

ANED 2016-17 -Task Social Pillar (focus topics)

Country report

Country: Liechtenstein

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1 Skills in transition to the labour market

1.1 Main policy reforms or measures in education and training

What are the main legal and policy frameworks providing for equality of learning opportunity for young people in your country, and have they changed since ANED reported on these issues in 2010?

In general, Liechtenstein has a well-functioning education system that allows people to engage in lifelong learning. There are nine years of compulsory education based on the Act on School Education (ASE). Schooling is available free of charge to all children and young people regardless of their origin, religious affiliation, gender or the presence of any disability.

The priority in the legal framework in Liechtenstein is to integrate disabled children into mainstream education. This is given by Art. 18 of the Act on Equality of People with Disabilities (AEPD).¹ If possible, children are integrated into the regular schools, and assistance by professionals is given in such cases.

Liechtenstein has only one special needs school for people with disabilities. In practice in many cases children and young people with disabilities attend this school facility, the Special Education Centre² (for school and vocational training), especially those with mental impairment. Approx. 39% of pupils with disabilities in Liechtenstein are taught and supported by this facility per year. Approx. 55% of all pupils with disabilities are integrated into the mainstream school system in Liechtenstein and the remainder are taught in special needs schools abroad. There they have the chance to attend a Special Education Day School³ which gives them individual teaching and prepares them for the professional world. For school period 2015/2016 the following table shows the distribution of disabled children into mainstream education versus special education facilities.

	Mainstream education in public school / kindergarden	Special Education Centre	Special education facilities in Austria or Swizza	Total	Percentage
Boys	49	45	7	101	66.9
Girls	32	13	5	50	33.1

After the mandatory number of school years specified by law, there exists only a partial integration of pupils with disabilities into the post-compulsory school system in Liechtenstein. In the area of providers of tertiary education no specific measures or policies on a state level are known to the authors.

¹ Gesetz vom 25. Oktober 2006 über die Gleichstellung von Menschen mit Behinderungen (Behindertengleichstellungsgesetz; BGIG), LGBl. 2006, no. 243.

² Heilpädagogisches Zentrum, located in Schaan.

³ Sonderpädagogische Tagesschule.

Based on the Act on Equality of People with Disabilities (AEPD),⁴ Liechtenstein recognizes the right of persons with disabilities to education.⁵ With a view to realizing this right without discrimination and on the basis of equal opportunity, Liechtenstein ensures through Art. 18 of the Act on Equality of People with Disabilities that children with disabilities receive an early intervention and education of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential. Article 18 of the Act on Equality of People with Disabilities⁶ states:

- The State shall ensure that children and young people with disabilities receive early intervention and a basic training that is customized to their specific needs. Decisive are the provisions of the Act on School Education (ASE).
- The State promotes appropriate forms of training for pupils as well as adequate training and support for teachers to integrate children and young people with disabilities into regular schools. The rules of the Act on School Education and the Act on Teachers are decisive.⁷
- The State shall further ensure that children and young people with disabilities receive vocational education with respect to their special needs, abilities and interests. The State can participate in the disability-related costs, provided they are not covered by insurance and other benefits.

Support to children with a disability is provided in form of individual developmental impairment adjusted expert therapies. The manner of these measures vary from psychomotor therapy, speech therapy, curative education to social therapy.⁸ Art. 15a of the Act on School Education (SchulG) deals with special school actions for pupils with reduced intellectual potential or strange behaviour. Article 15b focuses on pedagogical and therapeutic measures. Such specific assistance is foreseen for children and young people who are limited in their regular progress. It can start even before official school time begins and ends at the age of 20, exceptionally at the age of 22. The assistance can be carried out in regular schools or in special schools. In order to ensure the implementation of this right, Liechtenstein takes appropriate measures to support and train teachers for the integration of children with disabilities into the general education system. Article 15b paragraph 3 states that the professionals who are providing this special assistance must have a specific professional degree which qualifies and legitimises them to carry out these duties. Details are provided in the Act on School Education (Schulgesetz (SchulG), 15.12.1971, LGBl. 1972 no. 7).

⁴ Gesetz vom 25. Oktober 2006 über die Gleichstellung von Menschen mit Behinderungen (Behindertengleichstellungsgesetz; BGIG), LGBl. 2006, no. 243.

⁵ This Act came into force in 2007. Since then only very specific changes have been made, with the most recent amendments coming into force in 2016 in relation to nature conservation regulations. These rules take precedence over the regulations regarding accessibility of public buildings.

⁶ Gesetz vom 25 Oktober 2006 über die Gleichstellung von Menschen mit Behinderungen (Behindertengleichstellungsgesetz; BGIG), LGBl. 2006, no. 243.

⁷ Schulgesetz vom 15 Dezember 1971, LGBl. 1972 no. 7; Lehrerdienstgesetz vom 26. November 2003, LGBl. 2004 no 4.

⁸ Details see homepage of the education authority: http://www.llv.li/files/sa/pdf-llv-sa_foerdermassnahmen_gesamtkonzept_2012_08.pdf.

In practice, in many cases children and young people with disabilities — especially those with intellectual impairments — attend the Special Education Centre.⁹ There they have the chance to attend a Special Education Day School¹⁰ which gives them individual tuition and prepares them for the professional world.

According to Art. 18 of the Act on Equality of People with Disabilities (AEPD),¹¹ early intervention and basic training that is customized to the specific needs of persons with disabilities must be ensured by the state (§1). In addition, the Act on Vocational Training (AVT, Art. 1c) supports the elimination of discrimination against people with disabilities in any area of vocational training. The specific needs of people with disabilities in respect of their pre-vocational training (in terms of basic education and training) are taken into account by Art. 16 of the AVT through the possibility of shortening or extending the training period. Article 10(1)¹² of the AEDP covers all types and stages of vocational training and education. This includes access to careers guidance, vocational training, retraining, and further training, as well as access to practical professional experience. In addition to the AEDP, the Act on Vocational Training (AVT, Article 1c)¹³ promotes, among other things, the elimination of discrimination against people with disabilities in relation to any vocational training system. The specific needs of people with disabilities in respect of their pre-vocational training (in terms of basic education and training) are taken into account by Art. 16 of the AVT through the possibility of shortening or extending the training period. In implementing this, the government has to create an environment which recognises their special needs and ensures that young people with disabilities receive an adequate vocational training based on their existing abilities and interests.

Neither the AEPD nor the AVT has been changed since 2010 in relation to measures in education and training for equality of learning opportunities for young people with disabilities.

1.2 Availability and effectiveness of apprenticeship schemes

Specifically, and in more detail, what is the current availability of apprenticeship schemes in your country and how beneficial are they for young disabled people?

The AEPD states that the Liechtenstein government shall ensure that young persons with disabilities are able to access general tertiary education and vocational training without discrimination. For many decades, basic vocational training in Liechtenstein has been based on a two-track or three-track approach. The two-track approach, known as the dual system, combines on-the-job training within a company with teaching in a special vocational school. The three-track approach comprises these two elements plus a range of training courses designed to teach and develop practical skills.

⁹ HPZ= “Therapeutic Center of the Principality of Liechtenstein” (Stiftung “Heilpädagogisches Zentrum des Fürstentums Liechtenstein”).

¹⁰ Sonderpädagogische Tagesschule.

¹¹ AEPD, Gesetz über die Gleichstellung von Menschen mit Behinderungen (Behindertengleichstellungsgesetz; BGIG), 25.10.2006, LGBl. 2006, no. 243).

¹² Gesetz vom 25 Oktober 2006 über die Gleichstellung von Menschen mit Behinderungen (Behindertengleichstellungsgesetz; BGIG), LGBl. 2006, no. 243.

¹³ Berufsbildungsgesetz (BBG) vom 13 März 2008, LGBl. 2008, no. 103.

In terms of specific programmes for making young disabled people a target group for recruitment, no such measures are in place. Within the above described programmes and coaching elements, the relevant government department ensures that apprentices get accessibility and appropriate support during their training by selecting and setting up the apprenticeship schemes accordingly in advance.

1.3 Example of good practice to achieve Youth Guarantee objectives

Can you identify an example of promising policy/practice in your country that might help other countries to achieve the goals of the Youth Guarantee for young disabled persons?

No special examples of good practice to achieve Youth Guarantee objectives for young people with disabilities are known to the author.

Liechtenstein has launched successful apprenticeships schemes and programmes for young people. All these programmes and measures were set up without a specific focus on young people with disabilities. Thus, there have been no specific measures for developing certain networks between schools and employers, or for creating individual development plans for people with disabilities.

2 Access to the open labour market

2.1 Relevant active labour market schemes

What are the main policies or schemes that exist to support people with disabilities in employment and what policy changes have occurred in recent years?

Art. 10 §1 and §2 of the AEPD¹⁴ specify the extent of the duty to make provisions for the avoidance of discrimination within the area of employment and occupation. People with disabilities may not be discriminated against as employees in the public and in the private sector or at any other workplace, either directly or indirectly. Art. 10 §1 lit. a to lit. k of the AEPD include the aspects of recruitment, vocational training and occupational career and promotion. These are disability-specific schemes.

The Act on Invalidity Insurance¹⁵ provides additional regulations and assistance for people with disabilities. Besides financial benefits (disability pension) it seeks to assist people in employment (Arts. 39-44) by specific career counselling, job services, vocational training, and capital assistance in cases of self-employment.

In practice, basic professional orientation is provided in career guidance classes at the lower secondary level. The tasks of educational counselling and career guidance are to support young people in the career choice process. This measure is a mainstream scheme available to all secondary level pupils. In addition, a central source for young people with disabilities for labour market and career information outside school classes is the career guidance overview of the networking group “*Sichtwechsel*”, which brings together many governmental and non-governmental organisations in terms of supporting people with disabilities in Liechtenstein.¹⁶ This is a specific disability schema.

For people with disabilities there are the following main public institutions available to support them in finding the optimal professional apprenticeship/job:

Vocational Training Office (ABB)

The ABB¹⁷ offers vocational guidance and diagnostic clarification in close cooperation with the Disability Insurance Liechtenstein. The aim is to show disabled people up to 25 years old the optimal career choices based on their individual capacities and potential and to support them in planning their professional career and potential vocational training for a more effective career path planning.

In implementing this, the ABB provides two different variants to handle the individual needs of such persons. First, there is the pre-vocational training aimed at developing more independence and the ability to integrate into working life for the relevant

¹⁴ Gesetz vom 25. Oktober 2006 über die Gleichstellung von Menschen mit Behinderungen (Behindertengleichstellungsgesetz; BGIG), LGBl. 2006, no. 243.

¹⁵ Gesetz vom 23. Dezember 1959 über die Invalidenversicherung (IVG), LGBl. 1959 Nr. 5, link: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=1960005000&version=7&search_text=IVG&search_loc=abk_list&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=16.03.2017.

¹⁶ <http://www.sichtwechsel.li/ÜberblickBerufseinstieg/tabid/1401/Default.aspx>.

¹⁷ Amt für Berufsbildung.

person. A one-year apprenticeship in a local company combined with one school day per week at the apprenticeship school will be organised, with the school fees being largely covered by the ABB.

The second option is a two-year basic education culminating in a vocational certificate. Upon request the ABB supports the young person through a competent individual tutoring which not only includes school-based learning but all areas of training that the student requires. The costs are fully covered by the ABB. At the end of this 2-year period and after finishing the goals of the apprenticeship the student receives an accredited vocational certificate.

Office for Social Services (ASD)

The ASD supports people in re-entering the job market. The assistance is given in cooperation with the Vocational Training Office (ABB), the Labour Market Service Centre (AMS), and the Invalidity Insurance Liechtenstein (IV). Disabled persons with mental health problems are supported by the psychiatric and psychological service of the ASD. The ASD assists with placements into employment and apprenticeship programmes. Additionally, in case of financial support, the social welfare benefit can be granted based on the Law of Social Assistance¹⁸ which comes into place if someone in Liechtenstein achieves an income from employment, social transfers etc. which is below the calculated minimum income level (breadline).

Office of Economic Affairs (AVW)

The Labour Market Service Centre (AMS) operates under the Office of Economic Affairs¹⁹ and is organised at national level. The legally defined tasks of this organisation include the implementation of labour market policy targets of the Ministry for Home Affairs, Justice and Economic Affairs, the preparation of proposals for designing labour market policies, and the development of and adherence to quality standards in service provision.

They provide support in the career choice process, professional reorientation and job searching. Preconditions for receiving such help are entitlements to benefits under the unemployment insurance based on Art. 8 of the Unemployment Insurance Act (Arbeitslosenversicherungsgesetz, ALVG).²⁰

Information and counselling services aim to provide advice and support to people in their search for an apprenticeship. Here the individual abilities and interests, as well as the requirements of the world of work, are taken into account. Special programmes for young people with a first job experience of at least 6 months are offered (e.g. the programme "Regio 18:30"). Additionally, the AMS offers activation programmes to everyone by identifying the real needs of job seekers and giving

¹⁸ Sozialhilfegesetz vom 15. November 1984, LGBl 1985 no. 17; source: <https://www.gesetze.li/konso/pdf/1985017000>.

¹⁹ Amt für Volkswirtschaft.

²⁰ Arbeitslosenversicherungsgesetz vom 24. November 2010, LGBl. 2010, no. 452, source: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=2010452000&version=6&search_text=Arbeitslose&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=09.03.2017.

preferences to tailor-made measures for specific groups in terms of project weeks, return to work internships in companies etc. All these activation programmes are EduQua-certified.

The by-law to the Act on Invalidity Insurance²¹ in Liechtenstein covers measures regarding socio-professional rehabilitation. The Invalidity Insurance (*Invalidenversicherung, IV*)²² provides for remittance of additional funds to insured persons for the purpose of gainful employment on a case-to-case basis, whether performing their usual work, learning a trade, or using functional rehabilitation. Within this, the responsible office of the disability insurance offers specific measures/programmes and services to re-/ integrates people with disabilities into the labour market.

The Invalidity Insurance is funded by two streams. All persons who count as salaried workers for the purposes of the Liechtenstein Invalidity Insurance have to pay insurance contributions based on their salary earned. In addition, the public authorities contribute to the Invalidity Insurance. For individuals with particularly low incomes, the public authorities subsidise premiums (reduced health insurance premiums).

Besides this, in some cases the affected person him/herself and his/her family arrange some kind of employment based on personal contacts with employers.

Based on the feedback from NGOs and the Invalidity Insurance²³ involved in the process of finding apprenticeship schemes for people with disabilities in Liechtenstein, it appears that the likelihood of success in finding a company which is willing to make the necessary adjustments and accessibility of the job (e.g. accessibility to working place, toilets, required braille language, etc.) mainly depends on the personal relationships between the family of the person with a disability and the company's owners. Even the financial commitment of the government to company's who integrate people with disabilities has not been a sufficiently strong incentive. More effort by the public offices in terms of the promotion of company-based trainings - by providing financial support - would be required.

Thus, more political support would be necessary to encourage the private-sector employers to integrate unemployed persons with disabilities (e.g. state contributions to the social security payments, financial promotion of employment, setting up internships etc.).

²¹ By-Law to the Act on Invalidity Insurance

<http://www.gesetze.li/lilexprod/ifsshowpdf.jsp?lqblid=1982036000&version=0&signed=n&tablesel=0>.

²² The Invalidity Insurance, Old-age and Survivors' Insurance and Family Compensation Fund are three independent public institutions (AHV-IV-FAK). However, they were technically merged in order to form a joint directorate. They are subject to government and parliamentary supervision. The AHV-IV-FAK manage the so-called first pillar of pension insurance in the cases of old age, disability, invalidity and death (a general national insurance scheme for all residents and all employees). This first pillar is supplemented by the mandatory occupational scheme for employees (second pillar) and by voluntary insurance (3rd pillar).

Act on Disability Insurance

<http://www.gesetze.li/lilexprod/ifsshowpdf.jsp?lqblid=1960005000&version=7&signed=n&tablesel=0>.

²³ Link:

<http://www.hpz.li/CFDOCS/cms/admin/download.cfm?GroupID=304&FileID=2343&WatermarkMenuEntriesObjectID=1314>.

2.2 Support for flexible working arrangements

What measures exist to permit or support flexible working arrangements for persons with disabilities?

In Liechtenstein, there is no legal requirement for employers to provide employees with access to flexible work arrangements. National law does not grant workers the legal right to reduce their working time on request. This includes the AEPD, which does not provide a legal right of flexible working arrangements to employees with disabilities. Paragraph 1173(a) Article 36(a) of the Common Civil Code states that the employer is supposed to inform employees regarding part-time and fixed-term employment contracts. The employer shall consider requests from full-time workers who want to change to a part-time position, as far as possible. The employer is to inform his employees and the trade union about the availability of part-time work. As far as the authors knows, there is no legal right to work from home or remotely, either temporarily or otherwise on request. It would be a private agreement between the employer and the employee in which the interests of both parties are respected.

Working part-time is not restricted to certain groups or based on specific conditions or eligibility criteria. Thus, these general regulations apply to all persons, regardless of any aspects in terms of a disability. Currently there are no standard-flexible work arrangements by Liechtenstein companies given. Such arrangements are handled on an individual basis and depend on the type of job and the qualification of the employee etc.

2.3 Support for workplace adaptations

What support is available for workplace adaptations for workers with disabilities?

Accessibility to workplaces is touched on rather generally by the AEPD, in that it requests non-discrimination. The law does not oblige employers to design workplaces in a barrier-free way. The law favours single-case solutions and adaptations of workplaces, which can be financially supported by the state, instead of overall requirements.

Art. 10 §1 and §2 of the AEPD²⁴ specify the extent of the duty to make provisions for the avoidance of discrimination within the area of employment and occupation. Within this legislation, there is no specific regulation about the obligation of an employer to create reasonable accommodation and/or adaptation of workplaces for people with disabilities. Based on Art. 7 §3 of the AEPD it can be said, that attempts have to be undertaken to accommodate the situation of a person with disability, as otherwise this would count as indirect discrimination. In relation to the public-sector discrimination is further limited by the Act on the Employment of Public Officials (Gesetz über das Dienstverhältnis des Staatspersonals)²⁵ which explicitly names the integration of

²⁴ Gesetz vom 25. Oktober 2006 über die Gleichstellung von Menschen mit Behinderungen (Behindertengleichstellungsgesetz; BGIG), LGBl. 2006, no. 243. Source: https://www.gesetze.li/get_pdf.jsp?PDF=2006243.pdf.

²⁵ Gesetz über das Dienstverhältnis des Staatspersonals (Staatspersonalgesetz; StPG), LGBl. 2008 no. 144. Source: <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=2008144000&version=>

people with special needs, such as people with disabilities (Art. 4 sect. 2) as an objective of personnel policy, whereas there are no such positive statements relating to the private sector. There are no extra provisions in the labour law. Thus, special obligations for employers concerning employees with disabilities are rather weak in Liechtenstein.

In terms of ensuring non-discrimination within employment and occupation, the obligations based on the AEPD do not differ according to the employment type of the disabled person. Thus the obligations of the AEPD extend to public and private employers of any size and all employees.

Art. 20 of the Act on Equality of People with Disabilities states that pilot projects on the integration of people with disabilities into the work environment may be supported by society. The term 'society' is not elaborated any further, but one can assume that the government and the municipalities are addressed, maybe also the disability insurance and other public services. One of the various measures according to Art. 20 is financial support in order to adapt a workplace to the special needs of a person with disability. Article 32bis paragraph 6 of the Act on Disability Insurance (Gesetz über die Invalidenversicherung (IVG), 23.12.1959, LGBl 1950 no 5) says that the government is allowed to enact a by-law to support measurements for the preservation of an existing workplace for a disabled person, or to integrate a person into another workplace at the same enterprise or another adaptations to workplaces and other integrative activities are to be developed on a case-by-case basis, while binding and strong legal obligations on employers are lacking in the Liechtenstein's legislation.

Liechtenstein has designated for the promotion of equal treatment and as a first point of contact for all questions and issues concerned with discrimination of persons with disabilities the Office for Equality of People with Disabilities.²⁶ The office, based on Article 22 of the AEPD, is attached to the (private) Association for People with Disabilities and acts independently in terms of an initial consultation and information source. In cases a person feels discriminated and believes that the law had not been followed, article 25 of the AEPD states that the civil courts (part of the ordinary courts) are the appropriate authority to decide upon complaints against discrimination on the ground of disability. Claims are adjudicated according to the CCP (Code of Civil Procedure, Zivilprozessordnung).²⁷ In addition, there is the possibility of out-of-court settlement of disputes, which is regulated by Article 594 to 616 of the CCP. Furthermore, in 2005 the Act on Mediation in Civil Law Cases (AMCLC)²⁸ entered into force. This law defines mediation and mediators as well as the rights and duties of mediators.

In the event that indirect discrimination is a consequence of barriers, Art. 7 of the AEPD lists the type of disproportionate burdens (*unverhältnismässige Belastungen*)

[7&search_text=Staatspersonalgesetz&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=22.06.2017.](#)

²⁶ Liechtensteiner Behinderten-Verband: <http://www.lbv.li/>.

²⁷ Gesetz vom 10 Dezember 1912 über das gerichtliche Verfahren in bürgerlichen Rechtsstreitigkeiten (Zivilprozessordnung; ZPO), LGBl. 1912 Nr. 9/1.

²⁸ Gesetz vom 15 Dezember 2004 über die Mediation in Zivilrechtssachen (Zivilrechts-Mediations-Gesetz; ZMG), LGBl. 2005 Nr. 31.

that may justify unequal treatment and prevent this from being regarded as indirect discrimination. In detail, Art. 7 §2 specifies that the following criteria in particular have to be taken into consideration when deciding whether the likely burden is “disproportionate” or not:

- the costs of the adaptation/accommodation;
- the resources of the enterprise;
- the extent to which public assistance is available;
- the effect on the general interest of people with disabilities.

With reference to detailed obligations for accessibility of public buildings and facilities, Section II. C of the AEPD provides regulations regarding reasonable accessibility for people with disabilities.²⁹ Furthermore, these rules can be seen as a general duty to provide accessibility which exists in the absence of an individual request.

It is important to mention that the AEPD³⁰ contains no explicit regulation which refers to the employer's obligation to create reasonable accommodation and/or adaptation of workplaces for people with disabilities. Thus, the possibility for a person with a disability to find a job in the open labour market is mainly dependent on his/her degree of disability and the willingness of the employer to make the necessary adaptation of the workplace in the absence of any legal obligation. Instead of overall legal requirements, the law favours single-case solutions and adaptations of workplaces, which can be financially supported by the state upon request of the employer. From a legal perspective, judicial interpretation is required to confirm whether such obligations can be subordinated under the term of “other conditions for employment” as stated within Art. 10 §1 f,³¹ or if rather general provisions - such as those in the Constitution (Art. 9) - are sufficient to protect people against discrimination due to the lack of reasonable accommodation and accessibility of workplaces.

2.4 Evidence on non-standard wages

How are wages set for workers with disabilities outside the open labour market?

In general, there is no national minimum wage in Liechtenstein. The Liechtenstein Workers Association negotiates specific basic wages per employment sector annually with the Chamber of Commerce and the Chamber for Economic Affairs.

People with disabilities who are entitled to disability pensions (benefits from the Disability Insurance (IV))³² and who are working in sheltered workshops (e.g. the Special Education Centre in Liechtenstein), receive a small wage which does not

²⁹ Obligations are given in detail in the By-law of the Act on Equality of People with Disabilities (Behindertengleichstellungsverordnung), AEPDR/BGIV, 19.12.2006, source: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=2006287000&version=4&search_text=Behindertengleichstellungsverordnung&search_loc=text&sel_lawtype=conso&com_pl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=09.03.2017.

³⁰ Gesetz vom 25. Oktober 2006 über die Gleichstellung von Menschen mit Behinderungen (Behindertengleichstellungsgesetz; BGIG), LGBl. 2006, no. 243.

³¹ Gesetz vom 25. Oktober 2006 über die Gleichstellung von Menschen mit Behinderungen (Behindertengleichstellungsgesetz; BGIG), LGBl. 2006, no. 243.

³² Link: <https://www.ahv.li/leistungen/iv/allgemeines/>.

compare to an regular salary out of any mainstream employment,³³ the so-called recognition wage (the range goes from 1 to 7 Swiss Francs per working hour, approx. 0,93 to 6,5 €).³⁴ These hourly wages are financed by the Office of Social Services (ASD) which works under the Ministry for Social Affairs.³⁵ The ASD has a contractual agreement with the Special Education Centre (HPZ),³⁶ which is the only institution in Liechtenstein which runs sheltered workshops for people with disabilities. Based on this contractual agreement, in 2015 the government paid 23.82 Swiss Francs per service unit, which is equal to one working hour, to cover all the contractually defined costs.

The contractual agreement, signed in 2015, is based on the Act on Social Assistance.³⁷

The Office for Social Services (Amt für Soziale Dienste, ASD)³⁸ is entitled to supervise the Special Education Centre. The Office for Social Services is responsible for the adherence to and the further development of the concept and terms under which they operate. There are no cases known to the author where workers with disabilities claimed not to have received the minimum wage or to being insufficiently paid based on the contractual agreement between the government and the Special Education Centre.

2.5 Employment conditions in sheltered workshops

What conditions of employment exist for workers in sheltered workshops and how are these regulated? This question relates to pillar theme 7. For example:

- *Describe the system of sheltered workshops generally: do sheltered workshops exist? Who is eligible to be employed in such workshops? Please indicate if there are different kinds of workshops and eligibility conditions.*
- *Does standard labour law apply to those employed in sheltered workshops? If not, what justification is given for differences in treatment? Including:*
 - *Protection from dismissal*
 - *Right to join a trade union and take industrial action*
 - *Health and Safety legislation*
 - *Right to be consulted and receive information from the employer*
 - *Protection from discrimination*

³³ The recognition wage is based on an individual agreement, as the person in question is not working under a mainstream employment contract. For these people a specific care arrangement has to be granted and within this arrangement, specific teachers support these persons to perform work in a sheltered environment to support their positive development and strengthen their feeling of social integration. These sheltered

³⁴ Source: https://www.ahv.li/fileadmin/user_upload/Dokumente/Medien/Presse/2014/10/2014-10-28--Vaterland--1.pdf.

³⁵ Link: <http://www.regierung.li/ministries/ministry-for-social-affairs/offices/>.

³⁶ Link: <http://www.hpz.li/werkstaetten/>.

³⁷ Act on Social Assistance (Sozialhilfegesetz vom 15. November 1984, LGBl. 1985, no. 17, source: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lgblid=1985017000&version=5&search_text=Sozialhilfegesetz&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=09.03.2017.

³⁸ Link to the annual statement of the Office for Social Services: <http://www.llv.li/files/asd/asd-jahresbericht-2015-mit-inhaltsverzeichnis.pdf>.

The concept of work rehabilitation is expressed by the terms “sheltered workshop” (“*geschützte Werkstätte*”) and “sheltered workplace” (“*geschützter Arbeitsplatz*”), which are embedded in the Act on Disability Insurance³⁹ and in the corresponding Ordinance.⁴⁰ However, these legal provisions do not regulate the legal relationship between the work rehabilitation centre and the worker.

Sheltered workshops exist only at the Special Education Centre in Liechtenstein (HPZ).⁴¹ This organisation acts both as a direct employer and a temporary work agency. Within this arrangement, adults with disabilities are entitled to fix working hours and employment contracts according to the Liechtenstein Common Civil Code (*Allgemeines Bürgerliches Gesetzbuch*, ABGB, LR 210.0). The employment law does not contain specific regulations in regard to disabled people working in sheltered workshops. Disabled people working in sheltered workshops are considered as employees according to the Act on Employment in Industry, Commerce and Trade (AEICT).⁴² Their employment contracts contain the same social security contributions as any other employment contract under Liechtenstein law.

According to Art. 82 of the Disability Insurance, it can financially support sheltered workshops for people with disabilities. In terms of eligibility of persons with disabilities to participate in such sheltered workshops or workplaces, the Disability Insurance is silent. Also other authorities in Liechtenstein have no legal rights of influence with regard to the employment of persons with disabilities in the sheltered workshops of the HPZ. The HPZ offers different kinds of workshops, not in terms of employment contract and pay, but in terms of type of work and career orientation. Currently there are six different sheltered workshops:

1. the vegetable producing workshop which offers sheltered working places for people with learning disabilities (dyslexia, dyscalculia...) or mental impairments;
2. the workshop for craft training/craft processing which offers sheltered working places for people with cognitive deficits or mental impairments who have a special talent for craft/creativity;
3. the “Auxilia”, which is an own company of the HPZ with sheltered workshops in the area of restaurant work, carpentry, metalworking and local logistics. It offers working places for people with a mental impairment or limited mobility;
4. the workshop for small industrial work on a contractual basis with external customers, which offers working places for people with intellectual disabilities or multiple handicaps;
5. the internal working group which takes care of small repairs to the HPZ equipment, care and service work of the HPZ surroundings (e.g. garden),

³⁹ Gesetz über die Invalidenversicherung, IVG, LGBl 1960, no. 5, link: <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1960005000&queltiqdate=15032017>.

⁴⁰ Verordnung zum Gesetz über die Invalidenversicherung, IVV, LGBl. 1982, no. 36, link: <https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1982036000&queltiqdate=15032017>.

⁴¹ Link: <http://www.hpz.li/werkstaetten/>.

⁴² AEICT: Gesetz vom 29. Dezember 1966 über die Arbeit in Industrie, Gewerbe und Handel (Arbeitsgesetz); LGBl. 1967, no. 6, link: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lqblid=1967006000&version=3&search_text=Arbeitsgesetz&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=15.03.2017.

producing self-made products which are sold in a small shop to the public. This working group offers working places to people with mental disabilities or with minor mental retardation;

6. the weaving and sewing workshop which offers working places to persons with disabilities but who have manual dexterity.

Based on the Act on Information and Consultation of Employees in Business Enterprises (*Mitwirkungsgesetz*, AIC), the membership of organisations of workers or employers is covered as a separate reason for possible discrimination related to employment in the sense that it is defined as a prohibited ground of discrimination. The rule remains valid even if membership has been terminated (Art. 10 AIC). Furthermore, according to the AEPD (Art. 10 §1) people cannot be treated less favourably based on disability in respect of membership of an organisation of workers or employers, or any organisation whose members carry on a particular profession. Contravention of this rule represents discrimination.

There is no differentiation in respect to the protection of workers employed in sheltered workshops based on the AEIC known to the author. Thus, standard labour law applies to sheltered workshop employees.

3 Benefit caps and transitions

Every person with residence in Liechtenstein has the right to assistance in the event of a disability, no matter whether it is by birth or whether it occurs later during one's lifetime. It is also independent of age, employment status or income situation.

Benefits for disabled people supplement the social security system: wage subsidies, daily allowances, disability pensions, financial aid for devices, accommodation etc., additional benefits for people with specific disabilities, such as e.g. assistance for visually impaired people.

3.1 Recent law and policy reforms

How has the legal and policy framework changed for disability benefits for people of working age since the onset of the economic crisis. Have there been changes in the eligibility criteria (making them more difficult to claim or easier to claim)? This question relates to pillar theme 16.

Due to the impact of the 2008 economic crisis the forecast for 2013 to 2016 for the state financial income showed that it will not be sufficient to finance the net investments for even one year. As only a stable and sustainable financial budget can be the driver for continually high social investments, the Liechtenstein government started a restructuring process in 2010, followed by two cost-cutting programmes and a reduction of 2% of the operating expenses per year. These measures had their effect already in 2015, when the national income statement closed with a surplus of 39 million Swiss francs (approx. € 35 million).

Within the cost-cutting programme no measures within the legal and policy framework for disability benefits were taken. The eligibility criteria for disability benefits have not been tightened nor have changes been made to the extent and manner of receiving disability benefits following the economic crisis.

The benefits for disabled people are separate from benefits and assistance in the area of work and employment. This is important to mention, as in September 2014 the abolition of the state contribution to the unemployment insurance was approved by Parliament.⁴³ That was one of the measures implemented during the cost-cutting programme.

3.2 Key changes in eligibility criteria for disability benefits

What major policy reforms or developments have occurred in relation to out-of-work disability benefits, implemented or now proposed? This question relates to pillar theme 14

- *Is there evidence of the number of people affected by these changes or the extent of their impact?*

⁴³ Decision made by the Liechtenstein Parliament:
<http://www.landtag.li/protokolle/default.aspx?mode=suche&txt=ArbeitslosenversicherungStaatsbeitrag&krit=1&vonjahr=2014&id=7853&backurl=?mode=suche%26txt=ArbeitslosenversicherungStaatsbeitrag%26krit=1%26vonjahr=2014>.

In April 2012, the Liechtenstein government adopted the implementation of a new concept for an improved integration of persons with disabilities in the workplace. This concept was implemented as part of the administrative reform. It created a central contact office for affected persons and third parties (e.g. relatives and employers). The main task of the central contact office is to bundle offerings previously provided by several different institutions. Based on the latest reforms in 2016, this central contact office, which was integrated as an additional remit into the previous Office for Equal Opportunities, has now become part of the Office for Equal Opportunities and Human Rights.

In analysing the dominant policy agenda of Liechtenstein for the last 4 to 5 years, the eligibility criteria for disability benefits have not been of major interest. Neither the government nor NGOs or other institutions dealing with disabled people in Liechtenstein requested to change the attributes or conditions of the disability benefits over the last years. The given structure of disability benefits is widely accepted. Instead, more fundamental issues concerning the welfare state were discussed and measures implemented (e.g. cost cutting by reducing the state contribution to pension funds, health care, etc.). Some aspects of the arguments made by the disability organisation in Liechtenstein (e.g. non-discrimination of family members of person with disabilities) have been emphasized by the politics and integrated into the Disability Act (Art. 5). In recent years there had been little campaigning for policies to tackle disabling barriers and enable equal access.

There have been no further policy reforms or developments occurring in relation to out-of-work disability benefits within recent years.

Liechtenstein does not collect specific data regarding the unemployment rate and/or the situation of people with disabilities for statistical purposes. Thus, no figures and no aggregated data for scientific use are available.

Nonetheless, it can be assumed that people with disabilities do not have the same job opportunities as those without.

3.3 Conditionality of out-of-work benefits

To what extent is eligibility for out-of-work benefits conditional on active participation in job search or work-related activities? This question relates to pillar theme 14

- *e.g. obligation of to apply for jobs, try out work, attend rehabilitation or training programmes, accept less suitable job offers, etc.)?*
- *Is there any reasonable accommodation or support for disabled job seekers in these obligatory activities?*

“Eligibility” conditions in Liechtenstein for out-of-work benefits in terms of unemployment benefits, irrespective of whether they apply to persons with disabilities or not, are rather strict compared to international standards. Unemployed persons have to fulfil the following conditions to receive unemployment benefits:

- they are “unemployed” in the sense of being currently out of work, but able to enter work at short notice; and

- have at least 12 months of coverage of unemployment insurance in the last two years before claiming unemployment benefits; and
- are applying for vacancies / register in person with the Office of Economic Affairs (AVW),⁴⁴ under which the Labour Market Service operates, for a check on the first day from which the applicant is claiming unemployment benefit; and
- meet administrative requirements, such as applying for the benefit with the necessary documentation, and attending interviews and training courses with the employment counsellors as directed by the Labour Market Service (AMS); AMS; and
- undertake active steps to find work; and
- do not easily reject job offers on grounds of wages, working hours, places of work and occupation; and
- accept any appropriate job offered by the AMS, unless it pays less than 70% of the previous salary.

These conditions are valid for all unemployed persons who are claiming unemployment benefits, regardless of any disability.

3.4 Flexibility of financial support during transition into work

Is there any financial system of allowance to support transitions from benefits into work for unemployed disabled persons? This question relates to pillar theme 14 and 16:

- *e.g. financial support to try out work for a trial period without losing benefit entitlements?*
- *to subsidise wages, to avoid 'benefit traps' or to 'make work pay'? How does this work?*

Generally in cases of disability the Disability Insurance Act serves as a legal basis to promote persons with disabilities so that they are able to support themselves in whole or in part by their own means and are able to lead their lives as independently as possible. They are thus entitled to a range of integration measures such as professional retraining and continuing training, wage subsidies (paid by the Disability Insurance directly to the employer as part of the salary the disabled person as employee receives to compensate for the lower efficiency of the disabled persons compared to the industry-standard wage that is paid) and additional assistance. If they are not or only partially able to work, they are entitled to a disability pension.

All these financial supportive measures to integrate unemployed disabled persons into work life can only be granted up to one year based on the by-law to the Act on Disability Insurance.⁴⁵

The disability insurance is continuously paid unless the disabled person has successfully been integrated into mainstream working environment and receives a regular salary from his/her employment.

⁴⁴ Source: <http://www.llv.li/#/139/arbeitslosenversicherung-olv>.

⁴⁵ Verordnung zum Gesetz über die Invalidenversicherung (IVV), LGBl. 1982, no. 36, link: <https://www.gesetze.li/lilexprod/ifshowpdf.jsp?lgblid=1982036000&version=9&signed=n&tablesel=0>

There are no further specific financial systems of allowance to support transitions from benefits into work for unemployed disabled persons known to the author. Within the process of integrating unemployed disabled persons into the job market, specific projects are given by the AMS to all entitled unemployed persons of the unemployment insurance, based on the principle “try out work for a trial period”. During this timeframe, the person receives unemployment benefits (e.g. project “coming back”).⁴⁶

3.5 Example of good practice (avoiding ‘benefit traps’ or ‘making work pay’)

Can you identify an example of promising practice in your country that might help other countries to ease the transition from benefits to work for persons with disabilities, and to avoid benefit traps?

There is no example of good practice regarding this issue in Liechtenstein known to the author.

⁴⁶ Link: http://www.amsfl.li/ams/upload/downloads/Kollektive_Aktivierungsprogramme_AMS_FL_Uebersicht.pdf.

4 Accessible housing

4.1 Relevant law and policy

Is there any definition of 'accessible housing' in national law or policy?

- *If so, what is that? It is not necessary to provide us with detailed technical information about the accessibility standards.*
- *Are there any rules / requirements regarding the accessibility of newly built houses?*
- *Are there any rules / requirements regarding newly refurbished houses?*
- *Do these rules / requirements apply to the private sector, to social housing, or both?*

In the Liechtenstein legislation accessibility obligations are enacted in the Act on Equality of People with Disabilities (AEPD) and the By-law (*Verordnung*) to the AEPD. The term "accessible housing" is defined in Article 3 of the By-law to the AEPD and is based mainly on the international norm SIA 500.⁴⁷ The provisions and obligations address more the public than the private sector. Public buildings have to be created or adapted in a barrier-free way. Private house owners, on the other hand, are only legally forced to guarantee accessibility if a building consists of six or more apartments.

Activities of the public – i.e. the state and the municipalities – in favour of people with disabilities have expanded in recent years significantly in Liechtenstein. Article 32 of the AEPD rules that public buildings and facilities must be accessible for all persons until the year 2019 (12 years after the entry into force of the AEPD) if they were constructed before 2002, and until 2027 (20 years after entry into force of the AEPD) if they were constructed between 2002 and 2007. New public buildings have to be constructed in an accessible way right from the start.

Accessibility standards in private housing, however, are only provided for buildings with six or more apartments due to Article 13 of the AEPD.⁴⁸

4.2 Housing in multiple occupation (communal areas)

In multi-occupied housing (e.g. apartment buildings) is there an obligation to make accessible the communal part of buildings (e.g. entrances and other communal areas)?

- *Who does this obligation fall on? How is it triggered? Is there funding to support such adaptations?*

⁴⁷ Link: https://www.gesetze.li/lilexprod/lgsystpage2.jsp?formname=showlaw&lglid=2006287000&version=4&search_text=Behindertengleichstellungsgesetz&search_loc=text&sel_lawtype=conso&compl_list=1&rechts_gebiet=0&menu=0&tablesel=0&observe_date=22.06.2017.

⁴⁸ Link: <http://www.gesetze.li/lilexprod/ifshowpdf.jsp?lglid=2006243000&version=4&signed=n&tablesel=0>.

The AEPD covers public housing in Articles 11 to 13.⁴⁹ The AEPD protects people with disabilities by ensuring access to public buildings and state housing. However, the AEPD is silent about any obligation in the private housing area. There is one exception where the AEPD makes a differentiation by saying that private housing areas with more than six apartments must also be accessible to people with disabilities. Furthermore, article 14 of the AEPD⁵⁰ states as a general regulation, that private residential buildings may only be subsidised by the government (participating in state-funded housing programs) if they are adaptable to provide accessibility (if they are not already accessible). Thus, the AEPD requests private multi-occupied housing with more than six apartments to be accessible for people with disabilities, which includes entrances and communal areas. For private buildings with less than six apartments the AEPD prohibitions do not come into force and therefore a landlord of such a private building can refuse to rent his property to a disabled person on the grounds of disability. Furthermore, in such a situation, the legally defined measures for adaptations to buildings to make them accessible for people with disabilities do not apply. Private multi-occupied housings with more than six apartments, which have been built before the AEPD came into force in 2006 have the same obligations as those built after the AEPD came into force. Owners, must make the building accessible to persons with disabilities at the first refurbishment of the residence.

4.3 Example of promising practice in making accessible housing available

Can you identify one or more examples of promising practice in your country that might help other countries to increase the accessibility of housing stock to persons with disabilities?

From the point of view of the Liechtenstein Association for People with Disabilities, co-operation with the national administration is quite well developed. The Association is involved with about forty projects every year where it counsel's architects, house-owners or officials. An example of promising practice are the activities in the area of construction consultancy with an additional focus on independent living arrangements for the elderly by the Liechtenstein Association for People with Disabilities. The aim of the association is to provide in advance a clear and enforceable guidance to people who suffer from an age-related disability to enable them living independently. Thus, people in need of making their housing accessible have a one point of contact who gives them the necessary legal information and provides them with expertise in terms of verifying what kind of adjustments are necessary and how expensive they are.

⁴⁹ Gesetz vom 25 Oktober 2006 über die Gleichstellung von Menschen mit Behinderungen (Behindertengleichstellungsgesetz; BGIG), LGBl. 2006, no. 243.

⁵⁰ Gesetz vom 25 Oktober 2006 über die Gleichstellung von Menschen mit Behinderungen (Behindertengleichstellungsgesetz; BGIG), LGBl. 2006, no. 243.