

From Commodification to Equalization? Disability Policy in the European Union: The supranational level

**Workshop "European Disability Policy: Between
national, supranational and global",
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Overview

1. What is the problem?
2. What kind of study are we conducting?
3. What have we done in the first work package?
4. The European Union as a “multi level system”
5. Disability policy and international welfare state research
6. Social policy in the European Union
7. European disability policy – results of a documentary analysis
8. Conclusions

What is the problem?

- Polity, politics and policies influence living conditions of (not only) disabled people
- Paradigm shift in disability policy?
- International actors, such as United Nations (UN) and European Union (EU), influence national policies

What kind of study are we conducting?

- research project on the organizing principles underlying European social and equal rights policies using supranational and national policies for disabled people as an example
 1. Analysis of the development of EU disability policy on the basis of EU documents (1958-2005)
 2. International comparison of equalization policies in Britain, Germany, Sweden
 3. International comparison of social policies in Britain, Germany, Sweden
 4. Analysis of the interactions between the EU level and the national levels with regard to policies for disabled people

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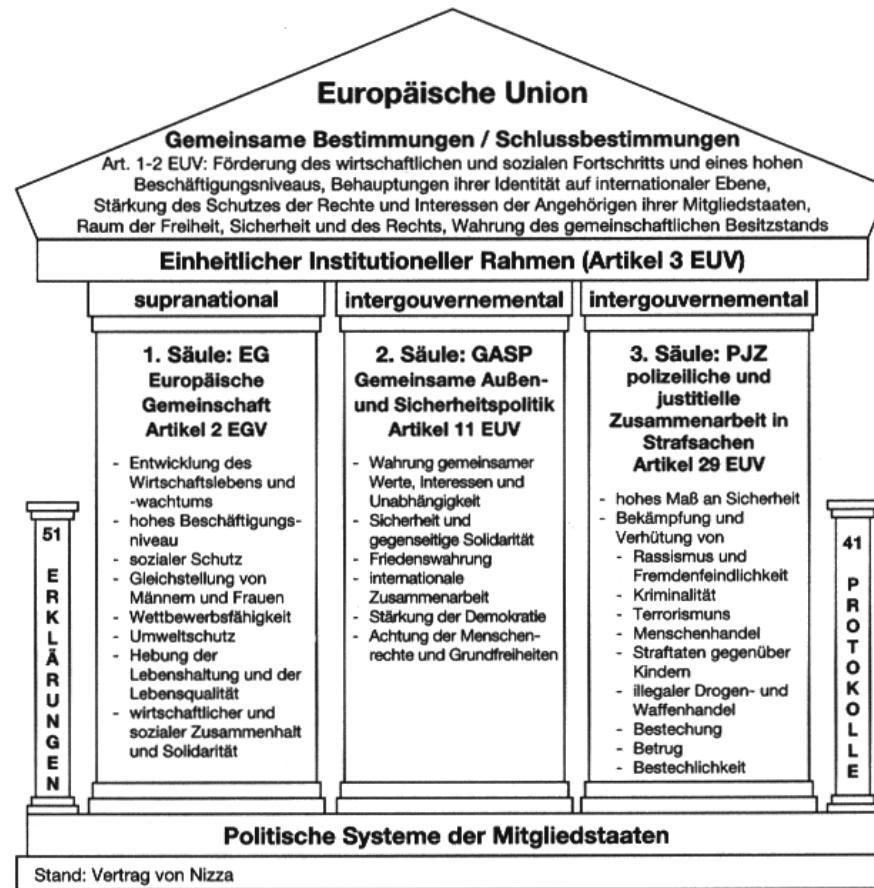


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What have we done in the first work package?

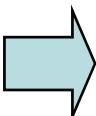
- Drafting a theoretical framework for documentary research
- Understanding the political structure of the EU
- Understanding different welfare regimes
- Understanding disability policy with regard to welfare regimes
- Understanding the development and relevance of EU social policy
- Analysing EU documents (1958 – 2005)

European Union as a “multi level system”



Source: Wessels
(2006, S. 85)

The European Union as a “multi level system”

- EU polity
 - eg. Treaties of Maastricht (1992), Amsterdam (1997), Nice (2001)
 - EU institutions
 - European Parliament
 - European Court of Justice
- 
- Council of the European Union (Council)
 - Commission of the European Union (Commission)
 - European Council (European Summit)

What is disability policy all about?

- welfare / income security policy
- rehabilitation and employment policy
- civil rights / equalization policy

Three welfare principles

- Providing social rights, which means de-commodification of the individual's status with respect to the market
- Shaping social stratification
- Providing an interface between the market, the state and the family

(cf. Esping-Andersen 1998, 36)

Three welfare regimes

Welfare regimes	universalistic	liberal economic	conservative-corporatistic
Principles			
social rights	high degree of de-commodification	low degree of de-commodification	low degree of de-commodification
social stratification	emphasis on social equality	social inequality is accepted	status orientation
the state, the market and the family	state orientation	trust in market forces	state paternalism

Disability policy and welfare regimes

Welfare regimes	universalistic	liberal economic	conservative-corporatistic
Disability policies			
Welfare / income security	XXX	X	XX
Rehabilitation and employment policy	XX	XX	XXX
Civil rights / equalization policy	X	XXX	X

Social policy in the European Union

- Understanding the relevance of the EU as an actor in social policy
- Understanding social policy: „traditional“ or „new“?
 - Labour-centred policy
 - Providing social rights and civil rights for all people
- Understanding the impact of Europeanisation on member states (cf. Leibfried/Pierson 2005)
 - „negative integration“
 - „indirect pressure“
 - „positive integration“

Social policy in the EU (cf. Leibfried/Pierson 2005)

Table 7.1. Social policy transformation: processes, key actors, and examples

Processes	Key actors	Illustrative examples
'positive' social policy initiatives to construct areas of competence for uniform social standards at EC level	Commission, expert committees, EJC (background actors: European Parliament, ETUC, UNICE, ESC)	gender equality (Art. 119, EEC); health & safety (Art. 118a, EEC); 1989 Social Charter; 1992 Social Protocol ('Maastricht')
'negative' social policy reform via imposition of market compatibility requirements	European Court of Justice, Commission; Council (national governments)	labour mobility: 'coordination'; regulation (Reg. 1408/71, 574/72); freedom of services (Arts. 7a, 59–66, EEC); regional as well as sectoral subsidies
indirect (<i>de facto</i>) pressures of integration that force adaptation of national welfare states	market actors (employers, unions); Council (national governments)	'social dumping'; harmonization of tax systems; stages of EMU

Leibfried, Stephan / Pierson, Paul. (2005). Social Policy. In: Wallace, Helen/Wallace, William (eds.). Policy-Making in the European Union. Oxford (Oxford University Press). (5th ed.), p. 189.

Social policy and equal rights policy

- social policy *and* equal rights?

or

- equal rights *instead of* social policy?

7 periods of EU social policy

1. 1958 – 1973: Social policy exists only on a very low level
2. 1974 – 1979: The first EU action programme in social policy is started
3. 1980 – 1985: British veto leads to stagnation in social policy
4. 1986 – 1992: The EU becomes an actor in social policy
5. 1993 – 1997: The Treaty of Maastricht creates new rules
6. 1998 – 2000: The social policy agenda is consolidated, the right to non-discrimination is put on the EU agenda
7. *since 2000*: Common aims for social policy and equalization policy issues are formulated

1st step:

Collection of EU documents concerning disability policy via EU Internet archives

Result:

30 documents (1958 – 2005)

2nd step:

Categorization of the material (qualitative content analysis)

- Date of publication
- Title
- Author / responsible EU authority
- Kind of document
- Legal relevance (binding / not binding)
- Summary of content
- Policy objective: welfare, labour market integration, equal rights?

Datum	Akteur	Dokument	rechtl. Geltung	inhaltliche Zusammenfassung	A	B	C
14.06.71	Rat d. europ. Gemeinschaft	Verordnung (EWG) Nr. 1408/71 zur Anwendung der Systeme der sozialen Sicherheit auf Arbeitnehmer und deren Familien, die innerhalb der Gemeinschaft zu- und abwandern	bindend	Gleichbehandlung von (Wander-) Arbeitern und Staatsbürgern in den Mitgliedsländern v.a. im Bereich der sozialen Sicherheit: Focus auf Transferleistungen (Soziale Sicherheit der Arbeitnehmer im Krankheitsfall)	X		
27.06.74	Rat d. europ. Gemeinschaft	Entschließung über das erste gemeinschaftliche Aktionsprogramm zur beruflichen Rehabilitation von Behinderten	nicht bindend	3 Aktionsbereiche: (1) Stärkere u. bessere Zusammenarbeit zwischen den Einrichtungen für Reha und Ausbildung; (2) Zeitl. begrenzte Maßnahmen mit Modellcharakter (Ziel: Vorbereitung auf normale Beschäftigung), (3) Koordinierung d. Forschung auf dem Gebiet der Reha. & Aufklärung der Öffentlichkeit		X	
24.07.86	Rat d. europ. Gemeinschaft	86/379/ EWG: Empfehlung zur Beschäftigung von Behinderten in der Gemeinschaft	nicht bindend	Enthält Vorschläge für positive Maßnahmen für Beschäftigung und Berufsbildung v. Behinderten		X	
01.05.99	Rat der Staats- und Regierungschefs (Europ. Gipfel)	Vertrag von Amsterdam: Artikel 13 EGV/ Verbot von Diskriminierungen u.a. aufgrund einer Behinderung	bindend	Gibt dem Rat Befugnisse, auf Vorschlag der Kommission und nach Anhörung des Europäischen Parlaments einstimmig geeignete Vorkehrungen treffen, um Diskriminierungen u.a. aufgrund einer Behinderung zu bekämpfen			X
27.11.2000	Rat der europ. Union	Richtlinie 2000/78/EG des Rates zur Festlegung eines allgemeinen Rahmens für die Verwirklichung der Gleichbehandlung in Beschäftigung und Beruf	bindend	Focus auf Gleichstellung und Teilhabe (in der Arbeitswelt)		X	X

3rd step:

Selection of documents for detail analysis:

- according to relevance
 - legally binding
 - marking a significant policy shift

Result:

19 documents:

- 16 by the Council
- 2 by the Commission
- 1 by the European Council

4th step:

Detail analysis of 19 documents via qualitative content analysis

1. Summary
2. Analysis of historical context
3. Categorisation of the material:
 - o Definition of „disability“?
 - o Policy objective: welfare, labour market integration, equal rights?
 - o Which actor, which addressee?
 - o Which instrument: legal, financial/regulating, cultural/stimulating?
4. Interpretation

Results:

- Starting point of explicit EU disability policy: 1974
- Legal relevance: 1x primary legislation, 3x secondary legislation
 - legally binding on members states: only 2x
- Only 2 definitions of „disability“: 1974, 1986
 - based on medical model
- Policy objectives: welfare (0), equal rights (4), rehabilitation policy (15)
- Actors / Addressees: European Council (1), Commission (2), Council (16)
- Instruments: legal (2), financial/regulating (5), cultural/stimulating (12)
- 5 historic phases of EU disability policy

5 periods of EU disability policy

1. 1974 – 1979: First EU action programme with regard to disabled people focuses on vocational rehabilitation
2. 1980 – 1986: General stagnation due to British veto
3. 1986 – 1995: Increased EU actions in the area of labour market integration
4. 1996 – 2000: New orientation in European disability policy: shifting from vocational rehabilitation to equal rights
5. since 2000: New impulses by antidiscrimination policy and the „European Year of People with Disabilities“ (2003)

Historic developments: comparison

	Social policy	Disability policy
1958 – 1973	(1) Social policy exists only on a very low level	
1974 – 1979	(2) The first EU action programme in social policy is started	(1) First EU action programme with regard to disabled people focuses on vocational rehabilitation
1980 – 1986	(3) British veto leads to stagnation in social policy	(2) General stagnation due to British veto
1986 – 1997	(4) 1986 – 1992: The EU becomes an actor in social policy (5) 1993 – 1997: The Treaty of Maastricht creates new rules	(3) 1986 – 1995: Increased EU actions in the area of labour market integration (4) 1996 – 2000: New orientation in European disability policy: shifting from vocational rehabilitation to equal rights
1998 – 2000	(6) 1998 – 2000: The social policy agenda is consolidated, the right to non-discrimination is put on the EU agenda	
since 2000	(7) Common aims for social policy and equalization policy issues are formulated	(5) New impulses by antidiscrimination policy and the „European Year of People with Disabilities“ (2003)

Conclusions

- EU has gradually discovered disability as a policy issue
- Gradual shift from focus on labour market integration to equal rights
- Main principle: mainstreaming
- Weakness in social policy goes along with emphasis on equal rights
- Are equal rights sufficient?

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