



Employment of persons with disabilities: an assessment of the effectiveness of national policies

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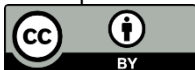
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1 Executive summary

1.1 Analysis of the employment situation of persons with disabilities, including the disability employment gap

The employment rate of persons with disabilities in Belgium has shown an overall positive trend between 2012 and 2022, with an increase of about 7.9 percentage points (pps) over recent years until 44 % in 2022. The gender disparity in the employment rate for persons with disabilities has almost disappeared since 2022. The disability employment gap has remained almost unchanged in the last decade. The gap between the employment rates of persons with and without disabilities in Belgium is 33.6 pp, one of the largest gaps in the EU. The difference between the disability employment gap for men and women has fluctuated between 2014 and 2024. Since 2019 the gap has been wider for men than for women.

1.2 National targets for the employment of persons with disabilities, including monitoring of the targets

Belgium has set a target to reduce the disability employment gap by 26 % by 2030, compared to the 2019 level. In addition, there are several employment quota and targets for persons with disabilities in the public sector, although most of these targets are not sufficiently monitored or evaluated. A failure to meet these quota or targets does not lead to sanctions. Furthermore, there is no systematic official evaluation of the employment rate of persons with disabilities, only sporadic reports from some public institutions.

1.3 Identification and evaluation of employment measures over the last decade

1. Reintegration pathways: With the introduction and reform of the reintegration pathways, the Government sought to reduce the growing number of workers on long-term sick leave. Persons who followed these pathways could benefit from a reintegration plan, adapted work or training opportunities. However, the number of persons on long-term sick leave has continued to rise over the last few years. In 2019, there were 420 504 employees on long-term sick leave (one year or longer), and in 2022 there were already 471 927 employees on long-term sick leave. The enhanced focus on reintegrating those with long-term illnesses has not (yet) been able to accelerate an exit from the situation of long-term sick leave. Persons who follow reintegration or back-to-work pathways have a higher chance of going back to work compared to those who do not make use of a reintegration tool. However, the use of reintegration and back-to-work tools remains limited, making their impact on the employment rate of persons with disabilities rather small.
2. Positive actions: A legal framework has been introduced for positive actions and measures designed to prevent or compensate for disadvantages linked to one of the criteria protected by anti-discrimination legislation, so as to guarantee equality in practice. This tool is used to promote the employment of groups that are under-represented in the labour market.

In the private sector, the introduction of positive actions is left to the initiative of employers. The system of positive actions in the private sector is still not widely known and is not often used. In the public sector there is no specific legal framework for the development of positive actions. However, positive action measures such as recruitment quotas and reserved positions for persons with disabilities have been introduced by the various authorities. The development of positive actions remains relatively modest. The actions are deployed on too small a scale to have any influence on the employment rate.

3. Adapted work companies: The regions have significantly increased their investments in adapted work companies. This has been accompanied by various reforms. The adapted work sector has professionalised over the last few decades. The term 'sheltered workshop' has been replaced by 'adapted work companies'. The organisations are subject to the same constraints as any other organisation engaged in commercial activities. However, they retain their social objective, namely the socio-professional integration of persons at a distance from the labour market, including persons with disabilities. In general, this has led to more work opportunities in adapted work companies. Most of the budget devoted to the employment and training of persons with disabilities is intended for the sheltered workshops.

1.4 Future plans and overall assessment

At the time of drafting of this report, there is no Federal Government in Belgium. Ongoing policy and projects are being continued, but no new initiatives are being taken to promote the employment of persons with disabilities. Some new measures have been announced in the regions, but the specific proposals, the implementation measures, the available funding and the number of participants are currently unclear, which makes it difficult to assess their future impact.

Except for some quotas, there is no systematic monitoring and evaluation of the employment policy for persons with disabilities. Without any legal obligation to ensure this monitoring, the authorities do not do it.

1.5 Recommendations on effective target setting and monitoring

The Governments should, after consultation with representative organisations of persons with disabilities, establish a clear strategy to achieve the targets to reduce the disability employment gap to help achieve the 2030 headline target of 80 % overall employment.

The Governments should establish a systematic monitoring system, based on clear indicators for a comprehensive monitoring of the employment of persons with disabilities. For every target, a monitoring committee should be established.

2 Analysis of the employment situation of persons with disabilities, including the disability employment gap

2.1 Overall employment rate and trends

Table 1: Employment rate of population aged 20-64 since 2012 (%)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Belgium	67.2	67.2	67.3	67.2	67.7	68.5 ¹	69.7	70.5	70.0	70.6	71.9

Source: EUROSTAT, EU-LFS. Data extracted on 3 May 2024.

Since 2012, the employment rate of persons aged 20-64 has continuously increased. In 2022, the employment rate in Belgium was 71.9 %. Belgium has never had such a high rate.² All regions have registered an increase.

However, to achieve the sustainable development goal by 2030, this figure must reach 80 %. This objective will not be reached by continuing the current trend, which is too slow. In 2012, Belgium's employment rate (67.2 %) was still slightly higher than that of the EU27 (66.9 %). Over the past 10 years, Belgium's employment rate has increased slowly, while that of the EU27 has increased faster. In 2022, Belgium's employment rate was 2.7 percentage points below the European average (74.6 %).

According to the High Council for Employment,³ the relatively low employment rate can be explained by several factors. The first is related to the country's labour shortage. Employers struggle to recruit the workers necessary for the development of their activities. Most sectors and all regions are affected. The job vacancy rate is reaching record levels. This shortage can be explained by a lack of candidates, a mismatch between the skills required by employers and those of applicants and unattractive working conditions in terms of salary, job difficulty, etc. The second factor is the difficulty of expanding the groups participating in the labour market. Some groups are currently underrepresented in the workforce: women, less well-educated individuals, non-EU nationals, those under 25, and those aged 55 and over. Finally, a number of other barriers hinder participation in the labour market: discrimination, the availability and affordability of childcare services, requirements regarding work experience or qualifications, longer career durations, mobility issues and health-related challenges.

Table 2: Employment rate of men and women aged 20-64 (%)

Belgium	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Men	72.7	72.3	71.6	71.3	72.3	73.4	73.9	74.5	74.1	74.5	75.7
Women	61.7	62.1	62.9	63.0	63.0	63.6	65.5	66.5	65.9	66.8	68.1

Source: EUROSTAT, EU-LFS. Data extracted on 3 May 2024.

Since 2012, the employment rate for women has steadily increased, reflecting their growing participation in the labour market. In 2022, the employment rate for women reached 68.1 %. As in all EU countries, the employment rate for women is considerably

¹ Red shading indicates a break in the time series. Changes from previous year should therefore be interpreted with caution.

² Statbel, '[Sharp increase in the employment rate of people aged 55-64 between 2000 and 2022](#)', 26 April 2023.

³ High Council for Employment, '[Rapport du Conseil supérieur de l'emploi : État des lieux et perspectives du marché du travail en Belgique et dans les régions](#)' (Report by the High Council for Employment: Current situation and outlook for the labour market in Belgium and the regions), 4 July 2022.

lower than that for men (by 7.6 pp.), but the Belgian gender gap is below the EU average.

2.2 Description of the employment rate of persons with disabilities and trends

Table 3: Employment rate of persons with disabilities aged 20-64 (%)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Belgium	36.1	41.4	38.7	38.5	40.5	42.5	43.8	44.1	41.6	41.6	44.0

Source: EU-SILC

According to EU-SILC, the employment rate of persons with disabilities in Belgium has shown a positive trend in recent years, reflecting an increase of about 7.9 percentage points over recent years. The COVID-19 pandemic had a significant impact on the employment rate of persons with disabilities: there was a decrease of 2.5 percentage points in 2020. In 2022, the employment rate increased once again, compensating for the decrease during the COVID-19 pandemic.

In 2022, the employment rate for persons with disabilities was 44 %, which remains considerably lower than the national average and highlights ongoing challenges in integrating this group into the labour market. This rate is 10 percentage points lower than the EU27 employment rate for persons with disabilities, which stands at 54.3 %.

Table 4: Employment rate of men and women with disabilities aged 20-64 (%)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Belgium											
Men	40.7	42.9	40.2	43.0	43.8	47.8	47.6	46.2	42.2	41.8	43.6
Women	31.9	40.1	37.5	34.7	37.7	38.1	40.5	42.1	41.1	41.3	44.3

Source: EU-SILC

Despite improvements in both groups, a gender disparity has long persisted. Over the last decade, the employment rate for men with disabilities has remained higher than that for women with disabilities, although the gap has narrowed since 2019. In 2022, the employment rate of women with disabilities (44.3 %) was for the first time slightly higher than that of men with disabilities (43.6 %).

2.3 Description of the disability employment gap and trends

Table 5: Disability employment gap and trends (percentage points)

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Belgium	34.4	34.9	34.5	33.1	32.0	33.1	36.3	38.0	35.3	33.6

Source: EUROSTAT, EU-SILC. Data extracted on 25 July 2024.

The disability employment gap remained approximatively unchanged between 2014 and 2023, with some fluctuations in both directions. The gap between the employment rates of persons with and without disabilities in Belgium is one of the highest in the EU. In 2023, Belgium ranked fifth from the bottom, with a gap of 33.6 percentage points, while the EU27 average stood at 21.5 %.

A target has been agreed for Belgium for 2030: that the difference in the employment rate between persons with and without disabilities must be less than 24.5 percentage

points.⁴ Without significant policy changes, however, the gap is unlikely to close so quickly.

Table 6: Disability employment gap for men and women (percentage points)

Belgium	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Men	35.0	34.2	34.5	30.9	31.7	34.2	39.8	41.4	38.6	36.9
Women	33.1	34.8	33.6	34.2	31.6	31.7	32.7	34.4	31.7	30.1

Source: EUROSTAT, EU-SILC

The difference between the disability employment gap for men and women has fluctuated between 2014 and 2024. Since 2019 the gap has been wider for men than for women.

2.4 Employment of persons with disabilities in ‘sheltered workshops’

In **Flanders**, 24 339 target group employees worked in sheltered workshops in 2022.⁵ The target group employees consist mostly of persons with an occupational disability (mental or physical), although long-term jobseekers at a distance from the labour market and persons with psychosocial problems are also included in the data. Around 66 % of these employees have a recognised occupational disability,⁶ while 25.9 % of these workers have psychosocial issues. Women are underrepresented in the group of target group employees who work in sheltered workshops as they only represent 35 % of employees.

29 % of target group workers in sheltered workshops in Flanders were aged between 15 and 34 in 2022.⁷ 35 % were between 35 and 49 years old, 36 % between 50 and 64 years old and 1 % 65 or older.

In **Wallonia**, approximately 10 000 persons work in sheltered workshops. The vast majority of them are workers with disabilities (+/- 80 %). This represented 7 597 workers with disabilities in 2022. The number of workers in sheltered workshops is increasing, due in particular to the non-market agreements, which must refinance the sector by the creation of additional jobs.⁸

⁴ Federal Public Service Social Security (2023), *The evolution of the social situation and social protection in Belgium 2021*, <https://socialsecurity.belgium.be/sites/default/files/content/docs/en/publications/silc/silc-analysis-social-situation-and-protection-belgium-2021-en.pdf>.

⁵ Statistics Flanders, ‘Doelgroepwerknemers in sociale economie’ (Target group employees in the social economy), 23 February 2024.

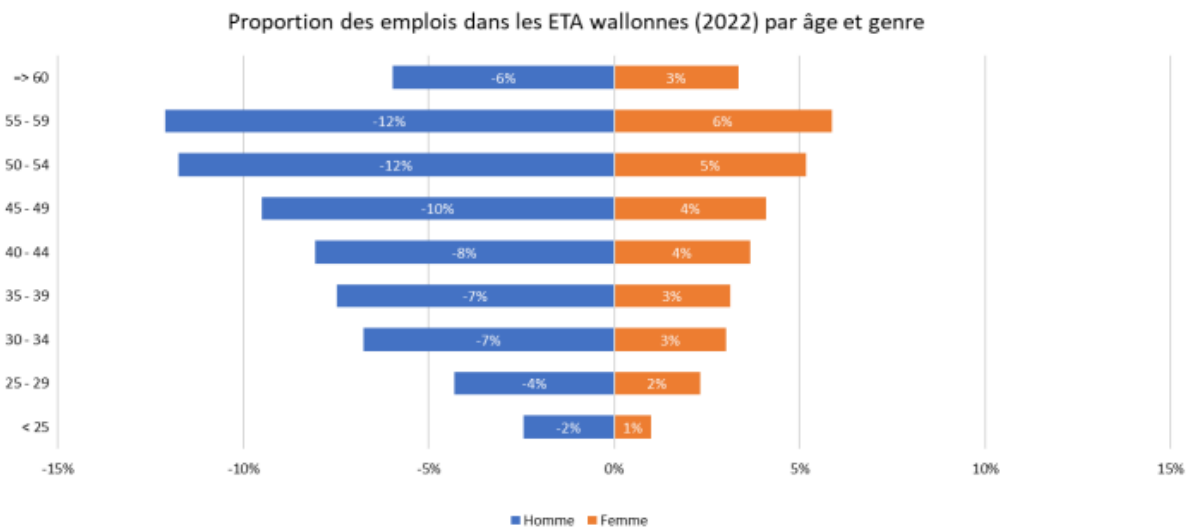
⁶ An occupational disability is a condition of a cognitive, mental, physical or sensory nature that makes it difficult for persons to find work or perform their job. Examples include autism, hearing impairment, low vision, epilepsy, a muscle disease and chronic depression.

⁷ Statistics Flanders (2024), ‘Target group employees in the social economy’.

⁸ Agence pour une Vie de Qualité (AVIQ) (2022), Annual Report 2022, https://www.aviq.be/sites/default/files/documents_pro/2023-11/Rapport_activites_AVIQ_2022.pdf.

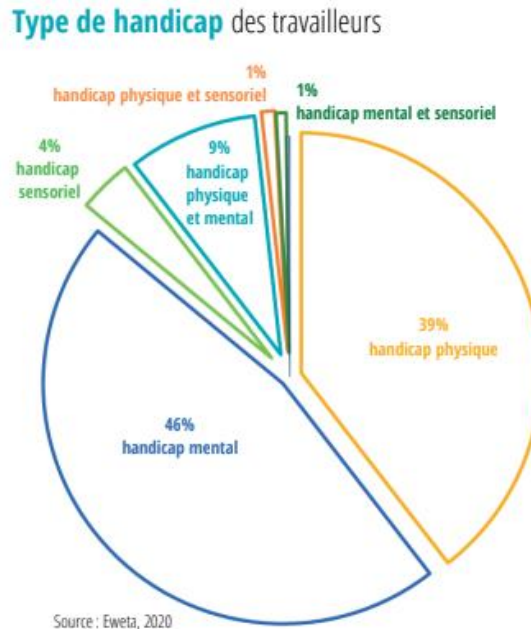
Figure 1: Age of employees in Walloon sheltered workshops⁹

Âge des travailleurs au sein des ETA (Chiffres ONSS 2022 (Social Profit Data Trust) - Analyse par l'Observatoire de l'ES)



Men account for the majority of employment in the Walloon sheltered workshops (68 %). This is particularly true among those aged 50-60. Since 2016, the average age of workers has increased significantly but was expected to stabilise in 2022. The >60 age group represents 9.3 % of employment, compared with 5.5 % in 2016.

Figure 2: Type of disabilities in Walloon sheltered workshops



Of the persons with disabilities working in Walloon sheltered workshops, 46 % have an intellectual disability and 40 % have a physical disability.¹⁰

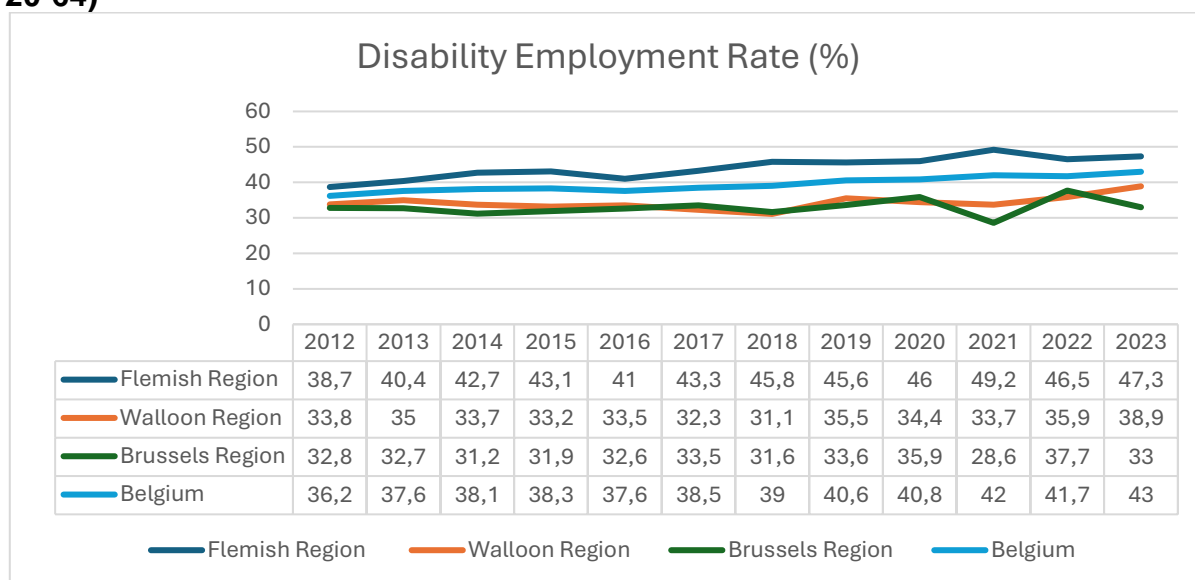
⁹ Walloon Federation of Adapted Work Companies (Eweta) (2023), *Adapted work companies: 60 years*.

¹⁰ Eweta (2024), Memorandum, Regional elections 2024-2029.

In the Brussels Capital Region, a total of 1 630 persons with disabilities were employed in a sheltered workshop in 2022. Of these, 8 % were aged over 60, and just 32 % were women.¹¹

2.5 Additional national indicators / data regarding employment of persons with disabilities

Figure 3: Evolution 2012-2023 of the disability employment rate in Belgium (aged 20-64)



Source: 'Steunpunt werk', based on national LFS data from Statbel.¹²

The 2023 Labour Force Survey (LFS) data for Belgium indicate an overall employment rate of persons of working age (20-64) of 72.15 %, while this percentage is 43 % for persons who experience severe limitation as a result of a disability or long-standing health problems. Thus, this figure confirms the data above on the overall employment rate for persons with disabilities.

Table 7: 2023 Belgium employment rates, by disability and gender (aged 20-64)

	Men	Women	Total
Severe limitation	25.4 %	24.9 %	25.2 %
Some limitation	63.1 %	51.5 %	56.5 %
No limitation	80.6 %	73.9 %	77.3 %
Total	75,8 %	68.3 %	72.1 %

Source: LFS 2023 – Table T1.009Y_2023¹³

The employment rate depends largely on the level of disability, ranging from the rate for those who experience severe limitation, at 25.2 %, to the rate of those who experience some limitation, at 56.5 %.

¹¹ Gerard, S., Ide, N., Dumont, D. and Tojerow, I. (2022), *Cadastre of services for people with disabilities in Brussels: a legal, economic and practical map*, p. 371.

¹² See: [Werkzaamheidsgraad personen met hinder door handicap, aandoening of ziekte naar leeftijd – Steunpunt Werk](#).

¹³ See: <https://statbel.fgov.be/en/themes/work-training/labour-market/employment-and-unemployment#figures>.

Table 8: 2023 Belgium unemployment rates, by disability and gender (aged 20-64)

	Men	Women	Total
Severe limitation	6.7 %	3.1 %	4.9 %
Some limitation	9.4 %	7.8 %	8.6 %
No limitation	5.4 %	4.8 %	5.1 %
Total	5.7 %	5.0 %	5.4 %

Source: LFS 2023 – Table T1.009Y_2023.¹⁴

The 2023 Labour Force Survey for Belgium shows an unemployment rate of persons without disabilities of working age of 5.1 %, while this percentage was 4.9 % and 8.6 % respectively for persons with severe and some limitation.

Table 9: 2023 Belgium activity rates, by disability and gender (aged 20-64)

	Men	Women	Total
Severe limitation	27.3 %	25.7 %	26.5 %
Some limitation	69.6 %	55.9 %	61.8 %
No limitation	85.2 %	77.6 %	81.4 %
Total	80.4 %	71.9 %	76.1 %

Source: LFS 2023 – Table T1.009Y_2023.¹⁵

The 2023 Labour Force Survey for Belgium shows an activity rate (working and unemployed) of persons without disabilities of working age of 81.4 %, while this percentage is 26.5 % and 61.8 % respectively for persons with severe and some limitation.

In fact, the vast majority of persons with disabilities are inactive in Belgium: they do not have a job, are not looking for one or are not available for work.

Many persons with disabilities would like to work, as shown by a study commissioned by the King Baudouin Foundation in 2023. This survey, which collected the opinions of 1 028 respondents with disabilities in Belgium, shows that 67 % of persons with disabilities who do not have a job would like to be hired. While many of them want to make an effort to adapt to the employers' needs, many regret that the labour market, from job interviews to the organisation of tasks, is too little geared towards inclusion. Worse still, 69 % of the respondents who are looking for work feel discriminated against. The vast majority deplore the lack of support, guidance and equipment adapted to their disability.¹⁶

Recent research into the Ghent labour market, using correspondence tests, reveals a high degree of discrimination: on average, deaf persons are 51 % less likely to receive a positive response after applying for a vacancy. In terms of the likelihood of being

¹⁴ See: <https://statbel.fgov.be/en/themes/work-training/labour-market/employment-and-unemployment#figures>.

¹⁵ See: <https://statbel.fgov.be/en/themes/work-training/labour-market/employment-and-unemployment#figures>.

¹⁶ King Baudouin Foundation (2024), Survey on the employment of people with disabilities in Belgium.

invited to a job interview, deaf applicants are 53 % less likely to be interviewed. Discrimination is even more pronounced when it comes to deaf female candidates.¹⁷

¹⁷ Dinçer, B.E. and Verhaeghe, P-P. (2024), *Juridische praktijktesten op de Gentse arbeidsmarkt: Opvolgmeting 2023-2024* (Legal and sensitising practice tests on the Ghent labour market: Follow-up measurement 2023-2024).

3 National targets for the employment of persons with disabilities, including monitoring of the targets

3.1 National targets for employment of persons with disabilities

Belgium aims to reduce the disability employment gap by 26 % by 2030 (= 24.5 pps) compared to the 2019 level (= 33.1 pps).¹⁸ However, it is unclear how the country plans to achieve this target as there is no clear strategy in place. The target is not mentioned in the Federal Disability Action Plan (2021-2024),¹⁹ the Interfederal Disability Strategy 2022-2030,²⁰ or in any policy paper of the minister responsible for persons with disabilities.

In addition, there are several employment quota and targets for persons with disabilities in the public sector.

For the federal public administration there is a legally binding quota of 3 % of persons with disabilities working within these services.²¹ The quota has been set by the Federal Government. Each public department is required to have at least 3 % of persons with disabilities (full-time equivalent) among their staff.

So far, only four Federal Government administrations have reached the quota of 3 %. In 2023, only 762 persons with disabilities worked within the federal administrations, which corresponds to 1.4 % of their staff.

Table 10: Employment rate of persons with disabilities in the federal public sector (%)²²

Year	2016	2017	2018	2019	2020	2021	2022	2023
Employment rate	1.5 %	1.43 %	1.31 %	1.24 %	1.22 %	1.06 %	1.09 %	1.4 %

The Flemish Government sets targets for the employment of persons with disabilities in the Flemish administration.²³ This is not a legally binding quota, however. Since 2016 this target has been set at 3 % of persons with disabilities (full-time equivalent).²⁴ Furthermore, up to 1 % of the positions in the various departments can be reserved for persons with disabilities. So far, only five Flemish public administrations have reached the target of 3 %.

¹⁸ Member State Target setting Fiche – BELGIUM, within the framework of the Action Plan for the European Pillar of Social Rights.

¹⁹ Federal Disability Action Plan (2019-2024), <https://socialsecurity.belgium.be/nl/publicaties/federaal-actieplan-handicap-2021-2024>.

²⁰ Interfederal Disability Strategy 2022-2030, <https://socialsecurity.belgium.be/nl/publicaties/interfederale-strategie-handicap-2022-2030>.

²¹ Royal Decree of 6 October 2005 on the inclusion of persons with disabilities and reasonable accommodation during selections.

²² *Commissie voor de Inclusie van Personen met een Handicap* (CIPH) (Commission on the Integration of Persons with Disabilities) (2023), *Evaluatieverslag CIPH 2023* (CIPH Evaluation Report 2023).

²³ Decree of the Flemish Government of 13 January 2006 establishing the legal status of the personnel of the services of the Flemish Government.

²⁴ Flemish Government Strategic Equal Opportunities and Diversity Plan 2016-2020, Policy note 2019-2024, HR Policy and Audit.

Table 11: Employment rate of persons with disabilities in the Flemish public sector (%)²⁵

Year	2016	2017	2018	2019	2020	2021	2022	2023
Employment rate	1.3 %	1.4 %	1.8 %	2 %	2.3 %	2.4 %	2.5 %	2.6 %

Local communities and provinces in Flanders need to have at least 2 % of persons with disabilities among their staff.²⁶ There are no recent data available to monitor this target.

The Brussels Regional Public Service has a quota of 2 % of persons with disabilities working for their services.²⁷ Until this quota is reached, priority must be given, when recruiting, to persons with disabilities who are successful candidates. In this case, one or more selection procedures may be reserved for persons with disabilities. The administration of the French Community Commission (COCOF) in Brussels is obliged to employ at least 5 % persons with disabilities.²⁸ Here too, if the minimum employment quota is not reached, priority in recruitment must be given to successful persons with disabilities. The Common Community Commission²⁹ has a target of 2 %. There are no recent data available to monitor this target.

Local communities in the Brussels Capital Region need to employ at least one person with a disability on a half-time basis for every 20 full-time equivalent staff (or 2.5 % of their staff).³⁰ 5 of the 19 local communities in the Brussels Capital Region have reached the quota of 2.5 %.³¹

In the Walloon Region³² and the French Community,³³ at least 2.5 % of the staff in their administrations should consist of persons with disabilities. As long as this quota is not reached, 5 % of the new recruitments should be reserved for persons with disabilities. In 2021, 14 of the 17 public administrations in the Walloon Region had reached the target of 2.5 %.³⁴

²⁵ Flemish Government (2024), '[Diversiteit personeel Vlaamse overheid](#)' (Diversity of Flemish Government Staff).

²⁶ Decree of the Flemish Government of 20 January 2023 establishing the minimum conditions of the legal status regulations for the staff of local and provincial administrations.

²⁷ Decree of the Government of the Brussels-Capital Region of 21 March 2018 on the administrative status and remuneration scheme for civil servants of the regional public services of Brussels.

²⁸ Decree of the College of the French Community Commission of 13 April 1995 laying down the Staff Regulations of Officials of the College of the French Community Commission, Art. 279/1.

²⁹ Decree of the United College of the Joint Community Commission of 5 June 2008 on the administrative status and emoluments of officials and trainees in the departments of the United College of the Joint Community Commission of Brussels-Capital, Art. 60/1.

³⁰ Ordinance of 2 February 2017 on the obligation to recruit persons with disabilities in local governments.

³¹ Brussels Local Authorities, Subsidies and Equality Directorate (2024), *Employment of people with disabilities in Brussels municipalities: Report 2023*.

³² Walloon Government Decree of 18 December 2003 on the Walloon Civil Service Code; Walloon Government Decree of 18 December 2003 on the conditions of employment and the administrative and financial situation of members of contract staff.

³³ Decree of the Government of the French Community of 21 December 2020 on the employment of persons with disabilities in Government departments and in certain public interest bodies under the authority of the French Community.

³⁴ Report on the implementation by 31 December 2021 of the provisions of the Walloon Civil Service Code relating to the employment of people with disabilities within the Walloon Government departments and certain public interest bodies, Walloon Government Decree of 26 February 2015.

Local communities and provinces in Wallonia need to have at least 2.5 % persons with disabilities among their staff.³⁵ In 2021, 89 % of the communities, 75 % of the public service associations and all provinces had reached this target.³⁶

It is important to note that a failure to meet these quota or targets does not lead to sanctions.

3.2 Indicators to monitor the targets

Each target or quota is monitored differently.

On the federal level, the HR departments of the various administrations are under certain circumstances obliged to register a person with disabilities as a staff member, for instance when a staff member is recruited to a reserved position via a special procedure for persons with disabilities.³⁷ Staff members are also able to voluntarily register as having a disability. They can do so when they have an officially recognised disability by one of the official authorities in Belgium—DG HAN, VAPH, PHARE or AVIQ. Additionally, the public administrations can complete up to one-third of the employment quota (up to 1 %) by subcontracting tasks to sheltered workshops that provide employment for persons with disabilities.

In Flanders, the counting of staff members with disabilities is based on voluntary and mandatory registrations.³⁸ Under certain circumstances, the HR department of the administration is obliged to register a staff member as a person with a disability, for example when the staff member was recruited for a reserved position or when a staff member receives employment support measures or reasonable accommodations. In addition, staff members are encouraged to voluntarily register themselves as a person with a disability or chronic illness. They can do so if they experience long-term obstacles in the workplace because of physical, mental, intellectual or sensory disabilities.

The local communities in Flanders are not obliged to report on the number of persons with disabilities working in their administrations. Therefore, this target is not actively monitored. In the local communities in the Brussels Capital Region, the counting of staff members with disabilities is based on registrations by the community. Once they employ at least 1 FTE person with a disability, the local communities can fulfil half of the obligation of 2.5 % persons with disabilities working among their staff (i.e. 1.25 %) by subcontracting tasks to sheltered workshops.

At the Walloon regional level, the various public administrations are asked to complete a form with information about their staff with disabilities. A staff member will be taken into account as a person with disability when an authority official recognises their disability, when they have been declared unfit by MEDEX to perform their usual duties

³⁵ Walloon Government Decree of 7 February 2013 on the employment of workers with disabilities in the provinces, municipalities, public social action centres and public service associations.

³⁶ The target concerns the employment of workers with disabilities in the provinces, municipalities, public centres for social action and public service associations in implementation of the Walloon Government Decree of 7 February 2013. Situation at 31 December 2021.

³⁷ Royal Decree of 6 October 2005 on the inclusion of persons with disabilities and reasonable accommodation during selections.

³⁸ Flemish Government Diversity Policy Service (2024), '[Cijfers en onderzoek rond gelijke kansen, diversiteit en inclusie](#)' (Figures and research around equal opportunities, diversity and inclusion).

or when they benefit from a reasonable accommodation. Staff members are free to declare any disability they may have but are not obliged to do so. The Walloon regional public administration can fulfil half of the obligation of having 2.5 % persons with disabilities working among their staff (1.25 %) by subcontracting tasks to sheltered workshops.³⁹

For the local communities and provinces in Wallonia, the procedure is similar. The communities and provinces are asked to complete a form with information about their staff with disabilities. The local communities and provinces can fulfil half of the obligation of 2.5 % persons with disabilities working among their staff (1.25 %) by subcontracting tasks to sheltered workshops.

The quota for the Brussels Regional Public Service, the French Community Commission and the Common Community Commission in Brussels are not actively monitored and therefore no information is available on the indicators and data.

3.3 Timeline of monitoring

The federal administrations deliver information and data on the employment of staff members with disabilities to the Commission on the Integration of Persons with Disabilities (CIPH). The CIPH is tasked with producing an annual report for the Federal Government on the quota of persons with disabilities working for the federal administration. The CIPH consists of representatives from the federal public administration and political cabinets, Unia, the National High Council for Persons with Disabilities (civil society) and representatives from trade unions. Its annual report includes data and an evaluation with recommendations for the Government to improve the employment rate of persons with disabilities in the federal administration.

In Flanders, the diversity policy department is in charge of monitoring and reporting on the target, and publishes the new numbers twice a year. In the Brussels Capital Region, the regional public service Brussels Local Authorities monitors the quota and publishes a report every two years.

The administration in the Walloon region, AVIQ, is obliged to publish an overall report on the employment of persons with disabilities within the Walloon Public Service and organisations and within the local communities and provinces every two years. The Walloon region has a commission and accompanying committee. The committee consists of representatives from the regional administrations, trade unions and the Walloon Commission of Persons with Disabilities. The committee should publish a new evaluation report every two years. However, the last meeting of the accompanying committee dates back to 2019.

3.4 Evaluation of targets

The targets and quota are not structurally evaluated, and the employment rate of persons with disabilities is not regularly evaluated. Data are collected through the labour force survey by the national statistics bureau, Statbel, but a thorough evaluation of the employment rate is not foreseen.

³⁹ Walloon Government Decree of 18 December 2003 on the conditions of employment and the administrative and financial status of members of contract staff.

4 Identification and evaluation of employment measures over the last decade

4.1 Evaluation of national measures

The following measures (with their objectives) were selected:

1. Reintegration pathways
2. Positive actions in the private and public sectors
3. Significant investments in adapted work companies (sheltered workshops)

4.1.1 Measure 1: Reintegration pathways

In 2016, the Belgian Government introduced two new measures to combat the steep rise in the number of persons with long-term illnesses (>1 year) and ensure their successful return to work. The Work as One (WASO) pathway⁴⁰ sought to help workers on long-term sick leave (>1 year) return to work with their own employer, for example by providing a reintegration plan and adapted work. The National Institute for Health and Disability Insurance (NIHDI) pathway⁴¹ mainly targeted persons with long-term illnesses without a job and provided training opportunities to increase their employment prospects on the labour market.

Between 2000 and 2019 the number of persons on long-term sick leave in Belgium had more than doubled, from 184 109 in 2000 to 420 504 in 2019.⁴² Each year this number grows, with approximately 23 000 persons with an incapacity to work for longer than one year. The sharp increase in the number of women with long-term illnesses stands out (an increase of 219.1 % in the last 20 years, compared to an increase of 62.8 % among men).

The purpose of these measures was to turn the tide and reduce the number of workers in long-term sick leave.

Thorough evaluations of these measures by the Court of Audit⁴³ and the National Labour Council⁴⁴ showed that only a few persons among the target audience followed a re-integration process. In 2017-2018, 3 188 persons participated in a NIHDI pathway and 42 572 persons participated in a WASO pathway. For the NIHDI pathways, only 0.6 % of all the persons with a long-term illness who could participate in these pathways effectively participated. For the WASO pathways, just 1.7 % of the persons with long-term illness who could participate effectively participated.

However, these pathways did succeed in getting more persons with long-term illnesses into work or back to work, compared to those not following a pathway. After seven quarters, 34.3 % of the beneficiaries of the WASO pathways had gone back to work.

⁴⁰ Royal Decree of 28 October 2016 amending the Royal Decree of 28 May 2003 on the health surveillance of workers regarding the reintegration of incapacitated workers.

⁴¹ Royal Decree of 8 November 2016 amending the Royal Decree of 3 July 1996 implementing the law on compulsory insurance for medical care and benefits, coordinated on 14 July 1994, as regards socio-professional reintegration.

⁴² Court of Audit (2021), Long-term illnesses: Labour market reintegration measures.

⁴³ Court of Audit (2021), Long-term illnesses: Labour market reintegration measures.

⁴⁴ National Labour Council (2018), Advice No. 2099, Consultation platform for the actors involved in the process of voluntary return to work of persons with a health problem - Evaluation and proposals related to the regulations on reintegration.

For those who followed the NIHDI pathways, the proportion was 28.1 %. The Court of Audit concluded that it was very unlikely that these measures would effectively help to reduce the number of persons in long-term illness.⁴⁵

In 2022 the Belgian Government decided to reform the reintegration pathways. The most important changes will be discussed. The ‘back-to-work’ pathway was introduced for workers, job seekers and self-employed workers with a long-term illness.⁴⁶ This pathway can be followed via the health insurance fund or the regional public employment services. There are two conditions for following the back-to-work pathway: the person should be unfit to work and have sufficient ‘residual capacity’. This means the person still has enough physical and/or mental capacity for a return to work. The back-to-work coordinators from the health insurance fund help persons with long-term illness to find the appropriate support and find their way to adapted work, a different job or training.

In addition, the re-integration pathways for workers on sick leave were reformed in several ways.⁴⁷ A re-integration pathway can be followed within a company or organisation, and only those who have an employment contract and are on sick leave can follow it. The employee on sick leave can start a reintegration route regardless of the duration of their illness. Employers can start a reintegration process for their employees after at least three months of sick leave. The reform included a number of changes. First, the procedure was simplified. Secondly, the employer’s obligations in examining the possibilities for adapted or alternative work and in drawing up a reintegration plan were reinforced: the employer must take more account of the recommendations of the prevention advisor or occupational physician, and the right to reasonable accommodation for persons with disabilities has been given a more prominent place. Thirdly, persons on sick leave will be contacted and helped earlier in order to improve their chances of returning to work.

The re-integration pathways were previously often used as a way to end a contract of an employee on long-term sick leave. The reform has decoupled the re-integration pathways and the procedure to terminate an employment contract due to medical force majeure.

The purpose of this reform was to get as many persons on long-term sick absence as possible into work or back to work, as long as they were able to and wanted to work. A thorough evaluation of the measures since the reform in 2022 is not yet available. However, the available statistics on this subject will be discussed in the following paragraphs.

The number of persons on long-term sick leave has continued to rise over the last few years. In 2019 there were 420 504 employees on long-term sick leave (for one year or longer), and by 2022 there were already 471 927 employees on long-term sick leave.⁴⁸

⁴⁵ Court of Audit (2021), Long-term illnesses: Labour market reintegration measures.

⁴⁶ Law of 12 December 2021 introducing the ‘Back to Work Pathway’ under the coordination of the ‘Back to Work Coordinator’ in the employee benefit insurance scheme.

⁴⁷ Royal Decree of 11 September 2022 amending the codex on well-being at work regarding the reintegration process for workers with an inability to work.

⁴⁸ National Institute for Health and Disability Insurance (NIHDI) (2024), ‘[Statistieken over de invaliditeit van werknemers en werklozen in 2022](#)’ (Statistics on invalidity of workers and unemployed persons in 2022).

The number of reintegration pathways that are being followed has declined sharply since the reform. In early 2022, more than 10 000 pathways were initiated per trimester. This has decreased to around 2 000 per trimester. This can be explained by the decoupling of the reintegration pathways and the procedure for dismissal due to medical force majeure. In 73 % of the reintegration pathways before the reform, the occupational physician assessed that the person would no longer be able to resume their work in the long term and could be dismissed due to medical force majeure.⁴⁹ After the reform, around 6 000 procedures for the dismissal of an employee due to medical force majeure have been initiated each trimester.

Most of the persons on sick leave do not use these formal reintegration pathways, but return to work via an informal agreement with their employer. This might be because the reintegration pathways involve a longer and more formal procedure. Employees, occupational physicians and employers may therefore prefer the informal procedure. In addition, the formal procedure also includes slightly stronger obligations for employers regarding the justification for refusing a work resumption proposal.

In 2023 only 6 065 persons in Flanders started a back-to-work pathway after a long-term illness, while the target was 10 000. In the first six months of 2024 only 4 898 persons in Flanders started a back-to-work pathway, which makes the goal for this year, 12 000 reintegration pathways, seem close to unachievable. The target was not achieved in Wallonia either: in 2023, only 2 950 persons started a back-to-work pathway, while the target was set at 3 500.⁵⁰

Reintegration tools are most commonly used by younger persons and more by women than men. Persons with musculoskeletal conditions use all instruments, but there are differences after a mental health problem. Persons with burnout seem to use reintegration pathways more often, but not back-to-work pathways. It is important to note that almost half of those taking sick leave for two years have left the system without making use of a formal reintegration tool.⁵¹ Therefore, the number of participants in reintegration or back-to-work pathways remains relatively low compared to the total number of persons with a long-term illness.

Based on the available statistics, we can conclude that the enhanced focus on reintegrating those with long-term illnesses has not (yet) been able to accelerate an exit from the situation of long-term sick leave. Persons who follow reintegration or back-to-work pathways have a higher chance of going back to work compared to those who do not make use of a reintegration tool. However, the use of reintegration and back-to-work tools remains limited, thus lowering their impact on the figures of persons exiting situations of long-term illness. Between 2018 and 2023, the employment rate of persons with disabilities rose from 38 % to 42.5 %. The impact of the reintegration measures on this rise in the employment rate is therefore rather small.

⁴⁹ High Council for Employment (2024), [Arbeidsongeschiktheid en de re-integratie van werknemers op de arbeidsmarkt – Maart 2024](#) (Incapacity to Work and the Reintegration of Workers into the Labour Market: March 2024).

⁵⁰ Statistics from VDAB and FOREM.

⁵¹ High Council for Employment (2024), [Incapacity to Work and the Reintegration of Workers into the Labour Market: March 2024](#).

Various organisations⁵² that have evaluated the reintegration policies have formulated some suggestions to improve these measures. These include better collaboration between the federal and regional authorities on the topic of reintegration, solutions to combat the shortage of prevention advisors and occupational physicians, more focus on reintegration and the close relation with prevention, improving cooperation and communication between occupational medicine and the medical sector, and faster referral and commencement of the reintegration process. In addition, all actors have asked for an improvement in the data collection on this topic, as statistics and in-depth analyses of the causes of long-term illnesses are generally lacking, as are reintegration measures.

4.1.2 Measure 2: Positive actions in the private and public sectors

Positive actions are measures designed to prevent or compensate for disadvantages linked to one of the criteria protected by anti-discrimination legislation so as to guarantee equality in practice. They are a useful tool for promoting the employment of groups that are under-represented in the labour market.

Positive actions can take different forms: training for a specific target group so that they can participate more equitably in the selection procedure; recruitment campaigns aimed at specific target groups; targeted promotion of job offers; and reserved traineeships for groups for which positive action is authorised.

Positive actions are permitted under anti-discrimination legislation and are subject to compliance with strict conditions. A positive action measure must meet four conditions in order to be lawful: there must be a manifest inequality; the elimination of this inequality must be designated as an objective to be promoted; the positive action measure must be of a temporary nature, and must cease as soon as the objective is achieved; and the measure may not unnecessarily restrict the rights of others.

Regarding the private sector, in 2019, the Federal Government published a Royal Decree enabling private companies to develop their positive action plans.⁵³ Companies wishing to implement a positive action plan can obtain prior approval from the Federal Public Employment Service. In this way, they can ensure that its actions are legal and can protect themselves against any complaints.

Currently, the advice issued by the Commission for the Evaluation of Positive Actions are not public. There is no interface centralising relevant information in this area, such as legal provisions issued by federal and federated bodies, approved action plans, advice from the Commission or guidelines.⁵⁴ There is no available data on the number employers involved.

The introduction of positive actions is left to the initiative of employers, and the system of positive actions in the private sector is still not widely known. The mechanism led to the establishment of five positive action plans by November 2022. Only one of these plans concerned persons with disabilities, but it was rejected.

⁵² The High Council for Employment, the National Labour Council and the Court of Audit.

⁵³ Royal Decree of 11 February 2019 laying down the conditions for positive action. See [Banque de données Justel \(fgov.be\)](#).

⁵⁴ Hachez, I., Neven, J-F. and Ringelheim, J. (2022), *Positive action in Belgian law: at the heart of the principle of equality. Current situation, limitations and prospects for the employment market*, p. 28.

There is no available information on official monitoring of the measure and no evaluation reports on the application of the 2019 Royal Decree were published.

Given the small number of approved plans, the measure had no positive impact on the employment of persons with disabilities.

In the public sector, unlike the Royal Decree for the private sector, there is no specific legal framework for the development of positive actions.

However, positive action measures such as recruitment quotas for persons with disabilities have long since been introduced by the various authorities (see Section 3). In a positive action approach, persons with disabilities are subject to the same selection tests as persons without disabilities, with the support of reasonable accommodation. The aim is to ensure that applicants have the necessary and sufficient skills to perform their duties within Government departments.

Fundamentally, the quota obligation appears to be very soft in Belgium, in the absence of penalties for non-compliance, and it remains largely ineffective.⁵⁵ Thus, to meet these quotas, some authorities are using other actions and positive measures that are more ambitious, such as reserved function.

1. Federal level

The Royal Decree of 24 March 2024 establishing an onboarding pathway allows for the organisation of statutory selection procedures reserved exclusively for persons with disabilities. The aim of this new regulatory tool is to provide all federal administrations with a lever that can be activated in the short term to make progress towards the 3 % quota target set in the Royal Decree of 5 October 2005 and to recruit a person who will be included in the official statistics on disability.

These statutory jobs offer a variety of career opportunities. The reserved selections can be organised at different levels of qualification and for all kinds of jobs. The selection process has been speeded up to limit the psychological disincentives for applying and does not involve a comparative selection. The process of integration into the organisation provides for personalised and systematic monitoring by a mentor, which is an integral part of the onboarding pathway.

The trade unions and the CIPH were consulted before the introduction of this measure. Both have given their approval.

It is too early to carry out monitoring of the measure because it has only been possible to initiate these onboarding pathways since May 2024. By the end of October 2024, two pathways had been initiated by the federal administration.

The Royal Decree of 23 October 2022 containing various provisions relating to the selection of state employees and language examinations allows for selections reserved for persons with disabilities, without comparative selections, under fixed-term contracts. In October 2024, 11 contractual selections had been organised. These offers were looking for a variety of profiles, both specialised and not, and at all levels

⁵⁵ Hachez, Neven and Ringelheim (2022), *Positive action in Belgian law*, p. 28.

of function. This measure, among others, has helped to increase the employment rate of persons with disabilities in the federal public administration from 1.06 % in 2021 to 1.44 % in 2023.

2. In the Flemish region

Each policy domain can decide to reserve functions for persons with disabilities or chronic illnesses. The Flemish Decree on staff regulations⁵⁶ specifies that up to 1 % of jobs can be reserved for persons with disabilities or chronic illnesses. They are exempt from a comparative selection with candidates without disabilities or chronic illness. If no suitable candidate is found, the entity can issue a new vacancy for the position for the wider public. Staff members who are recruited through the reserved functions procedure will be provided with employment support measures and an integration protocol.

In 2022, the reserved functions procedure was initiated 14 times, through which 10 persons were hired for a reserved function.⁵⁷

3. In the Walloon Region

As permitted by Article 81 of the Walloon Government Decree of 18 December 2003 establishing the Walloon Civil Service Code, 32 posts reserved for persons with disabilities were created in 2016 within Walloon regional public administrations ('Plan H 2016'). By December 2018, 25 persons had been recruited under this plan.⁵⁸ There has been no official monitoring of the measure.

4. Influence of positive actions on employment rate of persons with disabilities

The development of positive actions in Belgium remains relatively modest. Mandatory quotas exist only in the public sector, but they are not respected or monitored enough in practice. Some reserved jobs initiatives have been taken in the public sector, but they are deployed on too small a scale to have any influence on the employment rate.

4.1.3 Measure 3: Significant investments in 'adapted work companies' (sheltered workshops)

In 1963, sheltered workshops were officially recognised by public authorities. Since then, the status of workers has evolved significantly. Persons with disabilities, who were initially welcomed more or less voluntarily and later with a form of compensation, have now become employees.

The adapted work sector has professionalised over the last few decades. The term 'sheltered workshop' has been replaced by 'adapted work companies'. This means that these organisations must position themselves as companies active in the market and subject to the same constraints as any other organisation engaged in commercial

⁵⁶ Decree of the Flemish Government of 13 January 2006 laying down the legal status of the personnel of the services of the Flemish Government.

⁵⁷ Reply of Minister Bart Somers to written question by Mario Keulen about persons with disabilities – quota, 11 October 2023.

⁵⁸ Reply of Walloon Minister Alda Greoli to Joëlle Kapombole, 13 December 2018, <https://www.parlement-wallonie.be/pwpages?p=interp-questions-voir&type=28&iddoc=89797>.

activities. However, they retain their social objective, namely the socio-professional integration of persons at a distance from the labour market, including persons with disabilities.

A great deal of public funding in Belgium is directed towards employment in ‘adapted work companies’.

1. Flanders

In 2019, the Flemish Government completely reformed the framework of the sheltered workshops and the social economy. The social and sheltered workshops disappeared on 1 January 2019, and social and sheltered workplaces turned into adapted work companies. By removing the partitions, all persons at a distance from the labour market can work together in an adapted work company. The adapted work companies should employ at least 65 % long-term unemployed persons with psychosocial problems (former social workshop employees) and persons with disabilities (former sheltered workshop employees). Since 1 July 2023, the Flemish Government has decided to lower this percentage from 65 % to 55 % in order to improve the diversity of workers within the adapted work companies.

The purpose of this reform was to provide more employment opportunities for persons at a distance from the labour market.⁵⁹ Since the reform, persons with disabilities have been allowed to work in the former social workshops.

In addition to the reform of this framework of adapted work companies, the Flemish Government has significantly increased the budget of adapted work companies: from EUR 386.3 million in 2020 to EUR 466.9 million in 2022.⁶⁰ In 2023, the Flemish Government subsidised 20 082.3 places (FTE) for employees in adapted work companies.⁶¹ It is important to note that the Flemish Government has implemented a quota with regard to the number of persons each adapted work company can employ.

Table 12: Number of target group workers working in adapted work companies⁶²

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Flanders	21 008	21 676	21 444	22 079	22 484	22 580	23 449	23 319	24 065	24 312

In 2022, 24 312 persons worked in adapted work companies in Flanders. Men are overrepresented in the adapted work companies, comprising 64.8 % of the workers, compared to the 35.2 % who are women.⁶³ Very few persons working in these companies are younger than 25 (7.5 %). Over 69.8 % of the persons working in adapted work companies are between 25 and 54 years old, and 22.7 % are over 55. In addition, 17.7 % of persons working in these companies have a migration background.

It can be concluded that the reform of the framework of adapted work companies and the accompanying increase in budget for the employment of target group workers in these companies has led to more employment opportunities for the target group

⁵⁹ Valkeneers, P. (2023), *60 years of social rehabilitation in Flanders: a story of activation and inclusion within adapted work companies*.

⁶⁰ Flemish Government (2022), [Dashboard sociale economie](#) (social economy dashboard).

⁶¹ Reply of the Minister of Labour to parliamentary question by Allesia Claes, 6 December 2023.

⁶² Flemish Government (2022), [Social Economy Dashboard](#).

⁶³ Flemish Government (2022), [Social Economy Dashboard](#).

workers. Even though the opportunities for disadvantaged groups regarding employment in general have increased since the introduction of the adapted work companies in Flanders, this does not necessarily mean this is also the case for persons with disabilities. An initial analysis revealed that, in the third quarter of 2022, 120 fewer persons with disabilities worked in adapted work companies than in the first quarter of 2019.⁶⁴

Another reform in the sector, which took place in July 2023, was the introduction of the framework of individual supported employment to support persons at a distance from the labour market, and in particular persons with a temporary or permanent work-limiting disability.⁶⁵ In short, the purpose was to provide persons with disabilities working on the regular labour market with similar support as persons working in an adapted work company receive. This support includes a wage subsidy for the employer and a mentoring or support subsidy to pay for the support in the workplace.

So far, only 308 persons have received a support subsidy in 2023 and 2024. 2 667 persons received a wage subsidy in 2023.⁶⁶ This is considerably less than the number of persons that are employed in sheltered workshops in Flanders (24 339 persons in 2022).⁶⁷ The Flemish Disability Advisory Council conducted a survey⁶⁸ of persons with disabilities about the individual supported employment. The results show that the application procedure is perceived as time-consuming and too complex, there is a lack of accessible information available, the access to the support subsidy is perceived as extremely difficult, and employers are often still reluctant to hire a person within the framework of individual supported employment.

At this stage it is too early to evaluate the individual supported employment framework.

2. Wallonia

In Wallonia, 51 adapted work companies are approved and subsidised by AVIQ. Regulations in the sector have changed considerably in recent years.

On 16 September 2021, the Walloon Government adopted a new decree amending the regulations applicable to the adapted work enterprises sector. The main purpose of this change is to comply with European directives on state aid. The new rules simplify the subsidy system by limiting all subsidies to two envelopes: the 'disability compensation' envelope and the 'specific costs associated with support for production workers' envelope. The number of available places for aging workers is no longer limited. From now on, each production worker with a disability can have their disability compensation rate increased based on seniority criteria.⁶⁹

⁶⁴ Valkeneers (2023), *60 years of social rehabilitation in Flanders: a story of activation and inclusion within adapted work companies*.

⁶⁵ Decree of 14 January 2022 on customisation for individual integration.

⁶⁶ Flemish Parliament, [Reply](#) of the Minister of Labour to written question No. 404 by Robrecht Bothuyne, 29 April 2024; [Reply](#) of the Minister of Labour to written question No. 386 by Thijs Verbeurgt, 25 April 2024.

⁶⁷ Statistics Flanders (2024), *'Target group employees in the social economy'*.

⁶⁸ Noozo (2024), *Advice on bottlenecks in individual supported employment*.

⁶⁹ AVIQ (2020), Annual Report 2020, https://www.aviq.be/sites/default/files/documents_pro/2022-10/Rapport-activit%C3%A9s-2021.pdf.

In March 2024, the Walloon Government revised the regulations relating to the conditions for approving and subsidising adapted work companies. Non-market agreements have also made it possible to refinance the sector by the creation of additional jobs.

In 2022, 7 597 workers with disabilities were employed by an adapted work company, representing a budget of EUR 138 920 000 for AVIQ.

Alongside its support for adapted work companies, AVIQ undertakes promotional and support actions for training and employment to facilitate the professional inclusion of persons with disabilities in the open labour market. In this context, it receives support from the European Union and the European Social Fund. It provides financial assistance to workers with disabilities and/or to companies that employ them. The number of persons receiving support is steadily increasing.

In 2002, this aid was granted to 7 223 workers and trainees for a budget of EUR 39 591 374. We can deduce that 72 % of the budget devoted to the employment and training of persons with disabilities was intended for sheltered workshops in 2022.⁷⁰

3. Brussels

There are 13 adapted work companies in Brussels, all approved and subsidised by PHARE except for one approved by the VDAB (Twi Kannunik Triest).⁷¹ A total of 1 630 persons with disabilities are employed by one of the 13 sheltered workshops.

PHARE, which subsidises the employment of 1 450 persons with disabilities in 12 adapted work companies, has allocated a budget of EUR 35 151 000, plus EUR 1 171 000 for investments, in 2023.⁷²

Adapted work companies in Brussels are experiencing difficulties as a result of a succession of crises. In 2024, PHARE received the results of a study to establish the current state of the sector and to set out a 'New Deal' to bring the social mission of adapted work companies and its regulatory framework into line with the economic context. The report proposes 21 actions to enable adapted work companies to pursue their social mission.⁷³

Alongside its support for adapted work companies, PHARE grants aid for the inclusion of persons with disabilities in the open labour market. In 2023, a total of 1 060 decisions were notified, including 533 decisions granting specific employment aid to an employer

⁷⁰ AVIQ (2022), Annual Report 2022, https://www.aviq.be/sites/default/files/documents_pro/2023-11/Rapport_activites_AVIQ_2022.pdf.

⁷¹ Gerard, Ide, Dumont and Tojerow (2022), *Cadastre of services for people with disabilities in Brussels: a legal, economic and practical map*, p. 371.

⁷² French Community Commission (2023), *Activity Report 2023*, <https://ccf.brussels/download/rapport-activite-2023-cocof-version-finale-23-10-24/?wpdmdl=30005&masterkey=6718e948f3e5e>.

⁷³ International Centre of Research and Information on the Public, Social and Cooperative Economy (CIRIEC) (2024), *Study of the conditions for implementing a 'New Deal' for COCOF-approved ETAs*.

for a total budget of EUR 2 591 040.⁷⁴ We can deduce that more than 90 % of the PHARE budget for employment aids goes to the adapted work companies.

4. Sheltered workshops and the UN Convention on the Rights of Persons with Disabilities

As shown above, most of the investments to increase the employment rate of persons with disabilities goes to employment in sheltered workshops and adapted work companies. In this regard it is important to note that this does not comply with the commitments made by Belgium when ratifying the UN Convention on the Rights of Persons with Disabilities. Article 27 of the CRPD reads:

‘States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work ... by taking appropriate steps, including through legislation’.

In its General Comment No. 8, the Committee on the Rights of Persons with Disabilities further explains that investments in sheltered workshops cannot be considered as actions by the states parties to the Convention to promote the realisation of the right to work. The Committee states that

‘the right of all persons to the opportunity to gain their living by work that they freely choose or accept is not realized where the only real opportunity open to persons with disabilities is to work in segregated facilities, and considers that *persons with disabilities should not be segregated in sheltered workshops*. Article 27 (1), in expressly identifying these rights of persons with disabilities, clearly indicates that *segregated employment settings are inconsistent with them*.⁷⁵

Furthermore, in its recent concluding observations on the combined second and third periodic reports of Belgium, the Committee recommends that Belgium should

‘Develop and implement a strategy and action plan, applicable at the federal and regional levels, to facilitate the transition of persons with disabilities, including women with disabilities, from unemployment, or *from employment in sheltered workshops, to inclusive employment in the open labor market*.⁷⁶

4.2 Factors influencing the employment rate of persons with disabilities

Between 2012 and 2022, there was an increase in the employment rate of persons with disabilities, but it is very slow.

⁷⁴ CIRIEC (2024), p. 126.

⁷⁵ Committee on the Rights of Persons with Disabilities (2022), General comment No. 8 (2022) on the right of persons with disabilities to work and employment (CRPD/C/GC/8), para. 12 – emphasis added.

⁷⁶ Committee on the Rights of Persons with Disabilities (2024), Concluding observations on the combined second and third periodic reports of Belgium (CRPD/C/BEL/CO/2-3), para. 55 – emphasis added.

- Firstly, the reintegration policy of workers with long-term illnesses, introduced in 2016 and reformed in 2022, helps to improve the chances that persons on long-term sick leave return to work. However, the use of reintegration and back-to-work tools remains limited. Because of the limited use of these tools, the impact on the employment rate of persons with disabilities is small.⁷⁷
- Secondly, positive measures such as quota can have a positive impact on the employment rate of persons with disabilities. For example, the reserved positions have made sure more persons with disabilities were offered a job.⁷⁸ However, overall these measures are deployed on too small a scale to have a substantial influence on the employment rate.
- Thirdly, the Governments have heavily invested in adapted work companies and sheltered workshops over the past few years.⁷⁹ This has created more job opportunities, but this cannot be considered as inclusive employment on the open labour market. Certain reforms such as the introduction of individual supported employment go in a more inclusive direction.
- Other measures that have influenced the employment rate of persons in a positive way include a better combination of allowances for persons with disabilities with an income from work.⁸⁰ This measure has only recently been introduced but is expected to encourage persons with disabilities to go to work, as they no longer have to fear this having a substantial impact on their allowance.
- Furthermore, the supported employment measures (including wage subsidies) have made it cheaper for employers to employ employees with disabilities while ensuring that they receive the necessary support. The antidiscrimination law, which includes the right to reasonable accommodations, has had an awareness-raising impact on employers.⁸¹

⁷⁷ High Council for Employment (2024), *Incapacity to Work and the Reintegration of Workers into the Labour Market: March 2024*; Court of Audit (2021), Long-term illnesses: Labour market reintegration measures.

⁷⁸ Hachez, Neven and Ringelheim (2022), *Positive action in Belgian law*, p. 28.

⁷⁹ AVIQ (2022), Annual Report 2022, https://www.aviq.be/sites/default/files/documents_pro/2023-11/Rapport_activites_AVIQ_2022.pdf; Statistics Flanders (2024), 'Target group employees in the social economy'; French Community Commission (2023), *Activity Report 2023*, <https://ccf.brussels/download/rapport-activite-2023-cocof-version-finale-23-10-24/?wpdmdl=30005&masterkey=6718e948f3e5e>.

⁸⁰ Since 1 October 2021, persons with disabilities have been able to earn more (up to EUR 63 000) without this having any impact on their integration allowance. In addition, persons with disabilities who start or recommence working after at least two years of inactivity are able to temporarily combine their income replacement allowance with income from work. For them, there is a higher exemption on income from the point at which the income replacement allowance is calculated. Source: Royal Decree of 31 January 2024, amending Royal Decree of 6 July 1987 on the income-replacement allowance and the integration allowance, which introduces a more advantageous system for calculating the income-replacement allowance for persons with disabilities who are long-term inactive, with the aim of encouraging them to enter or re-enter work. See *Belgian Official Gazette*, 14 February 2024.

⁸¹ See Huys, J. (2022), *Striving for an inclusive labour market in Belgium*, Brussels, European Commission Directorate-General for Employment, Social Affairs and Inclusion, <https://op.europa.eu/en/publication-detail/-/publication/f3d97069-faa3-11ed-a05c-01aa75ed71a1/language-en>, Sections 2.2 and 2.3.

5 Future plans and overall assessment

5.1 Planned reforms

At the time of the drafting of this report, there is no Federal Government in Belgium. Ongoing policy and projects are being continued, but no new initiatives are being taken to promote the employment of persons with disabilities.

At the regional level, there is no Brussels Government either.

Some measures to improve the employment rate of persons with disabilities are described in the coalition agreement of the new Flemish Government (2024-2029).

The Flemish Government wishes to stimulate the transition of persons with disabilities working in sheltered workshops to the open labour market and to make sure that workers with disabilities can return to the sheltered workshop if the transition turns out not to be successful. In addition, the Government will invest in at least 1 000 additional places in the social economy. They also wish to invest more in job coaching.

When it comes to persons with long-term illnesses, the Government will further invest in return-to-work measures. For instance, the return-to-work approach will be introduced in the healthcare sector through doctors, front-line zones and rehabilitation centres. Persons with long-term illnesses will also be further encouraged to register at the public employment service and follow a path with an individual counsellor. A new target has been introduced of at least 12 000 back-to-work paths per year, and a growth path to at least 20 000 back-to-work paths by 2029 should be followed at the public employment service.

The new Walloon Government⁸² has set out some measures in its coalition agreement (2024-2029) to improve the employment of persons with disabilities. These include the fact that achieving the quota will be part of the assessment of administrative management. Failure to meet the quota may result in financial penalties for the department. Steps taken by persons with disabilities and employers to make better use of support and adjustment measures to aid employment will be simplified.

The Walloon Government will experiment with opening adapted work companies to persons with long-term and chronic illnesses, continuously evaluating this new system. Based on the results, increased supervision, training and diversification of activities may be implemented within the adapted work companies.

The Walloon Government will work with the Federal Government to ensure that any worker who is definitively declared unfit for work is enrolled in a managed support programme, with a view to professional reintegration.

5.2 Potential impact of planned reforms

Investments in return-to-work pathways and professional reintegration for persons with long-term illnesses may contribute to a higher employment rate of persons with disabilities. It is doubtful, however, that these measures will stop the increase in the

⁸² Walloon Government (2024), declaration of regional policy, <https://www.wallonie.be/fr/actualites/declaration-de-politique-regionale-du-gouvernement-wallon>.

number of persons on long-term sick leave. In addition, a positive impact can be expected from investments in transitional measures to make sure more persons with disabilities can be active on the regular labour market.

The potential impact of these proposed measures depends on the modalities, transitional measures and available funding, as well as on the number of participants, all of which are currently unpredictable.

5.3 Key lessons from national measures

The various measures described have had a positive impact on the employment rate. Despite these measures, however, the disability employment gap has not decreased, which shows the need for further (improved) measures to increase the employment of persons with disabilities.

The low employment rate is influenced by several factors.

- Firstly, the increase in the number of persons who drop out of employment and go on long-term sickness absence is much greater than the increase in the number of persons returning to work after a long-term illness. It is thus not surprising that, among the European countries, Belgium has one of the highest proportions of persons who are inactive due to illness or disability.⁸³
- Secondly, private employers are not encouraged enough to develop positive actions. Indeed, companies do not have sufficient resources or support to develop them. The good practices in this area are not shared. In addition, there are no quantified targets on the employment of persons with disabilities in the private sector. For their part, the public authorities do not take enough positive actions to make their own workforce more representative of society. There is, for example, no Royal Decree for positive actions in the public sector.⁸⁴ The quota obligation also appears to be very soft, in the absence of penalties for non-compliance. Some quotas are not monitored or evaluated regularly, which makes it difficult to assess their impact.
- Much of the available budget for the promotion of the employment of persons with disabilities is directed towards adapted work companies.⁸⁵ These investments can improve the employment rate of persons with disabilities, but only slightly and in one sector. Too few resources are directed towards the promotion of inclusive employment on the regular labour market. There is a need for more funding in order to help persons with disabilities to find, obtain, maintain and return to employment in the mainstream sector.
- It is also important to note that persons with disabilities are still heavily discriminated against in the labour market. For example, discrimination tests carried out in Ghent revealed that deaf applicants are 42 % less likely to get a

⁸³ High Council for Employment (2024), *Incapacity to Work and the Reintegration of Workers into the Labour Market: March 2024*.

⁸⁴ Unia (2024), *Mémoire d'Unia pour les élections 2024*, https://www.unia.be/files/Memorandum_FR_2023.pdf.

⁸⁵ Unia (2024), *Parallel Report* to the Committee on the Rights of Persons with Disabilities.

positive response when applying for a job.⁸⁶ The antidiscrimination law, which includes the right to reasonable accommodations has had an awareness-raising impact on employers. However, the implementation and monitoring of this law should be improved.

- Other remaining issues include the inactivity traps, when persons with disabilities who receive allowances are able and wish to work.⁸⁷ Even though improvements have been made, remaining inactive and receiving an allowance is sometimes more profitable than working. In certain cases, working has a negative impact on the family income. Persons with disabilities should be encouraged instead of discouraged to work if they are able to do so.
- Lastly, when measures to improve the employment rate of persons with disabilities are introduced, there is often only a general objective. Clear, measurable targets are often lacking. The employment rate could benefit from more ambitious measures and targets.

5.4 Key lessons from evaluation and monitoring of measures

Except for some quotas, there is no systematic monitoring and evaluation of the employment policy for persons with disabilities. Without a legal obligation to ensure that this monitoring is carried out, the authorities do not do so.

⁸⁶ Liepens, L., Vermeiren, S. and Baert, S. (2023), 'The state of hiring discrimination: A meta-analysis of (almost) all recent correspondence experiments', *European Economic Review*, vol. 151, <https://www.sciencedirect.com/science/article/pii/S0014292122001957?via%3Dihub>.

⁸⁷ Mampaey, G. (2024), *De cumulregeling bij de tegemoetkomingen voor personen met een handicap (The cumulation regulation on allowances for persons with disabilities: Impact of the 1 January 2024 reform & remaining bottlenecks)*.

6 Recommendations

6.1 Recommendations for Belgium

The Governments should, after consultation with representative organisations of persons with disabilities, establish a clear strategy to achieve the target of reducing the disability employment gap by 26 % by 2030 compared to the 2019 level. This strategy should include measures to facilitate the transition of persons with disabilities in sheltered workshops to inclusive employment in the open labour market.

The Governments should establish a systematic monitoring system, based on clear indicators for a comprehensive monitoring of the employment of persons with disabilities. For every target, a monitoring committee, including representative organisations of persons with disabilities and experts, should be established.

Reintegration measures should be strengthened to ensure more persons with long-term illnesses receive the necessary support to go back to work. It should be ensured that, through their representative organisations, persons with disabilities are actively involved in the implementation of the policy on the reintegration of persons after long-term work incapacity.

An accumulation of income from work and social benefits should be facilitated for persons with disabilities in order to encourage them to work. The calculation or recalculation of allowances should be simplified, ensuring that persons with disabilities who want to work have a clear understanding of the impact on their allowances.

6.2 Recommendations for the European Commission

The European Commission should work to ensure that all Member States set targets, develop employment strategies, establish indicators and implement evaluation and monitoring systems to increase the employment rate for persons with disabilities.

The European Commission should continue to provide European funding to support initiatives aimed at improving access to, and retention in, employment for persons with disabilities by reducing barriers and promoting their inclusion in the open labour market.

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