

# Presence and Future of the Professional Rehabilitation System. Propositions of Changes Based on the Analysis of Existing Instruments of Support

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## Abstract

*The subject of the article is the analysis of the most important reasons for low effectiveness of key instruments of social policy in the area of vocational rehabilitation of people with disabilities. On its basis, proposals for changes in social policy were formulated, which could contribute to improving the effects of the implemented policy.*

**Keywords:** vocational rehabilitation, social policy, social problems, sociology of social problems

JEL Classification: I38, J38, J78

## Introduction

In the recent years, a lot of attention has been paid to critical analysis of the Polish rehabilitation system. Series of analyses have been initiated by entities accountable for running policies in this area. The outcomes were mostly critical, and, thus, raised the awareness of the necessity of, if not complete transformation, for sure, a deep modification of policies due to their low efficiency in both social and economic dimension. Public authorities, on the one hand, shared these convictions, but on

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the other hand, they were glad to announce the success of employment policy, emphasizing the constant growth of employment rate. Who is right, then; the next Government Representative for the Disabled, who is referring to the constant growth of employment, or milieus pointing at trading water in achieving goals, and calling for forming a new system? In the article, I will present arguments supporting the fact that the existing form of professional rehabilitation in Poland has exhausted, and propositions of changes, which could solve the crucial problems responsible for decreasing effectiveness of existing solutions.

## 1. Past and Presence. Theorem of Everlasting Failure and its Grounds

In order to assess the system, the crucial factor is to answer the question, if goals in the professional rehabilitation are achieved. If not, is there any chance for that without any profound changes. As B. Gąciarz argues, social policy should build such an integration system for the disabled persons (PWDS), which could offer instruments precisely adjusted to complex life problems of particular categories of PWDS, living in specific communities (Gąciarz 2014). Currently, the crucial regulation for the rehabilitation system uses a simplistic notion of disability, creating solutions, where PWDS are not the subjects, but objects of influence, unable to decide on the character of actions affecting the most important parts of their life.

Some changes in this area have been promised by 'The plan for responsible growth' (Gąciarz 2014), the most significant strategic document of the government. Despite the lack of measurable indicators, and timeframes to achieve goals, it pronounces the creation of a special strategy dedicated to disabled people. The novelty there, is the fact of noticing the need to increase heterogeneity of instrumentation of public services in area of achieving goals by devising individual solutions, which would activate disabled people on the job market, and effective mechanisms to support employers (Uchwała 2013), and implementing to non-financial tools to political instruments. However, it is not assisted by any activities which would change operational goals, and the whole instrumentation to implement policy. This document, still, ranks better in comparison to the previous one *Long-term Strategy of Development of the State Poland 2030 The third wave of modernity* (Uchwała 2017) which sets ambitious goals

in professional rehabilitation, e.g. the growth of employment from 17% to 34%, which would result in employing additional 250 thousand disabled people, however, it did not deploy any new actions to achieve these goals (Skiba 2019). It seems necessary to include in the national strategies the new strategy for the rights of people with disabilities for the years 2020–2030, presented by the European Commission (Strategy 2020). In particular, in the areas directly related to work, i.e. ensuring the possibility of independent living, equal opportunities and non-discrimination, which means equal access to education or employment. Perhaps it will be an incentive to increase the effectiveness of national policies (Czechowski, Wilmowska-Pietruszyńska 2021).

Why are we talking about a failure current policy, since politicians who refer to data of Główny Urząd Statystyczny (GUS, Statistics Poland), or Państwowy Fundusz Rehabilitacji Osób Niepełnosprawnych (PFRON, State Fund for Rehabilitation of Disabled People), are able to announce success? Let us take a closer look at performance of crucial instruments, which are meant to encourage to employ the disabled, distinguished due to their dominance in financial dimension. Two crucial elements are: fees/contributions due to not employing disabled employees, and subsidizing employment of disabled employees. The first one accounts for approx. 80% of income to the system, and the second one accounts for approx. 90% of expenses on professional rehabilitation.

One must admit, that after Poland accessed the EU, the employment rate of PWDS has grown. Moreover, the employment rate also has gone up at entities obliged to cover fees, and receiving subsidies to pay. It has not translated to any growth of employment of PWDS in total, though. Why did it happen? As far as in 2004, after initiating mechanisms of pay subventions, such support was accepted by 36.9% of employees, however, in 2017, it has been granted to 52.2%. Thus, the data about employment do not provide us with positive conclusions to assess effectiveness of pay subventions. The mechanism of pay subventions was constituted by the need of the adaptation its instruments to requirements of the EU, characterized by low effectiveness of employment (Skiba 2015).

Similarly, the lack of influence on employment growth might be observed in case of the second instrument applied in many other countries; obligatory contributions due to not employing PWDS. Especially, on the level of detailed solutions, it is difficult to accept that mechanism as a supporting to the employment growth. As an example, regulation to art. 21 states types of conditions (diseases), where multipliers are applied, decreasing a required limit of employment of PDWS, does not assess the functional state of a particular person and it is based on medical definition of disability, and,

additionally, is based on out-of-date medical knowledge, enumerating HIV as a factor of significant disability, which could be compared, in the light of current standards in Poland, availability and medical results (Obel et al.), to the will of granting analogical rights in the employment policy to people, who are, in fact, fully capable.

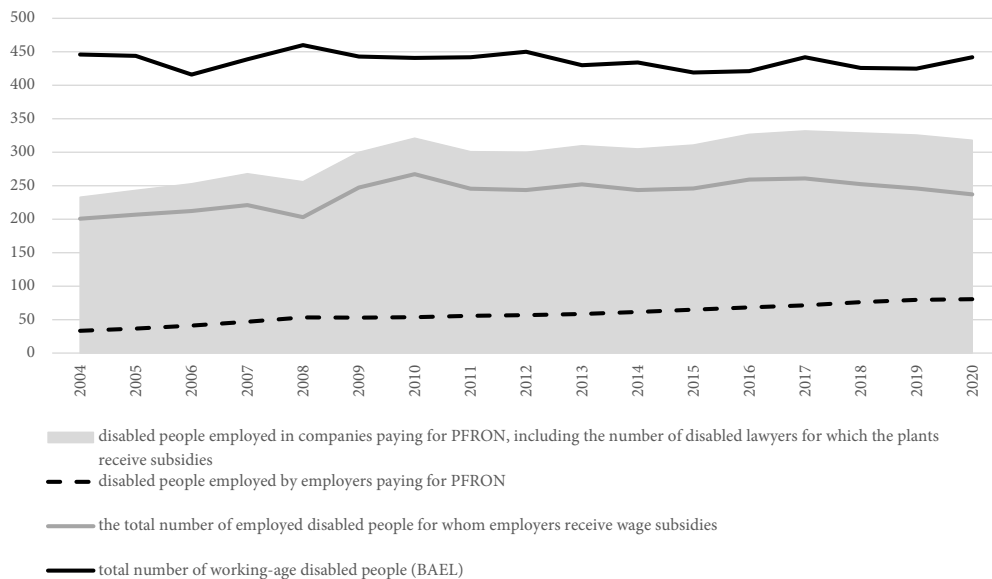
Two instruments mentioned, instead of acting synergically in favour of boosting employment of PWDS, result in 'reversed synergy', reducing effectiveness of the system, and generating expenses on social policy. The form of legal regulations results in the fact, that exceeding the statutory limit not only does exempt entities from paying contributions to PFRON, but allows for receiving subsidies for employees. It fosters the growth of concentration of PWDS employment in entities, which are statutorily obliged to employ defined quota of PWDS, and results in the growth of beneficiaries of pay subventions. As a consequence, along with employment stagnation, the level of social policy efforts increases, calculated as additional expenses (pay subventions), or lost income (obligatory contributions). As far as in 2004, in entities using pay subventions, or obliged to pay contributions, there were employed approx. 52% of people in productive age, however, in 2017, there were more than 75%. However, the last three years have brought a stabilization, and then a slight decrease in the index. Last year, it was only 72% of the total number of employees. The reason seems to be the constant deterioration of the amount of the wage subsidy in relation to the minimum wage and the average wage. This results in the decrease of interest in this instrument for supporting the employment of disabled people, observed since around 2017. In 2020, the total number of lawyers for whom wage subsidies were paid was over 9% lower than in 2017. It is illustrated by the Graph 1.

The question is why the instruments, at least partially effective in other countries, do not bring satisfactory results in Poland? It seems that this is due to ineffective solutions and an approach to defining disability based on medical criteria, without taking into account functional criteria. The consequence of reductive definition of disability is unfair disability certification, and rights arising from them, which as a result allows for employing people functionally capable. In this situation, employers are not interested to hire people with severe disabilities, because with the same level of benefits, these entities would face more expenses.

Especially, significant consequences to assess the policy is dysfunctionality of certification system (Wilmowska-Pietruszyńska 2011), triggering wrong allocation of resources on a great scale, not known yet due to lack of evaluation. The most vivid example, and at the same time, one of the main evidence of wasting financial resources, is continual subsiding of positions and jobs, where employment would

be possible without such support (Skiba 2019). Subsequently, it results in lack of resources to implement the system, and alternative forms of activating people based on evidence, who are functionally, and relatively the most difficult to introduce to the labour market, e.g. people with an intellectual disability, or a mental disease.

**Graph 1. Working PWDS according to BAEL, in comparison to employees covered by the instruments of social policy (data in thousands)**



Source: BAEL (2017).

Another crucial reason is the fact that instruments of PWDS employment policy are dominated by instruments of supporting employers, thus, failing to deliver appropriate quality of public services, or to embrace inactive groups, which are the most difficult to activate. It was connected with a naïve belief that entities, whose statutory aim is to generate income, would voluntarily implement the policy according to the legislator, against their economic interests. Employers, in line with the logic of entrepreneurship, focused on the easiest ways to gain disabled employees, which was simplified due to existing rules of disability certification, especially for the non-annuities purposes. Additionally, instruments of supporting access to the labour market did not remove barriers of employment, including the psychological, and social state of hopelessness, anxiety and low self-esteem connected with lack of professional experience and irrelevant education for the labour market among PWDS. Thus, the

logic of the system was merely in favour of conversion employees into disabled, rather than activating, and employing professionally inactive disabled people. This conclusion is the most important argument in the interest of reforming the system.

## 2. The Outline of Propositions to Change in the Area of Professional Rehabilitation

The above analyses and series of other studies (Gąciarz 2014) point at the need to increase the effectiveness of the system, as well as to increase its social legitimization, which means also taking into consideration voices of PWDS millieus. A postulate to form a new policy is frequently raised. In this context, it is vital to refer to the concept of intelligent social policy by B. Gąciarz, and it is worth referring to the proposition stated by Z. Woźniaka (2008), focusing on persistent implementation of policy based on subsidiarity. There might be a problematic issue of actual readiness of the society to engage in creating solutions in line with this policy. The condition of effective subsidiary policy is the society with a strong ethos grounded on Christian and civil principles. As the studies show, Polish society does not match this description (Czapiński, Panek 2015).

It seems, though, that a complete change of existing elements would be counterproductive. Low effectiveness of the policy is dependent on socio-institutional context, especially, the level of social capital (Putnam 1995), and does not lie a priori in its imperfection. Crucial changes should consider defined grounds of dysfunctionality, in particular, as the analyzed area showed strong characteristics of path dependence, and in the past its reforms did not improve effectiveness (Skiba 2015). A chance to break the pattern: low social capital – low effectiveness of achieving goals of institutions, is a conscious policy- and law- making of such quality, which benefit both building the culture of trust, and at the same time effectiveness (Sztompka 2007). Necessary changes should affect different levels of this structure.

### 2.1. Levels of Meta-Policy

This change can be described as unspecific for this area, as it should consider introducing a new axionormative order to policy. The rule of subsidiarity would reduce decision-

making primacy of central administration, and mechanisms creating social mistrust, which generate excessive regulations, resulting in ritual fixation on procedures. Consequently, it should be supported by executing the rule of decent legislation, so that new regulations get a chance to function in a stable form in a long-term perspective.

How to generate trust instead of mistrust? A good start would be establishing policy based on defining and achieving goals, which are set in consultation with PWDS millieus; and providing more freedom in order to achieve goals to entities responsible for particular levels of policy: governmental administration agencies, self-government, NGOs/self-help groups. Implementing subsidiarity will mean factual decentralization of both the organization of support for PWDS and full automatization in setting goals, which will be held at the level of local communities by involving different social actors (Woźniak 2008). It does equal to weakening the control of spending public resources, in contrary, it will result in its reinforcement. Expenses in last few decades were thought to be reasonable, though they did not result in solving the problem that they were supposed to. The criterion of reasonableness of expenses should be based on effectiveness of taken actions, and its compliance with goals of the policy. Accepting such rules will enforce financing the best methods of rehabilitation, which have proven record of effectiveness by scientific evidence, and social practice (Waddel, Burton, Kendall 2009).

## 2.2. Changes in Instruments of Policy

Introducing adequate disability certification, among others, is one of the most important fundaments of rehabilitation. Resigning from reductory system, based on medical criteria in favour of multi-dimensional functional diagnosis and resulting from it certificates based on classification (ICF 2010), enabling connecting certificates with a process of complex rehabilitation. It seems that basing on this instrumentation will be possible to create a new philosophy of issuing disability certificate, and creating a new cultural meaning of this process, thus, increasing the significance of rehabilitation process. Today, it is treated by the society as a tool to deactivate, labeling, and receiving entitlements in return: annuities, equipment, or public communication. In the new approach, disability certification should be, most of all, a roadmap for the process of rehabilitation. Consequently, received entitlements should serve as a support in this process, and be strictly interconnected. The new disability certification must go beyond the existing function, and history of

its instruments. It seems to be obvious that efficient certification system must include integration of certification for employment purposes and so-called non-annuities certification. This categorization seems to be artificial, which can be proved by the fact that majority of PWDS pay subsidies hold disability certificates for purposes not connected with employment. The above change will allow e.g. breaking the habit of treating every kind of injury or disfunction of body must mean disability, and as a consequence continual subsidy of employment.

### **2.3. Construction of Integrated, Locally Defined Support System for PWDS**

The system of professional rehabilitation should be one of the elements of local social policy in favour of the disabled. In the light of other countries' experience, and the intrinsic nature of problems, applying approach based on subsidiarity is a guarantee of effectiveness (Woźniak 2008). Current centralized system comes rather as an element of support for some employers, or industries, than a tool of professional rehabilitation.

Its elements should be based on institutions of social help, rehabilitation, health care, employment and education centres. They should use common, based on new certification philosophy, methodology of work. Professionalization is required grounded on evaluated patterns of cooperation. The crucial rule should be grounded on a wide range of decision-making competences, and correlated with responsibility, and joint responsibility for final results. Nowadays, modern tools fail due to lack of habit of cooperation between institutions- silos approach. That is what happens in case of e.g. many social contracts, also done in cooperation with the disabled, where automatization is not possible without effective cooperation with employment services (NIK 2013).

A step in the right direction in the Polish rehabilitation system is the implementation of pilot projects in the field of personalized management of the rehabilitation process and the implementation in Poland of institutions necessary for the application of intensive rehabilitation management, which is often a condition for the effective rehabilitation of people with the most severe disabilities. Such an institution is the rehabilitator, whose role is to direct the rehabilitation process in particularly complex cases. An important step is also the implementation of the project of educating specialists in this field<sup>1</sup>. However, after the testing stage, these measures must be

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<sup>1</sup> Currently, the project: 'Implementation of a new model of training specialists in rehabilitation management – as an element of a comprehensive rehabilitation system in Poland' under the Operational



implemented in the rehabilitation and social security system throughout the country (Czechowski, Wilmowska-Pietruszyńska 2021).

The local character of current system of support seems to be apparent in a vast part. It was established in 1999 as a result of the second stage of self-government reform and embraced transferring realization of some actions from branches, and head office of PFRON to district, and province self-government, without an option to create it autonomously, by practice of assigning expenses, established at the level of self-government, to statutory goals established upfront. Most of the existing statutory objectives (rehabilitation holiday, subsidies of sport activities) should become one of the possible tools to achieve goals of enabling disabled to have a normal, and independent life, and allow for their full integration with the rest of the society, realized by constructive individual support.

The starting point to construct support for a particular person with disabilities should be a complex, and functional assessment of their condition, including all vital aspects to provide them with a chance to rehabilitate in order to be capable of getting job, and living independently. Depending on the level of disability, management of rehabilitation process should be implemented with different intensity. Experience of other countries shows that, although connected with higher costs, it brings significantly bigger benefits resulting in achieving goals in rehabilitation, faster start of work, higher work retention, and as a consequence, lower social expenses, and higher income from taxes and contributions (Botti, Hagorn 2014). It requires professionalization of employment services in the area of rehabilitation management. People with dysfunction should be provided with specialized complex rehabilitation centers combining all types of rehabilitation, and other necessary interventions, and professional training. In other cases, which according to data of other systems, account for 80–90% of cases, the function of the entities responsible for realization this policy can be coordinated by a district (powiat). However, the support must be provided closer to the disabled person, and not 'from the office desk' so it is required to change of functioning of PCPR/PUP, and establishing patterns of cooperation with commune services (gmina) and central administration agencies. Creating an appropriate network of support and saturating it with respective competences seems to be the key challenge. Its elements- entities, around which its foundation and development start, should be NGOs, which by accepting assigned goals of public interest will modify their patterns of activity around the best practices of achieving goals. In many communes (gminy), the fundamental role should be played by social help centers,

also due to the fact of low civil activity and lack of NGOs in this area, and which are basic public institutions working with the disabled who mostly require complex rehabilitation, depend on social transfers, and are excluded from the society. It requires a proper merithorical support and development of competences for social workers.

## 2.4. New Roles for PFRON and Social Insurance Institution (ZUS)

Certainly, referring to the previous arguments, out of which the locality of activities is a necessary condition of effectiveness, PFRON cannot play its role as an institution conducting rehabilitation actions. Moreover, contracting services by this entity creates a big distance to places receiving support. This procedure reinforces the institutional dualism – nowadays, the same actions (e.g. catalogue of actions compliant with art. 36 of the act) contracts PFRON, district self-government (powiat), and even province self-government (województwo), additionally, similar actions under the act of public interest is financed also by commune self-government (gmina). It triggers a chaos, and potentially results in ineffectiveness. Thus, nobody coordinates the network of support. PFRON, and widely speaking, central entities, in line with the rule of subsidiarity, should fulfil only these functions, which are not able to be fulfilled effectively by entities of lower level. They are responsible for: collecting resources for financing rehabilitation (art. 21) (PFRON, ZUS or tax offices), running system of certification (ZUS) and also taking actions of increasing effectiveness of local structures in charge of rehabilitation of, e.g. devising database of best practices in cooperation with other scientists, non-governmental organizations, disabled people, foreign partners, conducting trainings, evaluation, controlling, and audit of local structures aimed at effectiveness of its activity.

## Conclusions

Low social and economic effectiveness of instruments to support professional rehabilitation is, similarly as expectations of PWDS millieus, a very important argument to change the policy. Declared realization of formulated postulates in the domestic policy, in such documents as Charter of Persons with Disabilities, is an important argument, and support the idea to start reforms. The most important issue seems to be the fact that, currently, the system does not provide support to people who

require it the most. It occurs due to the fragmentarization of given support (breaking into different types of rehabilitation, health care, social help etc.), lack of approach focused on a particular person, and insufficient flexibility in meeting specific needs. Analysing the new policy in the area of rehabilitation should not, in principle, negate existing achievement, but eliminate the weakest elements, thus, creating efficient mechanisms and coordination of services. As a result, it may turn out, that at the cost of relatively low input of resources, we are able to achieve much better performance.

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