsmannen), checklist for employers, available at: https://www.do.se/arbetsgivare-ska-forebygga-diskriminering/kontinuerligt-arbete-motdiskriminering-fyra-steg.

<sup>&</sup>lt;sup>13</sup> Prevent, information about Prevent (Om Prevent).

<sup>&</sup>lt;sup>14</sup> Prevent, information and guidelines on work accommodation (Arbetsanpassning och rehabilitering).

The Swedish Work Environment Authority explains and develops the content of the sections in the regulations on the systematic work environment (AFS 2020: 5)<sup>15</sup> and on work adaptation by giving general examples of work adaptation measures and describing what employers can do to promote health and work adaptation to avoid sick leave in these cases.

These organisations do not provide any evidence of how their websites are being used by employers or any effect on employers' attitudes or behaviour.

The rehabilitation perspective is predominant in the good practice guides, and information solely from a non-discrimination perspective is hard to find, especially because the Work Environment Act is used as a primary basis for the guides. The Non-Discrimination Act appears to be less prominent than the Work Environment Act in this area.

#### 1.4 Recommendations

#### **Recruitment and Hiring**

Examine the risks of discrimination that exist in a company's current method of recruitment, regarding, for example, accessible information and buildings as well as beliefs about who is the ideal candidate for a job and why. Ensure that no such accessibility barriers or stereotypical beliefs guide the recruitment process.<sup>16</sup>

#### **Initial employment**

Seek support from the Swedish Public Employment Service, which offers expert and financial support to employers of a jobseeker or newly hired employee who needs accommodation in work.<sup>17</sup>

Seek support from other organisations, such as occupational health care, <sup>18</sup> and online resources such as those provided by disability rights organisations <sup>19</sup> and the checklist from the Discrimination Ombudsman. <sup>20</sup>

#### **Promotion and Career Development**

Ensure that all career development activities, such as training and education, are accessible to all. The Swedish Public Employment Service offers financial support to employers on sign language interpretation, written interpretation and deafblind interpretation in connection with education and training within the company, for employees in need of such services.<sup>21</sup>

<sup>&</sup>lt;sup>15</sup> Swedish Work Environment Authority, regulations on work accommodations (<u>Arbetsanpassning</u> (AFS 2020:5), föreskrifter - Arbetsmiljöverket).

Discrimination Ombudsman, '100 ways to recruit without discrimination' (<u>Hundra möjligheter att</u> rekrytera utan att diskriminera).

<sup>&</sup>lt;sup>17</sup> Swedish Public Employment Service, information on work aids (<u>Bidrag till hjälpmedel på</u> arbetsplatsen - Arbetsförmedlingen).

Swedish Work Environment Authority, information on occupational health (<u>Företagshälsovård</u> - Arbetsmiljöupplysningen).

<sup>&</sup>lt;sup>19</sup> Attention, information to employers (<u>För arbetsgivaren - Riksförbundet Attention</u>).

<sup>&</sup>lt;sup>20</sup> Discrimination Ombudsman, checklist for employers, available at: <a href="https://www.do.se/arbetsgivare-ska-forebygga-diskriminering/kontinuerligt-arbete-mot-diskriminering-fyra-steg">https://www.do.se/arbetsgivare-ska-forebygga-diskriminering/kontinuerligt-arbete-mot-diskriminering-fyra-steg</a>.

<sup>&</sup>lt;sup>21</sup> Swedish Public Employment Service, information on financial support (<u>Bidrag till litteratur och tolk för personer med syn- eller hörselnedsättning – Arbetsförmedlingen</u>).

Ensure that no stereotypical beliefs guide promotion processes.

#### Retention

Seek support from the Swedish Public Employment Service, which offers guidance with regard to work accommodation.<sup>22</sup>

<sup>&</sup>lt;sup>22</sup> Swedish Public Employment Service, information for employers (<u>Rådgivning inom rehabilitering – Arbetsförmedlingen</u>).

2 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

#### 2.1 Employment quotas

Sweden has no employment quotas concerning the employment of people with disabilities.

### 2.2 Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities

#### Wage subsidies

Employers can receive a wage subsidy for the employment of a person with disability, which is intended as compensation for productivity loss and adaptations to the workplace. The employer can be either private or public, but must meet a number of requirements: the employer must be registered on the Swedish Tax Agency's employer register; they must not be subject to any business ban (i.e. prohibited from owning a business) and must not have any tax debts or significant payment remarks; and they must hold collective agreement or equivalent insurance. To be eligible for a wage subsidy, the employee must be registered and categorised as a person with disability (i.e. disability code) with the Swedish Public Employment Service. The applicant may have ongoing employment with the company in question (e.g. a person returning to work) or be unemployed. There are different types of wage subsidy targeting persons with disabilities, regarding, for example, the wage subsidy's purpose and target group, and the Swedish Public Employment Service decides which subsidy is to be used in each individual case.

The Swedish Public Employment Service determines the size of the wage subsidy based on the reduction in the capacity to work. As a maximum, the wage subsidy corresponds to a monthly salary of EUR 1 900 (SEK 20 000). In addition to the wage subsidy, the employer can, in some cases, receive a 'development grant' for in-house support aimed at developing the employee's work ability. In 2022, the maximum total of development grants amounts to EUR 267 (SEK 2 800) per calendar month. The initiative to request wage subsidies can be taken by either the employer or the Swedish Public Employment Service. The employer must then apply for the subsidy. If the application is granted, the employer needs to request the subsidy, which is paid monthly.

In 2020, approximately 88 000 persons, of whom 60 % were men, participated in wage subsidy programmes targeted specifically at persons with disabilities.<sup>24</sup> That represented a decline of about 7 000 persons compared with 2019.

<sup>&</sup>lt;sup>23</sup> Swedish Public Employment Service, information to employers on wage subsidies (<u>Lönebidrag - Arbetsförmedlingen</u>).

Swedish Public Employment Service, statistics on wage subsidies (<u>Arbetsmarknadspolitiska</u> <u>program - Arbetsförmedlingen</u>).

Table 1. Statistics on wage subsidy programmes for people with disabilities<sup>25</sup>

rable 1. Statistics off wage substity programmes for people with disabilities								
	Numbers in	Most common	Status 90	Status 180				
	2020	disability	days after the	days after the				
	(men/women)	codes	end of the	end of the				
		(numbers)	programme	programme				
Wage	15 574	Cognitive	51.2 % in	53.7 % in				
subsidies for	(8949/6625)	(2 896)	work	work				
development		Psychiatric						
in		(2 665)						
employment <sup>26</sup>								
Wage	4 399	N/A	N/A	N/A				
subsidies for	(2937/1462)							
development								
in employment								
at Samhall <sup>27</sup>								
Wage	31 763	Mobility 5 713	45.8 % in	52.5 % in				
subsidies	(18 972/12 791)	Psychiatric	work	work				
		5 010						
		Cognitive						
		4 288						
		Intellectual						
Maga aubaidi	26 502	1 933	45 4 0/ in	52.3 % in				
Wage subsidy	36 592	Mobility 4 516	45.4 % in					
for security in	(21 725/14 867)	Psychiatric 3 658	work	work				
employment <sup>28</sup>		Intellectual						
		3 444						
		Cognitive						
		3 004						
		Somatic 1 507						
		Johnanic i Jul						

As shown in Table 1, around 50 % of those who participate in a wage subsidy programme remain in employment after the end of the programme. Of those who remain in employment, most (around 90 %) still receive some kind of support from the Swedish Public Employment Service, such as wage subsidies, even though the original programme has ended. A common example may be an employee enrolled in the 'Wage subsidies for development in employment' programme, who, after the programme has ended, receives support from another programme, such as the 'Wage subsidy for security in employment' programme. A register study of participants in the Swedish Public Employment Service's wage subsidy programme showed that over a 19-year period, when compared with a matched group of 'non-participants', fewer participants in the wage subsidy programme left the labour market, but the rate of

<sup>&</sup>lt;sup>25</sup> Swedish Public Employment Service, statistics on wage subsidies (<u>Arbetsmarknadspolitiska</u> program – Arbetsförmedlingen).

<sup>&</sup>lt;sup>26</sup> Can be granted for a maximum of two years and is exempt from the Law (1982: 80) on employment protection.

<sup>&</sup>lt;sup>27</sup> Samhall is sheltered employment for people with disabilities.

The wage subsidy for security in employment is provided for a person in need of prolonged support to maintain employment. An initial decision on pay refunds for security in employment may cover not more than one year; subsequently, a new decision on extension will cover a maximum of three years at a time.

transition to unsubsidised (i.e. without wage subsidy) work was low (Angelöv and Eliasson, 2018).<sup>29</sup> The results demonstrated positive effects for programme participants, who received higher incomes and a higher degree of employment in both the short and medium term. However, there were negative effects on non-subsidised employment, which indicates that the programmes have a lock-in effect. There are gender differences, with a 60:40 distribution between men and women for all types of wage subsidies. This can be seen in relation to the fact that about half of all those with disabilities who are registered unemployed are women.

#### Reduced social security contributions

Compensation for high sick pay costs is a financial support intended for all employers in Sweden who have employees with high rates of sick leave. Employees at risk of long or recurring sick leave due to illness or disability may apply for and be entitled to special high-risk protection from the Swedish Social Insurance Agency (SSIA).<sup>30</sup> Employees are covered by the protection if it is likely that they will be either sick often (more than 10 times in one year) or sick for a longer period (more than 28 consecutive days). With special high-risk protection, employers can receive compensation for the entire sick pay cost from the Swedish Social Insurance Agency.

Due to the COVID-19 pandemic, in 2020 and 2021 there were temporary rules for compensation for sick pay costs. There are therefore no year-round statistics for the past two years. However, in 2019, approximately EUR 95 000 (SEK 1 100 million) was paid in compensation, and approximately 50 000 employers received the compensation.<sup>31</sup> Data from earlier years shows that, of those employers who received compensation, 72 % were small companies with total wage costs of no more than EUR 280 000 (SEK 3 million) per year.<sup>32</sup> These employers received compensation for an average of 55 % of their total reported sick pay costs. Those results are in line with previous years.

#### 2.3 Reasonable accommodation

The Swedish Work Environment Act<sup>33</sup> states that an employer is obliged to adapt the working conditions to an employee's needs, in physical and psychosocial terms. It is not possible to say how far this obligation extends, but the Act states that the employer is not obliged to adopt a reasonable accommodation if it entails a 'disproportionate burden'.

In accordance with the Non-Discrimination Act,<sup>34</sup> there is a prohibition on discrimination on the ground of disability. An employer is also obliged to take reasonable measures

<sup>&</sup>lt;sup>29</sup> Angelöv, N. and Eliason, M. (2018), 'Wage subsidies targeted to jobseekers with disabilities: subsequent employment and disability retirement', *IZA Journal of Labor Policy*, 7(1), pp. 1–37.

Swedish Social Insurance Agency, information on special high-risk protection (Sjuk ofta eller länge – särskilt högriskskydd).

Swedish Social Insurance Agency, statistics on special high-risk protection (<u>Ersättning för höga sjuklönekostnader</u>).

Swedish Social Insurance Agency, reports on special high-risk protection, available at: <u>aterrapportering-ersattning-for-hoga-sjuklonekostnader-till-arbetsgivaren-svar-pa-regeringsuppdrag-dnr-00002686-2018.pdf.</u>

Swedish Work Environment Authority, Work Environment Act (<u>Arbetsmiljölagen – Arbetsmiljöverket</u>).

<sup>&</sup>lt;sup>34</sup> Swedish Government, Non-Discrimination Act (<u>Diskrimineringslag</u> (2008:567) Svensk författningssamling 2008:2008:567 t.o.m. SFS 2017:1128 - Riksdagen).

to ensure that a person with disability is in a comparable situation to people without this disability. The question of what can be considered reasonable measures depends on the circumstances of each individual case; the Act provides no definition of what a 'reasonable adaptation' is. The current text of the Act mentions inadequate accessibility as a form of discrimination and does not seem to differentiate between the concepts of accessibility and reasonable accommodation. There is no enumeration of measures that may be required as reasonable accommodation. However, examples are given in the preparatory material accompanying the legislation that introduced inadequate accessibility as form of discrimination (Bill 2013/14:198),<sup>35</sup> in which the Government declares that 'the measures for accessibility referred to in the prohibition of discrimination should mainly concern support or personal service, information and communication as well as certain measures with regard to the physical environment'.

The assessment of whether a measure entails a disproportionate burden, as expressed in both the Work Environment Act and the Non-Discrimination Act, should consider the employer's practical and financial conditions, and other circumstances. In addition, when discrimination is considered, the duration and extent of the relationship or contact between the employer and the individual must be taken into account. This becomes especially relevant in a case involving permanent employment, where more comprehensive measures for accessibility may be required. Other significant circumstances must also be considered – for example, that a measure may pose a health or safety risk to others or may have an unreasonable impact on the cultural environment. All relevant circumstances in an individual case must be weighed together for an overall assessment, according to Bill 2013/14:198.

#### 2.4 Other relevant actions targeted at employers

The Swedish Public Employment Service previously ran a campaign called 'Make space'.<sup>36</sup> The aim was to draw the attention of employers to the skills of people with disabilities and influence their attitudes and behaviour in a positive direction, enhancing their willingness to hire persons with disabilities. The effect of the initiative, as measured by the Swedish Public Employment Service in the spring of 2019, was that 62 % of employers were positively affected in terms of their view of the working capacity of people with disabilities, and 40 % became more positive about hiring them.<sup>37</sup> This was an increase of 10 % since the first survey in 2018.

The Swedish Public Employment Service has a programme called 'Special support person for introduction and follow-up support – SIUS', which is aimed at persons with disabilities and their employers.<sup>38</sup> The support is designed according to the guidelines for the 'supported employment' method and targets both employers and jobseekers. It consists of introductory support, which is given for a maximum of six months, and follow-up support, which can be given for at least one year after employment. The support is then reduced and ceases completely when the work tasks can be performed

Swedish Government, Bill 2013/14:198 (<u>Bristande tillgänglighet som en form av diskriminering Proposition 2013/14:198 - Riksdagen</u>).

<sup>&</sup>lt;sup>36</sup> Swedish Public Employment Service, film from the campaign 'Make space' (Gör plats! Alla jobb är för alla | Arbetsförmedlingen - YouTube).

Swedish Public Employment Service, results of the campaign 'Make space' (Gör plats tar plats igen).

<sup>&</sup>lt;sup>38</sup> Swedish Public Employment Service, information on SIUS (<u>Särskild stödperson för introduktionsoch uppföljningsstöd – SIUS</u>).

independently by the employee. The Swedish Public Employment Service's data shows that 16 792 people received SIUS support in 2020, a decrease of just over 1 500 people since 2019.<sup>39</sup> There are gender differences regarding participants: in 2020, more men (9 661) than women (7 131) received support, a pattern that was also noticeable in previous years. The report does not provide data on how many participants were reached or retained work through SIUS, nor any statistics on employers.

Between 2019 and 2021, the Nordic Welfare Centre operated a project on the future labour market for people with disabilities. As part of this project, a literature review was undertaken to identify and highlight digital and technical solutions that can contribute to increased inclusion in working life for people with disabilities. The literature review is aimed not explicitly at employers but at all actors involved in the area, including employers and employees. The overall purpose of the literature review is to provide an overview of evaluated and implemented digital and technological solutions that contribute to work inclusion, and which are important prerequisites for workers with disabilities, in order to enter and remain in the labour market.

#### 2.5 Examples of good practice

#### Supported employment methods

The supported employment method, sometimes in the form of the 'individual placement and support' method, <sup>41</sup> is often used as a good example of support methods that target employers' needs (in combination with employee needs) and thus facilitate the employment of persons with disabilities. In Sweden, the method, or a modified version of it, is used by both national and local organisations and is considered to be one of the most effective methods in terms of employer engagement. <sup>42</sup> Employers also express a focus on their needs as a prerequisite for employing people with disabilities. <sup>43</sup> A Swedish RCT study on support methods aimed at facilitating employment for young people with disabilities showed that supported employment was more effective than case management <sup>44</sup> (modified, aiming at employment), with

Nordic Welfare Centre, literature review. Gulliksen, J., Johansson, S., Larsdotter, M. (2021), Ny teknik och digitala lösningar för ökad inkludering i arbetslivet En kunskapssammanställning (Ny teknik och digitala lösningar för ökad inkludering i arbetslivet).

Swedish Public Employment Service, statistics on SIUS (<u>Arbetsmarknadspolitiska program – Arbetsförmedlingen</u>).

<sup>&</sup>lt;sup>41</sup> Individual Placement and Support (IPS) is an evidence-based standardised model of supported employment for people with serious mental illness. It entails placing an individual into the open job market and simultaneously providing them with support to maintain this employment ('place-train' model).

<sup>&</sup>lt;sup>42</sup> Gustafsson, J (2014), 'Supported employment i en svensk kontext' (Supported employment in a Swedish context), doctoral dissertation, Orebro University.

<sup>&</sup>lt;sup>43</sup> Gustafsson, J., Peralta, J. and Danermark, B. (2013), 'The employer's perspective on supported employment for people with disabilities: successful approaches of supported employment organisations', *Journal of Vocational Rehabilitation*, 38(2), pp. 99-111; Lexén, A., Emmelin, M. and Bejerholm, U. (2016), 'Individual Placement and Support is the key: Employer experiences of supporting persons with mental illness', *Journal of Vocational Rehabilitation*, 44(2), pp. 135–147.

Case management is a model for recovery-oriented support that is based on the user's needs and their own set goals for change.

business as usual<sup>45</sup> in terms of the employment rate after 15 months.<sup>46</sup> However, there was a gender imbalance, as it was primarily men who were employed via supported employment methods. The use of other methods has led to a better gender balance and is therefore more effective for women concerning employment rates. Given such gender imbalances, it is doubtful that supported employment can be considered good practice.

#### Promotion of recruitment of people with disabilities in the public sector

The Swedish Association of Local Authorities and Regions (SALAR) is an employers' organisation that represents and advocates for local government in Sweden.<sup>47</sup> All of Sweden's municipalities and regions are members of SALAR. In 2017-2019, SALAR ran a project that was aimed at increasing knowledge about what inclusive recruitment can mean in practice among employers in the public sector.<sup>48</sup> The project involved public employers in eight municipalities in Sweden and gave support to their locally chosen initiatives,<sup>49</sup> thus promoting implementation in the local municipal environment. The project also promoted collaboration with the Swedish Public Employment Service and local municipal labour market initiatives, thus facilitating relationships between important actors. The employers in the project expressed their willingness to hire people with disabilities, but they highlighted their need for support to enable them to best accommodate employees with disabilities.

#### 2.6 Good practice guides, websites and advice services directed at employers

The Swedish Public Employment Service has a number of short films on its website that address employers regarding inclusive recruitment and the employment of persons with disabilities.<sup>50</sup> The short films contain information as well as examples of inspirational practices that may be regarded as inclusive work practices. There is also a podcast in which the service provides inspiration and information to employers on the recruitment and employment of persons with disabilities and on support available from the service.<sup>51</sup> There is no evidence to be found on how the website is being used by employers and if it has any effect on recruitment behaviour.

<sup>&</sup>lt;sup>45</sup> At that time, 'collaborative mapping', i.e. a collaboration between the Social Insurance Agency and the Swedish Public Employment Service, consisting of joint planning meetings ending in a joint agreement on a line of action in each case.

Wedish Social Insurance Agency (2017) 'Effektutvärdering av insatser för unga med aktivitetsersättning' (Effect evaluation of efforts for young people with activity compensation), Social Insurance Report 2017:5, available at: <a href="mailto:socialforsakringsrapport-2017-05.pdf">socialforsakringsrapport-2017-05.pdf</a> (forsakringskassan.se).

<sup>&</sup>lt;sup>47</sup> SALAR, information on SALAR (English pages | SKR).

<sup>&</sup>lt;sup>48</sup> SALAR, information on inclusive recruitment to employers (<u>Erfarenhet av att anställa en person med funktionsnedsättning</u>).

The locally chosen initiatives could, for example, be to design a new position in health care ('serviceassistent') with associated training, or initiate a joint method for support to employees with disabilities between municipal human resources services and vocational rehabilitation services.

<sup>&</sup>lt;sup>50</sup> Swedish Public Employment Service, short films addressing employers (<u>Arbetsgivare</u>).

Swedish Public Employment Service, podcasts addressing employers (<u>Podcast - Arbetsgivarpodden</u>).

#### **Inclusive recruitment**

SALAR's website contains information on the project and short films in which employers, employees and support organisations share their perspective on inclusive recruitment and provide good examples. It also contains guidelines on non-discriminatory recruitment<sup>52</sup> and accessibility in the workplace<sup>53</sup> as well as sources of support provided to employers. There is no evidence to be found on how the website is used by employers and if it has any effect on recruitment behaviour.

<sup>52</sup> See: Rekrytera och matcha | SKR.

<sup>53</sup> See: Tillgängliga arbetsplatser | SKR.

### 3 Support and partnerships available to employers to assist them in making reasonable accommodations

#### 3.1 Support available to employers for making reasonable accommodation

#### **Guidance and information**

According to the Work Environment Act, the employer must adapt work tasks and the work environment as much as is necessary to enable the employee to continue to perform his tasks. The Swedish Work Environment Authority provides information concerning the process of making accommodations.<sup>54</sup> When work accommodation is needed to prevent sick leave, or for an employee to be able to start working again after sick leave, the employer must investigate which measures are appropriate. The investigation shall be based on which tasks the employee can perform in the existing work environment and which accommodations are needed. After an investigation has been undertaken, the employer decides on the work accommodations and is responsible for following up on them. In accordance with the regulations (Section 7, AFS 2015:4),<sup>55</sup> the employer shall give the employee the opportunity to participate in the investigation, and in the design of and follow-up on the work accommodations.

If the employer lacks competence in work accommodation, they must seek support from occupational health care or an equivalent expert in accordance with the regulations on systematic work environment work (Section 12, AFS 2001:1). This kind of expert support could be provided by employer organisations, occupational health care, work environment consultants or business organisations, depending on what the employer has access to in their line of business or sector. The employer may also have special employer insurance and collective agreement insurance, in which professional support for accommodations is included, which they may use as a source of support.

Since the regulations are vague regarding who should provide the support, and there could be several different providers, there is no national systematic follow-up of how the support is used, by whom and with what result. A report from the TCO<sup>56</sup> (Swedish Confederation of Professional Employees) showed<sup>57</sup> that just over half (55 %) of employees on long-term sick leave believed that their employers had done what could reasonably be expected on work accommodation. At the same time, 26 % expressed the view that their employer had not done what could reasonably be expected. It was foremost females who were critical; 28 % of female employees, compared with 21 % of male employees, did not think that their employer had taken responsibility for adaptation or relocation and did not agree with the statement that their employer had done what could reasonably be expected.

In the past, work adaptation has not attracted much interest from the authorities. A 2017 report by the Swedish Work Environment Authority,<sup>58</sup> which analyses inspections

<sup>&</sup>lt;sup>54</sup> Swedish Work Environment Authority, information on accommodations (<u>Work environment work and inspections – Arbetsmiljöverket</u>).

<sup>55</sup> See: Organisational and social work environment (av.se).

<sup>&</sup>lt;sup>56</sup> The TCO (Swedish Confederation of Professional Employees) comprises 12 affiliated trade unions.

TCO (2022), report on rehabilitation for employees on long-term sick-leave: *Vägen från sjuk-skrivning till arbete – Så fungerar rehabiliteringen för långtidssjukskrivna tjänstemän* (The road from sick note to work: This is how rehabilitation works for salaried employees on long-term sick leave), vagen\_fran\_langtidssjukskrivning\_till\_arbete\_tco\_rapport\_2022.pdf.

<sup>&</sup>lt;sup>58</sup> Swedish Work Environment Authority (2017), report on inspections on work accommodations (Analys av tillsynsresultaten avseende arbetsgivarens anpassnings- och rehabiliteringsarbete).

regarding the employer's accommodation and rehabilitation work, states that: 'The Swedish Work Environment Authority has so far not prioritised inspections regarding employers' practice with work adaptation and rehabilitation. No targeted inspections have been carried out in this work environment area. Directs and assignments to the Swedish Work Environment Authority have not focused on work accommodation and rehabilitation, nor has external monitoring and other information received so far, in relation to other work environment problems, justified a special target supervision of this area'. However, this year, the Swedish Work Environment Authority is carrying out inspections of work adaptation.<sup>59</sup> Between April – September 2022, around 1 000 inspections will be carried out across the country. The purpose of the inspection is to check the extent to which workplaces are complying with the legislation.

#### **Financial support**

The employer can also apply for financial support for work aids from the Swedish Social Insurance Agency. In a normal case, a maximum of EUR 4 700 (SEK 50 000) is given in financial support. If there are special reasons, higher amounts can be given, as well as support for computer-based aids. Both employers and employees can apply for the support. The employer can receive a contribution for half the cost, but there is a maximum of EUR 4 700 (SEK 50 000) unless there are special reasons. Regardless, the employer must always pay EUR 950 (SEK 10 000) of the cost. Equipment that is normally needed for the working environment to be satisfactory is not counted as work aids, unless the work aids are adapted to the individual employee. It is not possible to receive financial support for aids that the employee also needs outside work (such as hearing aids). The Swedish Social Insurance Agency does not provide statistics on financial support for work aids, nor does it provide any evidence on the effectiveness of the support.

If the employee is to be employed or is newly employed (for less than a year), the employer can apply for financial support for work aids from the Swedish Public Employment Service. Employers can receive this financial support when hiring a person who needs aids or adjustments in a work situation. Self-employed persons can receive the support if they themselves have a disability and need financial support for work aids. The support can also be given to employers for a jobseeker who needs aids to be able to participate in a labour market policy programme, vocational rehabilitation or wage subsidy programme (also after 12 months). For financial support to be given, the employee needs to be registered with the Swedish Public Employment Service. The financial support can amount to a maximum of EUR 9 500 (SEK 100 000) per year.

Employers can also receive financial support for an employee who needs sign language interpretation, written interpretation or deafblind interpretation in connection with education within the company. 62 If the employee has a visual impairment, the employer can receive financial support for reading non-fictional audio material in

<sup>&</sup>lt;sup>59</sup> Swedish Work Environment Authority, planned inspections 2022 (<u>Inspektioner om arbetsanpassning – Arbetsmiljöverket</u>).

Swedish Social Insurance Agency, information on financial contribution for work aids (Arbetshjälpmedel).

Swedish Public Employment Service, information on work aids (<u>Bidrag till hjälpmedel på</u> arbetsplatsen - Arbetsförmedlingen).

<sup>&</sup>lt;sup>62</sup> Swedish Public Employment Service, information on financial support (<u>Bidrag till litteratur och tolk för personer med syn- eller hörselnedsättning – Arbetsförmedlingen</u>).

connection with education within the company. Financial support can be given up to a maximum of EUR 14 300 (SEK 150 000) per year. The employee needs to be registered with the Swedish Public Employment Service in order for the employer to be able to receive financial support (i.e. it is applicable primarily to jobseekers or employees who are in the wage subsidy programme). The Swedish Public Employment Service does not provide statistics on financial support for work aids nor any evidence on the effectiveness of the support.

The employer can apply for financial support for work accommodation from the Swedish Social Insurance Agency to prevent and shorten the sick leave of an employee, known as workplace-oriented rehabilitation support, for employees who been employed for over a year, including those who are self-employed.

#### 3.2 Partnerships to assist employers to make reasonable accommodations

#### Occupational health care (Foretagshalsovard)

Occupational health care is an expert resource, most often involving knowledge in various areas such as work organisation, behavioural science, ergonomics, medicine, rehabilitation and technology, which can provide support to employers on work accommodation and rehabilitation. Occupational health care can either be purchased by the company or exist as a separate unit within the company. There are about 450 occupational health care agencies around the country and about 65 % of all employees in Sweden have access to occupational health care. Go Occupational health care can support the employer preventively, for example through training and checklists, or reactively, through support in rehabilitation cases, Hand what is to be done is the subject of an agreement between the employer and occupational health care. What determines the effectiveness of this partnership is also agreed between the two parties, and consequently it is hard to find any public data on this.

#### The Public Employment Service

The Swedish Public Employment Service offers guidance to employers on work adaptations as well as on rehabilitation of jobseekers and the employment of those with reduced capacity for work who are in need of work accommodations. Guidance is offered from experts in vocational rehabilitation in several different fields such as occupational therapy, physiotherapy, psychology, audiology, etc. The guidance should be given in compliance with national legislation concerning work accommodations, such as the Work Environment Act and the Non-Discrimination Act. If the person has a disability and needs special support before employment, a designated SIUS consultant, who is a support person with special competence in supported employment methodology, can provide support with accommodation expertise during the introduction to the workplace and in the first years of employment. The Swedish Public Employment Service does not report any data on the effectiveness of cooperation between itself and employers.

Work environment information on occupational health (<u>Företagshälsovård – Arbetsmiljöupplysningen</u>).

Prevent, information on occupational health services (att-kopa-arbetsmiljo--och-halsotjanster.pdf).

Swedish Public Employment Service, information for employers (<u>Rådgivning inom rehabilitering - Arbetsförmedlingen</u>).

- 4 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities
- 4.1 Good practice guides for employers regarding reasonable accommodation

#### Discrimination Ombudsman (Diskrimineringsombudsmannen)

The Discrimination Ombudsman has produced a document entitled 'Active measures in four steps – checklist for employers', which aims to give employers tools to work with accommodation in different areas, such as recruitment and working conditions. <sup>66</sup> The checklist outlines fours steps – examine, analyse, remedy and follow-up – and provides suggestions for non-discriminatory practices in each step. <sup>67</sup> There is also an interactive guide on the Ombudsman's website on how to follow these four steps. <sup>68</sup>

#### Prevent

Prevent is a non-profit organisation owned by unions and employers together.<sup>69</sup> Its mission is to disseminate knowledge that helps companies to improve the work environment by informing, educating and developing useful products that are helpful for best practices concerning the work environment. On its website, it presents information on work adaptations and rehabilitation. The website also contains guidelines in the form of dialogue support that facilitates preventive and structured work with health, and in the form of a guide on work adaptation and workplace-oriented rehabilitation.<sup>70</sup> The organisation does not provide any evidence on how the guides are being used by employers or any effects that they have. It also publishes a magazine – *Arbetsliv* (working life) – which is aimed at employers and occupational health care. This magazine publishes articles on recruitment and work accommodation for people with disabilities, such as neuropsychiatric disabilities.<sup>71</sup> The paper magazine has a circulation of 120 900 copies as of 2021,<sup>72</sup> but there is no information on how many people read the paper variant or the digital variant.

#### Attention

Attention is an organisation of people with neuropsychiatric disabilities (NPF) such as ADHD, autism spectrum disorder, language disorder and Tourette's syndrome.<sup>73</sup> On its website, it provides information, advice and examples of good practice for employers regarding the employment of people with NPF, in the form of interviews with employers and articles on good practice in recruitment and work accommodations.<sup>74</sup> The organisation does not provide any evidence on how the website is being used by employers or any effect it has on employers' attitudes or behaviour.

Discrimination Ombudsman, checklist for employers, available at: <a href="https://www.do.se/arbetsgivare-ska-forebygga-diskriminering/kontinuerligt-arbete-mot-diskriminering-fyra-steg">https://www.do.se/arbetsgivare-ska-forebygga-diskriminering/kontinuerligt-arbete-mot-diskriminering-fyra-steg</a>.

Discrimination Ombudsman, checklist for employers, available at: <a href="https://www.do.se/download/18.277ff225178022473141e3d/1640691215112/stod-aktiva-atgarder-fyrasteg-checklista.pdf">https://www.do.se/download/18.277ff225178022473141e3d/1640691215112/stod-aktiva-atgarder-fyrasteg-checklista.pdf</a>.

Discrimination Ombudsman, interactive guide to non-discriminatory practices, available at: https://aktiva-atgarder.do.se/.

<sup>&</sup>lt;sup>69</sup> Prevent, information about Prevent (Om Prevent).

<sup>&</sup>lt;sup>70</sup> Prevent, information and guidelines on work accommodation (Arbetsanpassning och rehabilitering).

The magazine *Arbetsliv*, articles on work accommodation for people with ADHD (<u>Tidningen Arbetsliv</u> - Så blir du en bra chef för medarbetare med NPF-diagnoser).

<sup>&</sup>lt;sup>72</sup> The magazine Arbetsliv, 'About us' (Om tidningen Arbetsliv).

<sup>&</sup>lt;sup>73</sup> Attention, information about us (Om oss - Riksförbundet Attention).

<sup>&</sup>lt;sup>74</sup> Attention, information to employers (<u>För arbetsgivaren - Riksförbundet Attention</u>).

### 4.2 Any other sources of information regarding good practice for employers regarding reasonable accommodation

On its website, Samhall, Sweden's largest employer of people with disabilities, gives tips on how a workplace can be adapted to increase accessibility and inclusion, and what support is available to employers and employees in this field.<sup>75</sup>

### 4.3 Examples of individual reasonable accommodations which reveal good practice

Despite a wide search, it is difficult to find examples on the internet of individualised reasonable accommodations for persons with disabilities that reveal good practice. Accommodations for people with disabilities in Sweden have been addressed in research but not in case studies, and thus it is hard to find individual examples in research. However, the author's long experience of research in this area has uncovered a lot of good examples. Most of them concern 'soft' organisational accommodations such as adapted space and extra support from managers and coworkers, but some also concern what is seen as 'hard' work: space accommodations such as technical aids and rebuilt environments.

#### Administrative tasks employee

A case that combines both of these kinds of accommodations is the case of 'Lisa'. 76 Lisa is a woman in her thirties, who has two different kinds of impairments: muscular dystrophy and vision loss. She has also experienced psychosocial disability and is sensitive to cognitive overload. She is working with administrative duties at a hospital, in the public sector. In relation to her vision loss, she needs a special computer program and a special screen. The employer has bought those elements, along with regular updates and services. In relation to physical needs, she needs a more spacious office as she sometimes uses an electrical wheelchair to get to work, or alternatively a space near the office to park her wheelchair during the working day. As there were no spacious offices available on the floor where the administrative department is placed, she got to sit in an office that was placed right in front of the rest rooms where there is a designated area to park her wheelchair. This also means that she is sitting near and has easy access to the toilets. In relation to her cognitive functioning, she needs to sit alone in an office (otherwise offices are shared), to avoid cognitive overload, and to have a place to rest when needed. The employer has bought a resting chair that is placed in her office, and she is allowed to take an extra-long lunch break to get some rest during her working day. In addition, she and her manager meet every other week to check up on her schedule, and plan ahead to avoid stressful deadlines.

<sup>&</sup>lt;sup>75</sup> Samhall, information and guidance on work accommodation (<u>Guide: Arbetsplatsanpassa för ökad</u> inkludering och bredare kompetens | Samhall - Sveriges viktigaste företag).

Author's note: I met 'Lisa' more than 10 years ago, when she was a participant in a supported employment programme. The programme was researched in my dissertation (Gustafsson, J. (2014), 'Supported employment in a Swedish context'). Over the years, I have met 'Lisa' occasionally and she is still employed at the same place; her health condition has worsened over the years, but due to good accommodations in the workplace, she is still performing her work to an excellent standard.

### 5 Recommendations and guidance regarding good practice and reasonable accommodation

### 5.1 Recommendations regarding good practice and reasonable accommodation in recruitment and hiring

Examine the risks of discrimination that exist in a company's current method of recruitment, regarding, for example, accessible information and buildings. Ensure that no such accessibility barriers guide the recruitment, and that the recruitment process complies with the equality legislation.<sup>77</sup>

### 5.2 Recommendations regarding good practice and reasonable accommodation in initial employment

The Swedish Public Employment Service offers expert and financial support to employers for a jobseeker or newly hired employee who needs accommodation in work.<sup>78</sup> Employers may also seek in-kind support from other organisations, such as occupational health care,<sup>79</sup> or online resources such as checklists provided by, for example, disability rights organisations.<sup>80</sup>

### 5.3 Recommendations regarding good practice and reasonable accommodation in promotion and career development

Ensure that participants in career development activities such as training, and education are provided with reasonable accommodation. The Swedish Public Employment Service offers financial support to employers for sign language interpretation, written interpretation or deafblind interpretation in connection with education and training within the company, for employees in need of this.<sup>81</sup> In addition, it should be ensured that no stereotypical beliefs guide promotion and recruitment.

## 5.4 Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes

The Swedish Public Employment Service offers guidance on work support to employers of employees with reduced capacity to work who are in need of work accommodation.<sup>82</sup> If work aids are needed, the employer can apply for financial support for work.

<sup>&</sup>lt;sup>77</sup> Discrimination Ombudsman, '100 ways to recruit without discrimination' (<u>Hundra möjligheter att</u> rekrytera utan att diskriminera).

<sup>&</sup>lt;sup>78</sup> Swedish Public Employment Service, information on work aids (<u>Bidrag till hjälpmedel på</u> arbetsplatsen - Arbetsförmedlingen).

Work environment information on occupational health (<u>Företagshälsovård-</u>Arbetsmiljöupplysningen).

<sup>&</sup>lt;sup>80</sup> Attention, information to employers (<u>För arbetsgivaren - Riksförbundet Attention</u>).

Swedish Public Employment Service, information on financial support (<u>Bidrag till litteratur och tolk</u> för personer med syn- eller hörselnedsättning - Arbetsförmedlingen).

Swedish Public Employment Service, information for employers (<u>Rådgivning inom rehabilitering - Arbetsförmedlingen</u>).

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