**Disability:IN Global Directory**

**Germany**

**Disability Definition**

Persons are considered “disabled” if their physical functions, mental capacities, or psychological health are highly likely to deviate for more than six months from the condition which is typical for the respective age and whose participation in the life of society is therefore restricted. Anyone over 50% disabled is considered “severely disabled”. Degree of impairment is determined according to a list of impairments and diseases and according to guidelines prepared by a group of medical and legal experts. Classifications may differ at the regional level.

Autism is automatically classified at 30% disabled.

**Legislation**

2006 General Equal Treatment Act

Protects people with disabilities from employment & workplace discrimination

As this law transposed a European directive into German law, the concept of ‘disability’ must be understood in light of the European directive as referring to a “limitation which results in particular from physical, mental or psychological impairments and which hinders the participation of the person concerned in professional life”.

Federal “Integration Offices” are located in all states as a resource to workers and employers. Employees with qualifying disabilities are protected from dismissal (termination) until their employer obtains the consent of the integration office prior to dismissal. The local Integration Office examines all types of assistance which might ensure the continuation of the employment. Consent to dismissal is granted if, after considering the interests of both sides, continued employment of the person is deemed not possible or not acceptable.

To enhance their mobility, workers with qualifying disabilities can receive allowances or tax deductions to acquire personal motor vehicles, cost refunds if car pools are used, or free access to public transport.

Reference: [2006 General Equal Treatment Act](https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/EN/publikationen/agg_wegweiser_engl_guide_to_the_general_equal_treatment_act.pdf?__blob=publicationFile#:~:text=The%20objective%20of%20the%20General,%2C%20age%2C%20or%20sexual%20orientation.&text=Employers%20have%20legally%20mandated%20organisational%20obligations.)

**Employer Requirements**

Meet a 5% quota for those with severe disabilities (employers with 20+ employees). Businesses that do not comply with this obligation must pay a scaled compensatory levy.

Ensure employees with severe disabilities (at workplaces with five or more employees with disabilities on staff) have the right to elect ombudspersons to advocate for them.

Accommodate the specific needs of employees with disabilities (government subsidies for doing so are available)

Employers can apply for compensation for providing probationary employment and internships for persons with disabilities. Germany has also increased its enforcement of non-discrimination policies toward people with disabilities in the workforce.

Persons with disabilities are protected from employment and workplace discrimination. This covers direct and indirect discrimination, harassment, job advertising and hiring. Employers are liable for lost compensation and damages should discrimination be proved.

Annual report to the competent employment agency by March 31st at the latest; Payment of compensatory payment to competent integration office by March 31st at the latest.

Annual compensatory payment for each mandatory job for a disabled person which was not staffed accordingly =125 Euros if quota of disabled employees is between 3-5%; 220 Euros if quota of disabled employees is between 2-3% and 320 Euros if quota of disabled employee is <2% “Ask disability status information during Application stage, After offer has been made, After employment commences:: • yes, but only if this information is strictly required for the job in question In Germany companies of a certain size are legally required to have a certain percentage of disabled employees.

**Accessibility Requirements**

Employers may apply for subsidies from the government for implementing barrier-free workplace designs or providing accommodations or other assistance to works.

On July 17, 2002, the Federal Ministry of the Interior, along with the Federal Ministry of Labor and Social Affairs, issued an ordinance on the Creation of Barrier-Free Information Technology in accordance with the Act on Equal Opportunities for Disabled Persons. The German name of this ordinance is Barrierefreie Informationstechnik-Verordnung and it is commonly referred to by its acronym, BITV.

The aim of the ordinance is to ensure that people with disabilities can have access to all Internet content and services provided by German federal institutions. As part of the requirements, the federal government agencies and departments must ensure that all websites, web applications and software applications are built in an accessible fashion. Conformance with the BITV is determined by using the BITV test, which provides a set of validation steps for determining if a site conforms to the BITV requirements. The BITV conformance requirements are based upon the WCAG 1.0, however, the BITV standards are currently being updated to harmonize with WCAG 2.0.

While the BITV requirements only apply to German federal government web sites, the government does encourage state and local agencies and commercial providers to build websites and services in a manner that is accessible.

European Accessibility Act The European Parliament and the Council came to a provisional agreement on the Commission’s proposal for a European Accessibility Act on 8 November 2018.

**Cultural Norms**

A cultural tendency to separate work life from personal life might make it hard for employees with disabilities to talk about their disabilities in the workplace.

**Insights**

 Of people with disabilities who haven’t disclosed a disability at work, 45% say that they have not told others because it’s “none of my colleagues’ business” (vs. 36% in the U.S.). Meanwhile, 49% of people with disabilities that were surveyed in Germany (vs. 29% in the U.S.) say they downplay or avoid drawing attention to aspects of their identities by avoiding mentioning their lives outside of work

There are currently roughly 700 sheltered workshops for persons with “severe” disabilities in Germany employing approximately 280,000 people. Qualified workshops for persons with disabilities are to be preferentially taken into account when awarding public contracts. A little over a decade ago, the national government clarified the sheltered workshop regulations to a more “person-centered” approach, requiring that participants are individually assessed for capacities and support needs, as well as supporting the creation of “workshop councils” to give voice to these disabled employees. The government considers sheltered workshop to be transitional only for job holders who can transition to the open labor market, and regards that there is a population that will never have the capacity to work outside of sheltered workshops, and that to work in a sheltered workshop is a right of the severely disabled.

Training and support in work, protecting the right to employment for people with severe disabilities, and legally defined special allowances in the workplace (tax relief, a parking badge, and protection against dismissal) are all available (Sainsbury & Coleman-Fountain, 2014). Germany’s social services subsystem offers vocational training centers for youth with disabilities, re-training centers for adults, and integration centers that help individuals with severe disabilities identify and maintain employment, move from training centers to work, and liaise with employers to moderate accommodations and special dismissal procedures.

Germany signed the Convention of Human Rights of Persons with Disabilities in March 2009

**Supplier Diversity**

Certification is in place for women-owned business enterprises (WeConnect).

**Talent Sourcing Resources**

[BNW](https://www.bnw.de/) (Training Center for Economic Development) and the Business Network for Inclusion (Bildungswerk der Niedersächsischen Wirtschaft and Unternehmens-Netzwerk Inklusion) BNW has a mission of broad workforce development, including immigrants, youth, and people with disabilities. BNW supports small and medium-sized enterprises in workforce inclusion in the primary labor market, employers are guided through the German legal regulations to develop sustainable inclusion strategies. The project is exploring development of a permanent, nationwide advisory network for employers on inclusion.

[Alster Work (Alsterarbeit)](https://www.alsterarbeit.de/start) Hamburg-based non-profit social enterprise that provides various forms of employment for people with disabilities. The organization supports people both with and without disabilities to find employment and works with companies to supply an inclusive workforce. Alsterarbeit’s ISA works to facilitate inclusion strategies so that people with and without disabilities truly work together.

[BAG-UB](https://www.bag-ub.de/) – The German Federal Agency for Employment: Since its founding in 1994, BAG UB has been campaigning nationwide for the dissemination of the concept of Assisted Employment in order to provide people with disabilities with opportunities on the general employment market. BAG UB represents the interests of all stakeholders to the principles of supported employment: people with disabilities, their supporters, (integration) specialist services and other providers for participation in working life, schools and the disabled (self-) help.

[Bethel](https://www.bethel.de/english) – In the workshops of the v. Bodelschwingh Foundations Bethel find people with disabilities possibilities of education, employment and rehabilitation. Integration companies and integration specialist services provide disadvantaged people to the general job market. Long-term unemployed people can take part in vocational training measures in the workshops. Bethel plays a special role in helping people with epilepsy. The Vocational Training Center is still the only one that specializes in training young people with epilepsy. Meanwhile, disabled and mentally ill people are also included here.

**Additional Resources**

[The Corporate Forum (UnternehmensForum)](https://www.unternehmensforum.org/) Corporate members of the Forum develop their own projects and action plans to promote the training, employment or retention of people with disabilities, with the Corporate Forum’s technical assistance. This group’s technical assistance includes supporting member strategies of retaining and returning employees to the workplace after an injury or a chronic disease. The Forum also hosts an annual conference, usually in April, that includes an Inclusion Prize.

[The Institute Human, Ethics and Science (IMEW](https://www.imew.de/eng/about-the-imew)) IMEW is a policy think tank focused on people with disabilities and chronic illness in science, politics and society.

[REHADAT REHADAT](https://www.rehadat.de/en/) is an online resource of the Cologne Institute for Economic Research and is sponsored by the Federal Ministry of Labour and Social Affairs.

[Dialogue Social Enterprise](https://www.dialogue-se.com/) focuses on fostering broad social inclusion of “disabled, disadvantaged and elderly people” through exhibitions, workshops, and events worldwide. While not focused experts on employment, they do include attention to the “economic conditions of handicapped people, especially blind, visually and hearing impaired people.” They seem to do a lot of those immersion experiences, where participants emulate the experience of blind or Deaf people to foster empathy.

[Weibernetz e.V](https://www.weibernetz.de/startseite.html). – Nationwide Network from Women, Lesbians and Girls with disabilities – is a non-profit-association and has been established in 1998 by women with different disabilities and most of the Länder-networks and coordination centres of women with disabilities as a nationwide body. Weibernetz is part of the independent-living-movement of disabled peoples. Learn more:

[The BRK-Allianz](http://www.brk-allianz.de/) was founded in January 2012, with the purpose of participating in the review of the State report on the implementation of the UN CRPD in Germany List of 78 NGOs in the German CRPD Alliance.

[Diakonie Neuendettelsau](https://www.diakoneo.de/) – Directorate Services for People with Disabilities

[European Disability Forum (EDF)](https://www.edf-feph.org/) is an independent European non-governmental organization (ENGO) that represents the interests of 50 million disabled people in the European Union and stands for their rights. It was created in 1996 and is based in Brussels.

**References**

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