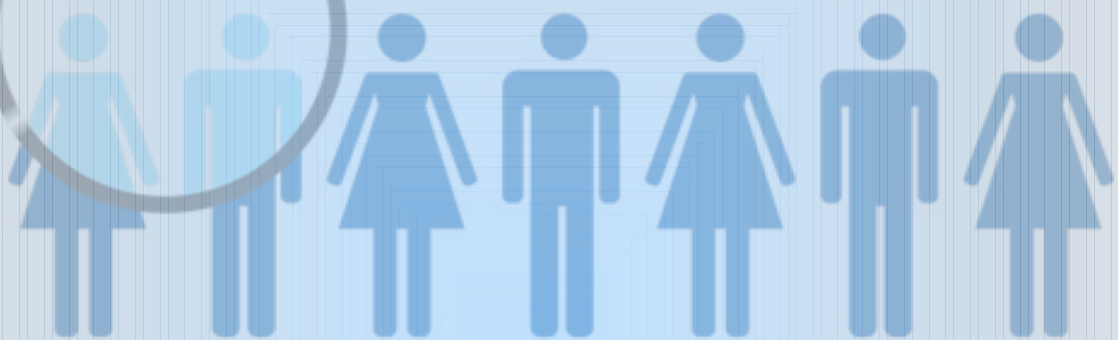


Implementation plan

Law on Professional Rehabilitation & Employment of Persons with Disabilities



KONKURENTNI
RAVNOPRAVNI

Increase in competitiveness of enterprises for
vocational rehabilitation and employment of
the persons with disability on the commercial
market in Serbia







Implementation plan[©]

Law on Professional Rehabilitation & Employment of Persons with Disabilities

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1. Is Serbia's Strategy on course?

1.1. International comparison

An important aspect of Serbia's policies for the inclusion of People with Disabilities is international compatibility. In the preparation of this implementation plan different developments in UN and EU were compared with Serbia's strategic framework.¹

The main conclusion is that there are no relevant differences in the content of the UN convention and Serbia's strategic framework. Signing the convention by Serbia was just a logic result of the adopted strategy.

Since the EU disability strategy is based on the (adoption of the) UN convention, there is also congruence between Serbia's strategy and the EU policies in this respect.

Even in the methodology for implementation, the use of two years Action Plans and monitoring, the harmony between Serbia and the EU is perfect.

To put it even stronger: the Serbian methodology and content of goals, objectives and activities is clear and creates a sound basis to become successful in improving the (inclusive) position of persons with disabilities; the strategy could be a model for many other (EU) countries.

The appreciation of this strategy can also be seen in the attitude of representing organisations of people with disabilities, as the Centre for Independent Living; rather than to comment on the content or to advocate for more needs, they urge for implementation of the strategy and adoption of the Law on Professional Rehabilitation and Employment of Persons with Disabilities. This commitment offers a strong basis for implementation and the envisaged future cooperation with organisations of people with disabilities.

However, similar to the pudding, the proof is in its eating: there is a recipe, now the kitchen has to be prepared, the shopping list has to be made, the ingredients have to be collected and the cooking has to start. In terms of this policy:

- The starting point of employment promotion has to be defined
- Instruments and preconditions have to be defined

¹ See Annex 1 for details



- The building of capacity
- Preparation of facilities, measures and monitoring
- Implementation.

1.2. Starting point for employment promotion

1.2.1. Main principles

According to the Strategy employment promotion is based on four ruling principles:

Equivalency; as every other human being, a person with disability has the right to explore his talents and - in relation to society's needs - to compete with these talents on the labour market. In order to explore these talents, a person with disability will be given the facilities to equalise his position within reasonable limits (i.e. a career as a professional soccer player or in mail delivery might not be the best option for a person in a wheel chair, but this person can be an excellent administrator, M.D., system operator or architect; support should be directed towards the interface between a person's exploitable talents and the needs of the labour market. Persons having the same rights also means that they have the right on a "fair share", for instance to contribute to the economy.

Inclusion; this means in terms of employment promotion: as much as possible within regular business life and only as a "last resort" within specialised companies or facilities. The same approach is applicable for (vocational) education. Mainstreaming is related to inclusion; mainstreaming is applied in policy development, in which disability issues should be an integrated part, but also in daily life, to make persons with disabilities a full part of every aspect of daily life in an accessible environment.

Labour demand oriented; as for everybody participating in the economy, the needs of businesses and institutions in profit and not-for-profit sectors are dominant in the creation of jobs. Therefore, investments should be directed towards (anticipating), defining, reacting on and adjusting to the needs of the labour market. Vacancies and (realistic) job demands are in the centre of labour market measures; this approach also enables the possibility to discuss unrealistic job demands and to fight against prejudice and discrimination.

Ability focussed; as a result of the principles for equivalency and inclusion, the scope for employment promotion needs to be focussed on the abilities of a job seeker: exploring talents and supportive measures are directed to equalising the position of persons with disabilities on the labour market. The starting point is the set of exploitable abilities, a limitation is not more than a beatable challenge or a compensable investment.

1.2.2. Main organisational consequences

To apply these principles investments, changes or intensifications are necessary in the following areas:



1. Monitoring; to date there is almost no (reliable) data about the position of people with disabilities: quantities, education, (un-)employment situation. The definition of the position of persons with disabilities is based on reliable indicators, but that is not enough to serve as a starting point for monitoring the effects of policies and measures. A zero base dedicated representative survey together with a monitoring system is the first conditional priority.
2. Awareness; since inclusion policy is new, society - in this respect employers and employees - have to be made aware. Not only about inclusion policy as such, but also about their prejudices (and probable discrimination), meanwhile offering alternatives: to understand the fairness, to learn to see possibilities and abilities. Further should not be assumed that people with disabilities are aware of inclusion policy and approaches based on opportunities and abilities, especially not since many persons with a disability were raised in environments emphasising their handicaps and limitation, discouraging their ambitions: awareness raising is therefore also an issue for people with disabilities.
3. Labour market information; working labour demand oriented is a complementary challenge in relation with persons with disabilities; information gathering needs to be adjusted in order to be able to filter job possibilities for persons with disabilities. Preferably information collection will be detailed to task and competency level, to match with the competency profiles of persons with disabilities
4. Active Labour Market Programmes will need to be tailored and adjusted to the need for inclusion and the orientation on the demands of the labour market, taking into account the gaps that people with disabilities have to overcome because of insufficient preparation for the labour market because of the lack of educational facilities, work experience, work place adaptation or transport.
5. Passive Labour Market Measures; in one aspect the EU Disability Action Plan is complementary to Serbia's strategy: it introduces flexicurity - the combination of flexibility and security - as an aspect of further development. In the Serbian context one could for example consider that "cold water fear" withholds both job seekers with a disability and employers to step into a long-lasting commitment with a labour contract for an undefined period. The job seeker could fear for permanent loss of his social security rights - a disability pension - even when he would be fired. The employer could fear for a long-term contract not being able to "test" a person with a disability in the actual working environment. A possible solution is creating possibilities for temporary (and / or part time) work in combination with securing the disability pension rights for a certain period. This is just an example of removing barriers while both securing rights and creating possibilities for (new) employment.
6. Assessment; the change is in moving from examinations determining limitations / handicaps with a sole medical scope to a set of tests and tools using different complementary expertise, determining the physical and intellectual abilities of a person, together with his talents and his preferences / desires in confrontation with the possibilities on the labour market, taking into account the health risks, possible limitations and investments.
7. Rehabilitation; it goes without saying that programmes for habilitation and rehabilitation are essential in making inclusion effective. Habilitation in terms of accessible and where necessary adapted education and initial career guidance. Rehabilitation is the operational link between labour market information, the



assessment of abilities, the investments in terms of vocational or career skills training, work (place) adaptation and job mediation; i.e. rehabilitation is the programme for inclusion in employment.

8. Job mediation for people with disabilities is quite challenging, especially in Serbia's current economic circumstances; apart from frameworks for labour market information, assessment and rehabilitation, the actual success is in acquiring a real vacancy for a real person with a disability and - despite the quality of policies and supportive measures - practice can and will be stubborn. In order to mediate, there need to be vacancies and there is a need for a strong relation between an employer and Employment Office staff, often based on prior successful placements. Job mediation officers will need to be able to use their skills and creativity to see possibilities for people with disabilities. Vacancy analyses, abilities to develop pilot programmes and marketing of people with disabilities will require training of EO staff.
9. Accessibility; access to information, transportation, buildings and equipment are essential preconditions for inclusion in employment, which requires broad technical support for civil service and enterprises; awareness of these services and possible subsidies will be necessary.
10. Integration; acquiring a job doesn't automatically mean that a jobholder with a disability is integrated in the working environment. Integration issues will require attention of employers, especially the ones responsible for human resources. Awareness raising, training and support are imperative to accomplish integration.

1.2.3. Main assumed facts

As stated above, despite the repetitive call for reliable data about the position of people with disabilities in the last years, there is still no data set available. Never the less there are some relevant assumed facts, picturing the position of people with disabilities:

- A vast majority of the people with disabilities (really) want to work²
- Work in trade and services has the interest of $\pm 60\%$ ³
- 49% of the people with disabilities have an educational level of primary school or lower, 33% of the people with disabilities have completed high school, 6% have university education⁴
- Approximately 13% of the people with disabilities are employed. of which 1% in the public sector and 2,2% work in sheltered workshops⁵
- 70% of the people with disabilities would be ranked among the poor⁶

Evidently, this proves the right and need for inclusion policy, even though the situation in Serbia is comparable to some other countries: in developing countries, 80% to 90% of persons with disabilities of working age are unemployed, whereas in industrialized countries the figure is between 50% and 70%.

² Research on the employment and self-employment of persons with disabilities in Serbia.

³ Research on the employment and self-employment of PwD

⁴ PRSP 2004

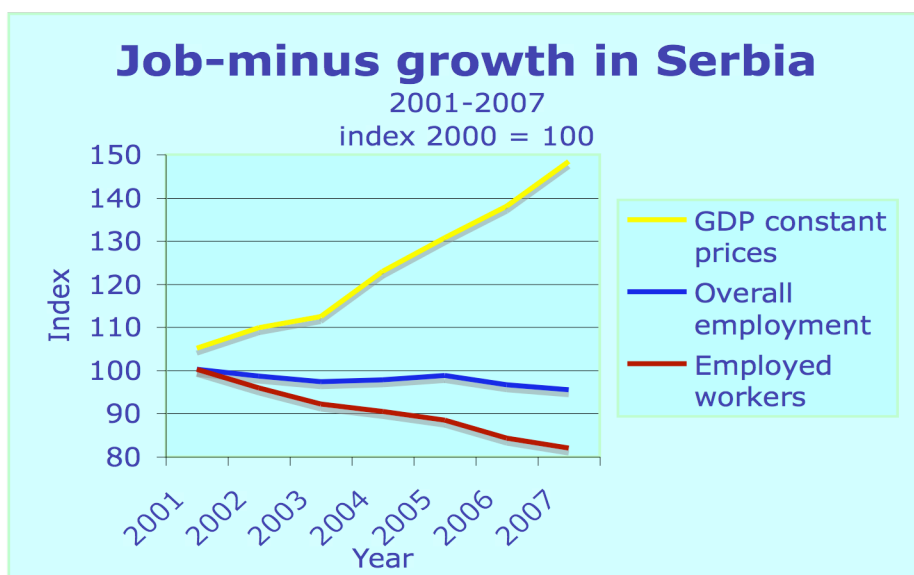
⁵ PRSP 2004, HI, CRDA, UIPS

⁶ PRSP

1.2.4. General situation on the labour market

The employment situation of people with disabilities is not a one-dimensional issue; in fact, the specific situation of people with disabilities is strongly influenced by the general economic and employment climate. The challenge grows with every percent of general unemployment. Not only in measurable quantitative terms, but also in terms of a receptive climate: growing employment ensures more understanding and more support than increasing unemployment.

Two years ago the term “job-minus growth” was used to define the core of the Serbian employment development: a growing economy and declining employment. This is the current result:



A worrying fact is that job-minus growth has continued in the past two years: the number of employed workers (red line) has continuously decreased, even though there was a considerable economic growth (yellow line). Fortunately this trend was partly compensated by a growing employment of entrepreneurs⁷, people running businesses and their employees. The result in terms of overall employment of workers and entrepreneurs is expressed in the blue line, which shows a mitigated decline.

It should be noted that introducing a quota-levy system - in circumstances of declining employment in established enterprises - must also imply tangible efforts in equalising the productivity of persons with disabilities in emphasis on offering relieve for initial investments and of course it implies the civil service acting as a role model.

And this mission is far from hopeless if the increase in job placements of persons with disabilities carried out by the NES are considered: in the past two years job placements have increased from 50 in 2005 to more than 400 in 2007.... without the specialised measures that will be created due to the Law on employment promotion.

⁷ This trend fits into general observed employment trends in which entrepreneurial employment grows.



2. Bringing the Law to force

The focus in this chapter is on the legal framework for the law, especially on subjects that need further attention in terms of preconditions to be fulfilled, a framework for bylaws and other elaborations.

This framework should be discussed and elaborated further with the Ministry and possible other stakeholders, before formally finalised.¹

2.1. Suggestions for (Pre-)conditions to fulfill

In order to create a clear starting point regarding the social-economic position of PwD, to monitor developments and to optimize the effective implementation of goals in the law, some essential conditions have to be fulfilled.

These (pre-)conditions are:

- Collection of social-economic data
- Accessibility of the work place
- The need for an integrative educational system
- Facilities for Personal assistance
- Ministerial Coordination

Many of these preconditions will get further attention in the course of this project: accessibility, education and personal assistance.

These items are elaborated in separate reports and - in terms of follow up actions - in chapter 3.

The collection of social-economic data and ministerial coordination are so closely related to the introduction of the law that these subjects will be introduced below.

2.1.1. Social-economic data

The feasibility study in 2006 reported:

“In developing policies and monitoring their status, detailed data are essential. Social-economic statistics with regards to the (social-economic) position of People with Disabilities is limited. The data vary from general figures to (specific) unemployment and qualification data and from income positions to educational data. Often reliable data,



measured with one consistent standard, are not available. Recommended is to establish a connection with Eurostat definitions and methods, and the data inquiry for job seekers should be extended.

The National Employment Service (NES) should have an important role in the data inquiry for job seekers with a disability. Inclusion of collection of information on disability in the general data collection is recommended. Development of special data-systems for People with Disabilities should be prevented: inclusion should also be a leading theme here.

Despite the experienced “data difficulties”, there should not be a delay in the development of policies until the adequate data collection is established: the urgency of the problems does not become less if, for instance, the unemployment rate ends up at 32% instead of 36%.”

With the knowledge of 2008 the following conclusions can be drawn:

- The data is that minimal, scattered, often outdated and unstructured that
 - Reliable resources measuring the needs, wishes/ambitions and capabilities of people with disabilities in work are not available
 - This could negatively influence the development and implementation of policies
 - A “zero-base assessment” measuring the different relevant parameters related to the position of PwD on the labour market in a base or reference period to be used as a basis for monitoring, would be highly advisable.
- Contrary to the previous feasibility study, it is necessary to develop specific monitoring systems for this policy.

It is therefore advised⁸:

- To define representative samples on national level to be carried out by the Bureau of Statistics among the labour force in general (job-holders and -seekers) and specifically among people with disabilities 15-65 years of age².
- These samples should identify
 - The number of persons with a disability (age, gender, education level and region)
 - The number of people with a disability who want to be active on the labour market
 - The number of people with a disability who are active on the labour market (with identification of industries)
 - Factors of influence to become active on the labour market / stay inactive.
 - The different types of disabilities of people active on the labour market
 - Types of disabilities of people not active on the labour market
 - Severeness of disabilities of people active and not-active on the labour market

⁸ The EU report ‘Men and women with disabilities in the EU: statistical analysis of the LFS ad hoc module and the EU-SILC’ (April 2007) could be a basis



- The employment of people with disabilities
- Level of jobs / careers of people with disabilities
- Unemployment among people with disabilities
- Educational/vocational level of people with disabilities employed/unemployed
- Earnings of PwD
- The mobility of PwD
- The need for adaptations of the workplace
- Needs for specific adapted employment (in the enterprises for employment of PwD and vocational rehabilitation)
- The willingness to take part in education / rehabilitation programmes
- Career desires of PwD, including business initiatives.

Additionally a sample for labour market needs of employers (private and public sector) should be considered, identifying possibilities for jobs and difficulties to overcome.

The data will be used as a reference for future monitoring as mentioned in articles 11 (tasks of the NES), 46 (as a reference for registers), 47 and 48 (monitoring) of the Law.

2.1.2. Ministerial Coordination

Ministerial coordination in terms of focus in goals, consecutive action, planning, timing and inter-ministerial cooperation is a challenge to fulfill.

Compared to 2006 the responsibility for employment policy shifted from the Ministry of Labour, Employment and Social Affairs to the Ministry of Economy and Regional Development. Since policies for employment promotion for PwD should be strongly interwoven and are interdependent with those in education, health care, social security and social policy, the establishment of strong coordination and cooperation is (even more) necessary.

Creation of a Coordination Board, integrating all these separate ministerial responsibilities, overseeing the strategy, coordinating the actions and maintaining a platform for deliberation with stakeholders (e.g. the organizations of PwD), could be a solution.

The Ministry responsible for the “final result” in this respect (i.e. employment) should have the lead.³

2.2 General suggestions

This Law effectively has consequences for responsibility and “ownership” of the provisions in the Law. Who will take care of the promotion of this Law, making relevant people aware of its existence?

And where a Law is, are disputes; how to deal with them?



It can be expected that – particular in the initial phase of this Law – the demand for provisions is higher than what can be offered. People will have to wait for their turn sometimes. How to deal with “the queues”?

These subjects are elaborated below.

Promotion obligation

This Law creates a number of facilities for employment promotion of PwD, varying from assessment to adaptation of the work place to rehabilitation to work under special conditions. The “owner” or creator of these facilities is however not defined, nor are the guaranties to use these facilities. Who will be responsible for the promotion of this Law and its facilities? Who will be responsible to assure an open access to apply for this Law? Who will be responsible for enough capacity for assessments and rehabilitation, preventing endless waiting lists? Who will be responsible for enough employment under general and special conditions, again preventing endless waiting lists? Implicitly one could assume that the NES would be responsible to inform possible users about the possibilities and procedures of this Law and even to guarantee an open, accessible and transparent application process; the Ministry would then be responsible for the reasonable balance between demand and supply of facilities (including the funds) according to this Law.

Appeal possibilities

The law contains a few possibilities that could be subject for dispute; for instance:

- A request to determine the status of person with disabilities, not done by the person himself and without his consent
- The result of the assessment
- The decision whether a person is or is not a member of the target group in this Law
- The rehabilitation plan
- The decision about the most appropriate employment measure (special or regular conditions, occupational activities) according to this Law
- (Lacking) decisions or measures regarding acquiring work under special conditions or occupational activities.
- Penalties on the basis of this Law.

Of course, it is possible to bring these disputes to court, but it might be useful to create an instrument for a less formal way, for example by creating commissions of appeal on regional / local level. Such a commission of appeal could for instance have a task in appeals related to article 9.

These commissions could be constituted of representatives of social partners and local government; their task would be to create a binding arbitration.

Waiting lists

Experiences in other countries show that the demand for provisions regarding employment promotion – varying from assessment, execution of rehabilitation programmes and acquiring employment – is often higher than the supply.

One could expect such effects too in Serbia, especially in the first years. In order to keep track on waiting times in general and on waiting times for specific categories of PwD it is



advised to register (and publish) waiting times for the different provisions (assessment, rehabilitation & employment plan, rehabilitation programmes, employment under general conditions, employment under specific conditions, social enterprises, occupational centers). This should be a part of the monitoring.

The results should be used in the formulation of waiting list policies when indicated.

2.3. Suggestions for the interpretation of articles and bylaws

Article 1: -

Article 2: -

Article 3:

“A person with disabilities, as defined by the present Law, is the person who has long-term physical, sensory, mental or emotional impairments or maladies that cannot be cured by a medical treatment or rehabilitation, who has social and other barriers influencing his/her working capacity and the prospects of securing or retaining an employment, and who has not any or has reduced possibility to be included in the labour market under equalized conditions or to apply for a job with persons without disabilities.

An unemployed person with disabilities is the person referred to under paragraph 1 hereof, aged 15 to 65, who is not employed, or is not exercising his/her right to work in any other way, who is willing to work or accept professional rehabilitation in order to be employed and is actively seeking employment, and who is on record of unemployed persons at the organization in charge of employment.”

Interpreting work under general conditions...

Article 3 will need more elaboration/interpretation/ explanation since the used definition may conflict with the definition of “work under general conditions” in article 24. I

It is almost impossible to employ people with “impairments or maladies that cannot be cured by a medical treatment or rehabilitation, and which in interaction with various social and other barriers may hinder their full and effective performance of everyday activities and affect their working capacity and the prospects of securing or retaining an employment” (article 5.) in jobs under general conditions “without the adjustment of the job or both the job and the workplace (article 24).

Suggested is to interpret **article 3** in a way that “the described circumstances at least require adjustment of the work place”.

Article 4:

“A person with disabilities with an established status of PWD shall exercise the rights stipulated herewith. The following persons have a PWD status:

1. War veterans with disabilities;



2. Peace time military invalids;
3. Civilian war invalids;
4. Persons who have been classified and other persons whose disability has been established in accordance with the law;
5. Persons whose category of disability, i.e. remaining working capacity has been assessed in accordance with pension and disability regulations;
6. Persons whose working capacity is assessed in accordance with this Law, and who may find or retain work or employment according to the assessed capacity.”

Make assessment obligatory...

Article 4 should be interpreted in a way that, unless the different categories have PWD-status, assessment is obligatory to acquire rights described in this law.

Article 5: -

Article 6: -

Article 7:

“A person with disabilities has the following obligations:

1. To respond to the invitation for working capacity assessment and status identification;
2. To undergo education, vocational training and improvement;
3. To actively look for work;
4. To accept professional rehabilitation;
5. To cooperate with skilled professionals in the course of professional rehabilitation, employment and work and to observe the working and technological discipline;
6. To accept measures of an active employment policy;
7. To accept an employment in accordance with his/her professional capacities;”

A fair share in penalties too...

Even though there are no explicit penalties formulated related to article 7, an obvious measure is that a person would be excluded from the rights according to this law, furthermore should be considered if a person not meeting the obligations of this Law, jeopardizes his rights on social security.

2.3.1. Framework for a bylaw and protocols for registration, assessment & rehabilitation

Registration, assessment and rehabilitation & employment plan

Articles 8-18 require a bylaw for the processes of registration, assessment and the rehabilitation and employment plan. This bylaw could also include regulations regarding the promotion obligation and the possibilities for appeal.



The bylaw would need to regulate:

- An open access to the application procedure related to this law
- Guarantees for individuals who became – outside their consent – candidate for this law
- Provisions for sufficient information about this law and its facilities
- The application procedure: from registration at the NES to the decision about the assessment:
 - The (administrative) registration of job seekers should determine the need for possible active labour market measures
 - Qualifying registration or categorisation of the persons in possible need for active labour market measures should identify the job seekers with a possible disability; the indicated person will be put forward for an assessment
 - The assessment facilitates the selection of the job seekers targeted in the Law on professional rehabilitation and employment of PwD.
 - The NES decides finally and formally who will be admitted to the target group of the Law
 - Consecutively the NES, together with the job seeker, develops a rehabilitation and employment plan.
- The protocol for the assessment procedure in terms of:
 - Expertise requirements; in general, the organisation performing the assessment should, in addition to the technical expertise directly related to the assessment, show proof of specific expertise of assessing the possibilities for PwD on the labour market and adaptation of work and/or the workplace.
 - Furthermore the organisation, or the construction of an organisation, should show proof of successful integration of the different modules of the assessment, consisting of:
 - Physical – employment related – assessment:
 - General physical condition and characteristics – related to employment
 - Physical limitations and potential
 - Specific occupational related assessment (eye-hand coordination, muscular strength, agility, processing pace, reach)
 - Adaptations of work and or the work place
 - Indication of economical performance
 - Optional rehabilitation and training plan
 - Psycho-diagnostic assessment:
 - Cognitive abilities
 - Intellectual potential
 - Psychological condition – stress resistance

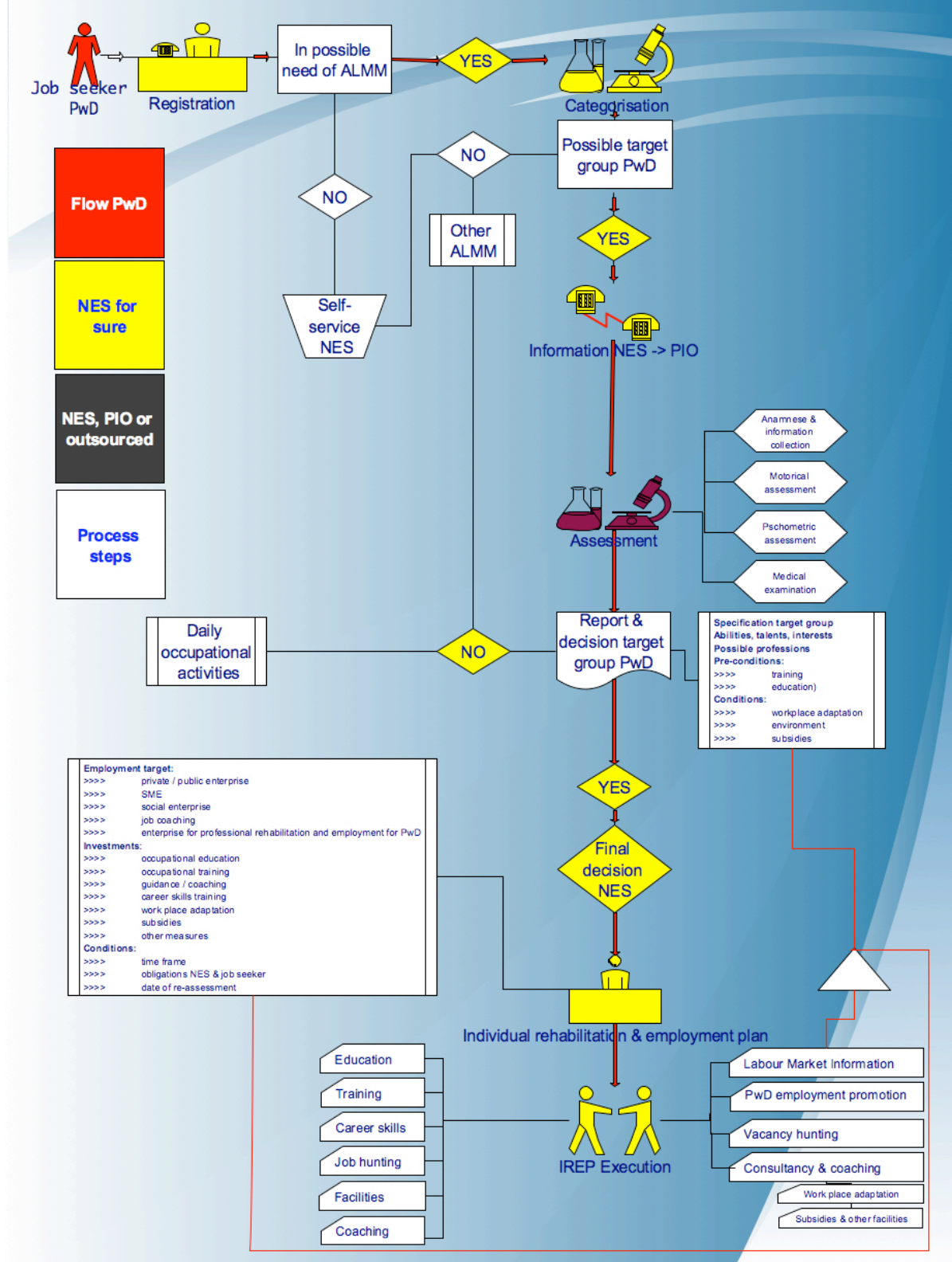


- Assessment of occupational and career orientation (knowledge, abilities, competences, ambition)
- Medical assessment:
 - Application of ICIDH
 - Health, risk and safety analyses
 - Specific prevention and development measures
 - Adaptations of work conditions
- Assessment of employability:
 - Analyses of the different (dis-)ability related assessments
 - Analyses of the possible job profile(s) related to opportunities on the labour market
 - Education
 - Previous acquired competencies
 - Previous work experience
 - Career skills
- Other aspects of the assessment criteria are:
 - Establishment requirements (regional presence and accessibility)
 - Uniformity in methods of and criteria for assessment
 - Guarantees for independence of the assessment: the assessors should not be directly or indirectly involved in other processes related to the operational rehabilitation or the provision of employment.
 - Maximum duration of the assessment (between request and decision)
 - Requirements for the information to be provided to the candidate
 - Requirements for the report, describing:
 - The results of the different assessments
 - Directions for job opportunities
 - Indications for rehabilitation and training
 - Indications for work and work place adaptations
 - Other possible investments and (prevention) measures
 - Requirements for the decision
- The protocol for the rehabilitation and employment plan in terms of:
 - Employment target (jobs based on labour market information, abilities and ambition):
 - Employment under general conditions
 - Employment under specific conditions
 - Occupational programme
 - Individual rehabilitation measures:
 - Career guidance
 - Vocational training / education



- Career skills training
 - Training on the job
 - Placement in an enterprise for professional rehabilitation
- Individual job mediation measures:
 - Vacancy and job hunting
 - Coaching of the NES
- Individual integration measures:
 - Work and/or workplace adaptation
 - Personal assistance / Job coaching
 - Transportation
- Identifying the ability for jobs, job possibilities, rehabilitation actions related to acquiring job qualifications and identifying suitable target vacancies needs a standard: a system in which jobs and the tasks and demands they consist of are described. Such a system is often called a “National code for occupational standards”. In many professional areas occupational standards are valid across country borders and are developed on a European level. Occupational standards would not only be used in issues related to the rehabilitation and employment of people with disabilities, but are generally used in the development of curricula in (vocational) education, vacancy collection, labour market information and job mediation. A tailored code for occupational standards is essential in making the policy for employment promotion of PwD effective.

Flow of PwD in NES and assesment





Article 8:

“Assessment of working capacity and the possibility to secure or retain a job includes medical, social and other criteria by which potentials and capacities of a person with disabilities are evaluated, which are necessary for his/her inclusion in the labour market and performance of specific tasks independently or with the help of support service, and by use of technical aids, in other words the possibilities of employment under general or under particular conditions are identified.”

Assessment also indicates occupational therapy

The assessment should also identify the persons in need for occupational therapy.

See also the general suggestions regarding the articles 8-18

Article 9: See the general suggestions regarding appeal possibilities and the articles 8-18

Article 10: -

Article 11:

“The activities aimed at promoting the employment of persons with disabilities are the following:

1. Affirmation of equal opportunities for persons with disabilities in the labour market;
2. Arranging and carrying out professional rehabilitation measures and activities;
3. Exercise of rights to measures of an active employment policy – self-employment and employment of persons with disabilities;
4. Providing technical, expert and financial support for the adjustment of work activities or adaptation of work and workplace, including technical and technological aids with the view to increasing employment opportunities or retaining jobs by persons with disabilities;
5. Monitoring of the effects of work and social inclusion of persons with disabilities;
6. Cooperation with organizations and associations of persons with disabilities, employers and other bodies and organizations, with the view to promoting employment and inclusion of PWD;
7. Other tasks aimed at increasing employment and inclusion of persons with disabilities in the labour market.”

Use survey to design Active Labour Market Measures

Suggested is to use the results of the proposed surveys among PwD and employers to make the initial package of promotion measures; the results of monitoring will help the further development of this package.

Article 12: see remark article 11 and the general suggestions articles 8-18



Article 13: see remark article 11 and the general suggestions articles 8-18

Article 14: see the general suggestions articles 8-18

Article 15: see also remark article 11 and the general suggestions articles 8-18

“Professional rehabilitation providers carry out the respective activities and measures on the basis of a programme that includes:

1. Description of measures and activities, i.e. of work and specific tasks;
2. Methodology of practical and theoretical implementation of measures and activities;
3. Technical, material, programme, personnel and organisational conditions;
4. Programme duration;
5. Resources required;
6. Other requirements for the implementation of specific measures and activities.

In order to perform professional rehabilitation activities referred to in Article 13, par. 1 items 2), 3) 6) and 7) hereof, professional rehabilitation providers need to obtain an authorization from the ministry in charge of employment. This authorization is issued on the basis of the opinion of the organization in charge of occupational safety and health, the organization in charge of adult vocational training or the association or organization of people with disabilities.”

Result-oriented authorization of providers?

Results in terms of (reasonable chances for) successful (endurable) placement in jobs should be the basis for the authorization in article 15; preferably programmes will have the commitment of regional employers, expressed by intentions to employ PwD after completion of a programme.

Article 16: see remark article 15 and the general suggestions articles 8-18

Article 17: see general suggestions articles 8-18

Article 18: see also general suggestions articles 8-18

“A Certificate on Professional Rehabilitation shall be issued upon completion of programmes of professional rehabilitation referred to in Article 13, items 2) and 6).”

Certificates acknowledged on the labour market

In order to make this Certificate useful in job search the different elements of the programme should be acknowledged on the labour market; educational modules are preferably recognized in the general (vocational) education system and acknowledged by the Ministry of Education.

Article 19: -

Article 20:



“While in professional rehabilitation, an employed person with disabilities is entitled to a leave by the employer who gave him/her a labour contract.

While in professional rehabilitation, a labour contract of persons with disabilities cannot be terminated for the reason of his/her taking a leave during professional rehabilitation.

While in professional rehabilitation, the person with disabilities is entitled to an allowance of 100% of an average salary earned in the previous three months prior to inclusion in measures and activities of professional rehabilitation; this allowance shall not be lower than the minimum salary stipulated by the labour regulations.”

Leave for professional rehabilitation paid or unpaid?

Article 20 might need some further interpretation regarding the leave for employed persons with disabilities, whether the leave for professional rehabilitation is paid or unpaid.

Article 21:

“While in professional rehabilitation, a person with disabilities shall not enter a labour contract.

An unemployed person with disabilities who has been included into professional rehabilitation programmes referred to in Article 13, items 2), 3) and 7) thereof, is entitled to cash benefits in the course of the programme duration, as follows:

1. For public transport expenses for him/her and his/her companion, if the latter is necessary, in an amount prescribed by the law and not subject to taxation;
2. In the amount of 20% of the minimum monthly salary determined in accordance with labour regulations, in the course of professional rehabilitation, if professional rehabilitation is conducted for minimum 100 hours and if the person with disabilities is not a beneficiary of unemployment cash benefit, as prescribed by the law.

The organization in charge of employment shall decide on the rights laid down in par. 1) hereof, in accordance with the law regulating employment.”

No labour contract for unemployed persons

To prevent contradiction with article 20, Article 21 needs to be interpreted in a way that an unemployed person in professional rehabilitation shall not get a labour contract.

Article 22: -

Article 23: see also remark article 3

“Employment of persons with disabilities under general conditions implies employment by an employer without the adjustment of job or both job and workplace.

Employment of persons with disabilities under particular conditions implies employment by employers, with adaptation of tasks or both tasks and workplace.

Work adaptation implies adaptation of the working process and tasks.



Workplace adaptation implies technical and technological equipping of the workplace, providing the tools, premises and equipment for work - in accordance with the capacities and needs of a person with disabilities.

Adaptation may imply providing professional help as a form of support in introducing a person with disabilities into work or in his/her workplace, by counseling, coaching, assistance and support at the workplace, monitoring work, developing personal working methods and evaluating the efficiency.“

Adaptation of work includes working hours

Adaptation of work should also include adaptation of the working hours per day, per week or per month

Article 24: -

Article 25:

“A newly established legal entity is not subject to the employment obligation from Article 24 of the present Law in the period of 24 months from the day of its establishment.”

Only really new enterprises will be relieved

Article 25 should be interpreted in a way that only new established legal entities are relieved from this obligation; a change in legal status should have no effect on the obligation. Therefore a statement of the Tax Office or the registration authority, declaring the initial establishment would be advisable.

Article 26: see general suggestions articles 35-42

Article 27: see general suggestions articles 35-42

Article 28:

“A Budget Fund for Professional Rehabilitation and Promotion of Employment of Persons with Disabilities shall be established (hereinafter: Budget Fund).

The Budget Fund referred to in paragraph 1 hereof shall be established for an indeterminate period of time and shall be managed by the ministry in charge of employment.”

Special provisions for the Fund unnecessary

Article 28 regulates the establishment of the Budget Fund. The tasks of the Fund are related to (financial) support and provisions for this policy. The Fund will be a part of the Ministry and will operate as a separate administrative unit. Creation of the Fund does not lead to a necessity of competences that the Ministry does not have yet., or competences that are not – for the moment – clearly regulated in the Law. Therefore formal provisions



regarding the establishment and competences of the Fund can be made within the Ministry: there is no separate bylaw needed.

Article 29:

“An Employer who does not employ persons with disabilities in accordance with Article 24 hereof, shall pay a levy fine equivalent to three minimum wages stipulated in accordance with labor regulations for each person with disabilities he did not employ.

The Employer shall, when paying salaries and compensations, pay the fine referred to in paragraph 1 hereof to the account established for payment of public contributions to the budget of the Republic of Serbia, in 30th day of the month for the previous month at the latest.

Mandatory payments of fine shall cease in the month in which the employer has employed the prescribed number of persons with disabilities.

The funds referred to in paragraph 2 hereof shall represent assets of the Budget Fund referred to in Article 31 hereof and shall be used for promotion of employment, professional rehabilitation and special forms of employment and occupation of persons with disabilities.”

How many months levy?

Article 29 needs further interpretation: is the levy fine based on three monthly wages for one year?

Article 30: -

Article 31: -

Article 32: -

Article 33:

“Based on the requests submitted by the employers, the organization in charge of employment shall decide about the employment incentives laid down in Articles 31 and 32.

The Employer shall make a request referred to in paragraph 1 hereof within 30 days from the day of granting a labour contract to a person with disabilities.

The general act of the organization in charge of employment determines the conditions and standards of exercising the rights laid down in Articles 31 and 32 hereof.”

Procedure needed

Application procedures, budgets and maximum reimbursement will be necessary here.



Article 34: -

2.3.2. Dealing with the Enterprises for Rehabilitation and Employment

The Enterprises for Rehabilitation and Employment of PwD

Articles 35-42 describe the tasks, position, requirements and provisions for the specialised Enterprises for rehabilitation and employment of PwD. **Articles 26 and 27** enable the enterprises to have a role as a “PwD employment contractor” and as a “social contractor “ for public and private employers. The process of change and re-establishment of the enterprises is covered in the **articles 54 and 55**.

Following the earlier suggestions about the responsibility for the promotion of the Law and guarantees for the provisions of the Law, there is a dilemma.

The role of Enterprises will need to change dramatically:

- They change from enterprises with elements of subsidised labour, with unstructured rehabilitation activities and results into enterprises with a core task in rehabilitation.
- From enterprises with a self chosen line of business and products, they will effectively have to start working **demand driven**, bridging the assessed needs of PwD and the labour market;
 - Therefore providing rehabilitation programmes and employment according to the outcomes of the assessments in the region where they operate
 - Meanwhile trying to “deliver” suitable and competitive candidates for upcoming vacancies in their region.
- From enterprises offering long term employment to PwD they will (partly) offer short term programmes, including employment, after which their employees will “flow in” into employment under general conditions – the more successful the enterprises are, the shorter their employees are employed in the enterprises; this will influence their economic potential negatively.
- To be most effective, their range of occupations - and together with that, their products and/or services – will need to be adjusted to the needs of the regional (labour) market or at least the enterprises need to be complementary (as a supplier or subcontractor for regional business life. (this applies especially on articles 26 and 27)
- These enterprises can only be successful when they have strong networks with established business life, public sector, (vocational) education and employment services.

On the basis of these changes it is highly recommended to consider if the critical mass of the enterprises is sufficient and if they can ever meet the demands following this law. It's therefore suggested:

- To create a national change organization; this national change organization would be initiated and led by the Ministry for Economy and Regional Development and would further consist of representatives of the Enterprises for Vocational Rehabilitation and



Employment of PwD. The tasks of this change organization would be to assess concepts for the future development of the Enterprises, to discuss their findings with stakeholders (organizations of PwD, business life, social partners, NES, education sector) and to finally develop and implement a sustainable model for the enterprises. Options to be assessed are:

1. To create enterprises on a regional scale:
 - In their core business serving regional business life, especially with services (catering, administration, call centers, delivery, reception, gardening & greenery, warehousing etc.)
 - Therefore mainly focusing on activities to be outsourced and incidental services (with relatively low initial investments other than qualified labour and a low risk profile)
 - To develop these services for both the private and the public sector
 - Enterprises should be working for all categories of PwD and therefore be accessible.
 - Chambers of Industry / Commerce could have an important role in governing the enterprises, meanwhile securing fair competition.
2. To merge the current enterprises with their current products and services on again a regional scale:
 - Gradually focusing their product development towards the (complementary) needs of the regional market
 - Positioning themselves as subcontractor, creating strategic alliances
 - Gradually being open for all PwD, with appropriate facilities,
 - Because of their new nature offering demand oriented vocational programmes
3. Variant on 2: to make the VET institutions responsible for all training related elements of the rehabilitation, offering the enterprises the possibility to concentrate on developing their business, meanwhile introducing the VET institutions in working with PwD and offering labour demand oriented programmes
4. To transform the enterprises into centers for professional rehabilitation and occupational therapy
 - Not offering employment, but
 - On the basis of vacancies and labour demand developments
 - Offering rehabilitation programmes
 - Consisting of education, practical training and (job) coaching
 - For which after successful completion a job waits

Article 35: -

Article 36: see general suggestions articles 35-42



“The Enterprise for professional rehabilitation and the employment of persons with disabilities can be established by the Republic of Serbia, the autonomous region, a local government unit, a commercial society, an association of persons with disabilities or another legal entity or private individual with the view to opening up new work places and employing persons with disabilities.

The Enterprise can perform its activities provided that:

1. It has a minimum five staff members (persons with disabilities);
2. At least 40% persons with disabilities are employed under a contract of unlimited duration, out of which at least 10% PWD who can only be employed under particular conditions;
3. It has adequate premises and technical and other equipment for vocational rehabilitation and work of persons with disabilities;
4. It has employed professional staff for work habilitation and professional rehabilitation of persons with disabilities, if the Enterprise employs more than 20 persons with disabilities, or else if the enterprise employs less than 20 persons with disabilities, it has the following skilled professionals:
5. One person for on-the-job training in the educational profile the persons with disabilities are being habilitated for;
6. One person for providing professional assistance to the employed persons with disabilities;
7. One person - advisor of workplace integration;
8. It has the authorisation for the performance of its activities.”

Facility unit for disability advisors?

Especially when the enterprises remain to work on the small scale they do now, it would be advisable to allow them to hire skilled professionals for training, assistance and integration on a part time basis. One could even imagine that an organisation as UIPS creates a pool of experts.

The qualification criteria for these professionals would be both related to their educational (BA) and their professional (showing proof of practice in this field) background. Given the fact that the level of professionalism in these areas is still in development in Serbia, acknowledgement of qualification will need to be provisional in the initial phase.

The authorization of enterprises should be directed towards results in professional rehabilitation, in which flow of employees wD to jobs in other companies is an important factor. Furthermore authorization should be related to recognized rehabilitation programmes by business life, acknowledged educational activities, adaptation of the work / the workplace, proof of a sound infrastructure and coaching and after-care.

Article 37: see general suggestions articles 35-42 and remark article 36

Article 38: see general suggestions articles 35-42

“If not otherwise stipulated by the present Law, the establishment, management, work, organization and performance of activities of the Enterprise for Professional



Rehabilitation and Employment of Persons with Disabilities shall be regulated by the regulations applicable for business societies.“

Stimulate PwD appointed in management

One of the issues for future development of the enterprises related to this article is their performance in recruiting, training and appointing PwD in management positions.

Article 39: see general suggestions articles 35-42

Article 40: see general suggestions articles 35-42

“The Budget of the Republic of Serbia, i.e. the Budget Fund, reimburses the Enterprise for Professional Rehabilitation and Employment of Persons with Disabilities for the monthly participation in covering the salaries, in the amount of 50% of average salary in the Republic of Serbia, according to the latest statistics of the republic statistics authority, per each PWD employed.“

Consider separate Collective Bargaining Agreement

Given the specific tasks of the enterprises and the strict budget conditions a separate and specific set of labour conditions (wages, job evaluation, training, general obligations) laid down in a collective bargaining agreement for this sector should be considered.

Article 41: see general suggestions articles 35-42

Article 42: see all previous suggestions in this respect

Article 43: -

Article 44:

“Occupational centers can be established by the Republic of Serbia, autonomous region and by the local government units.

The Ministers in charge of employment and social policy shall prescribe the technical requirements, the qualifications of employees and other conditions for the operation of these centers.”

Consider possibility to integrate Enterprises Pwd – Occupational centers

In the further development and implementation of these occupational centers close cooperation, the possibility of integrated activities and even full (operational) integration with the enterprises rehabilitation and employment of PwD should be considered.



Article 45:

“A social enterprise, as laid down by this Law, is a commercial society established with the aim to meet the needs of persons with disabilities, and which employs a minimum of one PWD, regardless the total number employees.

A social enterprise performs its activities in accordance with the regulations related to commercial societies.

A social organization, in the sense of this Law, is another legal form established with the aim to meet the needs of persons with disabilities, and which employs a minimum of one PWD.

Social enterprise and organization should invest a part of their profit in development of working conditions, promotion of its employees' skills, social integration of persons with disabilities, living standard and fulfillment of needs of PWD.”

Commercial result social organization?

The difference between the social enterprise and the social organization is in the commercial goal of the enterprise. Since the social organization lacks a commercial motive it will be difficult to make (commercial) profit.

Furthermore, subsidies and other forms of support for these entities should be considered.

In the further interpretation, article 27 seems also relevant for these entities.

Article 46: see paragraph 2.1.1. re social-economic data

Article 47: see paragraph 2.1.1. re social-economic data

Article 48: see paragraph 2.1.2. re inter-ministerial cooperation

Article 49: -

Article 50: - (?)

Article 51: -

Article 52: -

Article 53: -



Article 54: see general suggestions regarding articles 35-42

Article 55: see general suggestions regarding articles 35-42

Article 56: -

Article 57: -

Article 58: -



3. Changes enforced by the law

As a result of the adoption of the Law, organizations and professionals have to be prepared in order to meet the (new) standards set by the Law. These necessary preparations are indicated below, together with initial directions for the follow up.

3.1. Within the NES

3.1.1. Registration, categorization & assessment

- As indicated in chapter 2, the administrative registration process for job seekers of the NES needs to be checked in relation to the definition of disability in this Law; indicating (possible) disability in the registration should match with the Law's definition.
- The (maximum) result of the administrative registration is an indication for a work-hindering disability. After that three possibilities arise:
 1. Qualifying intake carried out by an employment consultant of the NES
 2. Systematic categorization identifying the position of the job seeker on the labour market
 3. Assessment of working capacities.
- The first and the second possibility are both carried out by the employment counselor and her/his opinion is established in an interview. The difference is that the first possibility in fact (solely) is based on the professional experience of the counselor. The second possibility is a standardised method, applied in general. The second method (used for all groups of people with difficulties on the labour market, indicating their "distance to the labour market" and their needs for Active Labour Market Measures) is more measurable and objective and therefore more preferable. The third method – referring everybody with these indications to assessment – is too costly.



- If categorization confirms the indication for a job seeker with a work-hindering disability, the job seeker will be nominated for assessment of working capacities, as described in chapter 2. It is advisable to arrange additional support for the selection / development / adjustment of a methodology tailored to the Serbian situation and for the support of capacity building.
- In the organization of the assessment it should be noted that it's possible to either "insource" the assessment within the NES, or to outsource it as long as two essential conditions – apart from the technical quality of the assessment methodology - are met:
 1. Standardized operation over the whole country
 2. Permanent reference to opportunities on the (specific regional) labour market

3.1.2. Physical organisational consequences NES

- Having PwD as clients also means that premises and information need to be accessible. A challenge in that respect will be to make the different regional offices accessible. It is advised to make an investment plan for these adaptations.
- Information addressing the specific labour market position and opportunities for PwD, both on "good old" printed material, in Braille and on internet, is another issue for preparation
- The results of the accessibility component of this programme can be a guide for making the NES accessible.

3.1.3. Organisational concept

According to the Law the NES will have responsibilities varying from developing ALMM to monitoring and from organizing ability assessment to job mediation and offering specialised services.

Thus the variety of services differs from national level regarding policy development and monitoring, via supra-regional level organizing specialized services, to regional level offering (specific) employment services.

In order to create structure it is recommended to establish a central unit on national level for

- Development of services, measures and policies
- Monitoring of results, evaluation and reporting
- Establishment of networks on national level with employers organizations, education and rehabilitation sector, organizations of PwD
- Promotion and campaigns.

If not organized on "supra-regional" or provincial level, this central unit would also carry out specialized services as described below,



These specialized services, preferably to be organized in a few offices spread over the country, are related to:

- Technical advice for employers and job seekers regarding work- and workplace adaptation
- Support and guidance in projects for job coaching and work assistance.
- Coaching and guidance of employment counselors.

In terms of staff, the central unit will need initially probably four (two Ma, two Ba) advisors; the supra-regional would need 8-10 advisors, Ba-qualified with relevant experience, preferably spread over the country, serving three offices (on reasonable distance from the regional offices).

The operational level of services is organized through the regional NES offices. Their activities, apart from registration and assessment, are related to:

- The production of the individual rehabilitation and employment plan
- The organisation of career skills, job training and other rehabilitation activities
- Vacancy acquisition
- Job mediation
- Establishing and maintaining networks on regional level.

Mainstreaming these services – carried out by “regular employment counselors – would be the most preferable model. However, since specific expertise in the combination of rehabilitation, job mediation and contacts with employers is imperative, qualified and seasoned counselors for people with a difficult position on the labour market should be considered, starting with 1-2 per employment office.

Off course, an intensive institutional and capacity building and training programme is necessary prior to and in the initial period after the Law came into force. Suggestions for the content and planning of this programme can be found in annex 1.

Furthermore, a public-private partnership with one or more internationally acknowledged job placement agencies in this field could be considered to boost the development of services, in particular related to exploring and translating the needs of employers.

3.2. Enterprises for professional rehabilitation

The Law prescribes the availability of enterprises for professional rehabilitation and employment for PwD, substantially contributing to the full and structural integration in the working environment of PwD.

Implicitly the Law expects these enterprises to be accessible and effectively working for all categories of PwD, or at least to have these facilities present in the regional environment of PwD.



Furthermore, these enterprises would offer a strong tangible contribution to the professional rehabilitation, in terms of education and training, effectively focused on the needs of the labour market, expressed in satisfying results in a flow of PwD personnel to private companies. As already indicated in chapter 2, this is not yet the case.

The different assessments prepared by the components for integration in the working environment, professional rehabilitation and accessibility show that there is a strong need for investments in these fields, starting with the development of systemized approaches, followed by capacity building and initial training for professionals.

There are many challenges to overcome, according to the main findings of these assessments:

Main findings Integration in the working environment

- Adequate support programmes for the integration of PwD into the working environment are non-existent
- Work programs for expert workers in charge of the integration of PwD are not clearly defined, a standardized job description is not available.
- Activities related to integration of PwD are mostly community oriented (birthdays, sports activities etc.) and oriented on arising individual problems.
- Companies show an identified need for funds, support programmes and expert capacity in this field.

Main findings Professional rehabilitation

- Vocational rehabilitation programs in enterprises for employment of PwD are not systemised and sometimes even non-existent.
- The process of vocational rehabilitation is not an integral part of professional rehabilitation of persons with disabilities.
- Vocational educational training programs are not based on the needs of the labour market.
- Programmes are not certified and certificates are not recognized on the open labour market.
- Demands and standards for professionals in professional rehabilitation are non-existent.

Main findings Workplace accessibility

- The majority of enterprises did not receive recommendations regarding necessary technological (adjustments of equipment), spatial (adjustments of premises) or program adaptations (adjustments of patterns of working times, distributions of tasks, provision of training)
- Most enterprises are partly accessible – for the category of PwD they provide services for; individual physical workplace adaptations are made in most cases.



- Most enterprises have not passed a risk assessment for occupational health and safety
- In almost all the enterprises working hours are not adapted to the needs of employees

In addition, as already indicated in the second chapter, the overall business concept of the enterprises needs at least “re-confirmation” in terms of

- Commercial focus
- Connections with the demand side of the labour market
- The match between required level of services and critical mass
- Their possible role in (support or direct) services in occupational centers and social enterprises

Therefore it is advised to create this change organization on national level, headed by government and/or UIPS to clearly define the most balanced and prosperous business concept, in which also a standard for calculation of the costs of the different programmes in enterprises would need to be developed.

Important questions to be answered for this change organization are:

- How can an increasing market perspective be combined with the content related tasks in professional rehabilitation?
- What would this mean for the scale the enterprises need to operate on?
- Is there a role for enterprises in occupational centers and social enterprises?
- What portfolio of products and services is most optimal for satisfying business results and a satisfying flow of personnel to the open labour market?
- What would this mean for the relations with regional business life?
- What would this mean for the relation with (Vocational) Education and Training institutions and NES?
- What would this mean for the governance of the enterprises; could a bigger role of business life in governance be helpful?
- Can the enterprises successfully develop services for municipalities and regional government and increase their market share? What would that mean for the role of local government in (governing) the enterprises?
- Should UIPS also create content services and function as a facility unit for issues related to Human Resources Management, Rehabilitation counseling and Workplace accessibility?

Immediately after accomplishing this business concept (international supported) pilot projects should start in the following areas:

- Developing a standard for programmes for work assistance and accreditation / licensing of work assistants.
- Develop and create employment projects based on work assistance in the open market sector.



- A programme for professional Human Resources Management in the enterprises with emphasis on integration in the working environment.
- Programmes focused on mainstreaming (vocational) education by developing in-company training -, apprenticeship – and general educational programmes, acknowledged by regional business life and recognized by the educational sector.
- Create standards and an investment plan for improving the accessibility of the enterprises.

Furthermore programmes with a more general scope on open labour market employment should be considered aiming on:

- Increasing awareness about this Law and the justification and need for inclusion.
- Promotion campaigns for “fair share policy”, workplace and job adaptation and work assistance.
- Pilot projects in opportunity sectors using modern technology (tele-working, call centers etc.)
- Pilot projects for the development of social enterprises (in opportunity sectors)
- Developing concepts with a balance in security and flexibility: making flexible / temporary accessible for PwD.
- Support for SME initiatives of PwD.

3.3. Current groups of PwD

Since the Law is a general law, applicable for everybody, the current acknowledged PwD can't be excluded from the provisions. They are also entitled to profit from the provisions of the Law.

This also applies on PwD, already working in open market employment. It will be important to assess these persons and to confirm their status and their needs, not only for the benefit of the individuals involved, but also to establish the enterprises' quota.

These persons should be assessed to examine if their handicap is a work-hindering disability in their current circumstances.

In previous research an estimate was made about the number of employed PwD: ca. 22.000. It can't be expected that all these persons are PwD in the sense of this Law, but their status needs anyhow to be assessed and in relevant cases they will be admitted and entitled to the provisions of the Law, including a rehabilitation and employment plan.

This plan would especially have to be made for all the current employees of the Enterprises for professional rehabilitation and employment of PwD. And here is a unique opportunity to boost the systemization of the services of the enterprises regarding social integration, professional rehabilitation and accessibility. Making these plans would force to use a systematic approach on an individual level, eventually initiating these mechanisms on enterprise-level.

3.4 Future target of PwD employment

An important aspect of the results of this Law is the number of people with a disability that should be employed on the basis of this Law.

For that purpose is the table below, in which all enterprises including quarter sector employment is collected:

Enterprise class		The number of enterprises		The total number of employees		PwD Target
Number of employees						
From	To	Sum*	Of which private without entrepreneurs	Sum*	Of which private without entrepreneurs	
20	49	6091	2966	188293	89107	6091
50	99	2797	764	195834	52453	5594
100	149	980	239	117717	29274	2940
150	199	424	103	72703	17635	1696
200	249	308	79	68660	17658	1540
250	499	549	116	189188	40906	3784
500	999	239	51	161397	34538	3228
1000	and more	181	27	475827	62345	9517
Total		11569	4345	1469619		34389

In total approximately 34.400 PwD will have to be employed on the basis of the current quota; if is assumed that the current established and acknowledged employment of PwD will be around 15.000 after assessment of the current volume of PwD, a quota of 20.000 PwD can be expected.



4. Support & training programme

Due to the impact and number of changes, implementation of the Law will require an extensive training and support programme aiming on institutional development and capacity building. A suggestion for this programme is elaborated hereafter; it consists of one main development programme focusing on the direct requirements related to the Law and a set of suggestions for supportive actions and programmes.

4.1. Main Institutional development and capacity building programme

4.1.1. Overall Objective

Establishing the infrastructure and the capacity for employment promotion of people with disabilities

Objective Verifiable Indicator

Procedures, institutions, infrastructure and instruments in place, staff trained

Project purpose

To build the institutional and professional capacity for effective employment promotion for People with Disabilities

Objective Verifiable Indicators

1. A tested and validated national framework for structured employment promotion, based on assessment of employment abilities, planned tailored investments, capacity building and training and oriented towards the demands of the labour market, which serves individuals and enterprises, is being applied by a specifically dedicated body by the end of the programme
2. A tested and validated national framework for active labour market measures for people with disabilities is being applied by the end of the programme
3. Rehabilitation programmes, including subsidised labour, are tailored towards labour market and regional economic needs



4. The programme's main target groups show evidence of improved recruitment and training practices by the end of the programme

Result 1: Establishment of the Central Unit for employment promotion of PwD

Activities

- Provision of advice in the organisation of the Central Unit for PwD and the appointment of staff
- Central staff made aware of PwD policies and trained in applying procedures and measures, regarding employment promotion, monitoring, evaluation and development
- Staff coached on the job in selected projects.
- Procedures, methodologies and instruments evaluated and implemented

Sources for verification:

- Dedicated checklist applied at the end of the programme
- As part of the M & E, questionnaire to be completed at the end of the programme

Result 2: Capacity building in enterprises for professional rehabilitation

Activities

- Staff in enterprises for professional rehabilitation made aware of PwD policies and trained in applying rehabilitation programmes, including building links with regional enterprises and business life.
- Staff coached on the job.
- Procedures, methodologies and instruments evaluated and implemented

Sources for verification:

- Reports and dedicated checklist applied at the end of the programme



Result 3: Capacity building PIO / assessment organisation

Activities

- Pre-qualified staff of assessment organisation in 26 offices made aware of PwD policies and trained in applying (ability focussed) employment assessment based on labour market needs
- Staff coached on the job.
- Procedures, methodologies and instruments evaluated, tailored to Serbian standards and implemented

Sources for verification:

- Comparative research at the beginning and end of the programme

4.1.2 Training modules

Programme 1: Parallel awareness training

- Parallel programme, regional organisation for staff in Employment Offices, Enterprises for professional rehabilitation, PIO branch offices, PIO central office and Centre for Employment Promotion PwD.
- Purpose and content: awareness and comprehension of PwD employment promotion policies
- Organisation: 2 day programmes in 5 regions in groups of 30 participants
- Number of participants: 150 – 5 workshops, 10 days
- Planning: month June – December 2008

Programme 2: Capacity building Centre

- Programme for the core-staff of the Centre for Employment Promotion PwD, on the job training.
- Purpose and content: further development and elaboration of procedures and measures for employment promotion, monitoring, evaluation and development.
- Organisation: 15 days on the job training programme for the core staff of the Centre
- Number of participants: 5-8
- Planning: September – October 2008

Programme 3: Capacity building Centre 2

- Dissemination programme for the Centre staff in applying measures, procedures, monitoring and development



- Purpose and content: comprehension of the measures and procedures for employment promotion of Centre staff, with emphasis on the function of the assessment, the infrastructure for employment promotion and tailor made job targeting.
- Organisation: 20 days training and coaching programme, spread over 6 months
- Number of participants: 10-12
- Planning: September 2008 – February 2009

Programme 4: Training of Trainers programme Centre

- Programme for selected staff of the Centre involved with training staff of Employment Offices
- Purpose and content: Training the trainers of the Centre in courses and coaching for EO staff in applying procedures and measures, regarding employment promotion, with emphasis on the understanding of the function of the assessment in rehabilitation, job hunting and job mediation.
- Organisation: 10 days programme with 2 days individual and group on the job coaching.
- Number of participants: 30
- Planning: November 2008 – March 2009

Programme 5: Capacity building Enterprises for professional rehabilitation

- Programme for the core-staff of the Enterprises for professional rehabilitation, on the job training.
- Purpose and content: further development and elaboration of rehabilitation programmes, including evaluation and development of programmes.
- Organisation: 12 days training & coaching programme for the core staff of the enterprises; 8 days training, 4 days coaching
- Number of participants: 50 (in groups of 25 and on enterprise level)
- Planning: January 2009 – May 2009

Programme 6: Networking programme enterprises

- Programme for selected staff of the enterprises, the educational sector, chambers of commerce and employment offices.
- Purpose and content: Training the enterprises in applying rehabilitation programmes, with emphasis on networking and partnerships: the need for cooperation with regional business life, the educational sector and employment services.
- Organisation: 2 days programme in each enterprise.



- Number of participants: 12 in each group
- Planning: March 2009 – June 2009

Programme 7: Capacity building PIO

- Programme for the core-staff of PIO, on the job training.
- Purpose and content: further development and elaboration of the assessment methodology, including standards for monitoring, evaluation and development. Essential items are the shift towards an ability-approach and the use of labour market information in order to make the assessment oriented towards the needs of the labour market.
- Organisation: 15 days training programme for the core staff of PIO, involved with the development of the assessment
- Number of participants: 8 participants
- Planning: July 2008 – October 2008

Programme 8: Capacity building Centre 2

- Dissemination programme for the PIO staff in the 26 branch offices in applying the assessment.
- Purpose and content: ability to work with and to cooperate in the assessment and understanding of the infrastructure for employment promotion, including labour demand orientation.
- Organisation: 20 days training and coaching programme, spread over 6 months
- Number of participants: 30 in groups of 10
- Planning: November 2008 – April 2009

Assumptions

- Law and related bylaws will be adopted and in force
- Maintained priority for this inclusion and emancipation policy in the Serbian government and public administration
- Suitable and sustainable resources to make this policy effective
- Close cooperation with the National Employment Service and possible other institutions providing employment assessment
- Successful conclusion of related programmes aimed at awareness raising, promotion of best practices and establishment of institutions, procedures and instruments
- Effective cooperation with related programmes in the National Employment Service and the Ministry of Economy and Regional Development (especially focussing on Active Labour Market Measures)



Linked activities

- GOPA project NES
- Twinning project NES
- Twinning project MoERD

4.1.3. Inputs

Table of inputs in working days

Activity	Preparation	Trainings	Coaching	Consultancy	Overhead
Provision of advise in the organisation of the Centre and the appointment of staff				35	10
Programme 1	10	10			5
Programme 2	15	15		15	10
Programme 3	10	20		5	10
Programme 4	36	10	52	10	25
Programme 5	29	16	100		30
Programme 6	13	52		10	20
Programme 7	15	15		10	10
Programme 8	20	60		10	20
Total	148	198	152	60	130

Inputs per programme part

Provision of advise in the organisation of the Centre and the appointment of staff	45
Programme 1	25
Programme 2	55
Programme 3	45
Programme 4	133
Programme 5	175
Programme 6	95
Programme 7	50
Programme 8	110
Total	688



Division between National and International expert days:

	National	International
Preparation	74	74
Trainings	198	0
Coaching	101	51
Consultancy	30	30
Overhead	98	33
Total	501	187

4.2. Other support suggestions

Below is an overview of suggestions for other support programmes and possible donors.

Programme	Beneficiary / partners in Serbia	Possible donor(s)	Status
Development of tailored survey on socio-economic position of PwD, statistical information and basis for monitoring	Statistical Office, NES	Central Bureau of Statistics, Netherlands	(informal) request for support and cooperation submitted.
Development & execution of awareness and promotion campaign re inclusion / the Law	NES, MoERD	EAR, EU (FWC)	
Purchasing assessment methodology and tailoring to the Serbian requirements	NES	Canadian International Development Agency-UNDP, Austrian Development Agency	
Developing business concept and supporting national change organisation for Enterprises for professional rehabilitation and	UIPS, MoERD	Norwegian Government – UNDP, EU	



employment PwD (EPRE)

Development of service (concepts) of EPRE for municipalities	UIPS in cooperation with Dutch “Cedris”, organization of sheltered workshops	MATRA (Netherlands)	
Developing and implementing pilot projects (show case approach) for employment of PwD in commercial open market enterprises	NES, MoERD, COC	Worldbank	
Creating / boosting temporary employment and flexsecurity solutions for PwD	NES, MoERD in cooperation with Dutch employers organization for private job placement agencies	Dutch EVD (PSOM and / or Trustfunds programme)	Informal request for cooperation submitted.
Institutional and capacity building for inclusion of Serbian PwD organizations in policy design and deliberation	Organisations of PwD in Serbia, in cooperation with Dutch Council for people with disabilities / chronicle diseases	MATRA (Netherlands)	



Annex 1: Strategic framework

This Annex summarises the international and national strategic framework for employment promotion of persons with disabilities, starting with the most recent UN Convention on the Rights of People With Disabilities, followed by the EU disability strategy and Serbia's Strategy for Improving the Position of Persons with Disabilities in the Republic of Serbia.

A.1.1. UN's Rights of People With Disabilities

The UN Convention for Rights of People with Disabilities elaborates in detail the rights of persons with disabilities and sets out a code of implementation. The most important rights related to employment policy are:

- Countries that join in the Convention engage themselves to develop and carry out policies, laws and administrative measures for securing the rights recognized in the Convention and abolish laws, regulations, customs and practices that constitute discrimination (Article 4).
- As a change of perceptions is essential to improve the situation of persons with disabilities, ratifying countries are to combat stereotypes and prejudices and promote awareness of the capabilities of persons with disabilities (Article 8).
- Countries are to recognize that all persons are equal before the law, to prohibit discrimination on the basis of disability and guarantee equal legal protection (Article 5).
- On the fundamental issue of accessibility (Article 9), the Convention requires countries to identify and eliminate obstacles and barriers and ensure that persons with disabilities can access their environment, transportation, public facilities and services, and information and communications technologies.
- Persons with disabilities must be able to live independently, to be included in the community, to choose where and with whom to live and to have access to in-home, residential and community support services (Article 19). Personal mobility and independence are to be fostered by facilitating affordable personal mobility, training in mobility skills and access to mobility aids, devices, assistive technologies and live assistance (Article 20).
- Countries recognize the right to an adequate standard of living and social protection; this includes public housing, services and assistance for disability-



related needs, as well as assistance with disability-related expenses in case of poverty (Article 28).

- Countries are to promote access to information by providing information intended for the general public in accessible formats and technologies, by facilitating the use of Braille, sign language and other forms of communication and by encouraging the media and Internet providers to make on-line information available in accessible formats (Article 21).
- States are to ensure equal access to primary and secondary education, vocational training, adult education and lifelong learning. Education is to employ the appropriate materials, techniques and forms of communication. Pupils with support needs are to receive support measures, and pupils who are blind, deaf and deaf-blind are to receive their education in the most appropriate modes of communication from teachers who are fluent in sign language and Braille. Education of persons with disabilities must foster their participation in society, their sense of dignity and self worth and the development of their personality, abilities and creativity (Article 24).
- To enable persons with disabilities to attain maximum independence and ability, countries are to provide comprehensive habilitation and rehabilitation services in the areas of health, employment and education (Article 26).
- Persons with disabilities have equal rights to work and gain a living. Countries are to prohibit discrimination in job-related matters, promote self-employment, entrepreneurship and starting one's own business, employ persons with disabilities in the public sector, promote their employment in the private sector, and ensure that they are provided with reasonable accommodation at work (Article 27).
- To ensure implementation and monitoring of the Convention, countries are to designate a focal point in the government and create a national mechanism to promote and monitor implementation - which usually takes the form of an independent national human rights institution. The full participation of civil society, in particular persons with disabilities and their representative organizations is essential in the national monitoring and implementation process. International monitoring is achieved via the Committee on the Rights of Persons with Disabilities and the Conference of States Parties. (Article 33-39).

A.1.2. Europe

A.1.2.1. European Disability Strategy

A society open and accessible to all is the goal of the European Union Disability Strategy. The barriers need to be identified and removed. By jointly signing the United Nations Convention on the Rights of Persons with Disabilities in 2007, the European Community and its Member States have confirmed their view that disability is a broad human rights issue and a matter of law.

The EU Disability Action Plan (DAP) 2003-2010 provides the means to implement this strategy by mainstreaming disability issues within all relevant EU policies. Moreover,



Member States are implementing the 2003 Council conclusions inviting them to proactively mainstream disability issues within relevant policy areas.

The DAP is developed in two-year phases with policy priorities that respond to the equality gaps disabled people face.

A.1.2.2. Actions at EU level

The 2006-2007 DAP focused on four areas to promote independent living: encouraging (economic) activity, quality support and care services, accessibility of mainstream goods and services, and increasing the EU's analytical capacity.

Member States and other stakeholders have identified accessibility as a priority for active inclusion and access to rights in the DAP 2008-2009.

Accessible goods, services and infrastructures are essential to sustain non-discriminatory and inclusive forms of participation in many aspects of everyday life in an ageing society, along with the elimination of barriers to education and to the labour market.

Fostering accessibility of the labour market is the employment policy related priority in the Disability Action Plan 2008-2009.

A comprehensive approach is necessary to increase the employment rate of people with disabilities through a combination of flexible employment schemes, supported employment, active inclusion, and positive measures complementing the existing European legislation on non-discrimination.

In line with its Communication on flexicurity (policies related to the combination of a flexible labour market and flexible labour together with appropriate security in terms of labour contracts and social benefits), the Commission will explore the opportunities for disabled persons under the general framework of enhanced labour market flexibility combined with security to increase and maintain their employment. Typical flexicurity pathways include flexible and reliable contractual arrangements, part-time and temporary work, active labour market policies, comprehensive lifelong learning strategies, and modern social protection systems providing adequate income support during periods of unemployment. Job retention schemes preventing early exit from the employment market and orientations for the reform of financial compensation providing income replacement (disability benefits) will also be addressed.

Supported employment provides personal assistance and workplace adaptations taking into consideration the needs of disabled people in open employment, but has not yet reached its full potential. Greater attention should be given to the requirements of enterprises in order to match labour market needs. The Commission will encourage the providers of employment services to coordinate with employers in designing vocational training and rehabilitation services. The Commission will work with the European network of the Heads of Public Employment Services to improve employment services accessible to disabled people.



A.1.2.3. An EU framework?

One could think that, on the basis of the Disability Strategy and the Disability Action Plan, one operational framework for legislation, budgets, instruments, methodologies and measures for employment of PwD in all member states would be available. That is however not the case; in fact the level of convergence in the different member states is effectively still quite low. Based on that, Serbia's mission is not to develop a "EU-based model", but to, based on general international and European notions and principles, develop the framework that suits best in the Serbian context.

A.1.3. Serbia

The strategic framework for equal opportunities for people with disabilities is currently based on three pillars (keys):

- The International Convention on the rights of persons with disabilities
- The Law on prevention of discrimination against persons with disabilities
- The strategy for improving the position of persons with disabilities in the Republic of Serbia

The strategy elaborates the general scope for the policies and actions to improve the position of people with disabilities. The strategy defines six goals for:

9. Mainstreaming policy development
10. Anti-discrimination
11. Needs based assessment and social services
12. Equal opportunities in education, employment, work and housing
13. Accessible build environment, transport, information, communication and services
14. Provision of a safety net of social security.

These goals are further elaborated in 16 objectives and 110 activities, to be realised between 2007 and 2015.

Its main goals, objectives and activities directly related to employment and the Law on Professional Rehabilitation and Employment of Persons with Disabilities are described under Goals 4 and 6:

Goal 4:

Develop and implement policy actions and programmes, particularly in the areas of education, employment, work and housing, which provide equal opportunities for persons with disabilities and encourage independence, personal development and active life in all areas;

Goal 6:

Ensure adequate living standards and social security for persons with disabilities.



Goal 4 represents the essence of the anticipated change. It involves creating conditions for activating the potentials of persons with disabilities and creating opportunities for persons with disabilities to become active and productive members of society.

Employment and education are thus recognized as key factors for the independent living of persons with disabilities. In addition to these two areas, goal 4 contains objectives focusing on access to other services at the local level, which together with general accessibility represent preconditions for independence.

Goal 6 sets course towards adequate social security for Persons with disabilities, in accordance with the principle of social solidarity.

Other goals, specifically goal 3 (assessment and social services) and goal 5 (accessibility) should be seen as (pre-)conditional for a successful employment policy.

A.1.3.1. Relevant objectives and activities

In order to operationalise the goals, objectives are used, that are elaborated in activities for implementation purposes. With regards to employment promotion and social security the following objectives and activities have direct relevance.

Objective 8:

Ensure all persons with disabilities can exercise their right to adequate education and ensure equal opportunities for learning and development in the local community for all children, youth and adults with disabilities.

Activities:

15. Ensure that in the education system (formal and informal) persons with disabilities receive individualized support to reach their fullest potential in academic and social development in accordance with the concept of an inclusive society.
16. Undertake appropriate measures to ensure children with disabilities have equal opportunities in using the services of preschool institutions together with other children.
17. Gradually introduce and develop accessible and inclusive education at all levels.
18. Ensure that persons with disabilities have equal opportunities in accessing general tertiary education, professional training and education, adult education and lifelong learning.

Objective 9:

Increase equal opportunities in work and employment for persons with disabilities through the development and application of systematic measures based on needs and abilities;

Activities:

19. Strengthen the motivation of persons with disabilities to participate in the work process by promoting the principle of active living.



20. Increase the levels of knowledge and competence of all stakeholders directly involved in the process of creating and applying employment policies for persons with disabilities.
21. Strengthen the role and responsibility of social partners for a comprehensive approach to the employment of persons with disabilities.
22. Increase the level of employment, employment retention and promotion of persons with disabilities, by applying the concept of lifelong learning based on the abilities of persons with disabilities and the needs of the labour market.
23. Develop and establish a system for informing persons with disabilities of employment opportunities.
24. Develop and establish a system for informing employers about the abilities of persons with disabilities.
25. Develop mechanisms for the support of employers in the employment of persons with disabilities
26. Develop a mechanism for evaluating working abilities and needs based on adopted international standards.
27. Establish the employment of persons with disabilities in the open labour market as an absolute priority. For person with disabilities, whose needs cannot be met in open employment, alternatives include supported employment and small units of sheltered employment.
28. Develop the model of a social economy.
29. Continue to develop the concept of an accessible workplace with the development of standards in the area of workplace safety and health.
30. Develop standards of accessibility, social support and vocational training in companies for the employment and professional training of persons with disabilities.
31. Develop mechanisms and resources for professional rehabilitation.
32. Make general programmes for training and employment programmatically, informationally and spatially accessible to persons with disabilities.
33. Develop measures to stimulate self-employment, entrepreneurship and develop programmes to support entrepreneurship and the establishment of small and medium-sized enterprises by persons with disabilities.
34. Establish service provision for persons with disabilities as a regular activity of agencies supporting the development of small and medium-sized enterprises and regional development.
35. Create new professions of agents for the employment of persons with disabilities in the open market, who will channel and support the employment of persons with disabilities.
36. Develop services for the support and development of active participation, greater employment, and work activities of persons with disabilities

Objective 16:

Provide all persons with disabilities with social security and the full and unimpeded enjoyment of that right.



Activities:

37. Ensure persons with disabilities have equal access to appropriate services, facilities and other assistance to fulfill their needs related to disability at an accessible cost.
38. Ensure persons with disabilities have access to social protection and poverty reduction programmes.
39. Ensure that persons with disabilities and their families have access to state assistance to cover disability-related expenditure, including adequate training, counseling, financial assistance and institutions for temporary accommodation.
40. Ensure the realization of the right to specific assistive devices for correction and compensation, their regular maintenance, the provision of sanitary materials and medicine with the coverage of procurement and maintenance costs from obligatory medical insurance funds.
41. Ensure persons with disabilities have equal access to privileges and programmes of pension insurance.

Objective 9 and related activities represent in fact the heart of employment promotion and are the strategic basis for the Law on Professional Rehabilitation and Employment of Persons with Disabilities and its implementation.



Annex 2: Documentation

Decent Work

[Employment for persons with disabilities Fact Sheet \[PDF\]](#)

[Managing Disability in the Workplace](#)

[Facts on Disability in the World of Work \[ILO\]](#)

[International Labour Organization: The Right to Decent Work for Persons with Disabilities](#)

Gender

[WomenWatch: Information and Resources on Gender Equality and Empowerment of Women](#)

Human Rights

[Human Rights. YES! Action and Advocacy on the Rights of Persons with Disabilities](#)

[Regional and country reports on disability from the International Disability Rights Monitor \(IDRM\)](#)

[Training Manual on the Human Rights of Persons with Disabilities](#)

Inclusive Education

[Inclusive Education at Work: Students with Disabilities in Mainstream Schools](#)

Inclusive Development

[A Handbook on Mainstreaming Disability \(VSO\)](#)

[Checklist for Inclusion \(Excerpt from 'Building an Inclusive Development Community Manual'\)](#)

[Disability, Poverty, and Development \(DFID\)](#)

[Good Practices for the Economic Inclusion of People with Disabilities in Developing Countries: Funding Mechanisms for Self-Employment \(Handicap International\)](#)

[Making PRSP Inclusive](#)

Statistics

[World Bank: Measuring Disability Prevalence](#)

[Key Documents EU](#)

[European Day of Disabled People](#)

[National Action Plans on Employment](#)

[National Action Plans against Poverty and Social Exclusion](#)

[EQUAL](#)



[The High Level Group on Disability](#)

[Anti-discrimination](#)

[European Disability Forum](#)

[Joint Declaration on the Employment of people with disabilities](#)

[Charter of Fundamental Rights](#)

[United Nations Standard Rules on Equalization of Opportunities for Persons with Disabilities](#)

¹ Organisation of a 2 day workshop with MoERD for discussion and further elaboration bylaws / protocols / interpretation issues

² Decision from MoERD about statistical information; define and organize survey.

³ Decision from MoERD about ministerial coordination, identification of subjects & action plan