GUIDANCE AND INFORMATION SERVICES FOR LESS-ABLED WOMEN:
A EUROPEAN STUDY AND NETWORK

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Desk Research Report
**Executive Summary**

This desk research of the GISELA project analyses and describes the regulatory framework and basic conditions for vocational integration as well as existing guidance and placement services for people with disabilities with a focus on equal opportunities for women with disabilities in Germany. The outlined chapters of this report shall later result in a comparative report of the research work of all project partners. The main results of this first step of national research can be summarised as follows:

**In Germany ongoing socio-political efforts to create working opportunities for people with disabilities can be stated.**

- High political priority is given e.g. to an improved transition from sheltered workshops to the general labour market as well as to the counselling and direct involvement of employers enforced by amendments of the Social Security Code IX (SGB IX) covering matters of rehabilitation and participation of people with disabilities.
- Best practise examples of the accompanying initiative “jobs without barriers” show that the employment of people with disabilities can be promoted effectively by concerted activities of all stakeholders in economy, social insurances, employee- and disability organisations.
- On the other hand the fact of 35.000 employers (28%) don’t provide any job for people with disabilities has to be stated, causing doubts about the effects and sustainability of the described initiative.
- The German labour market is characterised by increasing qualification and efficiency requirements of available jobs and crowding-out effects of less qualified persons (“easy tasks workers”). The importance of comprehensive and job-tailored qualifications for accessing gainful employment is growing.

**Gender mainstreaming is enforced by the existing disability legislation.**

- A legislative background for improved participation of women with disabilities into working and professional life is already given sufficiently in Germany.
Methods of "gender mainstreaming" are used at least somehow. E.g. the furthering quota for women with disabilities in proportion to their share of unemployment as claimed by §8 (2) of the Social Security Code III (SGB III) is already fulfilled.

Most of the other tools suggested by legislation are rarely implemented so far. Examples of lacking implementation to be mentioned are:

- Appropriate services considering the living conditions of women with disabilities and the compatibility of family and job are hardly developed (§1, §104 SGB IX).
- Integration agreements defining specific regulations e.g. a company related employment quota for women with disabilities are not used so far (§83 (2a) SGB IX).
- There is a lack of part-time training and working sites being at close quarters (§33, §81 (5) SGB IX).

Guidance and placement services for the specific needs of people with disabilities do exist countrywide. They are offered by the federal labour agencies, offices for integration, expert services for integration, statutory accident insurance, self-help organisations and other private service providers. Concerning the specific needs of women with disabilities related to guidance and placement services the following can be stated:

- An employment rate of 44.4 % of the disabled women with good vocational qualifications in 1999 points at restricted access to gainful employment and existing placement problems of this target group.
- It has been observed, that guidance and placement services for women with disabilities following measures of vocational rehabilitation directly are highly effective.
- Women-specific guidance services are not common. A lack of knowledge and awareness towards the specific problems and needs of women with disabilities (e.g. less self-confidence, work experience often missing, compatibility of family and job, poverty) in most guidance services can be stated.
- There is no formal qualification of guidance experts for women with disabilities so far.
TITLE: DESK RESEARCH –Guidance Services Survey

DESCRIPTION OF THE DOCUMENT: This document is the final version of the desk research about national context, social and legislative background on disability and survey of guidance services in Germany.

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1 CONTEXT OF RESEARCH

1.1 GERMAN PANORAMA

1.1.1 Surface area.
The total territory of Germany is 357050 km²\(^1\). The statistical data from 2004 regarding the use of total floor space points out 189324 km² (53%) agricultural area, 106488 km² (29.8%) forest area, 8279 km² (2.3%) inshore waters and 45621 km²(12.8%) settlement and traffic area.\(^1\)

1.1.2 Institutional set-up.
Germany is a democratic parliamentary federal republic, a federation of 16 partly-sovereign member states. The Federal Republic of Germany is a very complex entity. It consists of a central federal government and central administration, located in the capital Berlin. Some ministries are still at least partly located in the federal city Bonn, which had been capital before the reunion in 1990. In addition there is a complete political and administrative system in each of the federal states. The 16 federal states of Germany resemble centralized states which in certain political spheres act independently inside the federation. The German constitution (Grundgesetz) prescribes in detail the different areas of responsibility of the federal government and the federal state governments. An improved harmonisation of these responsibility areas is intended by current federalism reformation efforts.

Aim of the federalism is to combine the advantages of a central state with those of a federation of states. The Federal President is the head of the state, who is elected by the federal assembly which consists of members of the "Bundestag" and the federal state parliaments in equal shares. Besides performing representative tasks he/she is in charge to ratify new legislation with his signature. Federal executive power is actually carried out by the federal government with the chancellor as the head of the government in the lead. The legislative power is carried out by the two chambers of parliament, the "Bundestag" and "Bundesrat". The Federal Constitutional Court, holding judiciary power controls the constitutional accordance of the activities of all federal political entities.

The federal Republic of Germany is a member state of the United Nations, NATO, the G8 and the G4 nations and is a founding member of the European Union.

1.1.3 Population.
Germany has 82.5 million inhabitants (42.2 million female) and is the most populous EU member state. With 231 inhabitants per square kilometre Germany is one of the most densely populated countries in Europe. Around 7.3 million foreigners (8.8% of the total population) live in Germany. 14% of the population is less than 15, 19% more than 65 years old.2 “The ratio of young people in the overall population is decreasing, that of elderly people rising.”3
Within the next decade the ratio between people of an employable age and persons over the age of 60 will already be less than 2 to 1. “The ageing of society is one of the greatest challenges facing welfare and family policy”.4

1.1.4 Main productive sectors.
Germany is the largest European economy and the third largest economy in the world in real terms, placed behind the United States and Japan. According to the World Trade Organization Germany is also the world's top exporter, ahead of the USA and number two in the world regarding to imports. Currently (2005) Germany has the largest trade surplus of all countries in the world5
The exporting of goods is an essential part of the German economy and one of the most relevant reasons for Germany's wealth. However the domestic demand has stagnated for many years due to rising unemployment, wage stagnation, high tax revenues, increasing social security costs and cost-cutting by the federal states. Consequently the economical and political discussion in Germany today concentrates on whether Germany needs further "market reforms" such as deregulation of the labour market, more low income jobs and lower taxes for enterprises and employers.
The main productive sectors are the service sector, machine construction, automobile industry, energy industry, medical technology, chemical industry, building industry, telecommunication and in the last years the new market of solar and wind power. “Alongside

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2 Federal Foreign Office 2006, 9
3 Federal Foreign Office 2006, 127
4 Federal Foreign Office 2006, 127
internationally active corporations, SMEs form the backbone of the German economy. Around 70% of all employees work in small and medium sized enterprises.”

2 METHODOLOGY USED
This report is the outcome documentation of FTB’s work in the project phase 1a of the GISELA project. The methodological approach as well as the structure of this report was mainly specified by “IRS Europa” being the coordinating partner of this project. For the accomplishment of the guidance services survey on hand the following methods have been used:

- Literature survey covering the social, legislative and political context of vocational rehabilitation, integration and current guidance services for people with disabilities with a focus on the specific situation of women with disabilities
- Survey of several internet sources: For enlightening the sociological background the web appearance of the federal foreign office turned out to be especially useful. The web pages of several self-help organisations have been scanned in order to obtain addresses and further contacts to organisation and experts coping with issues of access to training and employment for women with disabilities.

3 DISABILITY IN EUROPE AND IN GERMANY: FOCUS ON WOMEN

3.1 DISABILITY IN GERMANY

3.1.1 Definition of disability
Who is considered to be disabled highly depends on values and perception of the society. In the context of national legislation and official statistics different definitions of disability exist. In German legislation disability (in German: Behindernung) as a generic term has been used for the first time in the federal welfare act (BSHG) in 1961. Most commonly disability is defined by reduced capacities compared to the average of the society and its orientation at the “mostly male” category of earning capacity. Reproductive and family work wasn’t taken

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6 Federal Foreign Office 2006, 11
much into account for a long time. Early statistics hardly noticed women being disabled, because the focus was on war invalids from world war two being men for the most part.

In the German severe disability legislation the grade of disability, measured by the number and kind of impaired body functions and the reduction of earning capacity are used rather synonymous. To be approved as severely disabled a person’s grade of disability has to be at least 50, resulting in a reduction of earning capacity of 50%. Benefits are e.g. free public transport, car adaptation, adaptation of the workplace, grants for employers and employees, financed by the severely disabled equalisation levy. The grade of disability respectively the reduction of earning capacity is recorded in the severely handicapped pass, people with disabilities can claim for at the regional pension office.

A most common definition referring to current rehabilitation legislation is given by the social Security Code IX (SGB IX), being geared to the bio-psycho-social model of the International Classification of Functioning, Disability and Health (ICF) of the World Health Organisation (WHO). “According to section 2(1) of Book 9 of the Social Code, ‘disabled persons’ are persons whose 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.” Participation in the different areas of social life not the physical deficit is in the focus of interest of this definition. All persons with such a non-temporary restriction of participation or the risk to suffer restricted participation are considered to be disabled. A modern view on disability following the participation model also has to take into account, that disability can be regarded as a medal with two sides: being disabled on the one hand and getting disabled by e.g. social discrimination or non accessible environment on the other.

### 3.1.2 Disability in figures

The latest statistical data of persons with severe disabilities [owners of a severely handicapped pass with a disability grade of at least 50] dates from December 2003. An

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7 Schildmann 2003, 30  
8 Schildmann 2003, 31-32  
9 Behinderung und Ausweis 2002, 89  
10 See chapter 3.2.3  
11 This pass serves as proof of the disability and enables the person to claim handicap benefits  
12 SGB IX 2005, § 69  
13 See: http://www3.who.int/icf/onlinebrowser/icf.cfm
overview to the spreading on different age groups and gender and their share in the population is given by table and figure 1.

<table>
<thead>
<tr>
<th>age from to under years</th>
<th>male</th>
<th>female</th>
<th>total</th>
</tr>
</thead>
<tbody>
<tr>
<td>under 4</td>
<td>8,622</td>
<td>6,654</td>
<td>15,276</td>
</tr>
<tr>
<td>4 - 6</td>
<td>8,615</td>
<td>6,270</td>
<td>14,885</td>
</tr>
<tr>
<td>6 - 15</td>
<td>54,778</td>
<td>39,046</td>
<td>93,824</td>
</tr>
<tr>
<td>15 - 18</td>
<td>23,491</td>
<td>16,940</td>
<td>40,431</td>
</tr>
<tr>
<td>18 - 25</td>
<td>61,790</td>
<td>44,419</td>
<td>106,209</td>
</tr>
<tr>
<td>25 - 35</td>
<td>117,902</td>
<td>92,504</td>
<td>210,406</td>
</tr>
<tr>
<td>35 - 45</td>
<td>257,888</td>
<td>218,604</td>
<td>476,492</td>
</tr>
<tr>
<td>45 - 55</td>
<td>408,548</td>
<td>361,958</td>
<td>770,506</td>
</tr>
<tr>
<td>55 - 60</td>
<td>318,437</td>
<td>249,888</td>
<td>568,325</td>
</tr>
<tr>
<td>60 - 62</td>
<td>187,735</td>
<td>132,249</td>
<td>319,984</td>
</tr>
<tr>
<td>62 - 65</td>
<td>362,644</td>
<td>234,308</td>
<td>596,952</td>
</tr>
<tr>
<td>65 and over</td>
<td>1,674,891</td>
<td>1,750,661</td>
<td>3,425,552</td>
</tr>
<tr>
<td>total</td>
<td>3,485,341</td>
<td>3,153,551</td>
<td>6,638,892</td>
</tr>
</tbody>
</table>

Table 1, fig. 1: statistical overview of persons with severe disabilities in Germany 2003

In December 2003 about 6.6 million people have been acknowledged severely disabled, which is an average share of ca. 8 % in the total population. More than 3 million are women (47.5 %), 900,000 of them live in the federal state of North Rhine-Westphalia [NRW]. 3.4 million (51.6 %) of the total number are 65 years and older, the only age group where women are in superior number. Nearly 1 million women with severe disabilities are of employable age (15-60 years).

According to the analyses of the federal statistical office the number of persons with severe disabilities has increased within recent years. The data of 2003 points out an increase of 3 % (273,000 persons) compared to 1999. About 1.6 million (25 %) had a disability grade of 100. Two-thirds (67.4 %) of the people registered in 2003 had a physical disability, 8.8 % a mental deficit, 5.2 % were visually impaired or blind, 4.1 % had a speech disorder or a hearing loss.
3.1.3 Working situation
As table 2 shows, in 2004 794.800 persons with severe disabilities have been employed on monthly average, resulting in an employment rate of 4.1% of all working places in companies with 20 and more employees. Though the quota increased a little in relation to 2003, the legal requirements of 5% employees with disabilities were not fulfilled yet.\(^{18}\) The number of public or private sector employers being obliged to employ disabled persons decreased about 6.1 per cent compared to 2003. Altogether 123.972 subdivided into 113.661 private and 10.311 public employers were registered in 2004 (column 1). The employment quota in the private sector amounts to 3.6% and in the public area up to 5.6% (column 9)\(^{19}\)

<table>
<thead>
<tr>
<th>Art des Arbeitgebers nach ausgewählten Merkmalen</th>
<th>Bundesrep. Deutschland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art des Arbeitgebers</td>
<td>Arbeitsplätze</td>
</tr>
<tr>
<td></td>
<td>insgesamt</td>
</tr>
<tr>
<td></td>
<td>gesamt</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Öffentliche Arbeitgeber</td>
<td>02</td>
</tr>
<tr>
<td>Oberste Bundesbehörde</td>
<td>03</td>
</tr>
<tr>
<td>Bundesbehörden § 159 (1) SGB IX</td>
<td>04</td>
</tr>
<tr>
<td>Oberste Landesbehörde</td>
<td>05</td>
</tr>
<tr>
<td>sonstiger öffentlicher Arbeitgeber § 159 (1) SGB IX</td>
<td>06</td>
</tr>
<tr>
<td>sonstiger öffentlicher Arbeitgeber § 159 (1) SGB IX</td>
<td>07</td>
</tr>
<tr>
<td>Insgesamt</td>
<td>08</td>
</tr>
</tbody>
</table>

Table 2: Employers according to selected characteristics\(^{20}\)
As table 3 points out in absolute numbers, only 41% of all registered employed persons with severe disabilities in 2004 were women (59% men).

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18 In Germany any public or private-sector employer with minimum 20 employees is obliged to employ severely disabled persons at a quota of at least 5% (§71 SGB IX). If not, employers have to pay the so called “severely disabled equalisation levy”, a monthly tax of 105 to 260 Euro (§77 SGB IX) for each workplace falsely occupied by a person without disability. With the revenues from this tax certain measures and institutions promoting employment of people with disabilities are funded (§§77 & 78 SGB IX).

19 Statistic data from: Federal labour agency 2004; Statistik aus dem Anzeigenverfahren ...

20 Source: Federal labour agency 2004; Statistik aus dem Anzeigenverfahren ..., T1
Beschäftigte Schwerbehinderte nach Geschlecht, Alter, Personengruppe, Mehrfachanrechnung

<table>
<thead>
<tr>
<th>Alter, Personengruppe, Mehrfachanrechnung</th>
<th>Insgesamt</th>
<th>Männer</th>
<th>Frauen</th>
</tr>
</thead>
<tbody>
<tr>
<td>gemeldete Personen insgesamt</td>
<td>01</td>
<td>764.701</td>
<td>451.261</td>
</tr>
<tr>
<td>unter 15 Jahre</td>
<td>02</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>15 bis unter 20 Jahre</td>
<td>03</td>
<td>2.850</td>
<td>1.661</td>
</tr>
<tr>
<td>20 bis unter 25 Jahre</td>
<td>04</td>
<td>9.847</td>
<td>5.497</td>
</tr>
<tr>
<td>25 bis unter 30 Jahre</td>
<td>05</td>
<td>18.003</td>
<td>9.763</td>
</tr>
<tr>
<td>30 bis unter 35 Jahre</td>
<td>06</td>
<td>37.402</td>
<td>21.101</td>
</tr>
<tr>
<td>35 bis unter 40 Jahre</td>
<td>07</td>
<td>69.056</td>
<td>39.543</td>
</tr>
<tr>
<td>40 bis unter 45 Jahre</td>
<td>08</td>
<td>101.522</td>
<td>59.366</td>
</tr>
<tr>
<td>45 bis unter 50 Jahre</td>
<td>09</td>
<td>128.588</td>
<td>74.314</td>
</tr>
<tr>
<td>50 bis unter 55 Jahre</td>
<td>10</td>
<td>166.500</td>
<td>94.657</td>
</tr>
<tr>
<td>55 bis unter 60 Jahre</td>
<td>11</td>
<td>171.878</td>
<td>104.660</td>
</tr>
<tr>
<td>60 Jahre und älter</td>
<td>12</td>
<td>58.543</td>
<td>40.394</td>
</tr>
<tr>
<td>Alter unplausibel</td>
<td>13</td>
<td>504</td>
<td>302</td>
</tr>
</tbody>
</table>

Table 3: Employed Severly disabled persons according to age and gender

At the age of 25 up to 44 years people with disabilities are most frequently employed (employment rate of 72%). According to the federal statistical office 75% of all men and 68% of all women with disabilities of this age group are employed. According to a study on behalf of the federal ministry for family, seniors, women and youth (BMFSFJ) in 1999 only 44.4 per cent of the disabled women with good vocational qualifications were employed. The unemployment rate of people with severe disabilities has been at 16.4% in 2004 with an average duration of 12 months.

On the open labour market people with disabilities generally work in all professional guilds, e.g. as manual workers, clerical workers, public service officers and self-employed. They have jobs in policy, administration, culture and art, handcraft, medicine and other kinds of business. Annex 2 offers information about the distribution of employed people with severe disabilities over different economy areas. The table shows, that most jobs for people with disabilities can be found in the sectors industry and public administration (column 7).

The "Mikrozensus 2003" states that people with disabilities are primarily employed in the service sector. Women with disabilities often work in the education and healthcare sector as

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21 Source: Federal labour agency 2004; Statistik aus dem Anzeigenverfahren ..., T6
22 Statistisches Bundesamt Wiesbaden 2004, 1184-1185
23 BMFSFJ 2000, 10
25 By means of this desk research data about the number of open ended and temporary contracts as well as information about part and full time jobs for people (women) with disabilities could not be found.
26 Statistisches Bundesamt Wiesbaden 2004, 1185
well as in distributive trades and gastronomy. Concerning their occupation preferences there is not much of a difference compared to women without disabilities.\textsuperscript{27}

People with disabilities with lower qualifications are quite often employed in jobs with so called “simple tasks” requiring fewer skills. People with physical disabilities often do administrative/office work with reduced physical requirements. But the “classical” low qualification jobs like desk officer, typist, mail allocator, etc. are running short because of the cumulative use of automatisation technologies and process optimisation. Other reasons may be that simple tasks nowadays are changing quite fast and require more specific qualification then they did in the past.\textsuperscript{28} But the increasing use and importance of modern ICT in all fields of the economy offers new employment chances for people with disabilities, too. With respect to the lack of qualified personal due to the demographic development in Germany, branches which are supposed to provide job perspectives for people with disabilities are the service sector (e.g. banking, call centre, media, tourism), and the ICT branch itself\textsuperscript{29}.

The number of disabled persons employed in presently 640 state-approved sheltered workshops increased from 50,000 in the year 1974 up to 215,000 at the end of the year 2001 and rises continuously. Sheltered workshops offer suitable jobs for persons who are permanently or temporarily unable to find employment on the open labour market due to the nature of severity of their disability. 42\% of the workshop employees are women.\textsuperscript{30}

One important instrument to promote employment for people with disabilities, bridging the gap between sheltered workshops and the open labour market is given by so called integration projects\textsuperscript{31}. These projects are market oriented companies with a high employment rate of people with disabilities (25-50\%). The jobs for disabled persons are temporary and partly funded by the integration offices. There are about 700 companies all across Germany with ca. 26,000 employees, half of them with a disability\textsuperscript{32}

3.1.4 School and training integration

Beside the standard schools the primary and secondary education sectors have different integrative school types (there are some conceptual and structural differences between the

\textsuperscript{27} BMFSFJ 2003, http://www.einmischen-mitmischen.de/erwerb/struktur.html
\textsuperscript{28} Abicht 2002, 24
\textsuperscript{29} Abicht 2002, 28-32
\textsuperscript{31} SGB IX 2005, §132ff
federal states) for the furthering of children with disabilities with a handicap specific approach. There are e.g. schools for children with a physical handicap, with learning disabilities, special schools for visual impaired and blind and for children with auditory and language restrictions.33

In General the German system of vocational education and training is a dual one with two different training sites: school and company. Not everyone is able to access this kind of formal training. For a number of young people with disabilities the training and assessment requirements of dual system vocational qualifications are too high. Moreover dual system VET has high mobility requirements and rarely offers accessible training sites. To ensure the right to acquire a first vocational qualification, Germany has built up a network of 52 vocational training centres with a total capacity of about 14,000 trainees offering formal training in 200 different occupations34. These special training centres for vocational rehabilitation are either private funded or run by national charity-associations or the federal state social administration. Other providers of vocational rehabilitation are:

- Vocational furtherance centres: formal vocational training for people with acquired disabilities already qualified in some occupation.
- Centres for medical-vocational rehabilitation: informal vocational training beside medical rehabilitation covering vocational determination, preparation and adaptation.

Case dependent these vocational training measures are normally funded by the national labour agency, by the statutory pension insurance or by the statutory accident insurance. The integration in education and training is supported by a big number of accompanying services in terms of medical checkups, care, assistance, physio- speech- occupational- and other therapy, social and vocational guidance and adaptation of equipment.

3.1.5 Social participation and integration of people with disabilities.

With the implementation of the Social Law Code IX (SGB IX) in 2001 certain additional benefits for social participation of people with disabilities, are covered for the first time in German legislation without consideration of income or assets. These benefits are not related to medical rehabilitation or to ensure ones living. They are meant to support persons with

32 Pothmer 2006
33 http://www.schulweb.de/de/hilfe/schularten_de.html?anzeige=m
34 http://de.wikipedia.org/wiki/Berufsbildungswerk
highly restricted social participation e.g. because of very severe impairments to lead a self-determined life under self determined housing conditions, to have access to social and cultural life, to facilitate communication and to acquire practical skills related to social participation. Though politically intended and highly promoted by current legislation, social participation of people with disabilities in the sense of comprehensive equality in the different spheres of social life isn’t realised yet. The public sector has become more and more accessible in the recent years and to encounter disabled people in different social contexts has become quite normal. But still there are many barriers in built environment, in the technologies used in daily life and in the minds and attitudes of all citizens to overcome.

Important persons and associations for the promotion of equal opportunities and social participation of people with disabilities in Germany are:

- Handicap commissioners of the federal and federal state governments influencing political decisions and accompanying actively legislation as far as matters of equality and participation are affected
- Self-help associations representing groups with different kinds of disabilities on local, federal state and federal level with the “Federal Working Committee Self-Help” (BAG Selbsthilfe) as an umbrella organisation
- “Aktion Mensch” is a state wide organisation for the promotion of certain social issues like solidarity and equality. It is economically based on donations and lottery incomes used for funding social projects. “Aktion Mensch” organises the European protest day for equal opportunities of people with disabilities on the 5th of May every year by thematic work in its committees and funding of local events.

3.1.6 Integration of people with disabilities in the workplace.

The integration of people with disabilities in the workplace is a high priority political aim in Germany. In 2004 the Initiative “Jobs without barriers“ (job) was started. The “job” campaign is promoted by the federal ministry work and social affairs (BMAS) with active support of employers, unions, disability organisations and rehabilitation services. Beside other targets “job” is aiming at the improvement of the employment chances of people with disabilities especially in small and medium enterprises. Fighting problems like high unemployment rates

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35 SGB IX 2005, §§55-59
36 See chapter 4, Federal Law for Equality of disabled people (BGG)
in total, accessibility problems of workplaces and still existing prejudices and ignorance of employers the campaign wants to, convince employers that people with disabilities are qualified and capable employees and claims to create many good practise examples of successful vocational integration. At several events per year employers have the opportunity to report on their experiences. By now there are many companies supporting this initiative.\(^{37}\)

An employment quota of 5\% of all employees in companies over 20 staff members is enforced by legislation. Promoting the integration in the workplace for people with disabilities the Social Law code IX (SGB IX) offers some additional benefits such as funds for employers (Eingliederungszuschüsse §34 SGB IX), work assistance and funding of technical equipment and workplace adaptation\(^{38}\). Table 4 shows, that in the recent years these additional benefits according §34 decreased in absolute numbers.

<table>
<thead>
<tr>
<th>Schwerbehinderte in ausgewählten arbeitsmarktpolitischen Maßnahmen</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>insgesamt</td>
<td>dar</td>
<td>Schwerbehinderte</td>
</tr>
<tr>
<td>Berufliche Weiterbildung</td>
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<td>2,7</td>
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<tr>
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<td>2 661</td>
<td>1,9</td>
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<tr>
<td>Strukturumstellungsmassnahmen</td>
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<td>10 321</td>
<td>7,7</td>
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<td>1 850</td>
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<tr>
<td>Arbeitslose</td>
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<td>156 909</td>
<td>3,9</td>
</tr>
</tbody>
</table>

**Table 4: Disabled persons in selected labour market supporting measures:** \(^{39}\)

The table in Annex 1 indicates that successful placement after vocational rehabilitation for people with disabilities and especially for women with disabilities depends much on placement services. Their placement quota of more than 20\% is much higher than those of all other special target groups (10-15\%). For women with disabilities guidance and placement services seem to play an important role for the job seeking after vocational rehabilitation,


\(^{38}\) SGB IX 2005, §33-34

which corresponds with the findings of G. Richter-Witzgall, that comprehensive guidance is most effective directly after rehabilitation measures\textsuperscript{40}.

For the realisation of individualised benefits promoting participation in working life the services of the integration offices especially the regional expert services for integration (Integrationsfachdienste – IFD) play a very important role. Different furthering options for people with disabilities connected with regulations for the encouragement of women and supported by legislation as outlined in the next chapter shall contribute to an improvement of the position in professional life of women with disabilities\textsuperscript{41}.

Major obstacles for the integration in the work place of women with disabilities are:

- little flexibility of work- and training offers often not being at close quarters,
- structural change with high unemployment,
- the reduction of simple tasks

resulting in increasing requirements on the open labour market e.g. in terms of social competencies, flexible working hours, mobility expectations, qualification and handling of modern ICT. These factors not only make access to work difficult, they are also limiting the possibilities for a self determinant life of women with disabilities\textsuperscript{42}.

4 \textbf{REFERENCE LEGISLATIVE CONTEXT}

4.1 \textbf{EXISTING LEGISLATION IN GERMANY}

The promotion of participation in training, employment and social live for people with disabilities is subject of several laws. The four most relevant laws in this concern are outlined in the following:

- Social Security Code IX (SGB IX)
- Social Security Code III (SGB III)
- Federal Law for Equality of disabled people (BGG) and the derived federal state level legislation (e.g. BGG North Rhine-Westphalia)
- Vocational Training Act (BBiG)

\textsuperscript{40} Netzwerk Büro 2004, 26
\textsuperscript{41} BMFSFJ 2003, http://www.einmischen-mitmischen.de/erwerb/unterstuetzung.html
\textsuperscript{42} Netzwerkbüro 2004, 10/11
Because of its timely relevance and its effects on the SGB IX, the Act to Promote Training and Employment of People with Serious Disabilities that has been enacted in April 2004 has to be taken into consideration, too.

**Social Security Code IX (SGB IX)**

The Social Security Code IX (SGB IX) of June 2001 is the basic law concerning the integration of people with severe disabilities into working and professional life. It addresses all persons with a non-temporary physical, mental or psychological disability, having a disability grade of at least 50\(^43\). The SGB IX is a strong legal tool against social disadvantages and vocational and social exclusion and for the first time in German disability legislation expressing an idea of "gender mainstreaming"\(^44\) by considering women with disabilities as a special target group\(^45\). Yet §1 of SGB IX postulates the promotion of equal participation of disabled women in society and daily life.

The SGB IX defines services for the integration of people with disabilities into working life. According to §33, the participation of disabled women should be ensured, especially by appropriate and local working places, even as part-time offers. In addition §81 (5) SGB IX invites employers to encourage the setup of part-time jobs. The Departments for integration provide support in this process with the implementation of special programs. The setup of more part-time jobs and part-time training offers will meet substantial claims of women with disabilities organisations\(^46\).

General responsibilities of the Federal Labour Agency are described by §104 SGB IX. Beside other tasks the Federal Labour Agency is obliged to arrange specific regional and national programmes especially for the advancement of the education and training for disabled women\(^47\). According to a study of the federal ministry for women, seniors, family and youth (BMFSFJ) these programs have been realised rather rarely so far. By the end of the year 2002 only one federal state implemented a program for unemployed disabled women\(^48\).

\(^{43}\) SGB IX 2005, §2  
\(^{44}\) Bieritz-Harder 2001, 5  
\(^{45}\) Netzwerk Büro 2004, 10  
\(^{46}\) Messell 1997, 80; Netzwerk Büro 2004, 30  
\(^{47}\) SGB IX 2005, §104 (3)  
To ensure an adequate amount of people with disabilities participating in working life, §71 SGB IX binds private and public employers, with more than 19 workplaces per month on annual average, to employ at least 5% people with disability. Women with disabilities should be considered in particular. (§83 (2a) SGB IX) offers the possibility to fix an employment quota for women with disabilities by means of a company related operational agreement (betriebliche Integrationsvereinbarung) between the employer and the representative body for disabled employees.

**Social Security Code III (SGB III)**

The claim to a first vocational qualification is ensured by the Social Security Code III (SGB III), covering matters of vocational rehabilitation. Besides the individual financial support for apprentices, special vocational schools and the basic vocational training year for unskilled youth is state financed by the SGB III. Specific training courses by the federal employment agency are funded by the SGB III, too. According to §§29 et seq. the federal employment agency has to offer a qualified careers counselling for people with disabilities.49

To promote the participation of women with disabilities into working and professional life §8 of SGB III claims that vocational integration should be ensured by appropriate services considering the living conditions of women with disabilities and the compatibility of family and job. Furthermore §8 (2) SGB III claims a furthering quota for women in proportion to their share of unemployment. This quota has been predominantly fulfilled, especially benefits for guidance and placement have been granted disproportionately high.50

**Federal Equality Law (BGG)**

The Federal Equality Law (BGG) of May 2002 strengthens the position of disabled women in all political and social domains. Its main objectives are:

- reduction of discrimination
- encouraging all measures that promote the realisation of equality of women with disabilities
- elimination of existent disadvantages (§2 BGG)

49 BMGS 2005, 59
This general legislation towards anti discrimination and equal opportunities shall influence the application of current law (§7) to meet the specific concerns of women with disabilities. The federal and federal state\textsuperscript{51} disability commissioners are the advocates for the implementation of its regulations (§ 12).

**Vocational Training Act (BBiG)**

The legal framework for all medium and lower level measures of vocational education in Germany is given by the Vocational Training Act (BBiG), enacted in 1969 and lastly revised in 2005 covering training regulations for all vocational education in terms of vocational training preparation, vocational training, vocational further training and vocational retraining or rehabilitation\textsuperscript{52}. §5 BBiG provides a minimum standard for training regulations of any acknowledged profession. The vocational education of people with disabilities is covered by §§64- 67 of the BBiG. According §66 BBiG the training-content of vocational education for people with disabilities can diverge from the content of acknowledged occupations in consideration of the actual data and developments on the general labour-market. In order to improve the employability of people with disabilities amendments of the assessment requirements and the prolongation of the training are possible.

**Act to Promote Training and Employment of People with Serious Disabilities**

The Act to Promote Training and Employment of People with Serious Disabilities enacted in April 2004 lead to some amendments in social legislation especially in SGB IX. Its implementation is accompanied by the initiative “job”\textsuperscript{53}. Major purposes of this act are:

- Strengthening the willingness of employers to train and improving the training available to young people with disabilities e.g. by improved allowances towards the cost of vocational training

- Improved advice, information and support for employers to remedy obstacles to employment and to safeguard employment

\textsuperscript{51} The BGG has an equivalent legislation in each federal state. For example the Equality Law of the federal state North Rhine-Westphalia of January 2004 postulates equal opportunities for disabled women. Therefore specific measures should be taken (§2 BGG NRW).

\textsuperscript{52} BBiG 2005, §1

\textsuperscript{53} See chapter 3.2.6
- Company prevention through in-house integration management
- Strengthening the rights of seriously-disabled employees' spokespersons
- Further expansion of the expert integration services (Integrationsfachdienste)
- Promotion of the transition from sheltered workshops to the general labour market
- Recognition of charitableness of integration projects
- Simplification of the procedure to determine the characteristic of seriously disabled

Many positive effects of the initiative “job” enforcing the implementation of the existing legal preconditions that aim at improvements of the employment situation of people with disabilities can be stated so far. Various publications on the web and on DVD, conferences and meetings of the stakeholders reveal many best practice examples for successful integration in job and training as well as in company prevention of unemployment.  

The characterised legislative context comprises a suitable amount of regulations related to the issue of disability and gender, encouraging the creation and further development of specific furthering options for women with disabilities.

5 GUIDANCE SERVICES FOR PEOPLE WITH DISABILITIES

5.1 OVERVIEW OF GUIDANCE AND PLACEMENT SERVICES IN GERMANY

In Germany several kinds of guidance and employment services with relevance for people with disabilities exist. The most important are:

- The Bundesagentur für Arbeit – BA (Federal labour agency) is the biggest service provider on the German labour market. Guidance and placement services can be found in 178 regional labour agencies with around 660 offices distributed all over the country. The federal labour agency has the following tasks:
  - Career counselling,
  - Placement in training positions or jobs
  - Guidance service for employers

Furthering of vocational education and training.

- Furthering of vocational continuing education
- Benefits for the preservation and creation of jobs
- Salary compensating benefits, like unemployment or insolvency benefits.
- Furthering of vocational integration of people with disabilities

Specific services for people with disabilities e.g. career counselling are carried out by job counsellors and by the departments for vocational rehabilitation (Rehab-Teams).

- Since 27.03.2003 unemployed people can choose between the placement services of the federal labour agency and those carried out by private employment services. These private placement services are paid by so called placement coupons handed out by the BA. Private counselling services as well as agencies for temporary employment seem to be a growing market for the placement of people with disabilities, often run by self-help organisations.

- The Departments for integration (Integrationsämter) work closely together with the rehabilitation funding organisations (e.g. statutory pension insurance and BA), the employers and their organisations, the unions and disability organisations and are counsellor for the in company integration teams. The departments for integration are organised by the federal states or by local authorities. Main tasks are:
  - information and advice towards employment of People with disabilities and establishing of new jobs.
  - psychosocial support and attendance in individual cases
  - financing e.g. of technical devices
  - courses and training offers for those who work in the field of vocational participation

The federal office of the departments for integration is situated in Karlsruhe. Each federal state has at least one main office and several regional subsidiaries. Their distribution across the country can be seen in Annex 3.

- The Expert services for integration (Integrationsfachdienste) are third party services that offer single case guidance and counselling on behalf of the labour agency, the department for integration or the rehabilitation sponsor in charge. They are often run by
free charity associations. For the fulfilment of their tasks they cooperate with the above mentioned organisations, with case managers of the statutory accident insurance, the employer, the in company integration team, the vocational rehabilitation and training institution and others, if necessary. The expert service for integration offers:

- guidance and support for people with disabilities to find or to preserve a suitable job or training position
- comprehensive information, guidance and support for employers

Expert services for integration can be found all over the country in nearly every city bigger than 50,000 inhabitants, so there is at least one expert service in each labour agency district.\(^{55}\)

- The **Statutory accident insurance (BG)** is an important funding organisation for vocational rehabilitation measures of people with chronic vocational diseases or after work accidents, subdivided in 26 branches all across Germany. A disability management program accompanying the individual rehabilitation process aims at the best possible vocational integration. Guidance experts (Berufshelfer) give job support in the shape of visiting and guidance services concerning the vocational rehabilitation of their clients. The subsidiaries of North-East-Germany, Bavaria and Saxonia run own job placement agencies\(^{56}\).

All mentioned services are aiming at the most comprehensive integration of people with disabilities in training and work according to the regulations of the outlined legislative context.

### 5.1.1 Action methodology

The literature and Internet review points out so far the following often used general methodologies in the context of guidance counselling for people with disabilities:

- Open informative meetings
- Office hours
- Placement services
- Multimedia services (e.g. for the purpose of job choice orientation)
- Tele-tutoring

\(^{55}\) [http://www.integrationsaemter.de/webcom/show_lexikon.php/_c-578/_nr-153/i.html]

\(^{56}\) [http://www.jobbg.de/pages/index.htm]
- Peer counselling
- Work assistance/ personal assistance
- Mentoring programs
- Networking/ information and guidance for employers

A more detailed description of the different methodologies used will be provided after the analysis of questionnaires and interviews in the field research phase of this project. This information will be published in form of a handbook for guidance experts.

5.1.2 Target: job placement

Job placement defines the final step in a chain of different services that usually start with a first contact and an analysis of the present state of the client. The sustainable placement into a job or a training position can be regarded as the proof of efficiency of carried out guidance efforts. The main tasks of the federal labour agencies related to job placement are:57

- Direct submission of job offers to job-seekers
- Job application counselling
- Profile matching services - Information towards job and training opportunities and requirements with respect to the individual qualification profile of a client (e.g. with the online service BERUFENET)
- Submission of (online) job applications for clients
- Issuing of placement coupons for the assignment of private placement services (payment in case of successful placement within the next 3 months)
- Assignment of a third party service to support the individual placement process
- Refunding of expenses for application and travelling
- Customer care for job-seekers and employers

The expert services for integration support the labour agencies and other rehabilitation funding organisations with a more individualised placement counselling approach for:

- severely disabled persons with a specific need towards ongoing support on the job,
- people from sheltered workshops with chances to obtain a job on the open labour market after a goal oriented preparation phase
- and for young people with severe disabilities after school

57 Acc. information brochures of BA 2006
Beside other tasks the expert services for integration offer the following services:

- Profiling of individual capabilities and job related requirements
- Ongoing support during in company training (young psychic and learning disabled persons)
- Job preparation
- Ongoing support on the job
- Information of superiors and colleagues in the direct work environment
- Provision of a contact person for employers

The expert services for integration have to prove their efficiency by achievement of a certain placement quota, that is defined by contracts with the labour agency and other rehabilitation funders.

5.1.3 Target: less-abled women

The regional labour agencies have skilled female and male rehabilitation counsellors, women with disabilities can address. For the placement of female graduates and executives the federal labour agency offers a central placement service (ZAV). At every regional agency commissioners for equal opportunities on the labour market do work, who are engaged in women’s equal participation in professional life.

But there is still a lack of knowledge and awareness towards the specific needs of women with disabilities. Corresponding qualifications for employees of the labour agencies do not exist so far. The provision of area-wide guidance services for women with disabilities is not ensured.

Other guidance services run by self-help organisation of people and women with disabilities, which are to a bigger part operated as temporary pilot projects put stress on the importance of women-specific guidance and furthering offers. These offers and services are designed more holistically paying attention to the the specific living conditions and biographical background of women with disabilities. They are operated by peer support methods with emphasis on empowerment and development of self-confidence of women with disabilities. Some characteristics of these services are: long-term psychosocial support for labour market drop

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58 http://www.integrationsaemter.de/webcom/show_lexikon.php/_c-578/_nr-153/i.html
60 Netzwerkbüro 2004, 75
outs, avoidance of the pressure of premature placement focussed during the counselling process, provision of a female mentor during training and practise phases and the provision of training for counsellors towards expert guidance for women with disabilities.

6 CONCLUSIONS

In Germany a legislative background for improved participation of women with disabilities into working and professional life is already given sufficiently as described by this report. Methods of "gender mainstreaming" are used at least somehow. E.g. the furthering quota for women with disabilities in proportion to their share of unemployment as claimed by §8 (2) SGB III is already fulfilled. But most of the other tools suggested by legislation are rarely implemented so far. Appropriate services considering the living conditions of women with disabilities and the compatibility of family and job are hardly developed. The instrument of integration agreements defining specific regulations e.g. a company related employment quota for women with disabilities isn’t used so far. The situation of women with disabilities regarding their opportunities to access gainful employment is affected by placement problems of higher qualified women with disabilities and a lack of part-time training and working sites being at close quarters.

The amendments of SGB IX by the “Act to Promote Training and Employment of People with Serious Disabilities” line out the high political priority that is given e.g. to an improved transition from sheltered workshops to the general labour market as well as to guidance and direct envolvement of employers. Though best practise examples of the initiative “job” show, that employment of people with disabilities can be ensured by concerted activities of all stakeholders in economy, social insurances, employee- and disability organisations, these are just examples. There are still 35.000 employers don’t provide any job for people with disabilities61. Increasing qualification and efficiency requirements of available jobs and crowding-out effects of less qualified persons determine the situation on the open labour and training market in general. In Germany this has been asserted again recently by a gap of nearly 35.000 missing training positions for young people with mostly lower school

61 Thönnes, Franz (BMAS), speech at an event of the initiative “job”, 12.06 2006
http://pdf.bmas.bund.de/bmas/temp/dbehinderte2dmenschen2cproperty3dpdf2cbereich3dbmas2csprache3dde2cr
wb3dtrue2epdf/parse.php?id=12
qualifications\textsuperscript{62} being extensively discussed in the media. The promotion of employment for people with disabilities, especially those “easy tasks workers”, that are usually found in sheltered workshops is effected by these developments accordingly. In this context the actual importance of comprehensive but also job-tailored qualifications for the access to gainful employment becomes obvious.

The identification of a higher effectiveness of guidance and placement services for women with disabilities following measures of vocational rehabilitation directly is no surprise in this concern, though women-specific guidance services are not common. A lack of knowledge and awareness towards the specific needs of women with disabilities can be stated for most of the guidance services. A formal qualification of the guidance experts doesn’t exist.

\textsuperscript{62} http://www.arbeitsagentur.de/nn_124664/zentraler-Content/A01-Allgemein-Info/A011-Presse/Presse/2006/Presse-06-070.html
References

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Sozialgesetzbuch IX (SGB IX), Bundesarbeitsgemeinschaft der Integrationsämter und Hauptfürsorgestellen, Karlsruhe, Stand: Mai 2005


Web sources:
Annex

Annex 1: Placement quota of different person groups after measures of vocational rehabilitation


### Tabelle 5 - Vermittlungsquote

#### 5 a) Insgesamt total

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<th></th>
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<tr>
<td></td>
<td>überhaupt</td>
<td>Langzeitarbeitslose (§ 13 Abs. 1 SGB IV)</td>
<td>Schwerebehinderte, Gleichgestellte</td>
<td>Altere (60 Jahre und älter)</td>
<td>Berufsrückkehrerinnen</td>
<td>Geringqualifiziertes</td>
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#### 5 b) Frauen women

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<th></th>
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Anmerkungen:
1) Berufsgruppen nach § 11 Abs. 2 Nr. 1 SGB IV
2) Überhaupt = Anzahl der Personen, die minderjährige Personen wurden berechnet
3) Vermittlung durch Auswahl und Vorschlag. Der Vermittlungsbeginn wurde im Mai 2003 eingeleitet.
4) Als Geringqualifiziertes können bidere nur Personen ohne formales Berufsabschluss (§ 1 Abs. 2 Nr. 1 SGB IV) ausgewertet werden.
Annex 2: Employers of severely disabled persons according to selected characteristics and economy areas

Source: Federal labour agency 2004; Statistik aus dem Anzeigenverfahren ..., T4

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<tr>
<th>Tabelle 4</th>
<th>Arbeitgeber nach ausgewählten Merkmalen und Wirtschaftsbereichen</th>
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<td>5,406,005</td>
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<td>E: Metallurgie, Maschinenbau, Fahrzeugindustrie</td>
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<td>403,489</td>
</tr>
<tr>
<td>L: Handel, Erzeugung und Verarbeitung</td>
<td>52-53</td>
<td>20,235</td>
<td>3,017,520</td>
</tr>
<tr>
<td>N: Handelsverkehrs-Gewerbe, Verkehr der Dienstleistungsbereiche</td>
<td>55</td>
<td>9,405</td>
<td>1,620,732</td>
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<tr>
<td>O: Handel, Erzeugung und Verarbeitung</td>
<td>56</td>
<td>6,768</td>
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<td>P: Handel, Erzeugung und Verarbeitung</td>
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<td>3,186</td>
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<td>Q: Handel, Erzeugung und Verarbeitung</td>
<td>58-59</td>
<td>6,951</td>
<td>1,404,104</td>
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<tr>
<td>R: Rechtswesen und Versicherungswesen</td>
<td>60-61</td>
<td>2,277</td>
<td>793,966</td>
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<td>S: Grundstücks- und Wohnungswesen</td>
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<td>16,025</td>
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<tr>
<td>T: Grundstücks- und Wohnungswesen</td>
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<td>14,969</td>
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<tr>
<td>U: Öffentliche Verwaltung, Verwaltungs- und Sozialversicherung, Einkaufsorganisationen</td>
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<td>V: Verwaltung</td>
<td>75-76</td>
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<tr>
<td>W: Bildungs- und Kulturwesen</td>
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<td>11,354</td>
<td>2,271,385</td>
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<tr>
<td>X: Gesundheitswesen</td>
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<td>3,541</td>
<td>1,903,480</td>
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<td>Y: Sozialwesen</td>
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<td>7,913</td>
<td>1,369,015</td>
</tr>
<tr>
<td>Z: Einkaufsorganisationen, Verwaltungs- und Sozialversicherung</td>
<td>80-84</td>
<td>6,067</td>
<td>1,011,196</td>
</tr>
<tr>
<td>K: am Arbeitsplatz</td>
<td>85</td>
<td>94</td>
<td>21,723</td>
</tr>
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</table>

| Insgesamt | 123,972 | 22,013,189 | 997,089 | 1,799,272 | 19,269,707 | 992,755 | 794,033 | 264,871 | 4,1 |

Sektorengliederung

| Primärer Sektor | A-B | 1,914 | 100,215 | 7,066 | 9,691 | 89,880 | 3,737 | 2,681 | 1,466 | 3,1 |
| Sekundärer Sektor | C-F | 47,344 | 6,020,779 | 288,468 | 213,365 | 6,017,985 | 285,255 | 236,914 | 82,767 | 3,9 |
| Tertiärer Sektor | G-Q | 74,650 | 15,356,675 | 623,161 | 1,392,943 | 13,342,909 | 637,332 | 548,520 | 174,406 | 4,2 |
Annex 3: Departments for integration in Germany

Source: http://www.integrationsaemter.de/webcom/show_download.php/_c-602/i.html