



## SECTION 1. LEGAL RECOGNITION OF DISADVANTAGED WORKERS, SEVERELY DISADVANTAGED WORKERS AND WORKERS WITH DISABILITIES<sup>1</sup>

### Legal recognition

In Belgium, there is no federal definition of disadvantaged workers<sup>2</sup>.

#### **Flanders:**

There is no legal definition of disadvantaged workers as such. However, some definitions from reports and studies are used as alternatives:

- Trendreport (2020) Challenging groups in the Flemish labour market<sup>3</sup>. It identifies migrants born outside of the EU-28, young people between 15 and 24 years old, NEETs, people over 55, low-skilled workers (i.e., people who do not have an upper secondary educational or vocational qualification) and people with a work-limiting disadvantage due to disability, long-term disease, or illness.
- Department of Work and Social Economy<sup>4</sup> recognises different groups with a distance from the labour market such as unemployed persons, young people, low-skilled persons, people with a migrant background, seniors, etc.

There is no legal recognition of severely disadvantaged workers.

Persons with disabilities are defined by:

- **Decree of 7 May 2004** on the Establishment of the Flemish Agency for Persons with Disabilities (PWDs). It provides the definition of PWDs.
- **Decision of 8 July 2008** of the Flemish Government concerning the Professional integration of persons with a work-limiting disability. It lists the categories of work-limiting disabilities such as PWDs recognised by the Flemish Agency for People with a Disability, persons who have a certificate of Special Needs Education, persons who are entitled to additional child support as a parent with a disability, etc.

<sup>1</sup> Disadvantaged workers, severely disadvantaged workers and workers with disabilities are generally called Workers with Support Needs (WSNs) within the B-WISE project.

<sup>2</sup> The definition of workers are determined on a regional level (Flanders and Wallonia).

<sup>3</sup> De Smet, R., Penders, I., Sourbron, M., Vansteenkiste, S., Boey, R., Van Langenhove, H. & Van Onacker, E., (2020). Trendrapport 2020: Kwetsbare groepen op de Vlaamse arbeidsmarkt. Brussels/Leuven: Departement Werk en Sociale Economie: Steunpunt Werk.

<sup>4</sup> Department of Work and Social Economy of Flanders (2020). Jaarrapport sociale economie 2019 (Annual report on social economy 2019). Brussels: Departement Werk en Sociale Economie. Available at:

<https://www.socialeconomie.be/sites/default/files/documents/Jaarrapport%20SE%202019.pdf>





<p><b>Legal recognition</b></p>	<p><b>Wallonia:</b> Disadvantaged workers are identified by:</p> <ul style="list-style-type: none"> <li>- <b>Decree of 20 October 2016</b> concerning the Agreement on social economy initiatives and the Agreement on the subsidisation of WISEs. It includes the conditions to be considered as disadvantaged workers. To be recognized as disadvantaged worker, there are two mandatory conditions. Furthermore at least one additional condition should be applicable to a person's situation.</li> </ul> <p>Mandatory conditions: they do not have an upper secondary educational or vocational qualification and must be registered as unoccupied job seekers.</p> <p>Additional conditions: they receive an unemployment fee, social integration fee or no income for at least 6 months. They are young people between 18 and 24 years old, persons over 50 years old, single parents, part of under-represented sex in a specific sector, members of ethnic minority with a need of language training, are recognized as having a disability requiring assistance for training or employment, receive a (temporary) salary (equal to the unemployment fee) from the CPAS (Public Centre for Social Action) instead of a social allocation, while gaining experience on the labour market (specific statute: Art. 60).</p> <p>Severely disadvantaged workers are recognised by:</p> <ul style="list-style-type: none"> <li>- <b>Decree of 20 October 2016</b> concerning the Agreement on social economy initiatives and the Agreement on the subsidisation of WISEs. Severely disadvantaged workers do not have an upper secondary educational or vocational qualification, are registered as an unoccupied job seeker, and receive an unemployment fee, social integration fee or they have no income for at least 24 months.</li> <li>-</li> </ul> <p>Persons with disabilities definition is given by:</p> <ul style="list-style-type: none"> <li>- <b>Decree of 6 April 1995</b> on the Integration of PWDs. It recognises PWDs and their rights to work. They are minor or adult with a significant limitation in their capacity for social or professional integration as a result of an alteration in their mental, sensory or physical faculties, which necessitates intervention by society.</li> </ul>
<p><b>Disadvantaged workers definition in comparison with the EU definition as per Regulation 651/2014</b></p>	<p>Although Flemish government reports mention most of the categories defined by the EU Commission Regulation, Flanders has a narrower approach: it uses a stricter definition of most categories.</p> <p>The Walloon definition is slightly different from the EU definition: the category of NEETs is narrower, and Wallonia added the category of people receiving a "salary" from the Public Centre for Social Action. Additionally, one criterion is not enough to be recognized as a disadvantaged worker in Wallonia: there are two mandatory criteria and at least one additional criterion has to apply to a person's situation.</p>





## SECTION 2. LABOUR POLICIES DESIGNED TO INCREASE THE EMPLOYMENT OPPORTUNITIES OF WORKERS WITH SUPPORT NEEDS – WSNs<sup>5</sup>

### Regulatory policies: quota system

<b>Legal source(s)</b>	<ul style="list-style-type: none"> <li>• <b>Belgium:</b> Royal Decree of 5 March 2007 on the Recruitment of PWDs into the federal administrative civil service</li> <li>• <b>Wallonia:</b> Walloon Civil service code of 18 December 2003; Walloon Government Order of 26 February 2015 amending the Order of the Walloon Government of 18 December 2003; Order of the Walloon Government of 7 February 2013 on the Employment of PWDs; Decree of the Government of the French community of 21 December 2000 on the Employment of PWDs</li> <li>• <b>Flanders:</b> no legal framework concerning quota (just a target)</li> </ul>
<b>Target group(s)</b>	PWDs
<b>Employers</b>	<ul style="list-style-type: none"> <li>• <b>Belgium:</b> Federal administrative public service, with the exception of the police, rescue and penitentiary services</li> <li>• <b>Wallonia:</b> Walloon public service, on the level of the Walloon regional administration, the level of the Wallonia-Brussels Federation, the Walloon provinces, the Walloon municipalities and associations of municipalities</li> </ul>
<b>Quotas</b>	<ul style="list-style-type: none"> <li>• <b>Belgium:</b> each department is obliged to employ PWDs for at least 3% of its full-time equivalent (FTE) work capacity.</li> <li>• <b>Wallonia:</b> each public service is obliged to employ PWDs for at least 2.5% of its FTE work capacity. If the quota is not reached, 5% of new recruitments are reserved for PWDs</li> </ul>
<b>Sanctions</b>	No
<b>Alternative measures</b>	No
<b>Evasion rate<sup>6</sup></b>	<ul style="list-style-type: none"> <li>• <b>Belgium:</b> 1.22% at the end of 2020 (only two federal organisations reached/exceeded the 3% quota for PWDs).</li> <li>• <b>Wallonia:</b> n/a</li> </ul>

<sup>5</sup> WSNs are disadvantaged workers, severely disadvantaged workers and workers with disabilities following the B-WISE project

<sup>6</sup> BCAPH Monitoring Committee for the Recruitment of Persons with Disabilities in the federal civil service (2021).

*Evaluatieverslag 2020 (Evaluation report 2020)*. Brussels: BCAPH. Available at:

<https://bosa.belgium.be/sites/default/files/content/documents/annual%20report%20BCAPH%20CARPH%202020%20NL%20final.pdf>





Compensation policies: selected examples		
Typology	Description	Beneficiaries
<b>Incentives for the recruitment of WSNs</b>	Flanders: economic benefits and temporary exemptions/reduction of social security contributions, depending on the circumstances of the disadvantaged worker	Employers hiring people with a work-limiting disability; low-skilled people under 25; people over 58; unemployed for at least 12 months
	Wallonia: economic benefits and temporary exemptions/reduction of social security contributions, depending on the circumstances of the disadvantaged worker	Employers hiring unemployed for at least 12 months; unemployed, low-skilled jobseekers under 25; people over 55 with a low income; PWDs
<b>Funding for training &amp; guidance before recruitment</b>	Flanders: grants for guidance and support at the workplace	Employers hiring PWDs and/or with health issues
	Wallonia: grants for tutoring	Employers hiring PWDs
<b>Funding for the adjustment of the workplace</b>	Flanders: grants for workplace, tools and clothes adaptation	Employers integrating disadvantaged workers
	Wallonia: compensation bonus for workplace adaptation	Employers integrating PWDs
<b>Others</b>	Flanders: funds to solicit an interpreter	People with hearing impairments
	Flanders: financial support for individual professional activity	Self-employed PWDs

Substitutive policies	
<b>Sheltered workshops</b>	Sheltered workshops exist since 1958 with the establishment of the Law on Training, retraining and social retraining of PWDs. Throughout history, all sheltered workshops have transformed into WISEs, the focus being on employment (paying their employees a fair wage) and (to a certain level) on the transition to the open labour market. Nevertheless, in Flanders, some WISEs still train and prepare people who are not ready yet for employment in a WISE or in the open labour market, without paying them a wage. This can be considered as sheltered employment.





## SECTION 3: MAPPING OF WISES

### Typologies of WISEs and workers employed<sup>7</sup>

Typology of WISE	N. of WISEs	N. of WSNs <sup>8</sup> employed	Typology of WSNs employed	Min. % of WSNs required	Predominant model of integration	N. of ordinary workers employed	Main fields of activity <sup>9</sup>
Collective customized jobs (Collectief maatwerk, MW), consisting of productive work integration social enterprises (maatwerkbedrijven, MWB) and departments (maatwerkafdelingen, MWA)	156	23,447	PWDs; long-term unemployed (> 24 months)	65% or 5 FTEs	Permanent	~ 4,800	
Proximity services (Lokale diensteneconomie, LDE) <sup>10</sup>	178	2,635	PWDs; long-term unemployed (> 24 months)	5 FTEs	Transitional	~ 540	C - Manufacturing (metal, electronic, wood, food products, etc.) E - Water supply; sewerage; waste management and remediation activities (materials recovery)
Integration company (Entreprise d'Insertion, EI)	98	~ 6,000	People without a secondary educational or vocational qualification and registered as unoccupied job seekers, with an additional condition (young, old, single parents, part of under-represented sex in a specific sector, members of ethnic minority with a need of language training...)	50%	Permanent	~ 500	N - Administrative and support service activities (cleaning activities; landscape activities; packaging activities)

<sup>7</sup> Atout EI (2021). Fédération des entreprises d'insertion. [Viewed 29 April 2021]. Available from: [www.atoutei.be](http://www.atoutei.be)  
 Departement Werk en Sociale economie (2020). Jaarrapport sociale economie 2019. Brussels: Departement Werk en Sociale Economie.  
 Eweta (2021). Les Entreprises de Travail Adapté. [Viewed 29 April 2021]. Available from: <https://eweta.be/les-eta/>

<sup>8</sup> See the footnote number 5

<sup>9</sup> The codes of the main fields of activity presented in this fiche refer to the NACE code list. The NACE code is a statistical classification of economic activities in the European Community. [https://ec.europa.eu/eurostat/ramon/nomenclatures/index.cfm?TargetUrl=LST\\_NOM\\_DTL&StrNom=NACE\\_REV2&StrLanguageCode=EN&IntPcKey=&StrLayoutCode=HIERARCHIC&IntCurrentPage=1](https://ec.europa.eu/eurostat/ramon/nomenclatures/index.cfm?TargetUrl=LST_NOM_DTL&StrNom=NACE_REV2&StrLanguageCode=EN&IntPcKey=&StrLayoutCode=HIERARCHIC&IntCurrentPage=1)

<sup>10</sup> From July 2023 onwards, MWA and LDE cease to exist in Flanders. There will be a new framework called individual customized work (Individueel maatwerk, IW). This transition should simplify the legislative obligations for WISEs and give more companies the opportunity to employ WSNs. Furthermore, the new legislation wants to strengthen the collaboration between the social economy and the regular economy. It is also easier for WSNs to move from collective customized work, to individual customized work, to the open labour market and back.

