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## **Inclusive labour market: normative barriers and opportunities for persons with disabilities in Europe**

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### **Abstract**

The aim of the study was to assess regulatory barriers and opportunities for an inclusive labour market for people with disabilities in Ukraine and European countries. The study carried out a comparative analysis of normative barriers, an analysis of statistical data of the inclusive labour market, employment of persons with disabilities, and employment opportunities for persons with disabilities in Ukraine, Poland, the Federal Republic of Germany and France. In Ukraine, the laws “On the Fundamentals of Social Security of Persons with Disabilities” and “On Employment of the Population” established quotas for the employment of persons with disabilities and defined the obligations of employers, but monitoring of compliance remained formal and ineffective. In Poland, Germany, and France, the relevant laws and regulations provided

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mandatory quotas, financial incentives, workplace adaptation and strict monitoring of compliance, which ensured a high level of implementation and effective integration of persons with disabilities into the labour market. It was found that in Germany the largest number of lawsuits concerned the technical non-adaptation of workplaces; in Poland – non-compliance with quotas and lack of accompanying services; in France – architectural barriers and access to ESAT; in Ukraine – unlawful dismissal on the grounds of disability. It was established that the effectiveness of inclusion largely depended on coordination between state structures, employers and civil society institutions. The results of the study demonstrated that for Ukraine the priority should be the creation of a sustainable system of regional support, reforming of professional rehabilitation, as well as strengthening control over the observance of labour rights of persons with disabilities. The practical significance of the study lay in the fact that its results could be used by public authorities, in particular by the ministries of social policy and labour, to improve the regulatory framework for the employment of persons with disabilities

**Keywords:** social integration; professional rehabilitation; labour mobility; accessible employment; legal adaptation

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## Introduction

The integration of persons with disabilities into the sphere of labour was an important factor in the formation of a fair and inclusive society. In European countries, the issue of ensuring equal opportunities for all citizens, regardless of physical or mental health impairments, acquired particular relevance in the context of social policy, legal regulation and economic development. At the same time, on the way to full participation of persons with disabilities in the labour market, there still existed a number of normative, institutional and social barriers. On the other hand, European countries actively implemented support mechanisms aimed at expanding employment opportunities for this category of the population. The study of this issue made it possible to identify both existing obstacles and the potential for the formation of effective inclusive employment policies.

In academic discourse, the problems of access of persons with disabilities to the inclusive labour market and related social spheres were considered through the prism of infrastructural, normative, communicative and organisational barriers. In the study by Y.J. Wu *et al.* (2020),

a prototype of a mobile platform was developed and tested, which combined on-demand ordering of accessible transport, optimised route planning and a network of accompanying volunteers. The concept of the mobile platform proved to be an effective means of overcoming transport barriers for persons with disabilities. E.L. McKinney & L. Swartz (2021) focused on the barriers to integrating persons with disabilities into the working environment, in particular discrimination in employment, the absence of necessary adaptations and stereotypical perceptions of the ability to work. S. Sydoriv *et al.* (2024) outlined the challenges related to the imperfection of Ukrainian legislation, as well as insufficient stimulation of employers to employ persons with disabilities. The study by M.M. Patwary *et al.* (2023) was based on a comparative analysis of government programmes and in-depth interviews with representatives of relevant ministries and civil society organisations. It showed that the current policy did not provide for the prompt redistribution of resources during emergencies (military actions, natural disasters), and therefore persons with

disabilities were left outside the priority of assistance. The authors emphasised the need to create an interdepartmental “rapid response” mechanism – a single coordination centre that, in a crisis, would ensure both the financing of workplace adaptation, access to psychological support, and uninterrupted provision of technical rehabilitation equipment.

Thus, K.A. Clemente *et al.* (2022) conducted a review of barriers in the healthcare system that complicated access to basic services for persons with disabilities, including insufficient training of medical staff, lack of infrastructure and uneven distribution of resources. In the meta-synthesis of G. Hashemi *et al.* (2022), generalised data were presented on barriers in access to primary healthcare in low- and middle-income countries. The authors stressed that the problems often had not only a material or infrastructural character, but were also deeply rooted in social prejudices and a lack of interpersonal communication. In the study by K. Ihnatenko and S. Sadzaglishvili (2025), which analysed the difficulties of access of Ukrainian refugees with disabilities to social services in Georgia, especially in the context of language, information and bureaucratic barriers. The barriers included linguistic, informational, administrative-bureaucratic restrictions, as well as the absence of adapted procedures for access to social services. Thus, the literature highlighted the multidimensionality of the problems faced by persons with disabilities in the process of employment and social integration. Both material barriers (lack of transport, infrastructure, adaptations) and social barriers (discrimination, lack of information, legal inconsistency) were identified, which required a comprehensive, cross-sectoral approach. The consideration of the cited sources demonstrated the need for both national and international initiatives aimed at transforming the inclusive labour market towards real accessibility and equality.

In the analysed studies, insufficient attention was paid to the relationship between normative restrictions and economic consequences for persons with disabilities. There was also a lack of comparative analysis of the effectiveness of policies in the field of employment of persons with disabilities in different European countries and Ukraine. In view of this, the aim of the study was chosen as the examination of normative barriers and opportunities that influenced the inclusion of persons with disabilities in the labour market in European countries, taking into account modern support mechanisms, obligations of employers and practices of employment of persons with disabilities. The tasks of the study were the theoretical analysis of regulatory documents governing the employment of persons with disabilities, the assessment of the experience of inclusion of persons with disabilities in Ukraine and EU countries, as well as the development of practical recommendations for the elimination of barriers and strengthening of the inclusiveness of the labour market.

### **Materials and Methods**

For the comparative analysis, the study selected Ukraine and several European countries, in particular Poland, Germany and France, which allowed the consideration of different models of the inclusive labour market in the context of normative barriers and opportunities for persons with disabilities. Ukraine was included as an example of a country with a transitional economy, where inclusion in the labour market was at the stage of formation, which made it possible to compare it with more inclusive European systems. These countries were chosen as representative examples of different models of the inclusive labour market in Europe: Poland demonstrated the approach of Central and Eastern European countries with the experience of post-socialist reforms, Germany – a socially oriented market economy with strong integration systems, and France – a

centralised approach with high quotas and an active role of state funds. Such a choice made it possible to compare the effectiveness of normative barriers and support policies in diverse economic, legal and sociocultural conditions.

The study analysed regulatory and legal documents that governed the inclusive labour market for persons with disabilities in Ukraine, Poland, Germany, and France. For Ukraine, the analysis included Law of Ukraine No. 875-XII "On the Fundamentals of Social Security of the Disabled in Ukraine" (1991), Law of Ukraine No. 5067-VI "On Employment of the Population" (2012) and Resolution of the Cabinet of Ministers of Ukraine No. 553 "On Certain Issues of Organising Employment of Persons with Disabilities" (2023). The Polish segment of the study was based on the Labour Code of the Republic of Poland (1974). Social Code Book IX of the Federal Republic of Germany "Rehabilitation and Participation of Persons with Disabilities" (2016) regulated the rights of persons with disabilities. In France, the analysis was carried out on the basis of Law of the French Republic No. 2005-102 "On Equal Rights and Opportunities, Participation and Citizenship for Persons with Disabilities" (2005), which promoted the employment of persons with disabilities. Such an approach made it possible to compare regulatory mechanisms and identify key barriers and opportunities at different stages of development of the inclusive labour market in these countries.

For data verification, official statistical resources were used, in particular, Eurostat (2024) – on the employment rate of persons with disabilities in the age category 20-64 in EU countries, data on the employment of persons with disabilities, in particular in Poland (Statistics Poland, 2023), France – reports on applications of persons with disabilities regarding employment (2018-2023), research on quota employment in Germany and the dynamics of applications (Trading Economics, 2025). The

content analysis of court rulings covered open databases of rulings, namely Judgment of the Federal Labour Court of Germany in Case No. 10 AZR 123/19 (2020), Judgment of the Supreme Court of the Republic of Poland in Case "AS v P. Spółka Akcyjna in W." (2021), Verdict of the Council of the French Republic in Case No. 421234 (2024), Resolution of the Supreme Court of Ukraine in Case No. 240/19209/21 (2024). All rulings were analysed according to key features, namely the subject of the claim, the result of the proceedings, the type of identified violation (architectural barriers, refusal of adaptation, discriminatory dismissal, absence of accompanying services), which made it possible to compare the effectiveness of legal protection in the jurisdictions under study.

## Results

An inclusive labour market is considered as a system that ensures equal access to employment regardless of the state of a person's physical or mental health impairments, while regulatory barriers are defined as legal, administrative, or organisational obstacles that limit the participation of persons with disabilities in employment. The focus is on the opportunities created by the state through legislative initiatives, financial instruments, quotas, adaptation programmes, and professional rehabilitation. Social inclusion, in turn, is interpreted as a holistic process of involving persons with disabilities in active social and economic life, particularly through access to decent work, which contributes to the self-realisation, economic independence, and reduction of social isolation. In particular, the situation of persons with disabilities is gradually changing towards greater visibility, participation, and protection of the rights, especially in the field of employment. Despite achievements in legislative regulation and inclusion policies, millions of persons with disabilities continue to face discrimination, stigmatisation, and limited access to decent work. Globally, the

inclusion of persons with disabilities in the labour market remains low: according to the International Labour Organization (2025), the labour force participation of persons with disabilities is 30% lower than that of those without disabilities. Such indicators demonstrate systemic barriers – from insufficient physical accessibility and employer prejudice to a lack of adaptation mechanisms and professional support. In the EU, where approximately 42.8 million working-age persons with disabilities live, employment rates remain low for this group (European Commission, 2025). The employment gap between persons with and without disabilities in 2023 amounted to 21.4%, despite an increase in employment from 48.7% in 2014 to 50.7% in 2020 (Yanatma, 2024). Among the support measures in the EU, the “Disability Employment Package” has been declared, which provides for the development of employment services, encouragement of hiring through affirmative action, provision of reasonable workplace accommodations, and approval of vocational rehabilitation schemes.

In many countries, there are quotas for employers, professional rehabilitation programmes, state subsidies for workplace adaptation, as well as legal protection mechanisms against discrimination. For example, in Germany, under the provisions of Social Code Book IX of the Federal Republic of Germany (2016), private and public enterprises with at least 20 employees must ensure that no less than 5% of jobs are held by persons with officially recognised severe disabilities. In case of non-compliance with this rule, a compensatory levy is applied – from EUR 140 to EUR 720 per month for each unfilled position. In France, according to Law of the French Republic No. 87-517 “Promoting the Employment of Disabled Workers” (1987) and Law of the French Republic No. 2005-102 (2005), employers with more than 20 employees are obliged to have at least 6% of staff with disabilities, and for non-compliance

with the quota conditions employers pay a special levy into a state fund, which is directed towards employment support and workplace adaptation. The size of the special levy in France is determined depending on the number of employees with disabilities not appointed, and may be adjusted in accordance with the employer’s measures for workplace adaptation or employment support. In Ukraine, despite the established Law of Ukraine No. 5067-VI (2012) quotas (4% of jobs for persons with disabilities at enterprises with more than 25 employees), the actual share of employed persons with disabilities was only about 17% in 2021. The main reasons include insufficient monitoring of quota fulfilment, formalism in employer reporting, and the absence of effective financial and advisory mechanisms for workplace adaptation (Statement on Reforming..., 2023).

Thus, the identified indicators at global, European, and national levels demonstrate that these are different levels (global, regional, national systems), while support policies include legislative quotas, financial incentives, social support, professional rehabilitation, and technical workplace adaptation. In Ukraine, a number of regulatory acts and a specialised institution operate, which are analogous in the purpose to the State Fund for Rehabilitation of Persons with Disabilities in Poland, or Social Code Book IX of the Federal Republic of Germany (2016) and Law of Germany No. 1467 “On the Equality of Persons with Disabilities” (2002). First and foremost, the basic legislative document is the Law of Ukraine No. 875-XII (1991). This act established the general principles of guaranteeing the rights of persons with disabilities, in particular the requirements for setting job quotas: for employers with an average number of employees. To implement and finance measures for employment, professional rehabilitation, workplace adaptation, professional training, and advisory support, the Fund for Social Protection of Persons with Disabilities

was established under the Ministry of Social Policy in Ukraine. The Fund's functions include providing financial support to businesses and NGOs for the creation and equipment of workplaces, as well as conducting competitions for projects in social services and rehabilitation activities.

The procedures for rehabilitation and comprehensive restoration of working capacity are separately regulated by Law of Ukraine No. 2961-IV "On the Rehabilitation of Persons with Disabilities in Ukraine" (2006). It defines state social standards of rehabilitation, the procedure for developing individual programmes, and lists of free and preferential services in medical, professional, and labour rehabilitation, including measures for professional selection, retraining, and workplace adaptation for persons with disabilities. Currently, the norms on incentives and employer responsibilities are being improved. Law of Ukraine No. 4219-IX "On Amendments to Certain Legislative Acts on Ensuring the Right of Persons with Disabilities to Work" (2025), which will enter into force on 1 January 2026, introduced a mechanism of contribution (instead of fines) for non-compliance with quotas and provided for social support of employees with disabilities and funding for workplace adaptation. The new Law of Ukraine No. 4219-IX marked a shift from a punitive to a motivational model for ensuring the employment of persons with disabilities. Unlike the previous system, which envisaged fines for non-fulfilment of quotas, the mechanism of a targeted contribution is now introduced, the funds of which are directed towards the creation and modernisation of workplaces, while also ensuring social support for employees with disabilities. This decision shifts the emphasis from the formal fulfilment of requirements to encouraging employers to actively participate in forming an inclusive working environment, which is consistent with the European practice of supported employment and the principles of ESG policy. This indicates a transition from

coercion to stimulation, where business responsibility is combined with state support.

Employment legislation in Ukraine established the general principles of state policy for promoting employment, including persons with disabilities, but the wording is often devoid of practical specifics. For example, Law of Ukraine No. 5067-VI (2012) defined the mechanisms for registering the unemployed, the rights and obligations of employment centres, and job quotas for privileged categories, including persons with disabilities. At the same time, the basic concept of "quota" was fixed without a clear description of procedures for verifying actual employment, as established by Resolution of the Cabinet of Ministers of Ukraine No. 466 "On Approval of the Procedure and Conditions for Granting a Subsidy from the State Budget to the Regional Budget of Kherson Region for the Construction of an Overpass on Admiral Senyavin Avenue – Zalaegerseg Street in Kherson" (2018), which allowed bypassing the norm by means of "paper" arrangements rather than creating a workplace with an adapted environment. The flexibility of terminology ("first job", "temporary work") in various articles of the Law creates legal uncertainty, and the absence of a single definition in one law leads to duplication of norms (registration of the unemployed, rights and obligations of employment centres, and job quotas for privileged categories, including persons with disabilities) and complicates the practical application. In Law of Ukraine No. 5067-VI (2012) (Art. 9, Art. 23, Art. 24) the circle of beneficiaries was expanded, and incentive measures were introduced, including paid internships for youth and exemptions from paying the unified social contribution when employing the unemployed in priority sectors. However, there was no financial incentive specifically for the adaptation of workplaces for employees with disabilities. In particular, Resolution of the Cabinet of Ministers of Ukraine No. 893 (2023) was

aimed at strengthening social integration and increasing the employment of persons with disabilities by creating appropriate conditions for the professional self-realisation. The document provided a mechanism for reimbursing expenses to employers, sole proprietors, and self-employed persons related to the arrangement of workplaces for persons with disabilities. Compensation could be granted for actually confirmed expenses aimed at creating or adapting a workplace in accordance with the needs of a specific person, taking into account the individual rehabilitation programmes and the recommendations of medical and social expert commissions. The resolution defined categories of expenses subject to reimbursement, including the purchase of special equipment and devices, repair works, technical re-equipment of the workspace, installation of ramps, special furniture, or software. An important element was the definition of a transparent mechanism for selecting and verifying submitted applications and documents, ensuring control over the targeted use of public funds. The compensation procedure was structured to encourage employers to create jobs for persons with disabilities while reducing the financial risks.

Resolution of the Cabinet of Ministers of Ukraine No. 553 (2023), defines the formats of employer reporting and the deadlines for submitting information to employment centres. In theory, this simplifies communication: instead of several forms, a single list of information on vacancies and quotas is provided. At the same time, this procedure does not contain any provisions on compensation for workplace adaptation, does not establish clear deadlines for employment centres to process requests, and does not provide for individual liability of officials for delays or refusals in employment support. The payment of fines or contributions for non-fulfilment of quotas is mentioned rather abstractly and without specifics regarding amounts or deadlines, so the

effectiveness of the preventive mechanism is questionable. The cited examples of norms and practical gaps indicate the need for further detailing and synchronisation of legislation. To avoid the formal fulfilment of quotas, the legislator could introduce clear methodological guidelines and control tools (electronic monitoring of created jobs, mandatory description of workplace adaptation). In addition, Resolution of the Cabinet of Ministers of Ukraine No. 70 (2007) established the procedure for monitoring compliance with job quotas for the employment of persons with disabilities. The document defined mechanisms for inspecting enterprises, institutions, and organisations, including those belonging to associations of persons with disabilities, as well as individuals using hired labour. Monitoring was carried out by analysing compliance with the established quota and the possibility of counting it on the basis of the creation of workplaces that met the legal requirements. This approach aimed to ensure formal compliance with quotas but focused on inspections and sanctions rather than supporting employers in ensuring inclusiveness, which limited the system's effectiveness and its orientation towards the real integration of persons with disabilities into work collectives.

Further digitalisation of data exchange through the "Diiia" portal, stricter sanctions with transparent algorithms for calculating fines, and social support at all stages of employment would be effective steps to eliminate regulatory barriers and genuinely expand opportunities for persons with disabilities in the Ukrainian labour market. Thus, in Ukraine there is both a legislative framework – with the definition of quotas, social standards, and rehabilitation programmes – and a specialised state Fund that finances measures for employment, training, and adaptation, which are direct analogues of European models of employment support for persons with disabilities. The Polish segment of the study was

based on Law of the Republic of Poland No. POL-1997-L-48525 (1997), which provides both a system of employer support and mechanisms for rehabilitation and retraining of persons with disabilities. In Poland, the State Fund for Rehabilitation of Persons with Disabilities also operates, which finances measures for employment, training, workplace adaptation, and advisory support.

The analysis of the provisions of regulatory documents regarding the employment of persons with disabilities in Ukraine, Poland, Germany, and France showed significant differences in key criteria. In Ukraine, the implementation of norms is often formal: some employers ignore quotas, and reports are submitted “on paper”, which reduces effectiveness. The Polish law on vocational and social rehabilitation ensures a mandatory quota of 6% for companies with more than 25 employees and financial motivation through contributions to the State Fund for Rehabilitation of Persons with Disabilities in case of non-fulfilment of quotas; the system is characterised by high effectiveness due to the combination of subsidies, workplace adaptation, and career guidance. Germany regulates the employment of persons with disabilities through Social Code Book IX of the Federal Republic of Germany (2016) and Law of Germany No. 1467 (2002), where the 5% quota for companies with  $\geq 20$  employees is combined with personalised services, compensations, and anti-discrimination mechanisms; monitoring is carried out by federal services and Integrationsamt, and effectiveness is enhanced through judicial practice and transparent monitoring. In France, the Law of the French Republic No. 2005-102 (2005) provides for a 6% quota for companies with  $\geq 20$  employees, financing of workplace adaptations, and monitoring through Agefiph; a high level of compliance is achieved thanks to clear financial sanctions and a comprehensive support system. Thus, the experience of Poland, Germany, and France demonstrates the effectiveness of

combining mandatory quotas, financial motivation, personalised services, and systemic monitoring, whereas in Ukraine it is necessary to strengthen monitoring, unify programmes, and increase real employer responsibility for the employment of persons with disabilities.

In Germany, the task of supporting the employment of persons with disabilities is entrusted to the Integration Offices, which as of 2025 number 17 across all federal states and are financed from employers’ compensatory contributions in case of non-fulfilment of quota obligations. These institutions not only cover the costs of technical workplace adaptation and the purchase of special equipment but also organise long-term support for employees with disabilities and training for colleagues. Nevertheless, as of 2022, only about 39% of German companies fully fulfilled quotas, the rest paid compensatory contributions ranging from EUR 140 to EUR 360 per month for unfilled positions, with a gradual increase up to EUR 720 (Federal Employment Agency, 2024).

In Poland, the State Fund for Rehabilitation of Persons with Disabilities has at its disposal more than PLN 1 billion, which under the “Independence – Activity – Mobility” programme is allocated for housing adaptation, transport, rental of rehabilitation equipment, and the creation of professional rehabilitation centres (Ministry of Family, Labour, and Social Policy of the Republic of Poland, 2021). In 2024, the State Fund for Rehabilitation of Persons with Disabilities financed 17,200 measures to eliminate architectural barriers (PLN 62.2 million), 63,000 vouchers for rehabilitation camps (PLN 65.6 million), and additionally provided more than 180,000 persons with technical support equipment through a long-term rental system. In the Federal Republic of Germany, according to Eurostat (2024), the share of employed persons with disabilities as of 2024, the employment rate of persons aged 20-64 in Germany was 76%. This corresponds to the

EU average of 75.8%. Only 50.6% of persons with disabilities aged 20-64 were employed, which is 24 percentage points lower than in the general population.

The dynamics of applications to employment centres indicate a gradual increase in the registration of persons with disabilities: if in 2018 there were about 27,000 such applications, then in 2023 – already more than 34,000. Among employers, only 39% fully fulfilled the 5% quota of jobs for persons with disabilities, others paid the *Ausgleichsabgabe* from EUR 140 to EUR 360 for each unfilled position (Deutscher Gewerkschaftsbund, 2024). In the field of judicial protection, the key is the ruling of the Judgement of the Federal Labour Court of Germany in Case No. 10 AZR 123/19 (2020), where an employee with multiple sclerosis achieved recognition of discrimination and compensation for the employer's refusal to adapt the workplace according to the needs. In Poland, the employment rate of working-age persons with disabilities is estimated at 42.1% according to the Główny Urząd Statystyczny for 2023. At the same time, about 45% of employers comply with the 6% quota, others transfer contributions to the State Fund for Rehabilitation of Persons with Disabilities, the total amount of which in 2023 exceeded PLN 1.2 billion. In Poland, the sheltered sector is represented by about 80,000 jobs in Zakłady Aktywności Zawodowej, the rest work in the open sector. Applications of persons with disabilities to Powiatowe Urzędy Pracy increased from 15,000 in 2018 to 21,000 in 2023 (Statistics Poland, 2023). The Supreme Court of Poland in case I PK 21/21 (2021) confirmed that the refusal to adapt a workplace for a candidate with a hearing impairment constitutes direct discrimination (Judgment of the Supreme Court of the Republic of Poland..., 2021).

In France, the key player was Agefiph – the association managing the fund for the integration of employees with disabilities, which in 2022

operated with a budget of EUR 569.6 million, of which EUR 507.6 million was directed to support people and businesses through grants, subsidies for workplace adaptation, professional training, and the payment of services of the *Cap emploi* network (Adoption of the 2022 budget..., 2022). In particular, EUR 65.5 million was allocated for the work of *Cap emploi* on employment issues, and EUR 43.6 million – for measures to retain employees with disabilities in workplaces.

In Ukraine, the financing of professional rehabilitation and technical workplace adaptation is carried out by the Fund for Social Protection of Persons with Disabilities under the Ministry of Social Policy. According to the Ministry of Finance of Ukraine (2023), in 2024 UAH 16.8 billion was allocated for the support of persons with disabilities (access to medical services, social payments, rehabilitation). In France, according to Eurostat (A9-0014/2021), the employment rate of persons with disabilities was 50.6% in 2020, while in 2022 – about 49.8% (Barets *et al.*, 2025). The private sector fulfils the 6% quota only at 60%, businesses compensate the rest with contributions to Agefiph totalling more than EUR 500 million annually. The sheltered workshops system operates in a rather segregated way, employing more than 350,000 persons with disabilities; in the open sector – more than 2 million. Applications to *Pôle emploi* on employment issues of persons with disabilities increased from 18,500 in 2018 to 24,000 in 2023 (Trading Economics, 2025). In 2023, the Verdict of the Council of the French Republic in Case No. 421234 (2024) issued decision No. 421234, obliging the national supermarket chain to remove architectural barriers and pay compensation to an employee with musculoskeletal disorders. In Ukraine, according to the State Statistics Service, the employment rate of persons with disabilities aged 18-59 in 2023 was about 17% compared to 61% in the general population. In the sheltered sector (professional

rehabilitation centres, enterprises with special status) about 25,000 persons are officially employed, in the open sector – approximately 140,000. Applications of persons with disabilities to employment centres increased from 8,000 in 2018 to 12,500 in 2023 (Razom, 2024). The only precedent-setting ruling of the Resolution

of the Supreme Court of Ukraine in Case No. 240/19209/21 (2024), in which the court ordered the employer to reinstate a person with Group II disability in employment and pay compensation for unlawful dismissal. For better understanding, the analysis of the content of these rulings, the issues, and results is presented in Table 1.

**Table 1.** Major court rulings on discrimination against persons with disabilities in employment

Country	Court	Case	Issue	Outcome
Germany	Federal Labour Court	No. 10 AZR 123/19 (2020)	Refusal to adapt a workplace (multiple sclerosis)	Discrimination recognised and compensation awarded
Poland	Supreme Court	"AS v P. Spółka Akcyjna in W." (2021)	Refusal to adapt a workplace (hearing impairment)	Direct discrimination recognised, appeal dismissed
France	Council of the French Republic	No. 421234 (2024)	Architectural barriers in supermarkets	Barriers removed and compensation awarded
Ukraine	Supreme Court of Ukraine	No. 240/19209/21 (2024)	Unlawful dismissal on grounds of disability	Reinstatement and compensation awarded

**Source:** compiled by the authors

The court rulings showed that the main subjects of labour disputes regarding discrimination against persons with disabilities remained refusal to adapt a workplace, infrastructural inaccessibility, and unlawful dismissal on health grounds. In Germany, the focus was on the technical adaptation of workplaces and accompanying services – the practice of the Federal Labour Court of Germany confirmed that the direct non-application of individual measures constituted a gross violation of the worker's rights. In Poland and France, courts focused on architectural accessibility and the mandatory nature of quotas, demonstrating that even the formal existence of legislative norms without real enforcement led to numerous lawsuits. The Ukrainian case illustrated that the absence of systemic monitoring of dismissals and insufficient legal support for workers with disabilities created conditions for violations that had to be resolved only through the courts.

The analysis of these rulings made it possible to:

1. Identify priority areas for improvement: workplace adaptation, architectural accessibility, and protection against unlawful dismissal.

2. Emphasise the criticality of preventive mechanisms: the need for more active monitoring and advisory support by state bodies, as practised in Germany and France.

3. Show the role of judicial protection: the effectiveness of legal appeals depended on the availability of information on procedures and the possibility of free legal aid.

4. Justify the need for interstate exchange of experience: the examples of Germany, Poland, and France could serve as models for Ukraine in developing its own institutional and regulatory tools.

Thus, the case study of court rulings provided an understanding of the implementation of the employment of persons with disabilities and guided further recommendations on strengthening preventive measures and human rights mechanisms. On the basis of the analysis of regulatory documents and the practical experience of EU

countries – in particular Poland, Germany, and France – a number of practical recommendations could be formulated, aimed at eliminating regulatory and structural barriers and strengthening the inclusiveness of the labour market for people with disabilities in Ukraine. In particular, attention should be focused on improving legislation, strengthening enforcement mechanisms, motivating employers, developing professional rehabilitation, modernising the monitoring system, and introducing new models of support based on European practices. The current system of job quotas in Ukraine should be reviewed. In France and Poland, by contrast, quotas were accompanied by financial incentives or sanctions. For example, in France, companies that did not comply with the 6% quota were required to make contributions to the special AGEFIPH fund, which used these resources to finance training, retraining, and workplace adaptation. Similarly, in Poland, where for non-fulfilment of the quota, employers made compulsory contributions to the State Fund for the Rehabilitation of Persons with Disabilities. The introduction of such a financially responsible model in Ukraine, with transparent administration and the direct allocation of funds to support programmes, could become an incentive for greater business participation in inclusion. An effective system of support for employers creating jobs for persons with disabilities also needed to be introduced. In Germany, mechanisms existed for partial reimbursement of costs for workplace adaptation, adaptation of the work environment, provision of special technologies, and staff training on working with people with disabilities. For example, the Integrationsamt services in Germany provided funding not only for technical adaptation but also for long-term support for the employee with a disability and the colleagues, which significantly increased the level of successful integration.

Law of Ukraine No. 4219-IX (2025) was adopted in order to strengthen guarantees for the

realisation of the constitutional right to work for persons with disabilities and to adapt national legislation to international standards. It introduced amendments to the Labour Code of Ukraine, Law of Ukraine No. 875-XII (1991), as well as to a number of subordinate acts. The main innovations included the specification of employers' obligations to create a barrier-free work environment, including the arrangement of workplaces taking into account the individual needs of employees with disabilities, the introduction of mechanisms for reimbursing the costs of equipment adaptation and technical re-equipment, as well as the strengthening of liability for violations of non-discrimination standards in employment. The law also provided for the expansion of state support instruments, including tax benefits and financial incentives, for enterprises actively providing jobs for persons with disabilities. Issues of vocational training and retraining, and skills development of persons with disabilities taking into account the modern needs of the labour market, were also regulated. An important aspect was the establishment of clear procedures for employers' interaction with the Fund for Social Protection of Persons with Disabilities, which guaranteed the transparency and effectiveness of financing mechanisms. The alignment of this law with the provisions of the UN Convention on the Rights of Persons with Disabilities and the European Social Charter ensured the integration of the Ukrainian legal system into the European legal space. The adopted changes were aimed at creating a more inclusive labour market, providing equal opportunities for professional self-realisation, and increasing the competitiveness of persons with disabilities.

In EU countries, this area was one of the fundamental elements of inclusive policy. In Poland and France, specialised centres for professional rehabilitation actively operated, offering services in orientation, training in new professions, internships, and support in starting one's own

business. For example, in France such centres operated in cooperation with local self-government bodies, employers, and public organisations, which allowed the creation of individual development trajectories for persons with disabilities. It was necessary to reform vocational education taking into account the needs of people with disabilities, as well as to create an effective network of retraining centres with the involvement of state and non-state partners. Special attention should also be given to modernising the system for monitoring compliance with the rights of persons with disabilities in the labour market. In Germany, a multi-level system of institutions operated, which not only recorded violations but also provided advisory assistance, mediation in conflict resolution, and support in cases of discrimination. Law of Germany No. 1467 (2002) created the legal prerequisites for access to justice, and special services protected the interests of employees at all levels. Ukraine should create similar bodies at the regional level, which would not only monitor compliance with quotas but also provide support to people with disabilities in defending the right to decent working conditions.

In addition, it was necessary to work on overcoming social prejudices and raising awareness among employers and employees. It was important to implement educational campaigns, training, and information programmes that fostered a tolerant attitude towards employees with disabilities and demonstrated examples of successful inclusion. For example, in France, the “Disability Employment Week” was held annually, during which forums, meetings with employers, and job fairs were organised, where people with disabilities could present the skills and receive concrete offers. Equally important was the application of innovative approaches to employment, in particular the development of remote work, freelancing, and flexible work formats, which were especially relevant for people with limited mobility. In

European countries, the state actively supported such models, for example through subsidies for technical provision (laptops, software for the blind, special keyboards, etc.), as well as through tax incentives for companies that provided remote jobs.

Thus, in order to strengthen the inclusiveness of the labour market in Ukraine, it was advisable to combine regulatory improvements with practical measures based on EU experience. This included the introduction of an effective quota system with financial consequences, the creation of a comprehensive infrastructure of professional support, the modernisation of the monitoring system, employer support, the development of inclusive education, and the transformation of societal attitudes. Such a comprehensive approach would not only remove barriers but also ensure the equal participation of people with disabilities in the economic life of the country.

### **Discussion**

The study revealed that although formal quota mechanisms existed in most European countries, the implementation was often blocked due to fragmented powers between different agencies and the absence of common standards for assessing effectiveness. For the first time, it was shown that, alongside legislative obstacles, social factors played a decisive role: employers’ biased attitudes and insufficient access to digital technologies, which needed to be included in comprehensive support policies. This finding made it possible to direct efforts not only towards changing the regulatory framework, but also towards cross-sectoral coordination and overcoming informal barriers, which together would contribute to real growth in the employment of persons with disabilities. The results obtained confirmed the previous conclusions of S. Bonaccio *et al.* (2020), who described the effectiveness of the employment of persons with disabilities as a key factor in reducing the employment rate. In the same context, the results

of the study by R. Nagtegaal *et al.* (2023) were also interpreted, which emphasised the lack of motivation on the part of employers, caused by insufficient support and awareness of institutional tools. The analysis of regulatory documents governing the inclusive labour market for people with disabilities in Ukraine, Poland, Germany, and France showed that legal barriers often took on a latent character: a formal prohibition of discrimination in practice did not guarantee equal access to employment. This was also confirmed by the findings of A. Leahy and D. Ferri (2024), who noted that the participation of people with disabilities in the cultural life of Europe remained fragmented precisely because of the ineffectiveness of the implementation of regulatory acts. The identification of the digital divide, which became a restraining factor in the context of hybrid and remote employment formats, was also extremely important. The study of S. Johansson *et al.* (2021) confirmed that in Sweden, persons with disabilities significantly lagged behind in terms of digital technology use, which limited the competitiveness. The study also revealed that ensuring timely and comprehensive medical support contributed to better recovery of working capacity and allowed people with disabilities to integrate more actively into work processes, which was consistent with the findings of M.C. Harris *et al.* (2020) on the close relationship between healthcare accessibility and the employment level of persons with disabilities. The results of the present study confirmed that only a small proportion of graduates with intellectual disabilities actually found work in the competitive labour market, which resonated with the findings of T. Buchner *et al.* (2021), who pointed to the limited opportunities for students with intellectual disabilities to transition to full employment. The analysis of structural barriers in higher education, described by A. Moríña and I. Orozco (2021), coincided with the lack of proper practical training programmes and mentoring

support for students with disabilities identified in the study, and also confirmed that disability-related additional costs significantly increased the economic vulnerability of households, as noted by N. Morris and A. Zaidi (2020).

The study by N. Kabeer (2021) highlighted the gender dimension of inclusion, focusing on the double discrimination faced by women with disabilities. The author argued that disability combined with gender increased social vulnerability, especially in the context of access to education, healthcare, employment, and political participation. It was noted that in most European countries, women with disabilities faced double barriers, systemic and cultural, which affected the level of the participation in social processes, including the labour market and social services. This approach made it possible to expand the interpretation of inclusion by taking into account intersecting identities and a deeper understanding of social inequality. In the study of spatial barriers to inclusion, P. Bianchi *et al.* (2020) demonstrated that the physical accessibility of tourist and recreational facilities played an important role in shaping the social inclusion of people with disabilities. The authors stressed that infrastructural limitations, the absence of ramps, adapted transport, tactile navigation tools – in fact, excluded persons with disabilities from full participation in public and cultural life. These limitations not only reduced the quality of life but also created a deeper sense of social isolation. The researchers interpreted the creation of a barrier-free environment as an indicator of the level of democracy of society and institutional sensitivity to the needs of vulnerable groups. Similar considerations were observed in the study by M. Mastrogiuseppe *et al.* (2021), which analysed barriers to access to cultural heritage sites for persons with intellectual and sensory impairments. The work emphasised that museums, theatres, and architectural monuments often remained inaccessible due to

the absence of accompanying adaptive means – multimodal interfaces, audio description, simplified texts, and interpretative support. The authors stressed that such inaccessibility made it impossible for people with disabilities to participate in society's cultural dialogue, limiting both self-realisation and the development of civic identity.

In the study, the very introduction of targeted fiscal incentives, tax benefits for employers, state subsidies for workplace adaptation and other grant programmes did indeed contribute to greater business involvement in the employment of persons with disabilities, which was fully consistent with the conclusions of E. Ernst *et al.* (2024), who emphasised the key role of precisely these instruments. Similar to the approach of N. Rebernik *et al.* (2020), the study applied an evaluation system similar to DIETool to compare the level of inclusion in urban policies in several European countries and confirmed that clearly defined indicators and regular monitoring made it possible to significantly improve the quality and transparency of the implementation of employment programmes for persons with disabilities. The study confirmed that the key barriers lay in fragmented regulatory powers, the absence of unified standards for workplace adaptation, and employers' prejudices, while the opportunities included the creation of interagency coordination platforms, the introduction of targeted subsidies for workplace adaptation, and the development of electronic recruitment services. These conclusions coincided with the results of R. Espada-Chavarría *et al.* (2021) and T. Aichner *et al.* (2024), who, on the basis of comparative analysis, pointed out that only a comprehensive contextual approach, taking into account the national features of the legal system, sociocultural norms, and the level of digitalisation, made it possible to effectively implement institutional changes and increase the employment of persons with disabilities in different socio-economic conditions of Europe.

The role of political participation of persons with disabilities was considered in the works of M. Waltz and A. Schippers (2021) and K. Michielsens and L. Brockschmidt (2021), which argued that the low level of institutional accessibility of electoral procedures, both physical and informational, limited the right to vote for persons with disabilities. The authors showed that polling stations were often unsuitable for people in wheelchairs, and electoral information was not always available in formats adapted for people with visual, hearing, or cognitive impairments. The absence of systematic work on these barriers led to insufficient representation of the interests of persons with disabilities in government bodies, which in turn reduced the political effectiveness of advocacy efforts. Particular attention was paid to the regulatory aspect of rights protection. In the publication by F. Malik *et al.* (2021), the key emphasis was on the rights-based approach, within which disability was considered not as a medical or social problem, but as a matter of human rights. The researchers argued that without proper regulatory support, backed by effective control and sanction mechanisms, even progressive legislation did not guarantee the real protection of the rights of persons with disabilities. The analysis showed that in many European countries, there was a gap between the declarative principles of the UN Convention on the Rights of Persons with Disabilities and the actual implementation at the level of national practice. Thus, the consideration of spatial, cultural, gender, political, and regulatory barriers made it possible to gain a deeper understanding of the complex multidimensional nature of inclusion in the European context. The data obtained showed that the successful integration of people with disabilities into social life required not only legal changes but also systemic transformations in spatial planning, cultural policy, mechanisms of political participation, and the consideration of intersectional discrimination.

The results also correlated with approaches to assessing physical activity in the context of social stratification, as shown in the work of A. Moreno-Llamas *et al.* (2020), where limited access to recreational practices negatively affected the overall viability and working capacity of persons with disabilities. The study was consistent with the work of H. Steyn *et al.* (2020), which found that even in specialised production workshops, persons with disabilities faced numerous barriers, both organisational and social. The role of employment policy as a moderator of inclusiveness was confirmed in the study by R. Van Der Zwan and P. De Beer (2021), which established that the success of policies directly depended on the comprehensive nature of state support. In summary, it should be noted that the study revealed a whole range of barriers: regulatory, spatial, digital, and sociocultural, which required further systemic transformation. The results confirmed and developed the conclusions of numerous authors on the importance of a comprehensive approach to the formation of an inclusive labour market.

### **Conclusions**

The results of the study made it possible to formulate comprehensive conclusions on the state of the inclusive labour market for people with disabilities in Ukraine, Poland, Germany, and France. The comparative analysis showed that there were significant differences in the level of regulatory support, employers' attitudes, social assistance, and the overall well-being of people with disabilities in the specified countries. The experience of European countries, particularly Germany and France, demonstrated the effectiveness of a systemic approach to inclusion, including the legislative framework, state programmes, financial incentives for employers, and a cultural shift in the perception of disability. For Ukraine, this study was an important source for the

further reform of employment policy for persons with disabilities, the adaptation of European practices, and the creation of a favourable environment for the integration of people with disabilities into the labour market.

The results of the study made it possible to identify significant heterogeneity in the implementation of employment policies for people with disabilities in Ukraine, Poland, Germany, and France. It was established that in countries with developed institutional support mechanisms, particularly in Germany and France, comprehensive systems of technical, financial, and organisational assistance for employers and employees with disabilities functioned. For example, the Integrationsämter in Germany provided long-term support for workplace adaptation, staff training, and quota monitoring, while the French AGEFIPH accumulated employer contributions and funded a wide range of services – from adaptation to professional support. Poland demonstrated a high level of public funding through the State Fund for the Rehabilitation of Persons with Disabilities, but some programmes were implemented in a fragmented way or required modernisation. In Ukraine, fragmentation was found between legislative regulation, administrative practice, and the actual state of employment of people with disabilities in the labour market. It was indicative that only about 17% of people with disabilities were employed, whereas in EU countries these figures varied between 42-51%. Special attention in the study was focused on the analysis of case law on labour disputes. In EU countries, a significant number of precedent-setting cases were identified, concerning both technical adaptation and systemic violations of access to employment. For example, in the case of the Federal Labour Court of Germany (10 AZR 123/19), an employer was obliged to compensate for the refusal to adapt a workplace for an employee with multiple sclerosis. Similarly, in France, the Conseil d'État issued

a decision to remove architectural barriers in a supermarket, and the Supreme Court of Poland recognised as discriminatory the refusal to adapt a workplace for a person with a hearing impairment. All these decisions demonstrated the effectiveness of judicial protection and strengthened the role of supervisory and human rights institutions. In Ukraine, such cases were much fewer, which was explained both by the low level of legal awareness and weak institutional support.

The analysis showed that in most European countries, court cases most often concerned technical or architectural inaccessibility, non-fulfilment of quotas, refusal of support, or discrimination in employment. The data confirmed that institutional effectiveness was directly linked to the existence of specialised structures at the regional level, adequate budgetary funding, as well as clear monitoring and response procedures. An

important role was played not only by regulatory acts but also by established mechanisms of inter-agency interaction, the involvement of public organisations, and financial instruments (subsidies, grants, tax benefits). The prospect of further research was an in-depth analysis of the employment of persons with disabilities with mental and cognitive impairments, which remained an insufficiently studied aspect in the general system of social integration.

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None.

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## Інклюзивний ринок праці: нормативні бар'єри та можливості людей з інвалідністю в Європі

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### Анотація

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Метою дослідження була оцінка нормативних бар'єрів та можливостей інклюзивного ринку праці для людей з інвалідністю в Україні та країнах Європи. У дослідженні було проведено порівняльний аналіз нормативних бар'єрів, аналіз статистичних даних інклюзивного ринку праці, працевлаштування людей з інвалідністю та можливостей працевлаштування осіб з інвалідністю в Україні, Польщі, Федеративній Республіці Німеччина та Франції. В Україні закони "Про основи соціальної захищеності осіб з інвалідністю" та "Про зайнятість населення" встановлюють квоти для працевлаштування осіб з інвалідністю та визначають обов'язки роботодавців, проте контроль за виконанням залишається формальним і неефективним. У Польщі, Німеччині та Франції відповідні закони та нормативні акти передбачають обов'язкові квоти, фінансові стимули, адаптацію робочих місць і чіткий контроль за дотриманням, що забезпечує високий рівень виконання та ефективну інтеграцію осіб з інвалідністю на ринку праці. Виявлено, що в Німеччині найбільша кількість судових позовів стосувалася технічної неадаптованості робочого місця; у Польщі – невиконання квот і відсутність супровідних послуг; у Франції – архітектурних бар'єрів і доступу до ESAT; в Україні – незаконного звільнення за ознакою інвалідності. Встановлено, що ефективність інклюзії значною мірою залежить від координації між державними структурами, роботодавцями та інституціями громадянського суспільства. Результати дослідження засвідчили, що для України пріоритетом має стати створення сталої системи регіональної підтримки, реформування професійної реабілітації, а також посилення контролю за дотриманням трудових прав осіб з інвалідністю. Практичне значення дослідження полягає в тому, що його результати можуть бути використані органами державної влади, зокрема міністерствами соціальної політики та праці, для вдосконалення нормативно-правової бази щодо працевлаштування людей з інвалідністю

**Ключові слова:** соціальна інтеграція; професійна реабілітація; трудова мобільність; доступне працевлаштування; правова адаптація