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LAW ON PROFESSIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES THROUGH THE LENS OF SERBIAN EMPLOYERS

Zakon o profesionalnoj rehabilitaciji i zapošljavanju
osoba sa invaliditetom kroz objektiv srpskih poslodavaca

Abstract

The position of persons with disabilities in the labour market and the right to work as one of the basic human rights, guaranteed by the Constitution of the Republic of Serbia and international conventions, are frequent subjects of discussion in academic literature and research of the non-governmental sector. Since the adoption of the Law on Professional Rehabilitation and Employment of Persons with Disabilities (hereinafter: the Law) in 2009, there has been a significant shift in employment of this vulnerable social group in the Serbian labour market. The aim of the research was to review the effects of the implementation of the Law from the business perspective, through the attitudes and challenges employers face. A survey involving companies from various sectors and sizes was conducted, and the results were cross-referenced with the findings from interviews with selected employers and representatives of state administration. As a result, numerous obstacles were detected among employers regarding the misunderstanding as to how the Law should be applied, along with the imbalance between the needs of the labour market (demand side) and the number and quality of employable persons with disabilities (supply side). In conclusion, recommendations for potential improvement of the Law and its approximation to realistic possibilities and needs of the business sector have been outlined. Thus, employers would get a sense of ownership over this important social inclusion measure in the labour market and, at the same time, benefit from the hiring of workers with disabilities who tend to be a strong motivating factor amidst the general population of employees.

Keywords: *persons with disabilities, employers, employment of persons with disabilities, Law on Professional Rehabilitation and Employment of Persons with Disabilities, social inclusion, Serbia*

Sažetak

Položaj osoba sa invaliditetom na tržištu rada i pravo na rad kao jedno od osnovnih ljudskih prava garantovano Ustavom Republike Srbije i međunarodnim konvencijama su česta tema diskusije u akademskoj literaturi i istraživanjima nevladinog sektora. Nakon usvajanja Zakona o profesionalnoj rehabilitaciji i zapošljavanju osoba s invaliditetom (u daljem tekstu: Zakon) u 2009. godini, došlo je do značajnog pomaka u zapošljavanju ove osetljive društvene grupe na tržištu rada u Srbiji. Namera istraživanja bila je razmotriti učinke sprovođenja Zakona iz perspektive poslovnog sektora, kroz stavove i izazove sa kojima se suočavaju poslodavci u praksi. Sprovedena je anketa u kojoj su učestvovala preduzeća iz različitih sektora i veličine, i rezultati su ukrašteni sa nalazima iz intervjua s izabranim poslodavcima i predstavnicima državne uprave. Kao rezultat, otkrivene su brojne prepreke kod poslodavaca u pogledu nerazumevanja kod načina primene Zakona, zajedno sa disbalansom između potreba tržišta rada (strana tražnje), i broja i kvaliteta osoba s invaliditetom podobnih za zapošljavanje (strana ponude). U zaključku, date su preporuke za potencijalno poboljšanje Zakona i njegovo približavanje realnim mogućnostima i potrebama poslovnog sektora. Na taj način, poslodavci bi dobili osećaj vlasništva nad ovom značajnom merom socijalnog uključivanja na tržištu rada, uz istovremenu korist od angažovanja osoba sa invaliditetom koji mogu da budu jak motivacioni faktor među zaposlenima.

Ključne reči: *osobe sa invaliditetom, poslodavci, zapošljavanje osoba sa invaliditetom, Zakon o profesionalnoj rehabilitaciji i zapošljavanju osoba sa invaliditetom, društvena inkluzija, Srbija*

Introduction

Persons with disabilities (PwD) are, more than their non-disabled counterparts, likely to experience disadvantage, exclusion and discrimination in the labour market [12], [24]. As a result of these experiences, they are disproportionately affected by both unemployment and underemployment [27]. The predominant view in the past was that this was closely interrelated with physical, intellectual and mental impairments of the persons concerned [42], [45], but it is today recognised that many of the disadvantages they face and the fact that they are often excluded are rather the result of the reaction of society to that impairment [40], [43].

Serbia has been no exception to this phenomenon, where a vast majority of persons with disabilities have been experiencing significantly lower employment rates in comparison to the general population, along with limited job opportunities and restricted access to career advancement possibilities [15], [32]. According to the last census, around 8% of the total population in Serbia has some form of disability [33, p. 20], while the Report of the Commissioner for the Protection of Equality estimated the presence of close to 10% of persons with disabilities in the general population [38, p. 7]. When it comes to employment of persons with disabilities in Serbia, according to the data of the National Employment Service (NES), in March 2017 there were 15,882 registered unemployed PwD (including about 5,000 temporarily incapacitated persons) out of whom 39.2% were low-skilled workers, 54.4% had high school qualifications, and only 6.4% were college/university graduates (NES interview, April 7, 2017). Unlike the general population of Serbia whose predominant source of income is salary, followed by pensions, two thirds of persons with disabilities have pension as their main source of income (61.7%), around one fifth of them belong to the category of dependants (20.5%), whereas very few of them have a salary as their main source of income (6.8%) [33, p. 78]. The concept of employment of persons with disabilities prior to 2009 relied on the assessment of the loss of their working capacity (rather than on their remaining capacity and skills for work) and centred on the sheltered workshop employment concept of PwD, instead of employment of this vulnerable group

in the open market. Outdated job classification list for certain profiles of persons with disabilities (such as the persons with visual and hearing impairments) and the growing interest of civil society organisations of PwD in employment of their members have also contributed to the awareness that some legislative changes in this area are necessary.

Prohibition of discrimination against persons with disabilities is enshrined in Article 21 of the Constitution of the Republic of Serbia [8], as well as in the Law on Prevention of Discrimination against Persons with Disabilities. This law, aligned with the *Acquis Communautaire* of the European Union (EU), details the protection system for persons with disabilities and introduces measures to promote equality of treatment in employment and occupation, as well as social inclusion [10]. It has been complemented by the midterm inclusion objectives detailed in the Strategy on Improving Handicapped Persons Position in the Republic of Serbia [41], but the major step was made by the adoption of the new Law on Professional Rehabilitation and Employment of Persons with Disabilities [28] introduced in 2009 (hereinafter: the Law), which introduced a quota-levy system that was intended to contribute to the increase in the number of employed persons with disabilities. The adoption of the Law represented the first step in the development of a comprehensive policy framework for the promotion of employment of persons with disabilities, as envisaged by the International Labour Organisation (ILO) Convention No. 159 - Vocational Rehabilitation and Employment, Disabled Persons [22], ratified by the Government of Serbia in 2000. Furthermore, the Law was complemented by a number of bylaws that were needed in order to ensure that the legal provisions translate into concrete procedures for introducing persons with disabilities into open employment. Those bylaws included the criteria for the assessment of individuals' capacity to work, the development of standards for the implementation of employment and vocational rehabilitation measures, the organisation of staff development programmes for employment service personnel, the establishment of indicators to monitor the performance of employment offices and the design, monitoring and evaluation of targeted active labour market programmes. The quota-

levy system introduced by the Law, with a flat 2% quota for each enterprise with more than 20 employees, was designed in line with equivalent legislation from the EU member countries, while some of the countries in the region (e.g. Croatia) introduced a variable quota in their legislation a few years later [30]. The Law also offered a new definition of disabled individuals (Article 3): “a person with disabilities shall be the person suffering permanent consequences of bodily, sensory, mental and psychiatric impairment or sickness which cannot be eliminated by any treatment or medical rehabilitation and faced with social and other limitations affecting his/her working capacity and possibility to find or retain employment and who does not have the possibilities or has reduced possibilities to be included in the labour market or apply for employment on equal terms with other persons”. Finally, the Law aimed to introduce a case management approach implemented by the National Employment Service for assisting persons with disabilities in finding work [33, p. 70]. To this end, the new organisational structure of NES adopted in 2008 envisaged the establishment of a Centre for Vocational Rehabilitation and Employment of PwD and the assignment of counsellors who would work exclusively with them in local offices.

Despite the existing legislation, there can be a discrepancy between what is required by the law and what is expected from employers and their actual hiring practices. In other words, the legislation aimed at improving accessibility and providing opportunities for persons with disabilities in the workplace could generate uncertainty, while providing little guidance about how to implement the requirements in practice [18]. At the very commencement of implementation of the Law, it appeared that the two most relevant stakeholders, the disabled job seekers and the employers, also required assistance in adapting to the new situation in the labour market [15]. The Law itself represented an outreach towards the market-based employment of persons with disabilities, but the introduction of the quota created serious challenges for employers who then needed job seekers from this vulnerable group with adequate (or nearly adequate) skills. The lack of a transparent database of job seekers with disabilities that would contain their qualification structure, combined

with the payment of the introduced levy in line with the Law, left many employers with a dilemma whether such a quota-levy system represented yet another burden for employers or an important step towards a meaningful inclusion of persons with disabilities in the labour market.

Finally, after launching several public initiatives which only in 2016 resulted in employment of 1,900 persons with disabilities, the number of the unemployed in the National Employment Service registry was notably reduced. Nevertheless, in 2016 there were only 670 subsidies and 25 refunds of the workplace adjustment costs granted to employers who employed persons with disabilities (NES interview, April 7, 2017). A sustainable inclusion of persons with disabilities in the labour market necessitates a mind shift towards the understanding of benefits of diversity and the business situation. Employment of persons with disabilities should not be motivated only by the intention to comply with the Law, but also by the conviction that diversity hiring practices represent a sensible business move. Thus, quotas have proven to be controversial because employers would often rather pay a fine than fulfil the statutory mandates, and organisations of persons with disabilities consider them to be undermining the value of workers with disabilities [3, p. 27], [15], [14]. Therefore, corporate social responsibility (CSR) and diversity management often represent key drivers of decent employment of persons with disabilities among employers.

Methodology

During a two-month period (March-May 2017), a comprehensive survey of the business sector in Serbia was conducted in order to examine the attitudes of employers about the current Law on Professional Rehabilitation and Employment of Persons with Disabilities. For that purpose, the research question “What are Serbian employers’ attitudes towards the Law on Professional Rehabilitation and Employment of Persons with Disabilities?” was included in the survey, with the aim of examining the following:

- The reasons for the chosen method of implementation of the Law;
- The challenges and key obstacles in applying the Law in practice;

- Employers' level of satisfaction with the existing legislation.

The conducted research consisted of three phases, as follows:

Phase (1): Desk research in order to examine current legislation in Serbia, international policy framework, academic literature and national studies from the non-governmental sector. At the same time, the mapping of potential sources for recruiting research participants was carried out, resulting in the following selection of sources:

- Business associations willing to distribute the survey to their members¹;
- Large employers in Serbia with 1,000 or more employees (from the Serbian Business Registers Agency);
- Socially responsible companies: the members of the Responsible Business Forum and the United Nations Global Compact in Serbia, as the two most prominent CSR organisations in the country;
- Employers awarded for sound employment practice by NES (since 2012);
- Companies for vocational rehabilitation and employment of PwD [35];
- Companies mentioned in the media as good examples in employing persons with disabilities (collected through the press clipping service and Google organic search).

Phase (2): Quantitative research: distribution of an electronic survey to the mapped companies (≈ 250), which resulted in 67 responses from companies of varying size and ownership and belonging to different sectors (response rate: 26.8%). The survey consisted of ten questions, four of which were related to the research sample, while the remaining six focused on the implementation of the Law and present practices in the recruitment of persons with disabilities. The target group with the surveyed employers included human resources (HR) managers (large, medium-sized companies), accommodation counsellors (companies for vocational rehabilitation of PwD) and general managers/owners (small companies). The possibility of submitting

responses anonymously was offered in order to avoid bias or embellished answers. Large (41.8%), private and foreign-owned companies (40.3%) with a relatively balanced sectoral distribution dominated the resulting sample, with the exception of banking and finance sector which accounted for one fifth of all participants (22.4%). The reasons for that should be sought in the fact that foreign companies in Serbia are predominantly large employers whose advanced international corporate culture of inclusion and equal employment rights present in their strategies was brought to Serbia, along with their goals and philosophies that explicitly guide their organisational policies [40]. Hence, the banking sector in Serbia has been recognised as one of the leaders in CSR, conducting many activities in the field of social inclusion [13].

Phase (3): Qualitative research: in-depth interviews with ten selected companies chosen from the survey, which were selected based on the following criteria (and/or):

- Five companies which employ persons with disabilities on a full-time or part-time basis and five that do not have such a practice;
- Different sectors;
- Large or medium-sized employers;
- Inclusive corporate culture demonstrated in the survey responses and willingness to take part in the interview.

The companies participating in the interviews employ the total of 23,138 employees, out of which 272 employees have officially disclosed their disability to their employers. Furthermore, a summary of the obtained results was made on the basis of the information gathered through parallel interviews with the selected Government representatives (the Ministry of Labour, Employment, Veteran and Social Affairs – Sector for the Protection of PwD; NES, the Commissioner for the Protection of Equality), used for the collection of relevant data.

Results of Law implementation: Disability-inclusive policies and practices

Crucial barriers to employment of persons with disabilities can be overcome by means of the disability-inclusive HR policies and practices, which are integrated into the

1 Foreign Investors Council (FIC), German-Serbian Chamber of Commerce, National Alliance for Local Economic Development (NALED), Serbian Association of Employers

elements of employment process: hiring and recruitment, accommodation and accessibility, and retention and advancement [9, p. 2]. Consequently, when it comes to strategic documents and activities to encourage workplace inclusion, due to a bigger share of large, foreign and privately owned companies in our survey, the policy of offering equal employment opportunities to job seekers is prevailing (Figure 1). In addition, about one third of the surveyed participants believe they have a system in place suitable for the recruitment of persons with disabilities, and one quarter have stated that they have an HR policy which encourages employment of vulnerable groups and the programme for their integration into the work environment, e.g. a designated office or a person to address the accommodation issues [14]. In some large foreign-owned companies, we have recorded the use of more than four inclusive policies and practices, as opposed to small companies which mostly do not have any of the listed policies and practices, predominantly due to economies of scale and the fact that HR activities are the responsibility of the owner [26].

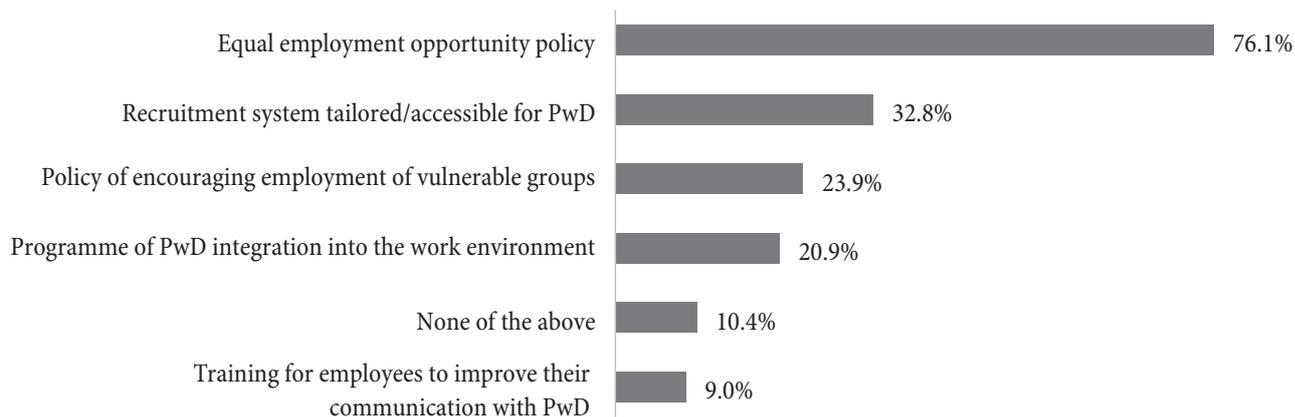
Although two thirds of the surveyed participants employ persons with disabilities (later shown in Figure 2), only 10% of them offer disability awareness trainings to their managers, supervisors or front-end personnel, with the aim of improving the work process and communication with persons with disabilities. The reason behind this could be the lack of dedicated service providers (NES or some other disability accommodation provider), which could offer, in addition to selection and recruitment, a

full range of supporting services, such as counselling on flexible schedules (e.g. flexitime, part-time, telecommuting/teleworking), job modifications, performance appraisals, etc. Thus, in practice, the disabled workers' accommodation process can also include the provision of equipment, transportation and vocational training for gaining new skills [25, p. 7].

In response to legal obligations, the majority of surveyed participants prefer to abide by the Law in some of the prescribed ways, rather than the quota system. Namely, two thirds of them employ disabled persons (full-time or part-time), less than one fifth purchase products and services from companies for vocational rehabilitation and employment of PwD, and slightly more than one fifth subsidise the salaries of vocational rehabilitation companies (Figure 2). Finally, one third of surveyed participants contribute to the state budget based on the quota-levy system.

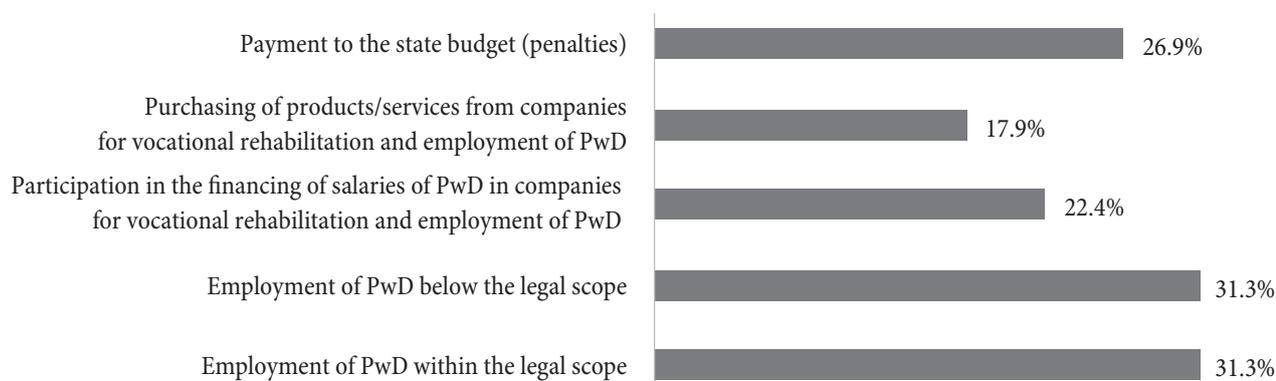
Subsequently, the respondents were asked to further elaborate on their applied method of abiding by the Law. In companies that employ persons with disabilities (full-time or part-time), inclusive corporate culture is the dominant reason (Figure 3). In that context, a corporate culture that fosters stronger workforce integration and opens up to latent diversity potentials, a culture that is built on clear normative grounds and honours the differences as well as the similarities among individuals could be considered inclusive [37]. Thus, we could conclude that the Law itself did not represent the only impetus for the employment of persons with disabilities, since a lot of participants stated

Figure 1: Strategic policies and procedures for the promotion of inclusive work environment



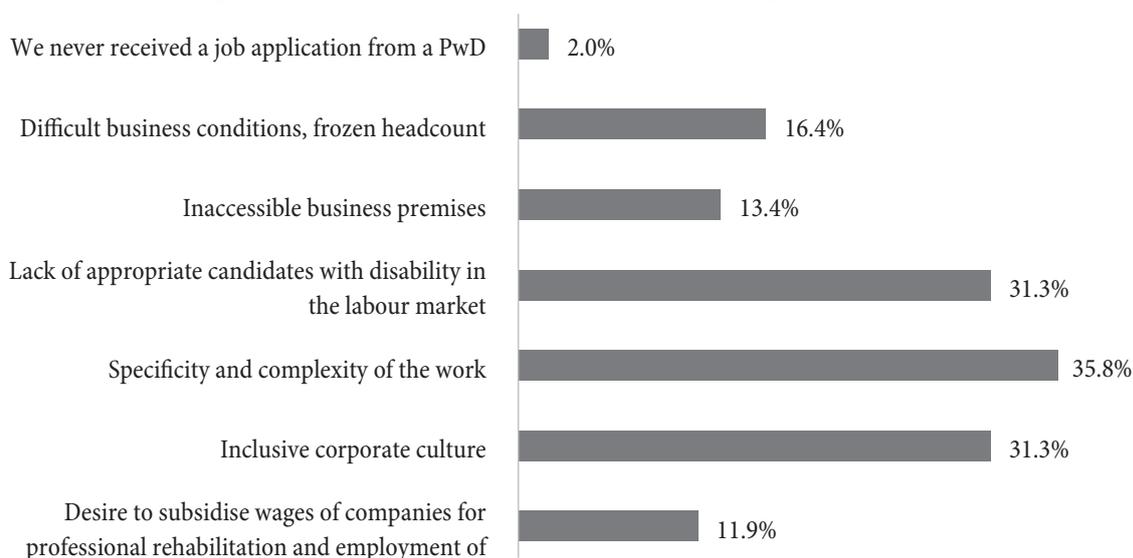
Q: Does the company you belong to implement strategic policies and procedures for the promotion of an inclusive work environment? Multiple answers (n=67)

Figure 2: Method of implementation of the Law on Professional Rehabilitation and Employment of Persons with Disabilities



Q: How does the company you belong to respond to the obligations prescribed by the Law?
Single answer (n=67)

Figure 3: Reasons for the chosen method of Law implementation

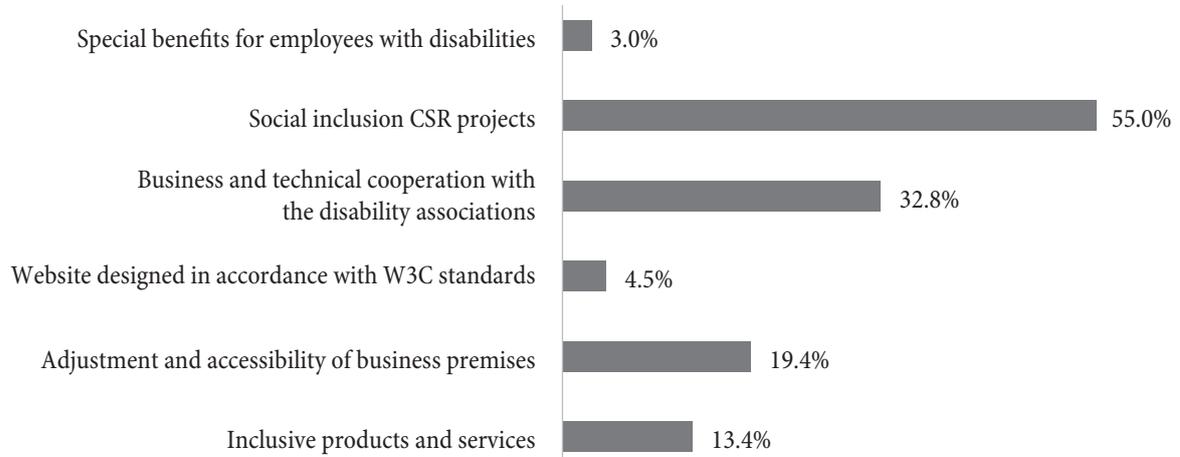


Q: What are the reasons for the selected method of abiding by the legal obligations? Multiple answers (n=67)

they would employ them regardless of the Law or that they used to employ workers with disabilities even before its adoption. The group of employers that do not employ persons with disabilities believe that the biggest barriers to employment lie on the supply side – in the skills and preparation of potential employees with disabilities rather than in HR policies and practices [14, p. 196]. This group of employers highlighted the issues of sectoral or business specificities (e.g. work in a factory, frequent business travels) and the lack of appropriate candidate profiles in the labour market (e.g. in the sectors of financial services, IT/ICT, creative industries). Moreover, a number of respondents mentioned the problem of their inability to adapt their business premises to persons with physical impairments,

which makes it difficult to employ them. Finally, small and some of the medium-sized companies underlined complex environment for doing business which currently hinders their growth and workforce development [39].

In addition to fulfilling their legal obligations, the respondents from our survey often support vulnerable social groups in other ways (Figure 4). Over a half of them actively implement CSR projects in the domain of social inclusion, while one third have established cooperation with the associations of persons with disabilities in the field of mentoring and work integration of their members through which they are improving the inclusiveness of their own corporate culture. Some advancement practices were also reported, such as the adjustment of their working hours and

Figure 4: Other social inclusion projects besides employment

Q: Besides abiding by the legal obligations, does the company you belong to support PwD in other ways? Which ones? Multiple answers (n=67)

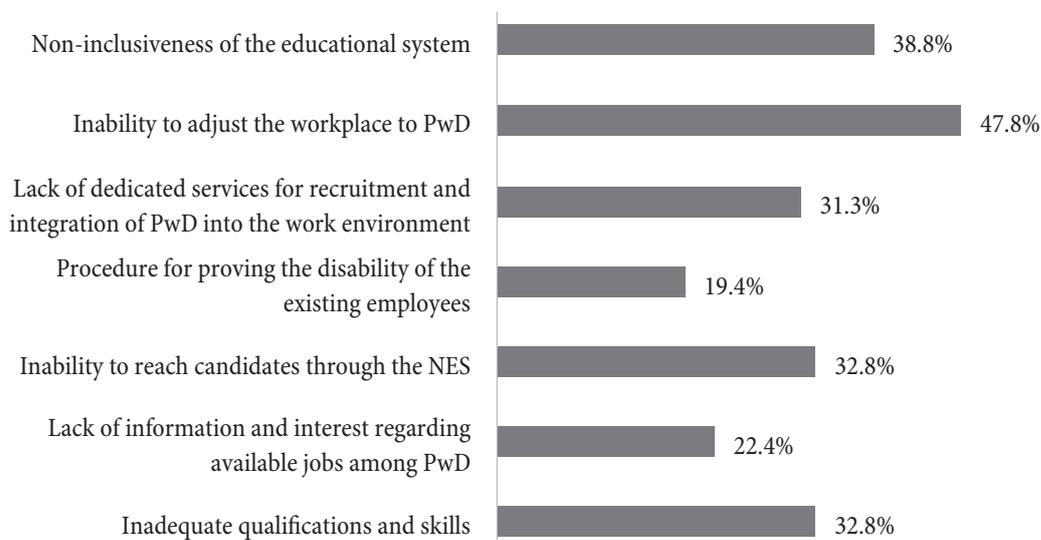
annual leave and positive discrimination in staff hiring and firing policies. These findings are similar to the findings of the research of the Cornell University Employment and Disability Institute [9, p. 5], which showed that the companies applying flexible work arrangements in practice are offering special career planning and development tools for employees with disabilities, conducting the disabled staff surveys and encouraging the staff to confidentially disclose disability. Nevertheless, despite the fact that 60% of the surveyed participants in our research employ persons with disabilities on a part-time or full-time basis, only one fifth of them have business or service areas built under the universal construction and design principles according to which the built environment, everyday objects, public and business services, culture and information must be accessible and convenient for everyone in the society to use, and responsive to the evolving human diversity [11]. Furthermore, only a negligible number of the surveyed companies offer inclusive products and services that can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability [6]. The same applies to websites adjusted according to the Web Accessibility Initiative Standards (W3C) [44], through which the content is accessible to the blind and visually impaired persons. This finding is similar to the findings of international studies [12], [31] which showed that the majority of employers adopted a formal policy regarding disability recruitment, but most devoted very little effort to it in terms of developed

disability-targeted recruiting methods and changes to their applications or website to improve accessibility.

A half of the surveyed employers stated that the aforementioned inability to adapt their business premises and work processes due to the specific nature of certain sectors and their operations being performed in leased business premises represents the main challenge to inclusive employment (Figure 5). Those obstacles are certainly legitimate, but one should also look at accessibility from a broader perspective, where accessibility is not related only to the disability issue. The culture of an accessible organisation promotes an open environment that encourages, invites and recognises creativity and innovation. Accessible organisations are the ones that offer opportunities to all who want to participate and add value to the organisation, including persons with disabilities [1].

Another important challenge that stands out is the lack of skilled candidates – a problem generated by the education system to which 40% of the surveyed employers referred as not inclusive at all and one third as mismatched in relation to the labour market needs. Lower educational attainment limits both current and future employment opportunities, especially in the light of the fact that many of the fastest growing occupations worldwide require the equivalent of an associate's degree or higher [3, p. 16]. Thus, we compared these findings with the data from the national census in 2011, which pointed to a high percentage of persons with disabilities with no access to the education system: two thirds of

Figure 5: The main challenges for the employment of persons with disabilities



Q: In your opinion, what are the main challenges for the employment of PwD? Multiple answers (n=67)

registered persons with disabilities have incomplete or completed primary education only (66%), one third have a high school degree (27%), while a negligible number of them have a college or university degree (3.4%) [33, p. 72]. Although the education reform has commenced by the adaptation of new regulations with the aim of embedding inclusion of persons with disabilities in the mainstream education system [39], the percentage of those who have never attended school is still very high. Moreover, one third of the surveyed participants responded that the low employability of persons with disabilities made it difficult for them to reach candidates through NES, which, according to them, needed to provide integrated accommodation services to employers. Finally, major employers often face barriers in proving the disability of their current employees. Namely, the disability assessments made by the Centre for Vocational Rehabilitation and Employment of PwD are in a fair number of cases not precise enough and do not show what the assessed person can and cannot perform at work [32].

Finally, the surveyed participants were asked to evaluate the Law on the Likert Scale (from 1 to 10, with 1 as the lowest and 10 as the highest score). The current Law on Professional Rehabilitation and Employment of Persons with Disabilities received a grade of 5, which clearly showcased lower satisfaction with the current legislation.

Current legislation: One size does not fit all

For the purpose of a deeper consideration of the ways in which the Law is implemented and the challenges employers are facing in practice, the questions for the in-depth interviews with selected business representatives were structured around the most frequent topics from the past academic studies related to employers' acceptance of persons with disabilities: relevant regulations versus practice, disclosure, accommodation, relationship building and engagement of disability organisations, usage of information and support for employers, as well as hiring practices [18, p. 143].

Common for all the interviewed participants was a lot of confusion over the proper application of the Law and misunderstanding of its opportunities in practice, i.e. the interpretation of cases when businesses operate through several legal entities within the system, the treatment of the leased workforce, the possibility to combine employment with procurement from companies for vocational rehabilitation and employment of persons with disabilities, etc. Thus, the business sector interprets the Law at its own discretion, as there is no single supervisory and advisory institution acting as a focal point. Namely, the Ministry of Labour, Employment, Veteran and Social Affairs is in charge of the application of the Law, NES handles employment and incentives, Tax Administration

supervises application of legislations in the field and the Commission of the Pension and Disability Insurance Fund is in charge of the assessment of disabilities.

In line with the studies which pointed out that disability organisations can meet the needs of employers in a best way possible and connect them to the disabled job candidates who are a good fit for the position they are trying to fill [17], [18], [24], when it comes to recruitment the interviewed employers are primarily referred to associations of persons with disabilities rather than to the institutional hub, i.e. NES. Employers believe that the candidates who can be reached through associations are of higher quality, and that associations can provide them with integrated services – advice on accommodation, assistance in future work, development of personal working methods and evaluation of effectiveness. Although NES conducts a lot of activities aiming to support employment of persons with disabilities (at the time of our research eleven state programmes for the support of the employment of PwD were active), the interviewed employers were neither aware of them, nor have they ever been contacted in relation to the implementation and possible challenges concerning the Law. Therefore, we could conclude that the dialogue between NES and employers was incomplete. Other research also revealed that employers find the programmes offered by the public service system unclear or are unaware of them or are discouraged by the lack of coordination among various providers soliciting job opportunities for the disabled people, thus perceiving disability employment service providers as lacking the skills required for effective operation in the business arena [19]. It has been increasingly recognised that the system needs to develop more business-focused approaches which concentrate on understanding employers' needs and carefully match job seekers with the demands of the workplace [21, p. 239]. That issue could be offset by the introduction of account managers, who would act as liaisons between NES and its clients and determine the clients' needs. NES was also criticised for not having a unified database of employment opportunities for the disabled job seekers, segmented, for example, by their places of residence, disability level, qualifications or skills. The access to this kind of information would be particularly

helpful to small businesses without HR capacity or to employers with strong local presence.

In order for persons with disabilities to have equal chances of being considered for employment, employers must recognise that the current hiring practices have to be adaptable and accessible to persons with disabilities, who might need accommodation of workplaces and facilities [18, p. 141]. For the majority of the interviewed companies, the recruitment process itself, although considered inclusive, in practice implies a mere addition of one sentence in job placement ads stating that the company guarantees equal rights to all applicants, without discrimination, with a slight deviation from the standard procedure in the candidate selection process. For example, deaf people are interviewed in writing or by using an online questionnaire. The use of the Braille alphabet, accessible business premises highlighted in job placement ads, adapted websites and the use of induction loops in business premises and conference rooms are rare or unprecedented in practice in Serbia. When it comes to the cost of adjustment of business premises to the needs of employees with disabilities, we have not recorded any case of reimbursement of expenses to employers which the Law foresees. The interviewed companies which do not employ persons with disabilities emphasised that many business premises where they operate cannot be made accessible, because those are leased properties or are found in inaccessible locations that would require significant investments. However, as employers are starting to recognise the costs associated with hiring persons with disabilities [23, p. 141], in practice interviewers who employ them started using specially designed tables, chairs, computer equipment or optimising their business processes, but under their own expenses.

The interviewed respondents employing persons with disabilities stated that they are hard-working and dedicated and that they would recruit more persons with disabilities if they found suitable candidates. Similar results were obtained by other authors [20], [43], indicating that if employers are willing to accommodate employees with disabilities, they benefit from it through opportunity to retain high-quality employees, an increase in profitability, workforce diversity and reduced turnover. Thus, in contrast

to myths and stereotypes, employer ratings have indicated that workers with disabilities have average or above-average performance, safety records, and attendance [42, p. 2].

Within the interviewed companies, a large number of disabled employees perform duties and tasks which do not require sophistication (warehouse, courier service, customer service). That is hardly surprising given the fact that PwD job seekers with higher education registered by NES account for only 6% of their total number. However, we have also recorded a few cases of specialised positions occupied by PwD, for example in digital marketing, HR and finance. Employees with disabilities are socially integrated in all aspects of company's functioning, from training to team events. We consider social integration to be successful when an employee with a disability is accepted as a full member of the group by all colleagues and supervisors, since acceptance is an essential component of social integration at work [43, p. 464]. Finally, some of the interviewed employers have stated they have a special fund dedicated to improving the quality of work and skills of their peers with disabilities or that they annually examine their satisfaction and, on that basis, carry out relevant improvements, such as enhancing their participation in management meetings.

We confirmed again that the procedure for assessing the disability of existing employees, which they describe as "long, bureaucratic and unpleasant", presents a significant burden for the interviewed employers. The problem is particularly evident in the countryside, where the process is longer, which causes both employees and HR managers to often give up in order not to expose their colleagues to inconveniences. Particular problems exist when it comes to proving mental disability of employees, where the process is indiscreet and often declined by employees due to their fear of dismissal or prejudice by their environment. Based on that, we have estimated that the actual number of employees with disabilities in the Serbian business sector is higher than the one in official records. Associations of disabled persons share the same opinion, characterising the assessment of the work capacity as superficial and formal and not able to identify the real capabilities and potentials of persons with disabilities. As the main way to improve the work capacity assessment they see the Commission

of the Pension and Disability Insurance Fund dismissing the dominant medical model of assessment in favour of the work ability evaluation, simulated in the real work environment [4], [14].

The amounts that businesses contribute to the state budget for each unemployed person with disabilities based on the quota-levy system are considered to be high, especially for large employers. Hence, the business sector is very keen to receive the information on how these funds are being spent and allocated. The same question was raised by the Youth with Disabilities Forum [14, p. 2], which stated that a big problem for the employment of persons with disabilities is the lack of transparency of the state budgetary funds which should be used for employment, vocational rehabilitation of persons with disabilities, related incentives and programmes, since they could not find out how much funds in total had been collected from the business sector. Transparent information about the use of those funds would make companies in Serbia stop considering the Law a para-fiscal burden, but rather an important element of social inclusion of persons with disabilities in the labour market.

Finally, besides the quota-levy system, the Law also envisages the option of purchasing products and services from companies for vocational rehabilitation and employment of persons with disabilities. However, this is rarely applicable in practice, as the interviewed participants are not familiar with their offers or are occasionally using them for small-scale procurements due to their incapacity to respond to market needs [34].

Results

Authors Gilbride, Stensrud and Vandergoot [19, p. 133] specify several characteristics of employers who are open to hiring persons with disabilities, which include work culture issues, job match issues, employer experience and support issues. Work culture issues refer to the openness of employers to diversity and the equal treatment of the disabled and non-disabled employees, job match issues focus on the capabilities of an employee instead of on his/her impairments, and employer experience and support issues concern the ability of employer to manage and

supervise a diverse workforce. Based on that, we have cross-referenced the classification of the cited authors (based on key characteristics of employers who are open to employment of PwD) with our research findings, by matching them with survey questions (Table 1).

The characteristics of employers and job seekers with disabilities clearly indicate a multiple-ground lack of readiness for matching the demand and supply side of the labour market when it comes to this vulnerable group. Employers’ awareness of how employees with disabilities could actually contribute to the work ethic, motivation and productivity of the remaining workforce seems to be poor. Employers are apparently focused on the short-term objectives of sustaining their businesses in an environment which can hardly be labelled as business-friendly, which is why only some of them who perceive the employment of persons with disabilities as a matter of corporate social responsibility resort to hiring this vulnerable group. At the same time, poor qualification structure of job seekers with disabilities clearly requires a drastic shift towards the creation of inclusive policies, which would involve better education and mechanisms for transition from the education system to the open labour market.

Conclusions and recommendations

The results of this research provide useful information for policy makers and employers on what challenges should be tackled through improvement of the existing Law on Professional Rehabilitation and Employment of Persons with Disabilities. Extensive research conducted by the non-governmental sector in Serbia focused on the barriers at the supply side of the labour market for persons with disabilities, whereas our research findings focused on the views and positions of employers – the demand side. The existing legislation and the overall business climate do not provide sufficient incentives for employers that could instigate greater and better employment of job seekers with disabilities. Our findings have shown that employers need a better insight into why and how the hiring of employees with disabilities would benefit their businesses. They also require transparency in the implementation of social inclusion measures, support in the entire process of employment and accommodation of workplaces, and a level playing field for the fulfilment of legal obligations prescribed by both the state and non-state actors in this area. Examples of practices we want to

Table 1: Matching of key characteristics of employers who are open to employment of disabled workforce with the research findings

Issues in employment of persons with disabilities through the lens of employers	Survey questions	Conclusions
work culture issues: <i>openness of employers to diversity and equal treatment of the disabled and non-disabled employees</i>	Does the company you belong to implement strategic policies and procedures for the promotion of an inclusive work environment?	Despite recorded disability inclusive policies and practices, the demand side needs more education, support in the integration process and open dialogue with the National Employment Service.
	Besides abiding by the legal obligations, does the company you belong to support persons with disabilities in other ways?	Strong commitment to CSR and diversity management shows solid framework for a decent employment of persons with disabilities through enhancing the Law by introducing more options for employers.
employer experience and support issues: <i>the ability of employer to manage and supervise a diverse workforce</i>	How does the company you belong to respond to the obligations prescribed by the Law?	In the absence of the workforce consisting of persons with disabilities who possess adequate skills, we resort to other options of Law implementation.
	What are the reasons for the selected method of abiding by the legal obligations?	The current supply-side employment model ignores variables related to employer demand as predictors of employment outcomes.
job match issues: <i>focus on the capabilities of an employee instead of on his/her impairments</i>	What are the main challenges for the employment of persons with disabilities?	Additional efforts devoted to inclusive education are needed, together with a “one-stop shop” disability accommodation service by the National Employment Service and account management service offered to large employers.
	Could you evaluate the flexibility and application of the Law from the perspective of employers?	Neither disability associations nor employers are satisfied with the current legislation: more flexibility (adjustment to sectoral specificities) and transparency (allocation of the funds collected from the quota system) are necessary.

encourage in Serbia both with employers and legislators could include:

- Appreciation of sectoral and location differences and specificities by, for example, the introduction of sectoral quotas;
- Development of an electronic database of employable persons with disabilities, kept up to date and segmented according to employers' needs;
- Education and training of employers in order to overcome the existing barriers and accessibility issues that have remained within existing procedures and hiring approaches, thereby underlying the importance of top management commitment to disability inclusion as a part of diversity;
- Stronger initiatives for and incentives to requalification /retraining of employable persons with disabilities and introduction of new/reviewing of existing profiles in special schools according to the labour market needs;
- Enhancing the Law by introducing more options, such as scholarships for disabled students, offering pro bono services to organisations for the disabled (e.g. from creative industries and law offices), partial deduction of the quotas based on procurement from companies for vocational rehabilitation and employment of persons with disabilities;
- Multi-sectoral strengthening of the sustainability and capacities of companies for vocational rehabilitation and employment of persons with disabilities and the obligation to include them in state procurements, where possible.

In order to successfully increase employment rates for persons with disabilities, which often results in improved quality of life of these individuals, continued research on employers' perceptions and needs and on development of related interventions is necessary. Given the role these factors play in contributing to employment outcomes, the traditional supply-side approach, without taking into account organisational behaviour, employers' needs and the shifting labour market, is no longer adequate for achieving employment outcomes for persons with disabilities. Thus, recommendations for future research would be to further examine the demand side of the labour

market with sectoral specificities and attitudes, which could help in identifying the largest or fastest growth areas of employment opportunities, as employers are less risk-averse in sectors and occupations where the demand is high and the supply of qualified workers is low.

This research has had certain limitations, amongst them the sample size due to a poor response rate and non-representative sample of firms, so the obtained results should be regarded with caution. However, we consider the poor response rate also a research result which points out that the research topic is a sensitive issue among HR managers in Serbia, which they are reluctant to discuss.

It was not possible to find out, either through desk research or from the interviewed participants belonging to the state sector, the total amount paid into the state budget through the quota-levy system. It would be interesting to compare this amount for the year 2016 with the amount granted to state programmes and incentives aimed to boost employment and work integration of persons with disabilities. This finding would clearly point out whether the Law itself is used for boosting employment of vulnerable groups or as an alternative way to force the business sector to contribute to social welfare. Finally, it was not possible to provide exact figures for matching the supply and demand side of employable persons with disabilities due to the lack of official statistics.

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