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

Workshop "European Disability Policy: Between national, supranational and global“, University of Cologne, November 19, 2007

Universität zu Köln
Humanwissenschaftliche Fakultät
Lehrstuhl für Soziologie in der Heilpädagogik,
Sozialpolitik und Sozialmanagement

IDIS
INTERNATIONALE
FORSCHUNGSSTELLE
DISABILITY STUDIES
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

funded by RheinEnergie Stiftung Jugend/Beruf, Wissenschaft, Köln (D)

April 2007 – March 2009

directed by Prof. Waldschmidt
research assistant: Kathrin Lingnau
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
European Union as a “multi level system”

The European Union as a “multi level system“

- EU polity

- 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

<table>
<thead>
<tr>
<th>Welfare regimes</th>
<th>universalistic</th>
<th>liberal economic</th>
<th>conservative-corporatistic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principles</strong></td>
<td></td>
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</tr>
<tr>
<td>social rights</td>
<td>high degree of de-commodification</td>
<td>low degree of de-commodification</td>
<td>low degree of de-commodification</td>
</tr>
<tr>
<td>social stratification</td>
<td>emphasis on social equality</td>
<td>social inequality is accepted</td>
<td>status orientation</td>
</tr>
<tr>
<td>the state, the market and the family</td>
<td>state orientation</td>
<td>trust in market forces</td>
<td>state paternalism</td>
</tr>
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### Disability policy and welfare regimes

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<tr>
<td>Welfare / income security</td>
<td>XXX</td>
<td>X</td>
<td>XX</td>
<td></td>
</tr>
<tr>
<td>Rehabilitation and employment policy</td>
<td>XX</td>
<td>XX</td>
<td>XXX</td>
<td></td>
</tr>
<tr>
<td>Civil rights / equalization policy</td>
<td>X</td>
<td>XXX</td>
<td>X</td>
<td></td>
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</tbody>
</table>
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

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

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
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?
<table>
<thead>
<tr>
<th>Datum</th>
<th>Akteur</th>
<th>Dokument</th>
<th>rechtl. Geltung</th>
<th>inhaltliche Zusammenfassung</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.06.71</td>
<td>Rat d. europ. Gemeinschaft</td>
<td>Verordnung (EWG) Nr. 1408/71 zur Anwendung der Systeme der sozialen Sicherheit auf Arbeitnehmer und deren Familien, die innerhalb der Gemeinschaft zu- und abwandern</td>
<td>bindend</td>
<td>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)</td>
</tr>
<tr>
<td>27.06.74</td>
<td>Rat d. europ. Gemeinschaft</td>
<td>Entschließung über das erste gemeinschaftliche Aktionsprogramm zur beruflichen Rehabilitation von Behinderten</td>
<td>nicht bindend</td>
<td>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. &amp; Aufklärung der Öffentlichkeit</td>
</tr>
<tr>
<td>01.05.99</td>
<td>Rat der Staats- und Regierungschefs (Europ. Gipfel)</td>
<td>Vertrag von Amsterdam: Artikel 13 EGV/ Verbot von Diskriminierungen u.a. aufgrund einer Behinderung</td>
<td>bindend</td>
<td>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</td>
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<tr>
<td>27.11.2000</td>
<td>Rat der europ. Union</td>
<td>Richtlinie 2000/78/EG des Rates zur Festlegung eines allgemeinen Rahmens für die Verwirklichung der Gleichbehandlung in Beschäftigung und Beruf</td>
<td>bindend</td>
<td>Focus auf Gleichstellung und Teilhabe (in der Arbeitswelt)</td>
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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:
   - Definition of „disability“?
   - Policy objective: welfare, labour market integration, equal rights?
   - Which actor, which addressee?
   - 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
## Historic developments: comparison

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<td><strong>since 2000</strong></td>
<td>(7) Common aims for social policy and equalization policy issues are formulated</td>
<td>(5) New impulses by antidiscrimination policy and the „European Year of People with Disabilities“ (2003)</td>
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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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