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NEWS REPORT

Country:	Germany
Title:	Law on inclusion of persons with disabilities
Date:	11 January 2017
Expert:	Mahlmann, Matthias
<u>Context</u>	
Issue at stake:	Legislation on inclusion of persons with disabilities
Ground of discrimination:	Disability
Source:	Legislation: Law on the improvement of inclusion and self-determination of persons with disabilities (<i>Gesetz zur Stärkung der Teilhabe und Selbstbestimmung von Menschen mit Behinderungen</i> , Bt. Drs. 18/9522, 18/9954, 18/10102 Nr. 16), 1 December 2016
Field:	Employment, social protection, social advantages, access to goods and services, education, housing

Content

Legislative development: On 1 December, the German Bundestag and on 16 December the German Bundesrat passed Law on the improvement of inclusion and self-determination of persons with disabilities (*Gesetz zur Stärkung der Teilhabe und Selbstbestimmung von Menschen mit Behinderungen*). The law aims at implementing the demand of the Convention on the Rights of Persons with Disabilities to provide for effective inclusion of persons with disabilities in society. Art. 1 of the Convention states in this respect that persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. The legislation aims at diminishing the effects of such barriers and thus to prevent discrimination on the ground of disability.

It encompasses measures to prevent incapacity for employment, to facilitate the procedure for measures of rehabilitation, to improve structures of advice for persons with disability, to improve financial aid and to expand the rights of representative bodies of persons with disabilities in employment provided for by the current law. The financial support will no longer be granted as part of social aid, which will improve the financial situation of entitled persons, for example by higher personal allowances for financial assets and income of persons with disabilities. This means that they are entitled to financial support despite them having themselves larger personal funds than they are allowed to have now. Such personal allowances for assets are for example currently 2600 Euros and will be in the future 50000 Euros. In addition, the assets of spouses will not be considered when determining the assets of the person claiming financial aid. The law will enter into force 1 January 2017.

Employers will be able to claim subsidies of up to 75% of the salaries of employees with disabilities.

The financial aid for social inclusion has increased since 2005 from 11,3 to 16,4 billion Euros. It is foreseen that the additional entitlements will cost the Federation 1,5 billion Euros and the Länder 350 million Euros until 2020.

Key points of analysis: The law forms a significant step to improve the inclusion of disabled persons in Germany. It has been criticised, however, for not going far enough, e.g. because the system of personal allowances has not been abolished or because more people than foreseen in the act should be entitled to financial support.

Internet link source:

<https://www.bundestag.de/dokumente/textarchiv/2016/kw48-de-bundesteilhabegesetz/481812>.