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Is the aid scheme for disabled workers efficient?

In 2008, HUF 631 billion were allocated in the Hungarian state budget for the disability pension of the working-age population, HUF 94 billion were made available to finance the social benefits of people with health impairments. The two figures added together make up 2.9 per cent of the GDP. If the approximately 700 thousand people who were absent from active production due to disabilities and health impairments had been effectively employed, and if they had been able to contribute to production only with a 50 per cent efficiency compared to the remaining 3.7 million people employed, their contribution could have raised the Hungarian GDP by close to 10 per cent. Understandably, not every person with health impairment is capable of re-entering the labour market, nevertheless, the statistical figures clearly indicate the magnitude of state expenditure and loss of revenues caused by the absence of disabled workers¹ who are the passive beneficiaries of aid schemes. An aid scheme designed for disabled workers may be regarded efficient from socio-economic perspective, if it were to be geared at employment more effectively and proportionately less money were to be allocated for supplementing their income.

International comparative studies indicate that this is not an impossible job to do. In the leading Member States of the European Union 40 per cent of disabled workers in the working-

age group are effectively employed. According to a survey conducted by the Central Statistical Office (CSO – Hungarian acronym: KSH) in the fourth quarter of 2008, this figure reaches only 23 per cent in Hungary (see Table 1). There are several factors lying behind this significant gap. One of such factors is the failure of the various subsidies to provide sufficient incentives for employers to recruit disabled workers at a larger rate. In order to prove the above statement, first, we endeavour to define the principle on the basis of which a scheme with more effective incentives could be developed. Then, after the definition of these principles, we want to establish whether the existing Hungarian scheme can satisfy these principles.

UNDER WHAT CONDITIONS IS IT PROFITABLE FOR AN EMPLOYER TO RECRUIT DISABLED WORKERS?

There are two different conditions under which an employer may find it useful to employ disabled workers. In the first case, the disabled employee is offered an employment rehabilitation (training, preparation, initial practice) which enables him to perform the job with a quality equal to healthy employees and without additional costs put on the employer's shoul-

Table 1

THE CHARACTERISTICS OF THE EMPLOYMENT SITUATION OF DISABLED VIS-A-VIS HEALTHY WORKERS

(forth quarter of 2008)

Characteristics	Disabled workers	Healthy workers
Activity rate (%)	27.4	72.7
Employment rate (%)	23.0	67.3
Unemployment rate (%)	16.3	7.4

Source: Social characteristics and the social supply systems, 2008; KSH, 2009, based on the figures presented on page 63

ders. In the second case, in which the above condition cannot be met, the disabled worker can only achieve lower productivity which is compensated by state aid.

The clear distinction between the two cases is particularly important, because they require different types of handling by the state. In the first case, the state is expected to support the rehabilitation process, and if it is successfully concluded there is no further need to additional state intervention. State intervention in this first case may actually represent an impediment in the process in which disabled workers undergo employment integration, because it would encourage employers to apply for state subsidy rather than make them interested in full rehabilitation. In the second case, even after a successful rehabilitation, integrated employment can be maintained with continuous state subsidies. It is important to point out that in both cases employment rehabilitation is completed. Even in the second case, there may be a room to improve the employability and productivity of the disabled workers, nevertheless, due to the degree of their disabilities, health impairments and because of the limited availability of potential jobs they will not be able to perform their jobs with an efficiency equal to healthy employees even in jobs offered in their jobs in rehabilitation employment. Consequently, it is necessary to raise the question: *what is the objective of employment rehabilitation, i.e. under what condition is it considered successful?*

We believe that *various levels of employment rehabilitation may be specified as an objective* subject to the nature of disability or health impairment. The rehabilitation levels to be achieved can be distinguished based on two dimensions, the first dimension is the productivity of work, i.e. we need to answer the question whether the disabled worker is able to perform his job with a productivity equal to healthy employees after adequate preparation and initial practice, or whether his performance is lagging behind others to a smaller or larger degree. The second dimension is independent conduct of work, i.e. whether the disabled worker is able to perform his job without assistance or whether, alternatively, he is in need of regular or regular and considerable assistance. These two dimensions are described in a table below (see Table 2). The selection of these two dimensions is especially useful, because a regulation of the European Commission on state aids² also provides a legal opportunity for continuous aid for the integrated employment of disabled workers based on the above: one dimension is the wage subsidy which compensates lower productivity, the other dimension is the coverage of costs of employing staff on the assistance of disabled workers.

Based on what has been shown in Table 2, it is practical to make a distinction between the *three basic cases of successful rehabilitation* from the perspective of aid.

Table 2

LEVEL OF PRODUCTIVITY

The level of productivity independent work	The productivity of disabled workers vis-a-vis healthy employees		
	Equal	Slightly lower	Significantly lower
Ability to perform independent work	Full	Full	Partial
In need of regular assistance of a small degree	Full	Partial	Sheltered employment
In need of regular assistance of a large degree	Partial	Sheltered employment	Sheltered employment

► *Full rehabilitation*: when a disabled worker is able to perform his job after the successful completion of rehabilitation without any further assistance with a productivity equal to healthy employees. This means that in the case of full rehabilitation, there is no need for regular assistance for the continued employment of the person concerned.

► *Partial rehabilitation*: when a disabled worker can work under normal working conditions, but he needs regular assistance even after the successful completion of rehabilitation and is able to perform his job only with a productivity lower than healthy employees. This means that *despite the successful rehabilitation, there is a need for regular assistance for the continued employment of the person concerned.*

► *Rehabilitation requiring sheltered employment*: when a disabled worker has been trained to perform simple jobs, but due to his disability or health impairment, he is able to work only in a sheltered environment and only with a lower than average productivity. This means that *despite the successful rehabilitation, there is a need for regular assistance and sheltered working conditions (which also has different degrees) for the continued employment of the person concerned.*

The distinction of the full, partial employment rehabilitations and rehabilitation aimed at sheltered employment as well as the clear definition of their aid consequences underline the qualitative significance of rehabilitation. In this context, the key issue is to find or develop posts

in which a disabled worker is able to carry out work of full value. (I.e. the productivity of his work can reach the average productivity of healthy employees.) In some cases, however, the (remaining) capacities of disabled workers are not completely in line with the requirements of the potential posts. This is why there is a need to adjust the posts to the capacities of disabled workers.

Viewed from the aspect of corporate economy described above, the following conclusions can be drawn concerning the employment aid of disabled workers.

► Employers would require technical assistance (professional services) to adjust their workplaces and the potential posts in the enterprise to the capacities and personal needs of disabled workers.

► In the course of the rehabilitation phase (preparation, initial practice), it is necessary to provide the employer with a considerable support until the performance of the disabled worker reaches the expected level.

► At the end of the rehabilitation phase, rehabilitation is to be assessed based on the following criteria.

- Was the rehabilitation successful from professional point of view?
 - Does the rehabilitation lead to full, partial or continued sheltered employment?
 - What additional support or service is required for the employment of disabled people?
- Based on the above criteria, decision can be

taken on what subsidies or services may the employer claim for the continued employment of disabled persons.

THE USEFULNESS OF THE PREFERENCE FOR INTEGRATED EMPLOYMENT

As indicated by Table 2, after successful rehabilitation only a certain percentage of disabled employees require sheltered employment. In the case of integrated employment, which offers a great variety of posts, there is a much greater chance for full or partial rehabilitation compared to sheltered employment which offers only a narrow selection of posts. There are also serious employment policy and economic arguments to support the integrated employment of disabled workers. Here are some examples.

▶ Even under fortunate conditions, there are only a few dozen posts available for the sheltered employment of disabled workers, whereas integrated employment may – in theory – offer a full variety of existing posts. Consequently, it is much easier for disabled workers to find posts which provide them with the opportunity of a job with full value. Similarly, such posts are much easier to create in the open labour market than in organisations that offer sheltered employment.

▶ In certain geographical regions there are practically no sheltered employers, and there are also regions where we can find only one or two sheltered employers with limited capacities and choice of jobs. The conclusion is: for a large majority of disabled workers sheltered employment is not accessible, or it is accessible only at a significant additional cost.

▶ The (specific) cost of sheltered employment for disabled employees is significantly higher than those recruited in integrated employment. The parallel employment of many disabled persons usually requires signifi-

cant additional tasks and additional costs for the corporate management and administration, also for the transportation and other services provided for disabled employees.

▶ Organisations offering sheltered employment often use outdated technology and produce products with a low price range. These features are, on the one hand, caused by a shortage of capital. On the other hand, these enterprises specialise in labour-intensive products which naturally require labour-intensive technologies, because this is the means of offering posts for a relatively large number of disabled workers. Due to this product structure and technology, these companies will have to compete with the products of low-wage countries in the Far-East, and they can maintain their profitable operation only with very significant state aid.³ In contrast, when disabled workers are employed in the open labour market, their employers are profitable enterprises which do not require any continuous state subsidy for their daily economic activities.

THE EMPLOYMENT SCHEME FOR DISABLED WORKERS

Based on the above criteria, there are two important questions that need to be raised. First, to what extent does the employment of disabled workers rely on integrated or sheltered employment in Hungary. Secondly, to what extent do the rules regulating employment aid accept the fact that successful employment rehabilitation may have different levels. In order to answer these two questions, first, we want to describe briefly the present employment scheme for disabled workers, the various subsidies that can be claimed in Hungary, and then we investigate how far the present scheme can meet the criteria outlined above.

The major features and contradictions of the scheme

The employment of disabled workers can be facilitated in a number of different ways in Hungary. One category is defined as integrated employment. *Integrated employment* means that a disabled employee works in a workplace in which the large majority of his fellow workers are healthy people. Integrated employment can be subdivided into two further groups depending on whether employment is provided at an accredited employer or at an employer which does not have accreditation. The opposite category of integrated employment includes sheltered employment or employment at a social institution.

In the case of *sheltered employment*, the employer conducts a business activity which is marketable in the open market, and employs – in a considerable percentage⁴ – disabled persons adjusting the labour conditions and the criteria to the special needs of those with a disability.

In the case of *employment at a social institution*, the employer is a social institution and the employees are persons who need social care. In this case, the primary objective of employment is rehabilitation per se, rather than the production of marketable products. According to Hungarian legal regulations, there is also a fourth category of employment in Hungary, namely, *employment based on a contract with a sheltered organisation*, which is a transitional type between sheltered employment and employment at a social institution. Below, we provide a list of the major characteristic features of the individual employment categories.

Employment at an accredited employer

In November 2005, a system of accreditation was introduced for the employers in Hungary.⁵ It means that enterprises, civil organisations, private entrepreneurs are entitled to subsidy from the state budget for the purpose of

recruiting disabled workers only on condition of the above accreditation which certifies the following:

- the employer can provide the necessary personal and material conditions which guarantee the employment of disabled persons and those with health impairments in a work environment which is adapted to their disabilities and state of health, and
- the employer is prepared to facilitate by means of his activities the highest possible level of employment which is potentially achievable with the capacities of the employees.

The process of accreditation also makes it possible to distinguish the employers whose facilities are suitable to employ disabled persons in a sheltered (or semi-sheltered) employment from those who have already created the necessary conditions for integrated employment. Final accreditation is divided into three types. The basic one certifies that the employer complies with the basic accreditation criteria concerning the employment of disabled workers, i.e. he is certified as an *accredited employer*. The rehabilitation certificate declares the employer as a *rehabilitation employer*. The preferential certificate qualifies the employer as a sheltered employer. Hungarian legal regulations set quite stringent criteria even for the granting of a basic certificate, whereas the rehabilitation and preferential certificates require considerable investment and continuous additional expenses. *In the case of accredited employers, an employment can be qualified as integrated employment only on condition of a basic certificate.* Table 3 describes the number of employers and the types of accreditation certificates granted as well as the organisational type of these employers.

Table No. 3 shows that there are a relatively large number of rehabilitation employers and sheltered employers. Altogether, there are a total number of 250 organisations that are

Table 3

THE NUMBER OF ACCREDITED EMPLOYERS ACCORDING TO THE ORGANISATIONAL TYPE AND TO THE ACCREDITATION LEVEL

(status as of 9 July 2008)

Organisational type Certification	Private entrepreneur	Limited partnership	Ltd., General partnership	Non-profit co.	Company limited by shares	Cooperative	Foundation	Association	Total
Basic	157	102	414	17	42	11	67	103	913
Rehabilitation	2	15	104	10	7	1	5	5	149
Preferential	–	2	74	16	1	1	1	2	97
Total	159	119	592	43	50	13	73	110	1 159

Source: National Employment and Social Office

involved in sheltered and semi-sheltered employment.⁶ In contrast, there are only relatively few employers who offer accredited and integrated employment: their total number is less than four times that of the employers offering integrated employment. It should also be noted that the group of employers with a basic certificate includes quite a few foundations and associations that operate in the interest of disabled people and employ people with similar disabilities in service-related functions or for representing their interests. Their endeavours are certainly positive, but cannot be regarded as employment in the open market in the traditional sense of the word.

Based on the changes in the structure of accredited organisations, we can conclude that *the present system of accreditation is not quite adequate to facilitate integrated employment.* The criteria set for acquiring or maintaining the accreditation certificate are two stringent (often unrealistic) and the process is bureaucratic, consequently, employers in the open labour market have hardly any incentive to obtain an accreditation certificate. This statement is contradicted by the fact that the total number of accredited employers is on the rise: by the end of 2008, 1 560 organisations were already accredited. Within this total number, however, it was the organisations with prefer-

ential certificates whose number grew almost twofold. It is clear that the accreditation system channels the employment of disabled workers towards sheltered employment.

Employment based on a contract with a sheltered organisation

Before Hungary's accession to the European Union, target organisations which employed disabled people in large groups received a state subsidy amounting to 360 per cent of the wage paid to the disabled workers.⁷ After EU accession, Hungary was also obliged to apply the relevant regulation of the European Community, a regulation which allows an aid intensity which is manifold lower. As a result, a new type of state subsidy was developed, a rehabilitation cost compensation, which is linked to employment characterised by dominantly social components, and as such it does not fall under the scope of the Community Regulation. Community norms which were created in order to prohibit any distortion of market competition are not applicable if the subsidy is a measure of social nature. Only those non-profit organisations are entitled to rehabilitation cost compensation aid which sign, through tendering, a sheltered organisation contract for the employment of persons who do not find employment in the open

labour market due to their health impairment or disability.

Integrated employment at a non-accredited employer

The data in *Table 3* show that the large majority of employers in Hungary are not accredited for employing people with a disability, so understandably, *they cannot receive subsidy from the state budget if they employ people with a disability*. A group of employers, for instance, budgetary organisations are ab ovo excluded from accreditation and the possibility of subsidy from the state budget. Non-accredited employers may receive wage subsidy from the Labour Market Fund if they undertake the employment of job seekers with disabilities or persons receiving rehabilitation benefit.

The further broadening of integrated employment is also promoted by a legal regulation⁸ which stipulates that employers with a workforce of more than 20 employees are obliged to engage – up to 5 per cent – disabled workers, otherwise they are to pay a rehabilitation contribution to the Labour Market Fund. This is a form of negative incentive. The total amount to be paid as rehabilitation contribution, however, is not high enough (it was HUF 177 600 per capita/year in 2009) to put sufficient pressure on employers to make any significant rehabilitation-oriented efforts. In January 2010, an important change was introduced by raising the amount of rehabilitation contribution to HUF 964 500 per capita/year.

In-house employment of disabled people under the care of a social institution

The in-house employment of people with a disability who have an institutional legal relationship with the given institution is regulated by the Act on Social Provision⁹ and by its implementing provisions¹⁰. There are two different forms of social employment: *work rehabilitation* and *development and preparatory employ-*

ment. The choice between the two forms depends on the existing capacities, age, physical and mental state of the disabled person. The social institution is entitled to apply – through tendering – for a state subsidy for those engaged in social employment. In theory, the development and preparatory training serves the purpose of preparing disabled workers for integrated employment. The present regulation, however, does not specify any incentive that would make the social institutions interested in actually preparing those under their care for integrated employment.

The employment aid scheme designed for disabled workers

According to the *provisions of tax laws*, private entrepreneurs are entitled to reduce their pre-tax profit and employers whose activity fall under the scope of corporate tax and dividend tax are also entitled do the so if they employ disabled workers. The private entrepreneur may deduct the wages paid to the disabled employees from his business revenues, but this deduction may not exceed the monthly minimum wage effective on the first day of the month.¹¹ The entity subject to corporate taxation may reduce his pre-tax profit in this way on condition that the average number of staff in the given tax year does not exceed 20 employees.¹²

When a disabled worker is employed in a contractual post up to only 60 per cent of his wage and wage contributions may be covered from the *Labour Market Fund* for a maximum period of one year. If the person is registered as a job seeker for at least 24 months, the subsidy may be granted for the employment of that worker for a maximum of two years.

In the case of the employment of disabled workers, non-refundable and refundable aid may be applied for through tendering for the following purposes:

- job creation,
- transformation of production and service facilities in order to adjust them for the possible employment of disabled workers (including barrier-free access),
- acquisition or transformation of tools and equipment for the employment of disabled workers,
- modernisation of the workplace and the production tools.

State subsidy financed *by the state budget* may be allocated for the following purposes: wage subsidy to facilitate rehabilitation employment, subsidy aimed at employing staff who provide assistance in a workplace, cost compensation aid for sheltered employers, and rehabilitation cost compensation.

The subjects of *wage subsidy facilitating rehabilitation employment* may be employers who recruit disabled workers, who fall under the scope of Article 73 of the Labour Code, who possess an accreditation certificate and who comply with the employment obligations of rehabilitation. Employers are entitled to receive between 40–100 per cent of the wages and contributions as a wage subsidy subject to the degree of their reduced capacity to work or health impairment. The degree of disability is established in a differentiated way for a maximum 36 months, a process which may be repeated in the future.

If the co-operation of a assisting person is necessary for the work of an employee due to his reduced capacity to work or health impairment, then the wage and wage contributions on the time spent by the assistant on helping the disabled worker may also be compensated for the employer. *State subsidy for the employment of a person providing assistance in a workplace* may be granted for the total period of his activity up to a maximum of 36 months. This type of subsidy may be granted again for a number of times.

For a *sheltered employer* a tendering process is available to claim subsidy for the costs of

transportation required for disabled workers to commute to work, for their employment and for the administrative and other transport costs necessary for guaranteeing the special conditions of work.

Rehabilitation cost compensation aid may be paid through tendering to employers which operate as non-profit organisations, which accept the obligation to secure employment – in a contractual job – for workers who cannot find a job in the open labour market due to their health impairment or disability. Up to 80 per cent of the costs specified by the legal regulations item-by-item and associated with the employment of such workers in a contractual job may be paid as a subsidy to the employer.

Contradictions in the aid scheme

If we compare the conditions specified for the employment aid for disabled workers with the currently available subsidies, it becomes clear *that the aid scheme in Hungary is made up of many components and is extremely contradictory: in certain cases it is too generous, whereas certain important types of subsidies are absent from the scheme.*

The support of the first phase of rehabilitation seems to be relatively well-funded: if a disabled worker is recruited, the employer is entitled to a significant wage subsidy, for an accredited employer the timeframe of support is three years and for a non-accredited employer it is one year. There is also an opportunity to grant support for the transformation of the workplace for the purpose of rehabilitation, but the tendering system is too bureaucratic to satisfy the needs in a flexible way. (Support for the transformation of the workplace is actually needed when a worker with disability is about to be accepted for a job rather than when the tender invitation is published.) Subsidy for the employment of staff providing assistance in a

workplace of disabled persons is available only for accredited employers, however, very few accredited employers actually apply for it possibly¹³ due to the bureaucratic difficulties of application and settlement. A survey conducted in 2007 among the target organisations of that year shows that more than 60 per cent of the 200 organisations answering the questionnaire chose not to employ an assistant in the workplace.¹⁴ The other possible reason is the relatively low percentage of severely disabled persons among the disabled workers, i.e. the majority of disabled workers do not need an assistant.

The figures in Table 4 show that only 10 per cent of employees receiving rehabilitation wage subsidy are people with severe visual, mental or hearing impairments. The proportion of employees with severe physical disability almost reaches 40 per cent. In this particular case, there is a serious contradiction, i.e. according to a government decree, the very same persons who are automatically regarded as people with reduced work capacity from employment point of view are treated as people with severe physical disability from the aspect

of transport allowance. (For this category of workers employers are entitled to receive the highest level of subsidy.) Understandably, severe physical disability usually represents a serious impediment in travelling, nevertheless, the same disability does not necessarily constitute an obstacle in a great variety of jobs. A further problem is caused by the inability of the present system establishing the status of physical disability to prevent abuses.

The biggest contradiction of the aid scheme is that *the regulations do not require any assessment of the rehabilitation measures either in the phase of admittance of the disabled person or at the closure of the rehabilitation phase, and they fail to offer any such effective assistance to the employers.* This contradiction considerably reduces the chances of a disabled person to acquire a job or to proceed through phases of rehabilitation which may lead to his full rehabilitation.

At this point of analysis we are confronted with *another big contradiction of the aid scheme: it does not make a clear distinction between full and partial rehabilitations.* On top of this, *the logic behind the subsidy financed by the Labour*

Table 4

THE DISTRIBUTION OF ENTITIES RECEIVING WAGE SUBSIDY FOR REHABILITATION ACCORDING TO THE TITLE OF THE SUBSIDY (IN 2008)

Title of subsidy	Number of employees	Distribution (%)
Health impairment is between 50–79 per cent, rehabilitable	118	0.0
Health impairment is below 50 per cent, tailor-made rehabilitation is needed	3 449	10.0
50 per cent reduction of work capacity	7 606	22.0
67–100 per cent reduction of work capacity	6 993	20.3
Health impairment is above 79 per cent	26	0.0
Health impairment is between 50–79 per cent	163	0.0
Visually impairment	890	2.6
Severe mental impairment	1 226	3.6
Severe hearing impairment	1 324	3.8
Severe physical disability	13 326	38.7
Total supported employees	35 121	100.0

Source: National Employment and Social Office

Market Fund is fundamentally different from the logic followed in budgetary subsidies. The timeframe of subsidies financed from the Labour Market Fund is limited to maximum 12 months¹⁵, i.e. it is based on the presumption that the given 12 months are sufficient for the full rehabilitation of disabled workers, and consequently, employers find it worthwhile to continue the employment of the rehabilitated workers even without continued subsidy. In a significant proportion of cases and especially when they involve people with severe disabilities, the above presumption proves wrong, i.e. employers consider the continued employment of disabled workers only on condition that the subsidy is also continued. This is one of the reasons why out of the disabled workers subsidised from the Labour Market Fund only a very small proportion is made up of severely disabled people.

In contrast with the above, wage subsidy facilitating rehabilitation employment, which is one of the components of budgetary subsidies, *is based on the presumption that the rehabilitation of disabled workers is only a partial one, and it consequently requires continued subsidy for continued employment.* The relevant provisions of the legal regulation stipulate that subsidies granted for three years can be repeated over and over again on condition that the status of the person's health impairment remains the same. *The legal regulation does not provide for any assessment concerning the effectiveness of the rehabilitation even in the case of prolonged subsidies. The legal regulation does not contain any criteria for efficiency* as the employer is entitled to the very same level of subsidy at the beginning of rehabilitation than after many years of employment. This is a serious cause for concern especially after having seen the statistical figures which demonstrate that out of the disabled workers subsidised from the state budget, severely disabled people represent only a very small proportion.

The question is whether *the provision of subsidy for employment at a very high level in a timeframe of 36 months* (up to 40–100 per cent of the wages and wage contributions) *is justifiable.* Although the 36 months is the upper ceiling, in actual practice, the labour centres generally establish this maximum limit, because they lack any discretionary guidelines (based on professional principles) to set any shorter timeframe. The budgetary lines for subsidy are not decentralised, consequently, there is no pressure on or incentive for the labour centres to establish any shorter timeframe.

We may venture to make the statement that *the wage subsidy scheme facilitating employment at accredited employers and financed from the state budget is too generous.* As the fundamental rules regulating the employment aid of disabled workers are laid down by a European Commission regulation, the aid schemes in the EU Member States are functioning in a very similar way, but in a number of countries the aid scheme so far developed is less generous, and the subsidies are more tailor-made, and the labour authorities of the state establish the degree and timeframe of the aid based on the actual rehabilitation needs of the persons concerned (the timeframe is usually set considerably lower than 36 months). At the end of the rehabilitation period, the effectiveness of the rehabilitation is evaluated and further continued support is decided on the basis of the assessment.

Some may argue that in the generous Hungarian scheme the employer is interested in the full rehabilitation of the disabled worker: the subsidy is not withdrawn and the more extensive the rehabilitation the more profit the employer is likely to make. The problem is that this country is not rich enough to operate such a scheme. Table 2 shows that less than one thousand employers with basic accreditation certificate benefit from this generous support and the money spent has now for many years consider-

ably exceeded the limits set in the budget line (see Table 5). The table demonstrates that this overrun was especially large in 2004. The measures upgrading the scheme which were gradually introduced from 2005 on have somewhat mitigated the excessive overrun, but the price to pay for this was the significant decline of employees engaged in the scheme. Due to a cut in the 2008 budgetary appropriation, the overrun was quite significant again, and it is only partly justified by the reduction of the employees in the scheme. The further future sensible modernisation of the aid scheme is also important in order to keep the budgetary appropriation under control. The unsustainability of the present aid scheme is underlined by the Government Decree issued on 26 August 2009¹⁶ which ordered a suspension of the issuance of further accreditation certificates and further applications for new wage subsidies effective from 1 September 2009.

One of the arguments against maintaining the present, excessively generous aid scheme is the following: the total number of disabled workers who are out of work today and who could potentially apply for support in order to

find employment¹⁷ amounts to 330 thousand, whereas the existing budgetary subsidy scheme is designed for the employment of approximately 50 thousand people.

There is a need for the rationalisation of the budgetary subsidy scheme by means of redistributing the funds in a larger circle of recipients rather than by reducing support. A wider distribution of support should also be linked to actual needs in order to facilitate the employment of more disabled workers.

Another contradiction in the present aid scheme is that it grants disproportionately more money for the support of employment at sheltered organisations compared to social employment, sheltered employment and especially integrated employment. In Table 6 we depict the degree of differences among the various employment aid forms allocated for one single disabled worker.

Accredited employers who are engaged in *integrated employment* receive wage subsidies which facilitate rehabilitation employment. (In addition to this support, they may also receive aid for the employment of assistants. The amount of this support, however, is indeed

Table 5

CHANGES IN THE EMPLOYMENT OF DISABLED WORKERS AND IN THE BUDGETARY SUBSIDY (2003–2009)*

Budget year	Total budgetary subsidy (in HUF million)		Number of employees receiving support
	appropriation	fulfilment	
2003	36 000.0	46 462.6	45 000**
2004	40 860.0	64 147.7	52 000**
2005	55 000.0	54 995.8	47 000**
2006	52 000.0	56 034.5	39 303
2007	51 358.7	56 147.5	45 378
2008	44 300.0	53 888.6***	52 540
2009	47 300.0		

* Excluding the figures for social employment

** Estimated data

*** Based on the draft bill on final accounts 2008

Source: Acts on the state budget (2008, 2009) and on their implementation (2003–2007)

negligible.) The support for the integrated employment of disabled workers financed from the central budget amounted to 430 thousand in 2008 on average. *Sheltered employers* receive the same level of wage subsidy in addition to aid in the form of cost compensation. If we add the amount of cost compensation to the above figure, the total amount of aid from the budget allocated for the sheltered employment of disabled workers reaches a total of HUF 780 thousand on average. The average support level of social employment is significantly lower and amounts to HUF 530 thousand only, however, social employment in the majority of cases represents part-time employment or employment of therapeutic nature only. Employment at a sheltered organisation receives an outstandingly high level of support per person. It would be justifiable to bring the level of this support closer to the level of sheltered employment. *Statistical figures indicate that the total amount of money used for support today could facilitate the employment of more disabled people than today, if employment were to be accomplished in a greater proportion in the integrated form, or if employment in a sheltered organisation could be replaced at least partially by sheltered employment or social employment.*

It is obvious that people who are severely incapacitated to work require various forms of

sheltered employment. *The progress in this direction* does not necessarily mean an increase in financial support, instead, *a stable business background of buyers is needed who can provide the basis on which rehabilitation employment can be developed.* Although there are already existing legal conditions¹⁸ to guarantee that in a public procurement process the contracting authority is able to limit bidders to sheltered workplaces, today, in actual practice, the system is not functioning in this way. Considering the fact that most potential contracting authorities are budgetary organisations either directly under the government or the various ministries, the functioning of the system depends on political decisions.

THE CHANCES FOR FACILITATING INTEGRATED EMPLOYMENT

In order to resolve the above described contradictions, a significantly greater role should be given to integrated employment. There are a number of ways to do this. The clear distinction among the various options is particularly important, because legal regulations, the available services as well as the various aid types all depend on which way we want to go. Understandably, if we want to achieve our

Table 6

CHANGES IN THE SUBSIDY PER PERSON ACCORDING TO THE TYPES OF EMPLOYMENT SUBSIDIES IN 2008

Type of subsidy	Supported number of employees	Amount of subsidy (HUF million)	Subsidy per person, HUF/person/year
Wage subsidy facilitating rehabilitation employment	37 014	15 893	429 348
Support for sheltered employers in the form of cost compensation	10 763	3 776	350 806
Rehabilitation cost subsidy	18 560	31 296	1 686 207
Normative subsidy for social employment	10 553	5 600	530 655

Source: The calculation is based on the data of the Ministry of Social Affairs and Labour, and National Employment and Social Office.

objectives, each and every option must be open, so it is useful to examine them one by one.

In our view, the following possible options are open for facilitating the integrated employment of disabled persons:

- keeping open the option of open labour market employment even after a person suffers disability (or health impairment),
- making the labour market accessible to disabled people,
- promoting direct placement in the open labour market.

Let us examine each option in detail.

The maintenance of open labour market employment after an incident of health impairment

Only 17 per cent of disabled people were born with disabilities, the rest of them became disabled in the course of their active life as 55.2 per cent of the disabled people belong to the age group under 60.¹⁹ The largest factor in becoming disabled (53.8 per cent) is some long-term illness, and *only a very small percentage of those who become recipients of disability pension due to a long-term illness become active earners again*. According to a study based on a questionnaire titled “Turning Points of our Life” conducted by the Demographic Research Institute of the Central Statistical Office, only one per cent of those with a disability pension in 2001 re-entered the labour market in 2004, 90.2 per cent of them maintained the status of disability pensioner and only 6.2 per cent became old-age pensioners. 2.5 per cent of them belong to the category of other inactive workers.²⁰ *The typical pattern seems to be the following: after an incident of health impairment, the person who becomes disabled chooses to give up employment, i.e. becomes inactive. Following the stabilisation of his state of health, the disabled person usually makes an effort to be partially rehabil-*

itated, i.e. tries to take up work parallel with receiving disability benefits. The above attitude is not targeting a full rehabilitation, because today a worker who partially loses his capacity to work is interested in receiving disability pension which he can supplement with other additional income linked to some sort of employment. In order to do that, some disability pensioners have recently taken up certain type of jobs (badly paid jobs that do not require any skills) which do not serve their rehabilitation.

In order to preserve the chances for an employment in the open labour market, it would be of crucial importance to change the incentives for workers who became disabled in the course of their active life. It would be especially important to make sure that the income and material security granted as a result of rehabilitation are considerably higher than those that are achievable through disability pension plus supplementary work. It is also important to emphasise that in terms of changing the incentives, *the crucial motivation is not limited to a difference in the attainable income. What matters is how the disabled person views his mid-term material security attainable by the above two life strategies.*

The motivation that works against rehabilitation is not necessarily to be found in the contradictions of legal regulation. There are a number of objective factors that reinforce the view that people with a deteriorated state of health can better find their material security in disability pension than in employment.

► Among the applicants who claim disability pension those with low-level schooling and unskilled workers represent an overwhelming majority. For them the chances of finding a new job is indeed quite slim. Jobs that do not require any skills or hard physical labour are rather scarce, consequently, disabled people objectively do not have much chance to secure a stable material existence by means of an employment in their active life between 40–65.

▶ Another typical phenomenon is that when a worker's state of health is severely deteriorated, he is out of work for a certain period of time, so before his sickness benefit expires he tends to apply for disability pension, and in order to do so, he gives up his job. When his state of health stabilises he may try to find a job again, but then his chances of taking up a job are much worse. Typically, such a person is already above the age of 45, and at this age a person with serious health impairment will find it very difficult to re-enter the labour market.

▶ The lasting and significant deterioration of health often represents a great challenge even for highly skilled workers, because they are unable to reach their previous income even through full rehabilitation, consequently, it is in their interest to maintain disability benefits supplemented by an additional income generated by some work.

▶ People with health impairments are particularly exposed to the risk of unemployment, so understandably, they are unlikely to give up disability pension which provides them with long-term security in exchange for a job which would offer higher income for a relatively short period of time.

The above factors clearly indicate that efforts aimed at directing disability pensioners towards integrated employment are hindered by serious obstacles. *Prevention of retirement with a disability pension seems to be a more effective policy, i.e. measures should be taken to keep workers with health impairment within the scope of integrated employment until their rehabilitation can be started.* Mention should also be made of the fact that this phenomenon is not limited to Hungary. The European Commission's Disability Action Plan for 2008–2009 also highlights this problem emphasising that it is extremely difficult to re-integrate workers who once have already become disability pensioners into the labour market. *According to the Action Plan, the possible solution lies in developing flex-*

ible systems which better encourage work and social security provision.

In 2008, the Hungarian authorities introduced the *rehabilitation benefit* in order to prevent too many people from receiving disability pension. The new regulation puts a preference on rehabilitation vis-a-vis disability pension. It stipulates that workers who have suffered a health impairment which reaches the degree (50–69 per cent) that is needed for disability pension will receive *rehabilitation benefit* rather than a disability pension if there still is a chance for rehabilitation. The regulation also stipulates that while the rehabilitation benefit is being provided, the beneficiaries should receive all possible services necessary for their rehabilitation. The rehabilitation is viewed by the new law and by the Government Decree linked with it²¹ as a complex process in the course of which the medical, social and employment rehabilitation services for people with health impairment are closely interrelated.

In concert with the objective of maintaining employment, the law and the Government Decree put a preference on the rehabilitation of people receiving rehabilitation benefits, and it is also suggested that their further employment should be continued with the same employer (if there is such employer). The legal regulations also provide that those who receive rehabilitation benefit and also pursue an activity that generates income should try rehabilitation within the scope of this job. Labour offices which are in charge of elaborating the rehabilitation agreement are obliged to contact the employer who in turn is also obliged, within ten working days, to conduct consultations about the various options of rehabilitation measures. The Labour Code has also been amended recently to facilitate the rehabilitation – by his own employer – of the worker receiving rehabilitation benefit, the amendment now extends to the protection against dismissal of people with rehabilitation benefits.²²

From 1 January 2008, the system of *social benefits of people with health impairment* was also newly regulated by the government.²³ A new element of key importance in the regulation stipulates that those who receive regular social benefits and may be rehabilitated should receive assistance from the labour centres to find employment again. For people who suffer the health impairment with a degree of less than 50 per cent, *the protection against dismissal was not introduced and the rehabilitation obligations of employers are also insufficiently regulated despite the fact that such measures would certainly be necessary to maintain the open labour market employment of disabled workers.*

The Labour Code authorises the Government to introduce rules by government decrees, rules that apply to the employment or social employment of disabled workers.²⁴ The Government has so far not made much use of the above authorisation and applied it only in the case of social employment. We believe that the government decree should mainly describe the procedure (series of tasks) to be followed by the employer if his employee can no longer meet the requirements of his original job description due to his health impairment. In

addition to the above government decree, *a further amendment of the Labour Code would be useful to guarantee that workers can only be laid off with a declaration that they are unfit for health reasons, if the employer can verify he has performed all the required series of tasks and is unable to undertake the rehabilitation of his employer within his own organisation.*

HOW TO MAKE THE LABOUR MARKET ACCESSIBLE

Employment rehabilitation does not start at the gates of places of work. One of the primary objectives of the European Commission's Disability Action Plan for 2008–2009 is to improve the *accessibility of the labour market*, as the chances of broadening employment for disabled people largely depend on how far the labour market is ready to accept disabled people, for instance:

- is employment attractive for disabled people or they can find only jobs with low prestige and bad pay,
- are the services of the Hungarian Public Employment Service (Hungarian acronym: ÁFSZ) accessible to them,

Table 7

RESULTS OF THE PROGRAMME AIMED AT HELPING DISABLED JOB SEEKERS TO FIND EMPLOYMENT, 1999–2008

(number of persons)

Disabled job seekers*	26 705	32 899	42 825	38 276	42 706	45 002	47 792	44 360	40 551	41 345
Finding employment without support**	3 210	4 389	4 778	5 957	6 600	7 700	6 846	7 778	7 912	7 023
Finding employment with support**	4 681	5 429	6 088	7 998	7 984	5 961	8 000	7 510	6 664	7 490
Total number of persons who found employment	7 891	9 818	10 866	13 955	14 584	15 519	14 846	15 288	14 569	14 513
Total number of persons who entered training	1 640	2 144	2 395	1 890	1 917	1 103	1 449	1 424	836	1 084
Closing number	13 782	14 973	15 321	16 623	17 686	19 951	22 075	20 948	20 979	23 230

* One person can only be taken into account once.

** One person can be taken into account more than once in the period under review.

Source: National Employment and Social Office.

- are there any special labour market services adjusted to their needs, and
- are there opportunities for them to acquire marketable skills?

Based on our knowledge of the Hungarian situation, not all questions raised above can be answered positively. From the second half of the 1990s, employment rehabilitation and the special services provided for disabled job seekers played a priority role in the activities of labour centres. Successful results were accomplished in these years to make the access to the ÁFSZ building barrier-free. In each county of Hungary employment rehabilitation working groups were set up followed by the establishment of a Rehabilitation Information Centre. Later, however, due to an abundance of other priority issues, the special treatment of employment rehabilitation lost ground. This professional domain was also affected by staff reductions initiated by the central authorities.

Table 7 presents the results accomplished by the labour centres in the past ten years in fostering the placement of disabled job seekers. The statistical data show that after a fast development of the programme until 2001, success indicators continued to improve until 2004. Following this year, however, the figures indicate a period of stagnation and even certain setback both in the number of the participants of the programme and in the number of people who succeeded in finding a job. *Following a peak in 2005, the number of those who could find employment with support began to decline, while the number of those who found a job on their own started rising.* The above trend reflects the efforts of the labour centres to provide an increasing amount of information and services for disabled job seekers in order for them to find a job without support.

A sad fact revealed by the above figures is that there are a relatively small number of disabled workers who entered the training supported by the labour centres. While in 2001

approximately 2 400 disabled workers took part in retraining, by 2008 their number dropped to hardly more than 1 000. The normative subsidy for the training of disabled workers has also run dry. The opportunity of adult training introduced in 2003 could be used by as many as 2 374 people in 2004, but the number of disabled workers entering this training was gradually declining. From 2008 on, the budget of the competent ministry no longer contains appropriation for the normative subsidy of adult training. The above facts mean that *training and retraining, in principle among the most important means of occupational rehabilitation, have become marginal in Hungary.*

From 2008 on, employment rehabilitation gained growing emphasis again in the activity of ÁFSZ in order to prepare for the complex rehabilitation of rehabilitation beneficiaries. In parallel with this, the resources have also increased, but they only make it possible to perform the tasks of co-ordination at a high standard, but are not sufficient for providing employment rehabilitation services. It is therefore desirable for ÁFSZ to purchase these services from external partners, primarily from specialised civil organisations. In the recent years, several civil organisations introduced special labour market services for the different groups of disabled people with the support of the European Union and the Hungarian state (public foundations).²⁵ The standardisation of the service models for disabled people is, however, yet to be developed. The co-operation between the labour centres and civil organisations is of an ad hoc nature. It would represent a real step forward towards making the labour market accessible if the ministry selected out of the pilot models, programmes and methods the ones which have proved successful. The selected models, programmes and methods should be standardised and made available to external service

providers in the labour centres or at external service providers based on a contract with the labour centres. The first steps of the standardisation of services have been taken.

The facilitation of direct placement in the open labour market

The *practice* in which disabled job seekers, who require a variety of assistance, are directly sent to an integrated employer *can be successful especially through those special labour market services which, in addition to the traditional employment agency activity, also include preparing the disabled persons (and their families) for taking up a job again, and enabling the potential employers to admit disabled workers while assisting and monitoring the whole process of employment.*

On top of the traditional employment agency activity, a variety of other services are also provided by ÁFSZ for disabled people, these services, however, do not cover all the necessary services which would be required for the successful facilitation of integrated employment. Moreover, ÁFSZ is also short of the necessary human resources that would be required to provide tailor-made services for the approximately 30–40 thousand disabled people who are looking for a new job. It is desirable that the above complex services should be provided by non-profit organisations set up for the purpose of assisting (individual groups of) disabled people based on an agreement signed with ÁFSZ. In the recent years, a number of steps have been taken to develop complex labour market services with the aim of assisting the employment of disabled people. Based on the pilot programmes, we can already pinpoint certain components which could be the building blocks of the complex service assisting the integrated employment of disabled people.

HOW TO MAKE EMPLOYERS INTERESTED

Each and every option outlined above presumes that employers who are able to engage in integrated employment have an interest in employing disabled workers. Let us see what the prospects are!

The simplification of the accreditation system

In the present aid scheme only accredited employers have a financial interest in employing severely disabled people with health impairment. The performance of these employees – even following a successful rehabilitation – cannot reach the average performance of healthy employees, consequently, disabled workers will continue to need permanent care and attention by the employer. Today employers feel that they are obliged to shoulder too much burden associated with accreditation. *This contradiction could be resolved by simplifying the accreditation procedure.*

The second option is *the possible introduction of a simplified accreditation certificate.* This type of certificate would be available for employers who employ or plan to employ up to three disabled workers.

The third option is *the possibility of accreditation for certain posts.* Earlier it was mentioned in this paper that it is necessary to adjust traditional posts to the capacities of disabled people. Recent efforts have already succeeded in creating jobs that represented entry posts for disabled persons into integrated employment. Especially those posts which have been created for disabled people with slight mental disorders (gardening, restocking) can be found at quite a few employers. It is understandable that a supermarket will not be ready to have all of its premises accredited just for the sake of employing one or two young workers with

mental impairment, but should there be an opportunity to have certain typical posts to be accredited, many employers would likely make use of it.

Arguably, the simplification of accreditation carries the risk that a large number of employers will possess accreditation and become entitled to support, whereas the available funds are already quite narrow. One solution to resolve this conflict is to make the present aid scheme more efficient and to do away with excessively generous support. Another possible option is *to link simplified accreditation to a reduced level of subsidies.*

The transformation of the aid scheme

The largest possible saving in the aid scheme of accredited employers – generating monies that can be regrouped – is to be achieved in the long run by a measure that makes employers interested in full rehabilitation. In the case of successful rehabilitation, most disabled workers can be employed efficiently with a gradually diminishing aid and later even without any aid at all. Accordingly, *the three-year period should be extended only in the case of people with severe health impairment (disability), and also on condition that the employees concerned are incapable of producing an average performance even despite a successful rehabilitation, or on condition that they are unable to work on their own.* One of the conditions to meet the above objective is to evaluate, in merit, the effectiveness of the rehabilitation process in the workplace by an external expert organisation. The task of such an evaluation would be to establish whether the rehabilitation was successful and whether the rehabilitation of the disabled person was a full or a partial one. If full rehabilitation has been accomplished, the employer should no longer be entitled to claim employment rehabilitation aid for the employee concerned.

If – despite every necessary measure taken by employer – rehabilitation turns out to be only a partial one, the employer may continue to be entitled to employment rehabilitation support. Before the above described evaluation system can become operational, it is necessary to establish the methodological, personal, material and legal conditions for it, but the expected savings would in a relatively short period of time cover the expenses of establishing and operating such a system.

How to make budgetary organisations interested

One of the blind spots in making employers interested in engaging disabled people in the domain of budgetary organisations, which are excluded from both the accreditation and budgetary subsidy, despite the fact that they represent a potential domain for employing disabled workers. There are some countries in which the majority of the so-called “entry” jobs available specifically for people who have a disadvantage on the labour market are created in the public sector. In Hungary public work is somewhat similar to this option, but it is a solution with a dead end from the aspect of long-term employment. Moreover, this is an option that is not accessible to disabled people. With a view to the above, it seems justifiable to develop a package of measures specifically designed to facilitate the employment of disabled people in budgetary institutions.

SUMMARY RECOMMENDATIONS

The objectives of the employment aid scheme for disabled workers are not clearly defined, consequently, it is hard to establish whether the existing tools (subsidies, services) serve the said objectives in an appropriate way. It is our

view that there are two major objectives that need to be specified for the aid scheme.

① Full rehabilitation should be accomplished for the largest possible proportion of people with health impairments (with disabilities) so that after full rehabilitation their employment can continue without regular support.

② People in their active working life who are permanently incapacitated to work due to severe health impairment or disability should be offered the opportunity of a sensible job and the chance of earning additional income in line with their state of health.

Two different sets of tool are needed to accomplish the above two objectives. So far, however, objectives and tools have not been harmonised, as a result of which certain components of this scheme are wasteful, whereas other components are too stringent and contain unjustifiable limitations. Due to the too generous subsidies, the aid scheme has become

financially unsustainable, so the whole scheme is in need of a comprehensive reform.

The sensible direction of the future reform of the scheme should lead to the increasing weight of integrated employment which a feasible idea even with the specific reduction of financial subsidies if

- labour market services were to better prepare disabled people for finding a job in the open labour market,
- the accreditation system were to be simplified,
- employers were granted more professional support and more flexible financial support for the adjustment of posts to suit rehabilitation,
- new legal regulations were introduced to specify the rehabilitation-related duties and obligations of employers, and
- budgetary institutions were to have an interest in employing disabled workers.

NOTES

¹ The Hungarian law provisions use the term “people with reduced work capacity” which means disabled persons and persons whose health impairment exceeds a certain degree and who are incapacitated to work .

² Commission Regulation (EC) No. 800/2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty.

³ A report on the research conducted by the National Association of Sheltered Organisations (Hungarian acronym VSZOSZ) presents this problem in details. See VSZOSZ (2007)

⁴ Both the Hungarian and European Community regulations provide that the proportion of workers with a disability (with reduced work capacity) should be at least 50 per cent in order to qualify an employer in the market as a sheltered employer.

⁵ Government Decree No. 176/2005. (IX. 2.) on the rules for the accreditation of employers employing

disabled workers and for the inspection of such employers, and Decree of the Ministry of Employment and Labour No. 14/2005. (IX. 2.) on the rules of the rehabilitation accreditation procedure and its set of criteria.

⁶ Rehabilitation employers can be regarded as the so-called semi-sheltered employers. Semi-sheltered employers are however not known by the European Community regulation. Consequently, there is no possibility for providing preferential aid to them.

⁷ Only the subsidy paid after workers with the most reduced work capacity was so high, and other restrictive rules were also applicable.

⁸ Paragraphs (1)–(2) of Article 41/A of Act IV of 1991 on Job Creation and Unemployment Benefits

⁹ Articles 99/B-99/E of Act III of 1993 on Social Administration and Social Services.

¹⁰ Government Decree No. 112/2006. (V. 12.) on authorisation and subsidisation of social work.

- ¹¹ Point a), para (6), Article 49/B of Act CXVII of 1995 on Personal Income Tax
- ¹² Point v), para (1), Article 7 of Act LXXXI of 1996 on Corporate Tax and Dividend Tax
- ¹³ In 2008, 691 persons were employed as assisting staff.
- ¹⁴ Balogh, Z. – Czeglédi, G ([2008])
- ¹⁵ Granted for a period up to two years for the employment of persons registered as jobseekers for at least 24 months.
- ¹⁶ Government Decree No. 168/2009. (VIII. 26.) on the amendment of government decrees concerning the employment of disabled people
- ¹⁷ Social characteristic features and social supply systems, 2008; Central Statistical Office, 2009
- ¹⁸ Government Decree No. 302/2006. (XII. 23.) concerning the detailed rules of public procurements limited to sheltered employers
- ¹⁹ Point 1 of Chapter II of the New National Disability Programme
- ²⁰ Cited by Judit Monostori, 2008, p 1
- ²¹ Government Decree No. 321/2007. (XII. 5.) concerning complex rehabilitation
- ²² Article 91 of Act XXII of 1992 on the Labour Code.
- ²³ Government Decree No. 387/2007. (XII. 23.) concerning the social benefits of people with health impairment
- ²⁴ Point e), para (2) of Article 203 of Act XXII of 1992 on the Labour Code
- ²⁵ Nineteen services are linked with the 4M (Solution for Employers and Disabled Workers) network. The Employment Opportunity network is operated by 11 service providers. The Supported Employment services network comprises seven organisations. Complex Labour Market Services operate currently at five locations. The work assistant network of the Szombathely Regional Social Resources Non-profit organisation is active in seven settlements in Vas county.

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