



Striving for an inclusive labour market in Estonia

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

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

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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

Estonia has income tax relief on some measures to facilitate the employment of persons with disabilities and partial reimbursement of employer's social tax, as well as wage subsidies.

Estonian legislation does not stipulate any quota.

There are guides directed at employers in the public and private sectors to support the hiring of persons with disabilities and keeping them in employment:

- *All are welcome to the labour market!*, published by the Estonian Employers' Confederation, contains a collection of experiences, ideas and recommendations by employers and persons with disabilities.
- *Persons with visual impairments at work*, published by the Estonian Blind Union, contains first-hand stories about persons with visual impairments who are in active employment.
- *The rights of persons with disabilities in employment*, a booklet published by the Gender Equality and Equal Treatment Commissioner, addresses issues including disability-related stereotypes and hindrances and barriers to employment.

The Gender Equality and Equal Treatment Commissioner, in cooperation with the Estonian Unemployment Insurance Fund (EUIF), has developed a 'Come here – all are welcome' label. The blue version of the label can be used by employers who are prepared to offer equal opportunities to all job seekers, regardless of any special needs.

The Ministry of Social Affairs has developed an information campaign called 'Open up your mind', with a website including short videos of persons with disabilities sharing their experiences.

In 2019 the Praxis Centre for Policy Studies conducted an interim assessment of the work ability reform. This assessment briefly covered the financial incentives for employers (wage subsidy and reimbursement of social tax) to hire persons with disabilities, noting that the take-up of those measures had increased over the period from 2016 to 2019, which appeared to suggest that both an awareness about and interest towards these measures had increased among employers.¹

The 2021 web and phone survey of employers (based on a sample of 861 employers) indicated that 67 % of employers were aware of the possibility of applying for a partial reimbursement of social tax for persons with disabilities. This share remains practically unchanged since 2015.²

¹ See: https://www.sm.ee/sites/default/files/toovoime_toetamise_hindamine.pdf.

² See: <https://www.employers.ee/wp-content/uploads/2021-TVrt0%CC%88o%CC%88andjateuuringulo%CC%83ppraport.pdf>.

The impact of existing guides and websites has not been assessed.

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

The Estonian Unemployment Insurance Fund offers two main types of services to assist employers in making reasonable accommodation: the provision of work-related technical aids, and financial support for the adaptation of working premises and equipment.

In 2017 the Estonian Employers' Confederation and the Estonian Human Resource Management Association (PARE) initiated a community of employers who have practical experience of hiring persons with reduced work capacity and who are willing to contribute to increasing the employment of persons with disabilities. The community of employers offers practical advice, and its members share their experience with other employers who are considering hiring persons with disabilities.

As regards the workplace adaptation service, the 2019 study by the Praxis Centre for Policy Studies noted that the number of cases when this service had been used had been relatively small, linking the low take-up to insecurity on the part of employers as to whether the person with disability would stay in their employment for a longer period, as well as about the co-financing requirements.³ There has been no updated assessment since the scheme was made somewhat more flexible for employers in 2020, while the annual number of cases of workplace adaptations financed by EUIF has remained quite low. The web and phone survey of 861 employers conducted in 2021 indicated that only 46 % of employers were aware of the possibility of applying for funding to adapt workplaces.

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

There are dedicated guides focusing on reasonable accommodation:

- *Examples of adjustment of working places and assistive devices for persons with disabilities*, published by the Estonian Unemployment Insurance Fund. The guide contains a collection of illustrated short stories about persons with disabilities in employment, focusing on the adjustments made to facilitate their employment.
- *Persons with visual impairments at work*, published by the Estonian Blind Union. This volume contains first-hand stories about persons with visual impairments who are in active employment.

The website of the Estonian Unemployment Insurance Fund provides information and guidance (in Estonian, Russian and English) on the available measures and services to support the employment of persons with reduced working capacity, with examples of workplace adjustments and work-related technical aids provided by EUIF.

The impact of these guides has not been assessed.

³ See: https://www.sm.ee/sites/default/files/toovoime_toetamise_hindamine.pdf.

1.4 Recommendations

Recruitment and Hiring

A booster campaign for the 'Come here – all are welcome' blue label to encourage a more widespread use of it by employers in vacancy notifications and websites.

The provisions of the Work Ability Allowance Act, whereby the Government committed to increase the number of persons with disabilities employed in the public sector by at least 1 000, should be followed up with work programmes and practical steps.

A manual for employers could be developed offering practical advice on the recruitment and hiring of persons with disabilities.

Individual needs assessment and awareness raising among co-workers and managers on disability-related issues should become standard elements in human resource management practices at the enterprise/organisation level upon recruitment of an employee with disability.

Retention

Appropriate reasonable accommodation measures should be taken to facilitate the participation of employees with disabilities in work-related training, which the employer is obliged to provide to all employees without discrimination.

A targeted information campaign could be developed to reach micro, small and medium-sized enterprises in particular, advising that the available social tax incentive can be used not only for hiring new staff members with disability, but also when a current staff member acquires an impairment.

The workplace adaptation service offered by the Estonian Unemployment Insurance Fund should be promoted to increase its uptake and expand the dedicated resources.

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

Estonian legislation does not stipulate any quotas for the employment of persons with disabilities.

The Work Ability Allowance Act, adopted in 2014, stipulated in Section 73 that in the context of the work ability reform, ‘the Government shall organise the planning of a policy for the employment of at least 1 000 persons with reduced work ability in the general government sector by the year 2020’.⁴ This provision, which set the policy objective of increasing the number of persons with disabilities employed in the public sector by 1 000, was based on the understanding that the public sector shall take the initiative and provide a positive example as regards hiring more persons with disabilities. However, this provision has not been followed up in the Welfare Development Plan 2016-2023⁵ or in the Labour Market Programme 2019-2022.⁶

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

Estonia applies income tax relief on some measures to facilitate the employment of persons with disabilities and partial reimbursement of employer’s social tax, as well as wage subsidies.

Under the Income Tax Act (Section 48(5¹) and (5⁴)), the expenses incurred by employers for granting technical assistive devices to an employee with disability or decreased working capacity are not regarded as fringe benefits and accordingly are not subject to income tax, as long as such expenses do not exceed 50 % of the gross wage of the employee in the calendar year. In addition, compensation for transport expenses are not subject to income tax as a fringe benefit if employees with disabilities are unable to use public transport or if the use of public transport would cause a considerable decrease in the person’s ability to work or move.⁷

An employer who employs an employee with decreased working capability (with partial or no working capability or with a permanent incapacity for work of at least 40 %) under an employment contract may apply for a partial reimbursement of social tax from the Estonian Unemployment Insurance Fund (EUIF).^{8,9} This scheme was established

⁴ See: <https://www.riigiteataja.ee/en/eli/510032022004/consolide>.

⁵ See: https://www.sm.ee/sites/default/files/content-editors/eesmargid_ja_tegevused/welfare_development_plan_2016-2023.pdf.

⁶ See: https://www.sm.ee/sites/default/files/lisa_1_tooturuprogramm_2019_2022_0.pdf.

⁷ See: <https://www.riigiteataja.ee/en/eli/ee/529022016001/consolide/current>.

⁸ See: <https://www.tootukassa.ee/en/services/employers/reimbursement-social-tax-person-reduced-working-capacity>.

⁹ According to the Social Tax Act, the social tax is an earmarked tax for the financing of pension insurance and health insurance. It is paid by employers on the gross wage of employees and by self-employed persons on income from self-employment. Employers shall pay social tax on a monthly basis for each employee by at least an amount that is not less than the minimum monthly rate established in the annual state budget. In turn, the minimum monthly rate of social tax established by the state budget shall not be less than the minimum monthly wage which was

under the Social Tax Act (Section 6(1)(5) and (3)), and applies to employers in both the private and public sectors.¹⁰

For an employee with decreased working capacity, the state compensates for the social tax (at the rate of 33 %) through the Fund on the basis of the established monthly rate (EUR 584 in 2022). The employer is still liable to pay social tax on behalf of the employee with decreased working capacity for the amount of any remuneration that exceeds the minimum monthly rate. In other words, the state (through EUIF) covers the social tax calculated on the fixed minimum amount, whereas the employer shall pay social tax on any part of the wage above this minimum. However, if the worker's actual remuneration is lower than the fixed monthly rate (e.g. a person is employed part-time), the state will still pay the social tax calculated at the monthly rate.

In Estonia, there is no scheme for reimbursement of statutory sick pay to employers who employ persons living with chronic health conditions or impairments. According to the Occupational Health and Safety Act (Section 12²(1)), in the case of general illnesses and accidents, the employer is liable to pay statutory sick pay from the second to the fifth day of temporary incapacity.^{11 12} Thereafter (from the sixth day of illness), the sickness cash benefit is paid by the Estonian Health Insurance Fund, in accordance with the Health Insurance Act (Sections 50-57).¹³ However, in cases of occupational disease, an accident at work or complications arising from these, the Estonian Health Insurance Fund will pay the sickness cash benefit from the second day of temporary incapacity, i.e. in these cases there is no obligation for the employer to provide statutory sick pay.¹⁴

According to the Labour Market Services and Benefits Act (Section 18),¹⁵ a wage subsidy may be granted to an employer who employs an unemployed person. An employer may also apply for a wage subsidy if they employ a person with reduced working ability, if that person:

- has been registered as unemployed for at least 12 consecutive months;
- is 16 to 24 years old and has been registered as unemployed for at least six consecutive months;
- is 16 to 29 years old with no or only short-term work experience;
- has been registered as unemployed for at least 12 months in the last 15 months and their unemployment status has been cancelled in the meantime due to employment or compulsory, alternative or reserve military service;
- has been released from prison up to 12 months prior to their registration as unemployed; or

applicable in the previous calendar year. In 2022, the minimum monthly rate of social tax is EUR 584, which corresponds to the minimum wage in 2021. (In 2022, the minimum wage is EUR 654). Accordingly, employers shall pay social tax on behalf of each employee of at least 33 % of EUR 584, i.e. EUR 192.72 per month.

¹⁰ See: <https://www.riigiteataja.ee/en/eli/511042022006/consolide>.

¹¹ See: <https://www.riigiteataja.ee/en/eli/528122021001/consolide>.

¹² The first day of incapacity is not compensated.

¹³ See: <https://www.riigiteataja.ee/en/eli/504052022001/consolide>.

¹⁴ Occupational Health and Safety Act, Section 12²(2)(1), in conjunction with the Health Insurance Act, Section 54(1)(6), links to the legislation above.

¹⁵ See: <https://www.riigiteataja.ee/en/eli/510032022003/consolide>.

- has reduced working capacity and has been registered as unemployed for at least six consecutive months or worked under protected employment conditions immediately before entering the open labour market.

The wage subsidy is paid by the Estonian Unemployment Insurance Fund for up to 12 months. In the case of a fixed-term contract which lasts for at least six months, the wage subsidy is paid for a period equal to half of the duration of the employment relationship, up to a maximum of 12 months. The wage subsidy is calculated as 50 % of the wage, but it cannot exceed the statutory minimum wage (EUR 654 per month in 2022). Applications shall be submitted at least seven days before the employment starts. The wage subsidy may be paid to a natural person, a legal person in private law or an agency of a local government entity, including a city or rural municipal council. The wage subsidy cannot be granted to state agencies or legal persons in public law.¹⁶

In 2019 the Praxis Centre for Policy Studies conducted an interim assessment of the work ability reform. This assessment briefly covered the financial incentives for employers (wage subsidy and partial reimbursement of social tax) to hire persons with disabilities. As regards the social tax incentive scheme, the study noted that the take-up of this measure by employers had increased since 2016, when the administration of the scheme was transferred from the Social Insurance Board to the Estonian Unemployment Insurance Fund. In 2016, the number of employers benefiting from the scheme was 7 756, whereas, by 2018, this number had increased to 10 962. The employers concerned considered this scheme as a motivating factor for hiring persons with disabilities.¹⁷

The number of employers benefiting from the social tax incentive scheme has further increased over recent years. In 2021, the Estonian Unemployment Insurance Fund provided social tax reimbursements to a total of 12 378 employers on behalf of 33 047 employees with reduced work capacity. The numbers of benefiting employers and employees have increased over recent years: in 2017, the scheme provided social tax reimbursements to 9 812 employers on behalf of 28 250 employees with reduced work capacity. Statistics are also available on the breakdown of employers and employees benefiting from this scheme by economic sector.¹⁸

The 2019 study by the Praxis Centre for Policy Studies noted a similar increasing trend as regards the wage subsidy scheme. Whereas in 2016 the number of persons with decreased work capacity who were hired under the wage subsidy was 686, the number had increased to 1 499 by 2018.¹⁹ These trends appear to suggest that both an awareness about and interest towards these measures had increased among employers.

A web and phone survey of 861 employers conducted in 2021 revealed that 67 % of employers were aware of the possibility of applying for a partial reimbursement of

¹⁶ See: <https://www.tootukassa.ee/en/services/employers/wage-subsidy>.

¹⁷ See: https://www.sm.ee/sites/default/files/toovoime_toetamise_hindamine.pdf.

¹⁸ See: <https://www.tootukassa.ee/en/statistics-and-research/main-statistical-indicators/reimbursement-social-tax-payments>.

¹⁹ See: https://www.sm.ee/sites/default/files/toovoime_toetamise_hindamine.pdf.

social tax for persons with disabilities. This share had practically remained unchanged since 2015.²⁰

There have been no studies on the impact of these measures for different groups of persons with disabilities.

2.3 Reasonable accommodation

The principle of reasonable accommodation is legislated for in Section 11 (Taking of measures regarding persons with disabilities) of the Equal Treatment Act,²¹ whereby:

(1) The granting of preferences to persons with disabilities, including creating a work environment suitable for persons with special needs linked to disabilities, does not constitute discrimination.

(2) Employers shall take appropriate measures, where needed in a particular case, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer.

(3) Upon determining whether the burden on the employer is disproportionate as specified in subsection 2 of this section, the financial and other costs of the employer, the size of the entity or enterprise and the possibilities to obtain public funding or funding from other sources shall also be taken into account.'

The Occupational Health and Safety Act, in Section 10¹(1), (3) and (4), also stipulates the employer's general obligation to create suitable working and rest conditions for employees with disabilities.²² According to Section 10¹(4) of the act: 'The work, work equipment and workplace of an employee with disability shall be adapted to his or her physical and mental abilities. Adaptation means making the building, workroom, workplace or work equipment of the employer accessible and usable for a person with disability. This requirement also applies to commonly used routes and non-work rooms used by employees with disabilities.'

2.4 Other relevant actions targeted at employers

In 2016 the Chancellery of the Gender Equality and Equal Treatment Commissioner published a booklet on the rights of persons with disabilities in employment. The booklet addresses issues including disability-related stereotypes, hindrances and barriers to employment and the measures that are available to support the employment of persons with disabilities, as well as describing the necessary adjustments to working conditions and the working environment to facilitate the employment of persons with disabilities.²³

The Ministry of Social Affairs has developed an information campaign called 'Open up your mind,' with a website including short videos of persons with disabilities sharing

²⁰ See: <https://www.employers.ee/wp-content/uploads/2021-TVto%CC%88o%CC%88andjateuuringulo%CC%83ppraport.pdf>.

²¹ See: <https://www.riigiteataja.ee/en/eli/507032022003/consolide>.

²² See: <https://www.riigiteataja.ee/en/eli/528122021001/consolide>.

²³ See: https://volinik.ee/wp-content/uploads/2020/01/Puudega_inimeste_oigused_toosuhtes.pdf.

their experiences.²⁴ The campaign places a focus on the capabilities of people rather than their disabilities, and it encourages employers to see people with disabilities as a resource.

2.5 Examples of good practice

The 'Come here – all are welcome' label was developed by the Gender Equality and Equal Treatment Commissioner, in cooperation with the Estonian Unemployment Insurance Fund.²⁵

There are two versions of the label. The coloured label signifies an accessible physical environment and can be used by enterprises, organisations and public authorities to indicate that their building, facilities and premises are accessible.



The blue version of the label is intended to be used by employers who are prepared to offer equal opportunities to all job seekers, regardless of any special needs that they may have, and it can be added to vacancy notifications and employers' websites.



The use of the label indicates that the employer has created or is prepared to create accessible and adjusted premises and facilities, work arrangements and information.²⁶

²⁴ See: <https://www.tegijad.ee/>.

²⁵ See: <https://volinik.ee/siia-saab/>.

²⁶ See: <https://volinik.ee/siia-saab/tooandja-voimalused/>.

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

In Estonia, there are some guides directed at employers in the public and private sectors, which are aimed at supporting them in the hiring of persons with disabilities and keeping them in employment. These guides explain the rights and opportunities of employers and employees to utilise labour market services, labour relations regulations, requirements for the work environment, etc. There is a sharing of good practices, where employers and persons with disabilities share their experiences and give recommendations, which may help other employers and persons seeking employment. There are also guides on providing information and adjusting the physical environment, as well as on accessibility requirements and good practices. As a rule, the guides are available on the web, but some guides have also been published in paper format.

All are welcome to the labour market! Published by the Estonian Employers' Confederation in 2021 in Estonian and Russian.^{27 28}

This volume contains a collection of experiences, ideas and recommendations by employers and persons with disabilities. The employers, executives and personnel specialists with experience of hiring and working with persons with disabilities share their experiences. The aim of the publication is to raise awareness, to change attitudes and to break down stereotypes, demonstrating that all persons, regardless of their special needs, are needed and expected at the labour market. Persons with disabilities give advice on how to communicate with persons who have special needs (e.g. a hearing impairment, mental illness, dependency problems or mobility restrictions). Employers explain the added value of persons with disabilities in the organisation and share information on the availability of advice, assistance and services. Employers are encouraged to take the initiative and to take the first steps in hiring persons with disabilities by offering practical advice on the hiring process and on the adjustment of the work environment and working conditions. Attention is paid to the issues of mental health at the workplace, and practical hints are given to employers and employees on maintaining good mental health.

Persons with visual impairments at work, published by the Estonian Blind Union in 2022.²⁹

This volume contains eight stories about persons with visual impairments who are in active employment. The underlying aim of these positive stories is to dispel the fear of employers in hiring persons who are blind or have severe visual impairments. The stories inspire persons with visual impairments to seek employment and encourage employers to create suitable conditions for this.

²⁷ See: https://www.employers.ee/wp-content/uploads/toovoimereformi_kogumik_A4_veebi_131221-1.pdf.

²⁸ See: https://www.employers.ee/wp-content/uploads/toovoimereformi_kogumik_A4_RUS_web.pdf.

²⁹ See: https://www.tootukassa.ee/web/sites/default/files/2022-01/nagemispuudega_inimesed_tool.pdf.

The following guides and websites may also be mentioned:

Guidelines on an accessible web, published by the Data Protection Inspectorate.³⁰

These guidelines are relevant to employers who publish vacancy notices on their websites. They target persons with special needs, including persons with visual, auditory, physical, speech, cognitive, language, learning and neurological disabilities.

Guidelines on accessible buildings and an accessible environment, published by the Construction Information Centre.³¹

These guidelines are relevant to employers who are planning to construct or reconstruct their buildings and premises to make the working environment accessible for persons with disabilities.

It has not been assessed how these guides, websites or advice services are being used by employers, nor has it been established what effect they may have had.

³⁰ See: <https://www.aki.ee/et/teabe-avalikkus/veebilehtedele-ligipaasetavusest>.

³¹ See: <https://ehituskeskus.ee/raamatud/ligipaasetav-hoone-ja-keskkond/>.

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

3.1 Support available to employers for making reasonable accommodation

To support employers in making reasonable accommodations for employment of persons with disabilities, the Estonian Unemployment Insurance Fund offers two main types of services: (a) the provision of work-related technical aids; and (b) financial support for the adaptation of working premises and equipment.³² These services are available to employers in both the private and public sectors. The legal basis for the provision of these services is the Labour Market Services and Benefits Act, Sections 9(1)(10)-(11), 20 and 21.³³

A work-related technical aid is defined as a device without which a person is unable to perform his or her duties due to disability. The Estonian Unemployment Insurance Fund provides technical aids free of charge if the disability or reduced work ability prevents the employee from performing his or her duties with the employer's regular equipment. For the provision of the technical aids, the Estonian Unemployment Insurance Fund enters into an administrative contract with the person with disability or their employer.³⁴ An administrative contract specifies the type of technical aids, the costs related to these devices, the obligations of the user and the duration of the contract. The normal contract period is three years, but it may be extended for another term. The legislation further stipulates that if, due to the particular or technical nature of the device, it cannot be used by another person, the device necessary for work may be transferred to the user free of charge after the expiry of the administrative contract.

Examples of work-related technical aids provided by the Estonian Unemployment Insurance Fund include screen-reading software, a digital magnifier, audio transmission systems and lifting, handling and tilting aids at the workstation.

In 2021, the Estonian Unemployment Insurance Fund granted work-related technical aids to 146 persons with reduced work capacity.³⁵ As of January 2022, the total number of persons with reduced work capacity who used work-related technical aids provided through the Fund was 452.³⁶

Employers hiring or already employing a person who, due to disability or reduced work ability, has difficulties accessing their workspaces or using the work equipment provided by the employer, may apply to the Estonian Unemployment Insurance Fund for financial support to make the workplace and equipment accessible and usable. The labour market service for the adaptation of work premises and equipment covers the employer's construction works, facilities, workstations and equipment to make them accessible to, and fit for use by, a person with disability. The Estonian Unemployment

³² See: <https://www.tootukassa.ee/en/services/employers/recruitment-person-reduced-work-ability>.

³³ See: <https://www.riigiteataja.ee/en/eli/510032022003/consolide>.

³⁴ The decision whether the contract is made with the employer or with the employee is at the discretion of the Estonian Unemployment Insurance Fund. In cases of larger and more expensive equipment located and used at the workplace, the contract is normally with the employer. For smaller aids which are used personally by the employee, the contract is with the employee.

³⁵ This number includes only persons who entered the service in 2021, i.e. new beneficiaries.

³⁶ See: <https://www.tootukassa.ee/et/statistika-ja-uuringud/peamised-statistilised-naitajad/tooturuteenusud>.

Insurance Fund enters into an administrative contract with the employer whose premises and equipment are to be adjusted. The contract specifies the object of adjustment, the time by which when the adjustments shall be completed, the period of employment of the person with disability and the cost of the adjustment. Once the person has commenced employment or service with an employer, the Estonian Unemployment Insurance Fund will compensate the employer by 50 % to 100 % of the costs of the adjustment, based on the reasonableness of the expenses for eliminating disability-related hindrances. As a general rule, the employer shall refund the financial support received for the adjustments if the relevant employment or service relationship is terminated on the initiative of the employer before three years have elapsed since the start of the contract of employment or appointment to the position.³⁷

Statistics on the take-up of the workplace adaptation service are not published. According to the data provided by the Estonian Unemployment Insurance Fund, in recent years (2019-2021) the Fund has financed between 13 and 16 workplace adaptations each year, with the annual costs in the range of EUR 50 000 to EUR 80 000.³⁸

The 2019 assessment by the Praxis Centre for Policy Studies looked into the take-up, effects and issues related to the workplace adaptation service offered by the Estonian Unemployment Insurance Fund.³⁹ The study noted that the number of cases when this service had been used was relatively low. The study indicated that the possible reasons for low take-up included insecurity on the part of employers as to whether the person with disability would stay in their employment for a longer period, as well as the co-financing requirement. Based on these considerations, the conditions for the workplace adaptation service were made somewhat more flexible from 2000. There has been no updated assessment since the 2020 changes. However, as the figures above indicate, the annual number of cases of workplace adaptations financed by EUIF has remained rather low.

A web and phone survey of 861 employers conducted in 2021 indicated that only 46 % of employers were aware of the possibility of applying for funding to adapt workplaces for persons with disabilities. This share had slightly increased since 2017, when 42 % of employers were informed about this support measure. 63 % of employers indicated that they would like to receive more information about the support services from the Estonian Unemployment Insurance Fund for employers who hire persons with decreased working capacity.⁴⁰

³⁷ There are some exceptions, when the refund obligation is waived, even if the employment or service contract lapsed before the expiry of the three-year term.

³⁸ These data were provided by the Estonian Unemployment Insurance Fund at the request of the authors of this report.

³⁹ See: https://www.sm.ee/sites/default/files/toovoime_toetamise_hindamine.pdf.

⁴⁰ See: <https://www.employers.ee/wp-content/uploads/2021-TVRTto%CC%88o%CC%88andjateuuringulo%CC%83ppraport.pdf>.

3.2 Partnerships to assist employers to make reasonable accommodations

In 2017 the Estonian Employers' Confederation and the Estonian Human Resource Management Association (PARE) initiated a community of employers who have practical experience of hiring persons with reduced work capacity and who are willing to contribute to increasing the employment of persons with disabilities.⁴¹ This informal community of employers offer practical advice and share their experiences with other employers who are considering hiring persons with disabilities. The community recognises and encourages enterprises that take positive steps on the equal treatment of persons with disabilities in the labour market and more broadly. The community has a dedicated website with relevant information, including recommendations on hiring, the adjustment of workplaces, what support is available, short stories about direct experience and good practice, as well as links to additional information.⁴²

Initially (in 2017), the community included 12 employers; by 2021, its membership had increased to 40 employers. However, awareness of the community remains low. The 2021 survey of employers indicated that only 8 % of all employers had heard about the activities of the community, albeit information about the community had reached 19 % of members of the Estonian Employers' Confederation.

⁴¹ See: <https://pare.ee/tooandjate-uhisus/millest-alustada/>.

⁴² See: <https://pare.ee/tooandjate-uhisus/arvamus-ja-kogemuslood/>.

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

Examples of adjustment of working places and assistive devices for persons with disabilities, published by the Estonian Unemployment Insurance Fund in 2009.⁴³

This guide contains a collection of illustrated short stories about persons with disabilities in employment, focusing on the adjustments made to facilitate their employment (such as the construction of ramps and the widening of doorways) and assistive devices they use at work (such as a screen reader, braille display or a wheelchair stair climber). Information is provided on the respective services offered by the Estonian Unemployment Insurance Fund (adaptation of premises and equipment and the provision of special aids and equipment) to facilitate the employment of persons with disabilities.

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

The website of the Estonian Unemployment Insurance Fund provides information and guidance (in Estonian, Russian and English) on the available measures and services to support the employment of persons with reduced working capacity.⁴⁴ The sections 'work capability' and 'employers and partners' offer information on the labour market services, cash benefits and tax advantages that are available to employers who employ or are hiring a person with disabilities (with reduced working capacity). These services include the adaptation of work premises and equipment, the provision of special aids and equipment and working with a support person. The employer is also offered counselling and training when they have employees with chronic illness, mental health problems or hearing, visual or mobility impairments. The website includes an illustrated section with examples of workplace adjustments and work-related technical aids⁴⁵ provided by the Estonian Unemployment Insurance Fund, and some thematic short videos, e.g. on disability-related counselling for employers⁴⁶ and on work-related technical aids.⁴⁷

The Estonian Unemployment Insurance Fund organises regular information seminars and webinars for employers, to share good practices and to encourage employers to hire persons with disabilities. Such seminars are arranged on site at different enterprises and in different working environments. Practical workshops are arranged where participants (employers' representatives) can take the role of a person with

⁴³ See: <https://www.yumpu.com/xx/document/read/13949083/tookohtade-naidiskohandused-ja-abivahendid-puuetega-inimestele>.

⁴⁴ See: <https://www.tootukassa.ee/en/vahenenud-toovoimega-inimese-toetamise-toetamine>.

⁴⁵ See: <https://www.tootukassa.ee/en/article/examples-work-related-technical-aids-and-workplace-adjustment>.

⁴⁶ See: <https://www.youtube.com/watch?v=lwOmFh9SDKY&list=PLFWky0KrstphNDdkglGHHBsWmZRhMOATQ&index=4>.

⁴⁷ See: <https://www.tootukassa.ee/et/teenused/vahenenud-toovoimega-inimesele/tooalane-abivahend>; https://www.youtube.com/watch?v=fTX4CdC_BOC&list=PLFWky0KrstphNDdkglGHHBsWmZRhMOATQ.

disability and test the practicalities of overcoming barriers in a wheelchair or moving around as a blind person. There are practical exercises on mapping the working environment, and discussions are held on the possibilities of eliminating existing barriers with minimal adjustments. Employers with positive experience of hiring persons with disabilities share their experiences: on which workplaces are held by persons with disabilities, how work tasks or the work environment have been adjusted, or which labour market services have been used. Work interviews have been simulated, using role-play exercises involving employers and persons with disabilities applying for a job. Such practical seminars and shared stories encourage other employers to hire persons with disabilities and to seek appropriate support services from the Estonian Unemployment Insurance Fund. Feedback from the seminar participants is regularly sought after, indicating that the awareness of employers is increasing. However, there is no direct evidence on how much the awareness seminars have increased the employment of persons with disabilities.

The working life portal of the Labour Inspectorate, which includes information on the working environment, labour rights and labour relations, also provides information on the obligations of employers to take into account the special needs of employees.⁴⁸ The website explains employers' responsibilities as regards adjustment of workplaces to the needs of employees, safety of the working environment, the supervision of employees, health examinations, etc. Relevant information is also provided on commencing the employment relationship, labour contracts, rules on working time, rest time and vacations, equal treatment, mental health hazards and work-related stress.

4.3 Examples of individual reasonable accommodations which reveal good practice

Inventive furniture company

A person with restricted mobility and hand movements was hired by a company manufacturing upholstered furniture. The company is a medium-sized enterprise with a total of about 45 employees. Due to his disabilities, the employee was restricted to carrying out physical work. His range of hand movements was restricted and he could not raise his hands above the shoulders. The employer was able to adjust the working conditions so that the employee did not have to move around over longer distances in the work premises. The employer also applied for work-related technical aids from the Estonian Unemployment Insurance Fund. The Fund provided a pneumatic lifting tool, which helps to raise pieces of furniture to a suitable height, allowing the employee to work on them. The Fund also compensated the employer for the cost of a vacuum lifter, which allowed the employee to raise wooden boards up to the height of the machine.

⁴⁸ See: <https://www.tooelu.ee/en>.



5 Recommendations and guidance regarding good practice and reasonable accommodation

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

The blue label, 'Come here – all are welcome', which was developed and launched in 2015, is a useful tool informing persons with disabilities about employers who are prepared to offer equal opportunities to all job seekers, regardless of any special needs. However, the label may require a booster campaign to encourage more employers to use it and add the label to their vacancy notifications and websites.

Section 73 of the Work Ability Allowance Act, which committed the Government to increasing the number of persons with disabilities employed in the public sector by at least 1 000 to provide a positive example of increasing the employment of persons with disabilities, should be followed up with work programmes and practical steps towards attaining this policy objective.

A manual for employers could be developed, offering practical advice on the recruitment and hiring of persons with disabilities, including:

- content and formulation of vacancy notifications (e.g. placing emphasis on the objectives of the position rather than on capacities);
- accessible format and channels of dissemination of notifications to reach candidates with disabilities;
- access requirements for the job interview;
- conducting job interviews to recruit persons with disabilities.

5.2 Recommendations regarding good practice and reasonable accommodation in initial employment

An individual needs assessment should be conducted upon recruitment to immediately identify the necessary reasonable accommodation measures for adjusting the workplace and to provide any work-related technical devices that may be needed. Newly recruited persons with disabilities should be advised to openly discuss their special needs with their employer, to enable these to be taken fully into consideration.

Co-workers and managers should be made aware of disability issues and advised to pay attention to any special needs of the newly recruited staff members, as well as ensuring positive attitudes towards employees with disabilities.

Such measures should become standard elements in the human resource management practices at the enterprise/organisation level.

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

Under the Employment Contract Act, in Section 28(2)(5),⁴⁹ the employer is obliged, for the purposes of developing the professional knowledge and skills of an employee, to provide the employee with training based on the interests of the employer's enterprise, to pay the training expenses and pay average wages during the training. It is stressed that, pursuant to the Equal Treatment Act, Section 2(2)(3), the same obligation of employers to provide training extends, on equal grounds, to employees with disabilities,⁵⁰ while reasonable accommodation methods may be necessary to facilitate the participation of such employees in training sessions.

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

Whereas the uptake of financial incentives (e.g. social tax incentive, income tax relief) by employers has increased over the years, the evidence suggests that there is still a significant share (about one third) of employers who are not aware about the availability of such support measures. In addition to the general provision of information, a more targeted information campaign could be developed to reach micro, small and medium-sized enterprises in particular, pointing out that the social tax incentive can be used not only for hiring new staff, but also when a current staff member acquires an impairment. A dedicated information campaign of this sort could also disseminate information about other available support measures, including retraining and vocational rehabilitation.

While the Estonian Unemployment Insurance Fund offers financial support for the adjustment of workplaces, the number of annual cases has remained relatively low. One of the identified reasons for the low take-up is the insecurity of employers as to whether the person with disability will stay in their employment for a longer period. However, as such a risk is lower for employees who have already been working in the enterprise, the measure could be more widely promoted to support the retention in employment of persons who acquire impairment during the course of their employment. Obviously, this would necessitate the simultaneous expansion of resources to finance this support service.

⁴⁹ See: <https://www.riigiteataja.ee/en/eli/506042022003/consolide>.

⁵⁰ See: <https://www.riigiteataja.ee/en/eli/507032022003/consolide>.

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