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LUXEMBOURG

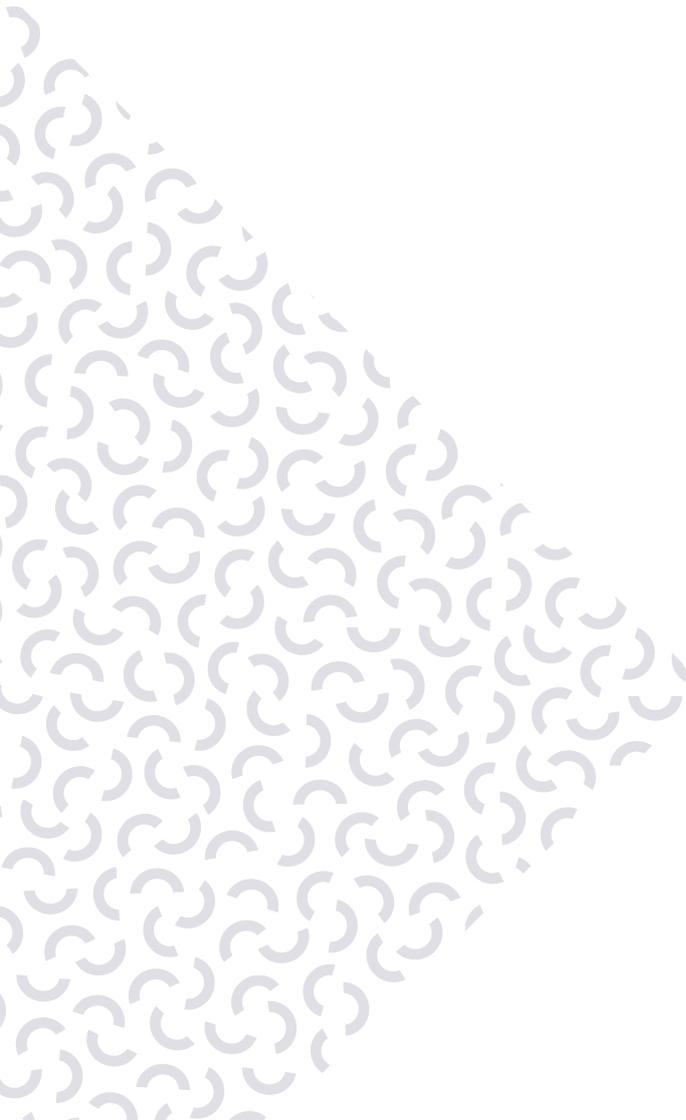


SOCIAL  
LAW

# THE DISABLED WORKER



FEBRUARY 2023



## IMPRESSUM

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## PREFACE

*"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."*

*Article 1 of the 1948 Universal Declaration of Human Rights.*

Therefore, people with disabilities should have the same rights as any other citizen. Today, approximately 15% of the Luxembourg population suffers from some kind of disability, i.e. between 80,000 and 90,000 persons, between 80 and 90 million in Europe and 1 billion worldwide.

The labour world is the best way for disabled persons to live with dignity and to feel fully independent. It is an essential element of the social inclusion of people with disabilities. However, persons with disabilities who want to find a job sometimes have to face many challenges. Therefore, employment inclusion assistance was introduced in 2019.

This publication has been updated to take account of the new provisions applicable and to be a real guide for disabled employees or anyone wishing to promote the social inclusion of disabled persons.

First, the proceedings and procedures to obtain the status of disabled employee will be explained, as well as the possible remedies in case of refusal.

Furthermore, the rights, duties, and procedures to be followed are indicated depending on whether the disabled employee is oriented towards the conventional labour market or towards a sheltered workshop. If the disabled person is unable to work, the allowance for severely disabled persons may be granted. The conditions and procedures to be followed are also specified in this publication, as well as the support provided for professional training.

The content and influence of European directives and international conventions on national legislation are briefly addressed. Finally, practical information such as organisations representing the interests of people with disabilities as well as the main legal texts and useful websites are provided.

We hope that the information contained in this publication will be of value to all those concerned by the question of disability, as well as to all those who are committed to the successful inclusion of disabled employees in the labour world.

The CSL would like to thank the departments of ADEM for their support in the editing of this publication.

A pleasant reading.

Luxembourg, February 2023

## ACRONYMS USED

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<b>ADEM</b>	National employment agency (Agence pour le développement de l'emploi)
<b>CNPH</b>	National council for disabled persons (Conseil national des personnes handicapées)
<b>CSPH</b>	High council for disabled persons (Conseil supérieur des personnes handicapées)
<b>EEA</b>	European economic area (Espace économique européen)
<b>EU</b>	European Union (Union européenne)
<b>FNS</b>	National solidarity fund (Fonds national de solidarité)
<b>REVIS</b>	Social inclusion income (Revenu d'inclusion sociale)
<b>RPGH</b>	Severely disabled allowance (Revenu pour personnes gravement handicapées)

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In this publication, the masculine gender is used indiscriminately and only for the purpose of simplicity. It refers to all gender identities and thus covers both female and male persons, transgender persons, as well as persons who do not feel they belong to either sex or who feel they belong to both sexes.

# CONTENTS

<b>I. RECOGNITION OF DISABLED WORKER STATUS</b>	<b>5</b>
<hr/>	
1. DEFINITION OF DISABLED EMPLOYEES	7
2. PROCEDURES	7
Diagram 1: Recognition of disabled worker status	9
Diagram 2: Recognition of disabled worker status and referral to job markets	10
3. POSSIBLE APPEALS	11
Diagram 3: Appeals against the decision of the Medical commission and the Occupational Councillings and Redeployment Panel	12
<b>II. REFERRAL TO THE CONVENTIONAL JOB MARKET</b>	<b>13</b>
<hr/>	
1. FACILITATION MEASURES	15
2. OBLIGATION TO EMPLOY DISABLED WORKERS	16
3. EMPLOYMENT INCLUSION ASSISTANCE FOR DISABLED WORKERS	17
<b>III. REFERRAL TO A SHELTERED WORKSHOP</b>	<b>21</b>
<hr/>	
1. THE CHARACTERISTICS OF SHELTERED WORKSHOPS	23
2. EMPLOYMENT CONTRACT SPECIFICITIES	23

## **IV. SEVERELY DISABLED ALLOWANCE 25**

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- 1. THE CONDITIONS TO BE MET 27
- 2. ADMINISTRATIVE PROCEDURES 27
  - Diagram 4: Requests to obtain a severely disabled allowance according to level of fitness for work 28
- 3. AMOUNT 29
- 4. APPEALS 29

## **V. PROFESSIONAL TRAINING AID 31**

---

## **VI. RECENT LEGISLATION DERIVING FROM EUROPEAN AND INTERNATIONAL STANDARDS 35**

---

- 1. THE EUROPEAN DIRECTIVE ON EQUAL TREATMENT IN EMPLOYMENT AND OCCUPATION 37
- 2. THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES 39

## **VII. ORGANISATIONS WORKING IN THE INTEREST OF DISABLED PERSONS 41**

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- 1. HIGH COUNCIL FOR DISABLED PERSONS 43
- 2. NATIONAL COUNCIL FOR DISABLED PERSONS 43

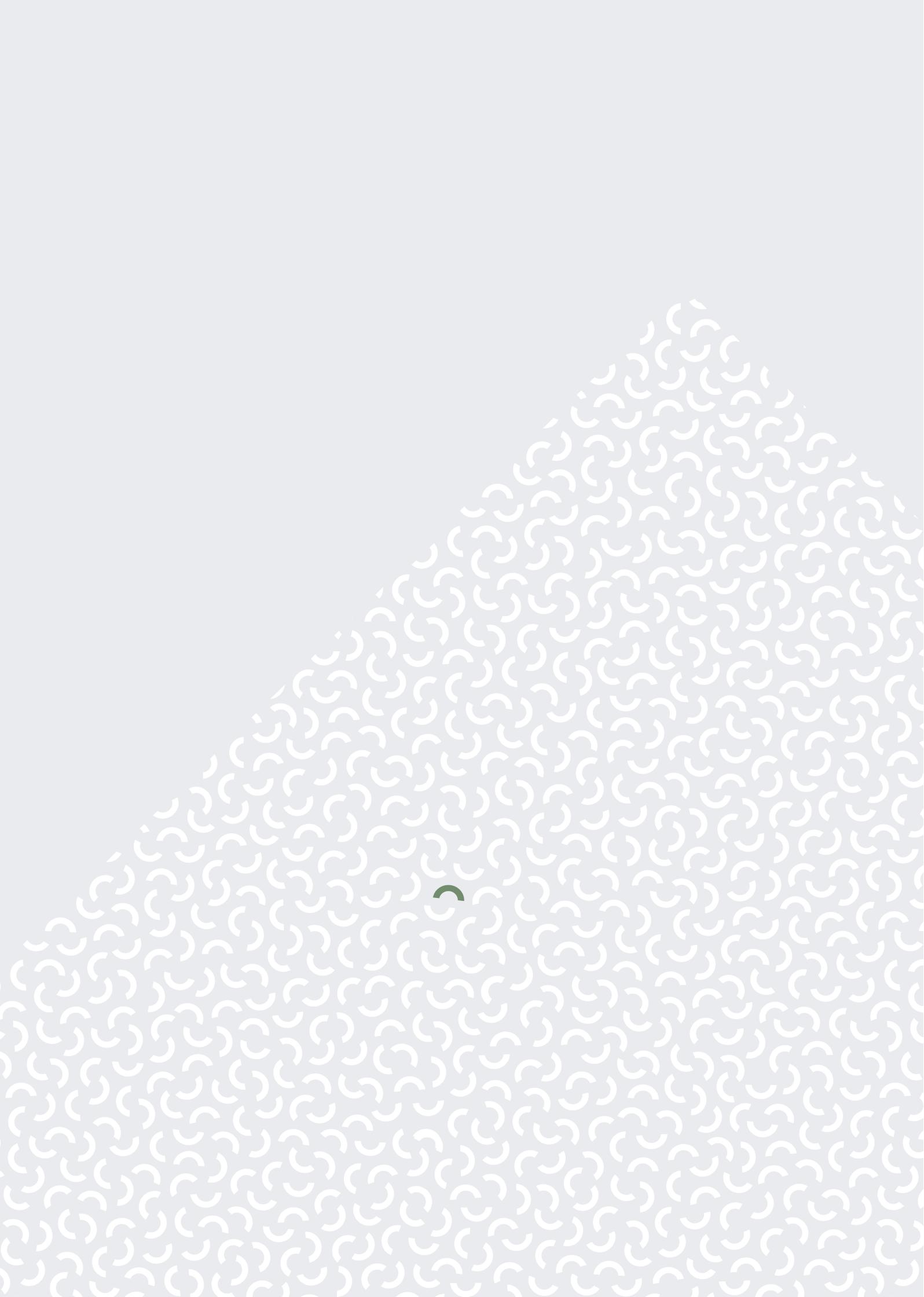
## **VIII. APPENDIX 45**

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- 1. LEGAL BASIS 47
- 2. USEFUL WEBSITES 48

# I. RECOGNITION OF DISABLED WORKER STATUS





# 1. DEFINITION OF DISABLED EMPLOYEES <sup>1</sup>

The Labour Code defines as disabled employee any person whose employment capacity is diminished by more than 30% and resulting from either:

- a work accident having occurred within a company established on the territory of the Grand-Duchy of Luxembourg;
- events of war or actions by an occupying power;
- a physical, mental, sensory, or psychological impairment and/or psycho-social difficulties aggravating the impairment

and who is recognised as capable of carrying out a salaried employment in the conventional job market or in a sheltered work environment.

Any working person or person seeking for a job can request to be recognised as a disabled employee.

This status may be conferred on citizens of Luxembourg, citizens of another member state of the European union (EU) or the European economic area <sup>2</sup>, citizens of Switzerland, stateless persons <sup>3</sup>, persons with refugee status <sup>4</sup> as well as citizens of third party countries working for a company legally established on the territory of the Grand-Duchy of Luxembourg or who benefit from a right of residence on the territory of the Grand-Duchy of Luxembourg, who are domiciled or effectively resident there and who fulfil the requirements for exercising professional employment in Luxembourg <sup>5</sup>.

Cross-border workers with employment contracts <sup>6</sup> can also be recognised as disabled employees in Luxembourg.

The person must also be in a sufficiently stable medical condition (no prolonged sickness and no medical invalidity procedures underway).

## 2. PROCEDURES <sup>7</sup>

### 2.1. Documents required in support of the request

Requests for recognition of disabled worker status are to be addressed to the Medical commission (Commission médicale) whose secretariat is provided by the ADEM's Disability and reemployment department <sup>8</sup>. To this end, the applicant must contact the secretariat of the department for disabled employees <sup>9</sup>, by phone at 247-88888 or by email at [commissionmedicale@adem.etat.lu](mailto:commissionmedicale@adem.etat.lu), in order to obtain the appropriate form and which has to be supported by the following documents:

- If the applicant works for a company legally established in Luxembourg:
  - documents supporting the professional situation and qualifications of the applicant (where relevant a copy of the employment contract, the work permit, the labour practitioners' capacity assessment, the certificate of registration with ADEM, diplomas, study or training certificates and details of the work carried out with the employer;

1 Article L. 561-1 ff. of the Labour Code.

2 Which comprises the countries of the EU as well as Iceland, Liechtenstein and Norway.

3 UN Convention relating to the status of stateless persons (New York, 28 September 1954).

4 UN Refugee Convention (Geneva, 28 July 1951).

5 Article L. 561-1 of the Labour Code.

6 or working as a self-employed person

7 <https://adem.public.lu/en/demandeurs-demploi/handicap/acquerir-statut.html>

8 It is composed of three specialist doctors in the area of re-education and functional rehabilitation or psychiatry, a doctor representing the medical control department of the Social Security as well as a doctor representing the Minister of Health.

9 Article L. 564-1 ff. of the Labour Code.

- the employment medical examination report from the occupational physician;
- one or several recent and detailed medical report(s) issued by the general practitioner/medical specialist, detailing the causes of the diminished work capacity, the general medical condition and likely prognosis;
- an identity card or passport;
- documents supporting the status of legal representative in those cases where the applicant is represented in his or her affairs by a legal representative;
- If the applicant does not work for a company legally established in Luxembourg:
  - the certificate of registration as a jobseeker issued by ADEM;
  - if the person is a national of a third country, a valid residence permit authorising him/her to exercise;
  - for nationals of a Member State of the European Union, of a State that has acceded to the Agreement on the European Economic Area or of the Swiss Confederation, a permanent residence permit of more than 3 months;
  - one or several recent and detailed medical report(s) issued by the general practitioner(s)/medical specialist(s), detailing the causes of the diminished work capacity, the general medical condition and likely prognosis;
  - an identity card or passport;
  - documents supporting the status of legal representative in those cases where the applicant is represented in his or her affairs by a legal representative.

## 2.2. Decision of the Medical commission

---

The Medical commission of the ADEM grants or denies recognition of disabled worker status. It determines the applicant's level of diminished work capacity and opines on residual work capacity and general medical condition. It informs the applicant of its decision by registered letter within 2 months of the date of finalisation of the application. For determining the level of diminished work capacity, the Commission makes reference to the work capacities of an able-bodied person of the same age.

As a rule, a sufficiently stable medical condition is a prerequisite for the recognition of disabled worker status. Otherwise, the Medical commission suspends the course of proceedings and may request additional medical evidence. The Medical commission reviews within a period reflecting the medical condition of the applicant and at the same time reassesses the level of stabilisation of the applicant's medical condition and the substance of the application. Disabled worker status may nevertheless be recognised in the interim, before medical stabilisation occurs, in those cases where the employee's medical condition enables or requires the implementation of measures aimed at his or her professional integration or reintegration into the conventional job market <sup>10</sup>.

For the examination of applications, the Medical commission can involve experts and has the right to share with public authorities any document which it considers useful or necessary for carrying out a complete analysis of the candidate's situation. It may also question the applicant as to the facts and circumstances having purportedly resulted in the diminished work capacity and may additionally contact third parties for information purposes.

Appeals against the decision of the Medical commission can be made within 40 days by registered letter addressed to the Social security arbitration tribunal.

Except in cases of rejection of the application, the Medical commission periodically reassesses if the conditions supporting its decision continue to be met.

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<sup>10</sup> Refer to Part II.

Diagram 1 : Recognition of disabled worker status

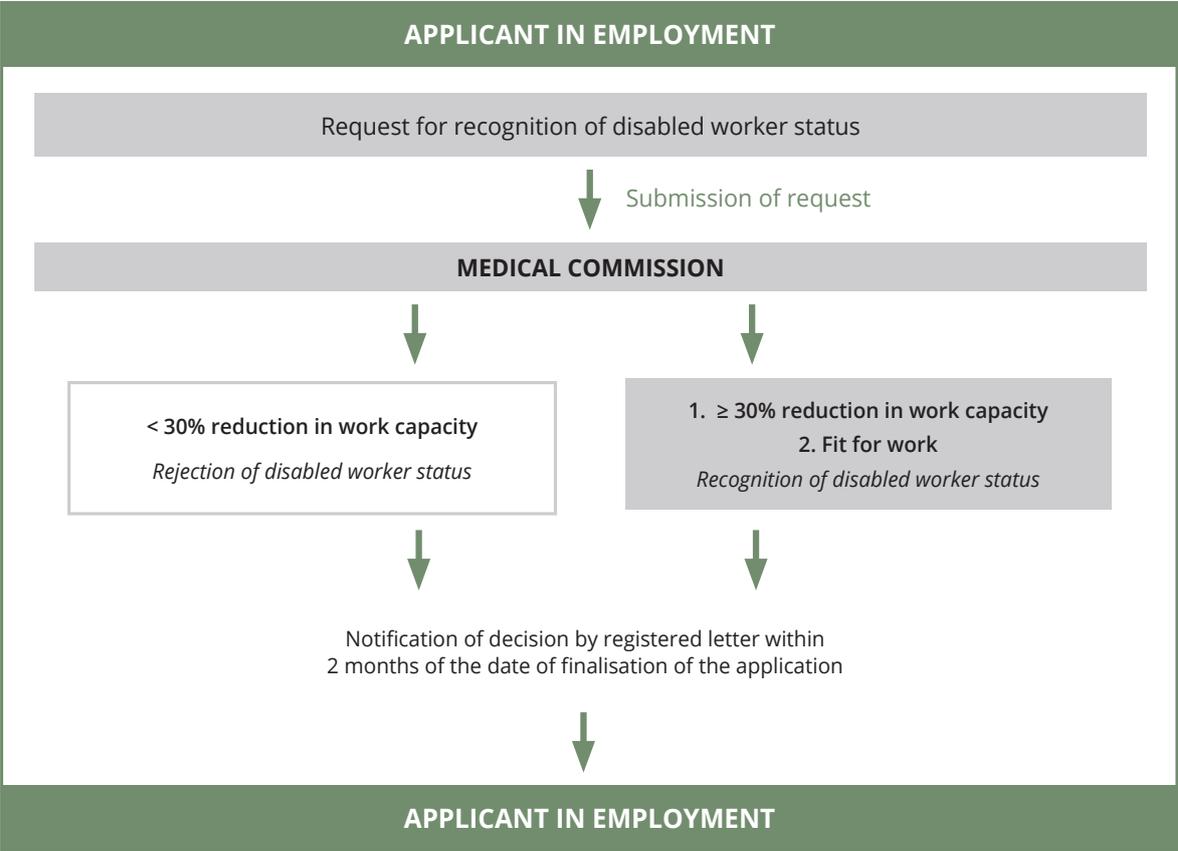
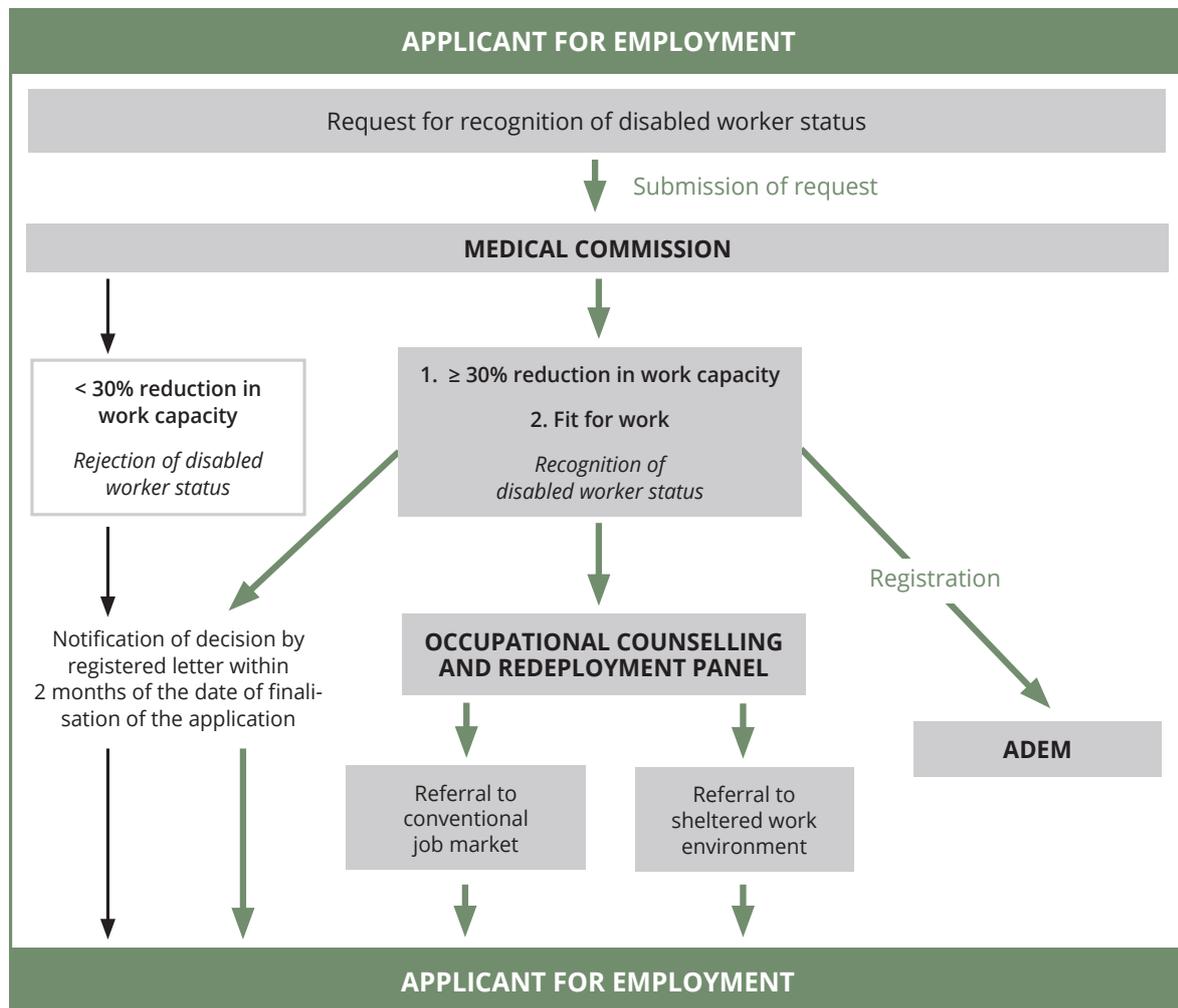


Diagram 2: Recognition of the status and orientation of the disabled employee



### 2.3. The Occupational counselling and redeployment panel

When the Medical commission decides to recognize the status of disabled employee of a person seeking employment, it transmits the report to the Occupational counselling and redeployment panel, provided that the person is registered or registers with ADEM.

The Occupational counselling and redeployment panel<sup>11</sup> decides if an employee with disability worker status will be referred to the conventional job market or to a sheltered work environment<sup>12</sup>. It can interview the candidate or, for information purposes, third parties. It can involve experts and has the right to request from public authorities any document which it considers useful or necessary for carrying out a complete analysis of the candidate's situation. In the event of a fundamental change in the facts and circumstances surrounding the applicant's work capacity, the decision to refer the candidate to the conventional or the sheltered work environment may be reviewed. A review request is made by the applicant to the Occupational counselling and redeployment panel together with the necessary supporting documentation. No decision of this Commission may be the subject of a review request while the application is under reassessment by the Special reassessment committee<sup>13</sup> or before the expiry of the 6 months period starting from the notification of the first definitive decision.

11 It is composed of two representatives of the Minister of Labour, a representative of ADEM, an occupational health doctor, a psychologist specialised in disability, an occupational therapist specialised in technical aid, a graduate educationalist and a social worker (article L.564-3 of the Labour Code).

12 Refer to Part II and Part III.

13 Refer to following Title 3.

### 3. POSSIBLE APPEALS

Decisions to reject or withdraw a disabled worker status and decisions taken by the Medical commission in connection with a work capacity reduction can be appealed by the unsuccessful applicant before the Social security arbitration tribunal (Conseil arbitral de la sécurité sociale) within 40 days of the notification of the contested decision.

Decisions taken by the Occupational counselling and redeployment panel to refer the candidate to a conventional or a sheltered work environment may be reassessed by the Special reassessment committee. Reassessment requests must be made by registered letter within 40 days of the notification of the decision.

Decisions of the Special reassessment committee confirming the referral decision may be appealed to the Social Security Arbitration Tribunal (Conseil arbitral de la sécurité sociale) within 40 days of their notification.

Furthermore, appeals against a decision of the Social Security Arbitration Tribunal can be made before the High council of social security (Conseil supérieur de la sécurité sociale) within 40 days of its notification <sup>14</sup>.

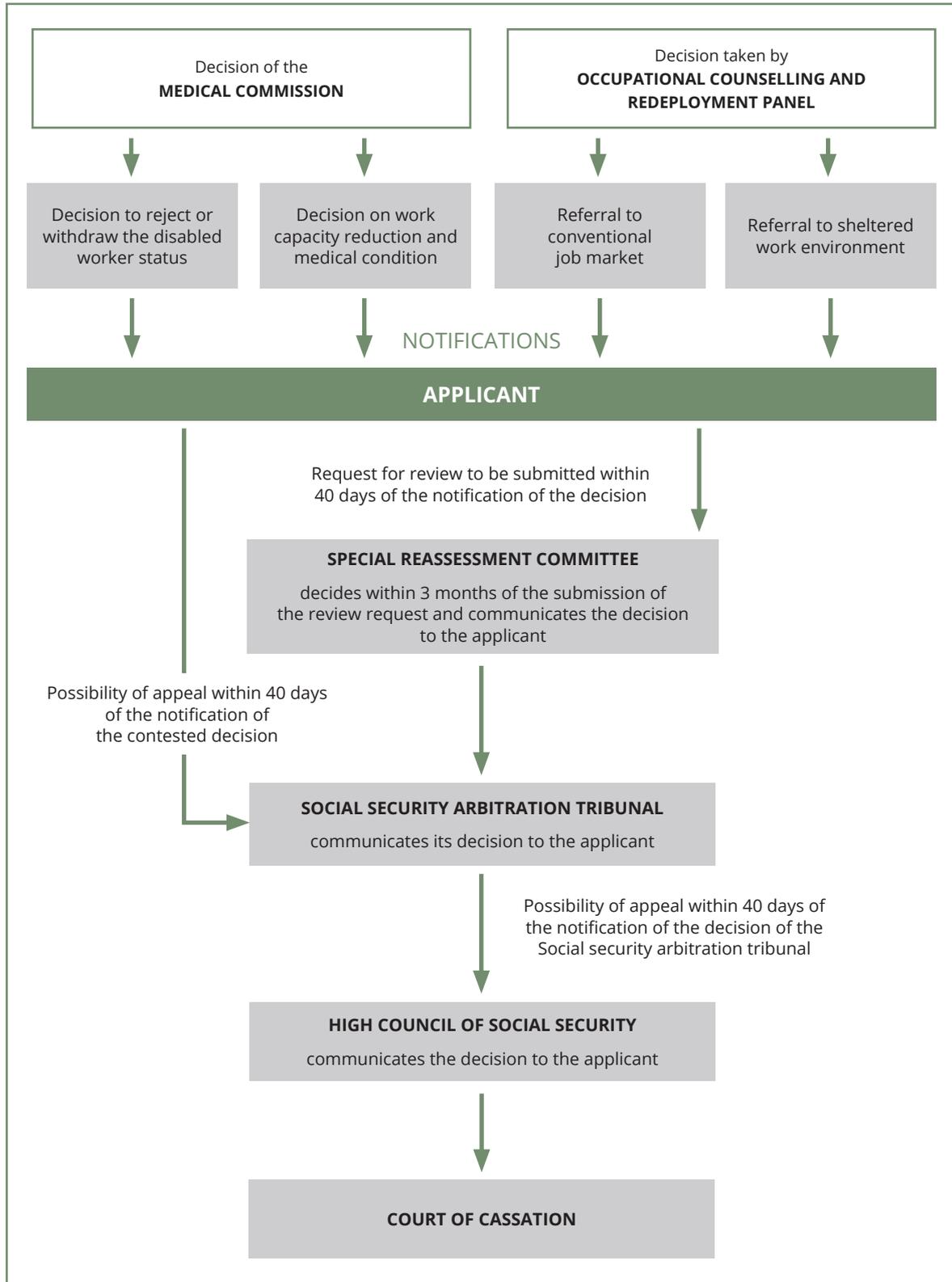
Appeals do not have a suspensory effect, meaning that the contested decisions continue to apply during the legal proceedings.

Also, as a result of a fundamental change in work capacity or medical condition, an employee with disabled worker status can address a direct request to the commission having taken the decision at the earliest 6 months after the notification of the first definitive decision, for a status review to take place. The review request must be supported by documents substantiating the fundamental change in work capacity. It is, however, not possible to launch an appeal for a review while a re-examination appeal is already underway.

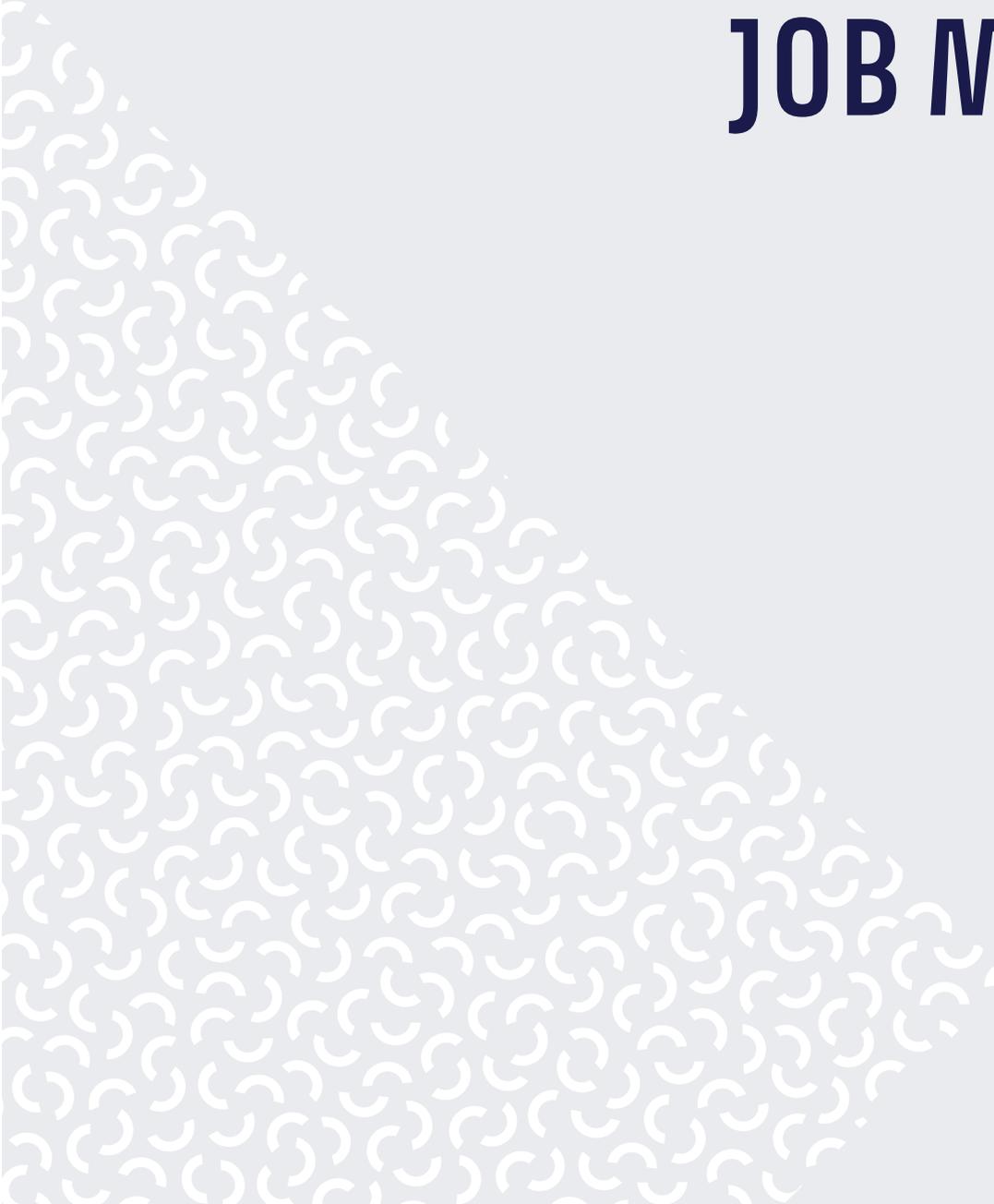
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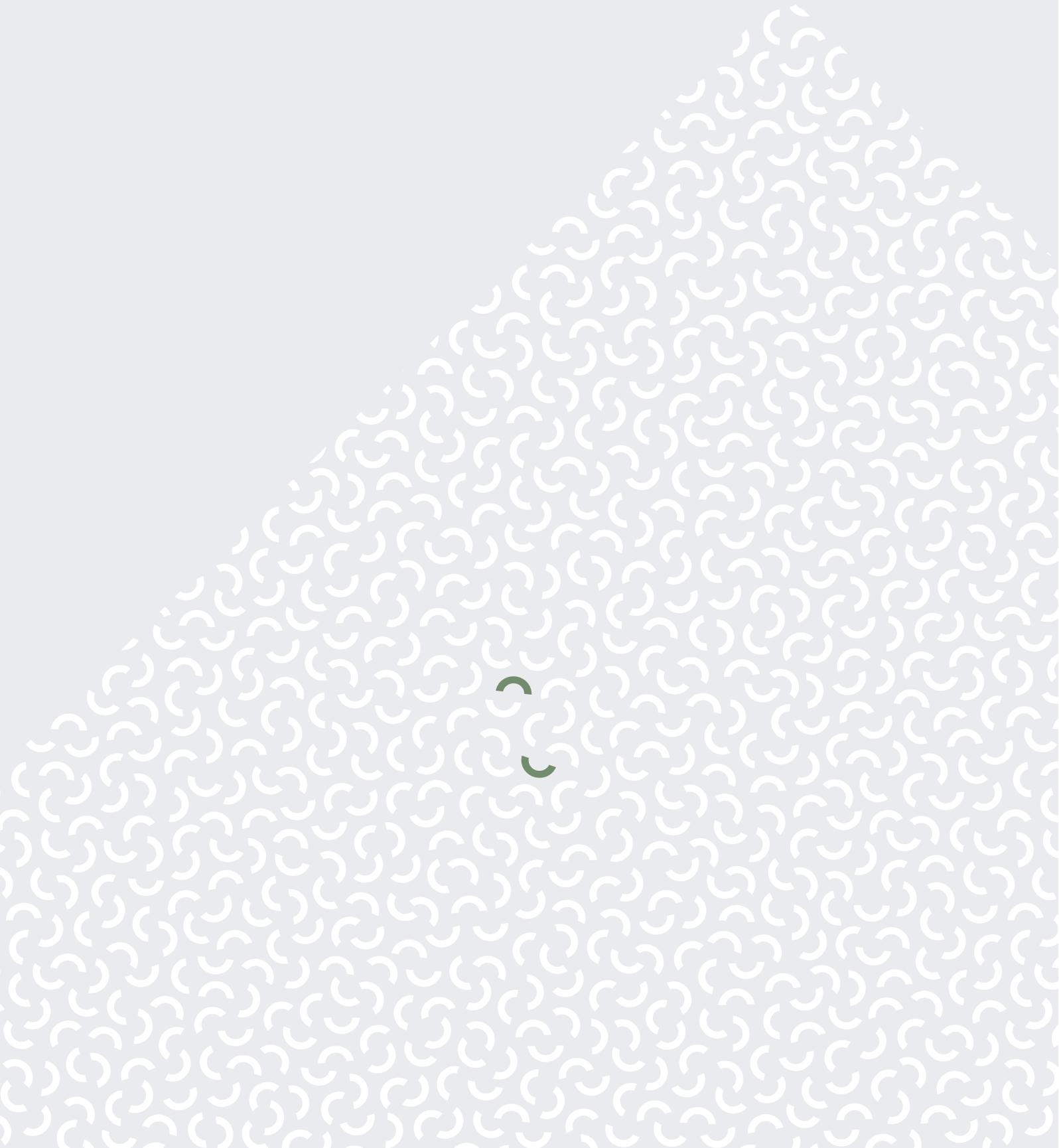
<sup>14</sup> The procedure to be followed before the Social security arbitration tribunal and the High council of social security and the deadlines and legal fees are subject to the Grand-Ducal regulation of 24 December 1993. The appeal may be made by simple letter in as many copies as there are parties, specifying last name, first names, identity card or passport number, profession, place of residence, purpose of the request, summary of the pleas and signature.

Diagram 3: Appeals against the decision of the Medical commission and the Occupational counselling and redeployment panel



## II. REFERRAL TO THE CONVENTIONAL JOB MARKET





# 1. FACILITATION MEASURES<sup>15</sup>

If the disabled worker is referred to the conventional job market, the Occupational counselling and redeployment panel may propose to the director of ADEM measures of support, training, re-education, professional integration or reintegration, induction, or traineeships for facilitating adaptation or readaptation to the workplace, according to age of the candidate, extent, and nature of the disability as well as previous and residual work capacity.

The director of ADEM (or his or her deputy) then determines the measures to be taken in order to facilitate the professional integration or reintegration of the candidate. The director instructs the Disabled employees' department in order to implement the measures, and may consult with experts.

Form and substance of these measures may include:

- a State contribution towards the salary<sup>16</sup>;
- a contribution towards training costs;
- an allowance to cover expenses relating to the adaptation of the workplace and access to the premises;
- a contribution towards travel expenses.

Additionally, the employee with recognised disability status is entitled to 6 additional days of annual leave the cost of which is covered by the State<sup>17</sup>.

The employer, on the other hand, must take appropriate measures, reflecting the requirements of a specific situation, to enable the disabled worker to access, carry out and progress in the job, and to ensure that appropriate training is given, unless the cost for taking these measures is considered disproportionate. The cost is not considered disproportionate in those cases where it is sufficiently compensated by State contributions towards all or part of the costs of adaptation of the workplace, access to premises, acquisition of professional equipment or training material or the reimbursement of travel costs<sup>18</sup>.

If the disabled worker rejects a position corresponding to his or her work capacities and which has been allocated to him or her, or rejects the measures of support, training and re-education decided by the director of ADEM, then the worker loses his or her rights to a position reserved for disabled workers as described above. The decision of the director of ADEM in this regard will be notified to the applicant by registered letter.

For further information on the above measures or on the necessary steps to be taken, the secretariat of the Occupational counselling and redeployment panel can be contacted by phone at 247-88888 or by email at [info.cor@adem.etat.lu](mailto:info.cor@adem.etat.lu).

<sup>15</sup> Article L. 562-1 of the Labour Code.

<sup>16</sup> Refer to following Title 2.3.

<sup>17</sup> Article L. 233-4 of the Labour Code.

<sup>18</sup> Article 26 du règlement grand-ducal du 7 octobre 2004 portant exécution de la loi du 12 septembre 2003 relative aux personnes handicapées.

## 2. OBLIGATION TO EMPLOY DISABLED WORKERS

### 2.1. Quotas<sup>19</sup>

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The State, municipalities, public institutions, and the Luxembourg National Railway Company (Société nationale des chemins de fer luxembourgeois) are obliged to provide full time employment to workers with recognised disability status, to the extent of 5% of their total workforce.

Private sector companies employing at least:

- 25 employees are obliged to employ at least one full time worker with recognised disability status<sup>20</sup>;
- 50 employees are obliged to employ full time disabled workers to the extent of 2% of their total workforce<sup>21</sup>;
- 300 employees are obliged to employ full time disabled workers to the extent of 4% of their total workforce<sup>22</sup>.

Companies with multiple establishments must apply this employment obligation to each separate establishment.

Employers occupying several workers with disabled status exceeding the mandatory number are exempt from paying the employer's social security contributions for the positions beyond the mandatory number<sup>23</sup>.

The calculation of the number of jobs to be reserved for workers with disabilities takes into account workers with recognised disability status and of disabled employees already in place.

### 2.2. Process<sup>24</sup>

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Public and private sector employers, who are considering to hire candidates who are recognized as disabled employees, must declare to ADEM, at least 3 working days prior to the publication in the press, vacant positions and positions to be allocated to disabled persons with, where relevant, a proposal to employ another disabled worker.

When ADEM identifies a job seeker corresponding to the profile sought by the employer, it sends an assignment card for the job seeker to contact the employer. Regardless of the recruitment decision taken, the employer must describe the reasons for the choice made by returning the completed assignment card to ADEM.

Employers who do not comply with this obligation must pay the Public Treasury, on a monthly basis, a compensatory tax of 50% of the social minimum wage for each disabled worker not employed. This tax is owed for as long as the non-compliance with this obligation prevails<sup>25</sup>.

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19 Article L. 562-3 of the Labour Code.

20 On condition that ADEM has received an employment request from a disabled worker fitting the capacity requirements of the company.

21 On condition that ADEM has received employment requests from disabled workers in sufficient numbers and fitting the capacity requirements of the company.

22 idem

23 Self-employed persons with a disability may also benefit from a total or partial exemption of their social security contribution payments.

24 Articles L. 562-4 and L. 562-5 of the Labour Code.

25 If ADEM is not able to find a candidate corresponding with the required profile, the employer is exempt from paying the compensatory tax.

## 2.3. Salary

---

The salary of a disabled employee may not be less than that fixed by legislation, regulations, or provisions of collective agreements for a non-disabled employee. Labour law and collective agreements apply. The salary of the disabled worker is fixed without taking into account any accident pensions paid to the applicant by the Accident insurance institution (Association d'assurance contre les accidents) and/or the Office of war damages (Office des dommages de guerre). These pensions continue to be paid fully to the beneficiaries, they must neither be deducted from the disabled worker's salary, nor be deducted in any other way to the detriment of the beneficiaries.

A contribution from the State towards the salary payments made to a disabled worker by employers of the private sector, by municipalities, by public institutions and by the Luxembourg National Railway Company can be determined by the director of ADEM after consultation with the Occupational counselling and redeployment panel.

It should be noted that in the municipal sector, only employees with disabilities who are hired as municipal employees are eligible for a salary contribution.

The contribution to the salary is determined in particular through the extent of yield lost from the reduced work capacity of the disabled worker and may be limited in time. It cannot be lower than 30%<sup>26</sup> and can be increased to 100% of the salary paid to the disabled worker including the employer's portion of the social security contributions. The salary contribution rate can be adapted from time to time by the ADEM director upon consultation with the Occupational counselling and redeployment panel by taking into account any developments of the disability and/or of the adaptation of the disabled worker to the work environment.

If agreed, a salary contribution is paid from the date the application is made (and at the earliest from the date the employment contract takes effect). It applies as long as the employment contract remains in force and the employee concerned is recognized as a disabled employee.

However, it is not possible to transfer a salary contribution if the employer changes. In this case, a new application can be made by the new employer. It is subject to the same processing as any initial application.

# 3. EMPLOYMENT INCLUSION ASSISTANCE FOR DISABLED WORKERS

The provision of assistance services to facilitate inclusion in employment is a service set up at ADEM by virtue of the law of 1st of August 2019<sup>27</sup>.

## 3.1. Definition of employment inclusion assistance services

---

The purpose of employment support is to sustain and promote the inclusion of certain categories of workers within the conventional labour market through guidance adapted to the needs of the employee by an assistant.

It is carried out in either a self-employed or an employee capacity.

<sup>26</sup> Article 3 of the law of 8 April 2018 modifying 1) the Labour Code; 2) the modified law of 24 December 1996 introducing a tax credit on income tax due in connection with the recruitment of unemployed persons; 3) the modified law of 12 September 2003 relating to disabled persons. Article L. 562-8 of the Labour Code erroneously makes reference to the old rate of 40%.

Article L. 562-8 of the Labour Code falsely refers to the former rate of 40%.

<sup>27</sup> Articles L. 553-1 ff. of the Labour Code.

## 3.2. The assistant's tasks

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The assistant's tasks are to:

- assess the work situation, and describe the problems and specific needs of the disabled employees or workers in external redeployment;
- identify the needs of the employer and company staff, in particular concerning preparation, information and raising of awareness relating to the disability and the medical condition, and where relevant the specific needs of the disabled worker or the worker in external redeployment, with the aim of achieving a sustainable inclusion;
- establish a personalised inclusion project plan containing a detailed working programme with a schedule of actions to be carried out, expressed in number of hours, duration, and frequency;
- write quarterly declarations and annual reports on the evolution of the situation of the disabled worker or worker in redeployment in the workplace and on the actions taken;
- write a final report containing conclusions and recommendations for actions to be taken after the assistance has ended. This report is submitted to ADEM within 2 months of the end of the assistance.

## 3.3. Persons concerned

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This scheme applies to all disabled employees or workers in external professional redeployment who are employed in the private sector and whose work relations are governed by a status of salaried employee, as well as to private sector beneficiaries of measures of the National Employment Agency (Agence pour le développement de l'emploi – ADEM) lasting at least 12 months (employment initiation contract, employment reintegration contract, ect.).

## 3.4. Request for employment inclusion assistance

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The request for assistance is addressed to the Director of ADEM. It is submitted jointly by the employee, the employer and the assistant or the assistance service on a form established by ADEM. The request must include the following information:

- company's name, company type, registered address, sector of activity and number of employees of the company;
- last name, first name, age, address, tasks, and type of disability of the disabled employee or inabilities of the employee in redeployment;
- identification and description of the problems faced in the work relationship;
- name of the recognised assistant or recognised assistance service provider selected jointly by the disabled worker or worker in redeployment and the employer, from a list showing recognised assistants and recognised assistance service providers by areas of expertise and published in the Official Journal of the Grand-Duchy of Luxembourg listing recognised assistants and recognized assistance service providers by areas of expertise.

The request must also be accompanied by the following supporting documents:

- a job description and the occupancy rate;
- a copy of the employment measure or employment contract.

The director of ADEM assesses the completeness of the request as well as the adequacy of the description of the problems to be solved and the scope of the assistant's competence and notifies his or her agreement or refusal, within one month of receipt of the request, in writing to the disabled employee or externally redeployed employee, to his or her employer and to the assistant or support service.

### 3.5. Compensation for employment inclusion assistance costs

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Within one month of the receipt of the confirmation of approval from the director of ADEM, the assistant or assistance service provider submits a personalised inclusion project plan to the director of ADEM, to the employee and to the employer. The director of ADEM verifies the completeness of the inclusion project plan. Without prejudice to the approval or rejection of the assistance, the director of ADEM approves the reimbursement of the cost of the establishment of the personalised inclusion project plan after verification of completeness of the plan.

Within one month following receipt of the request, the director of ADEM notifies his or her approval or rejection to the employee, the employer and the assistant or assistance service provider. In case of approval, assistant or assistance service provider, employee and employer enter into a cooperation agreement<sup>28</sup>.

In case of rejection, the three parties may submit, within a month of the rejection notification, a revised personalised inclusion project plan signed by the three parties failing which the rejection decision becomes definitive.

### 3.6. Duration of the assistance

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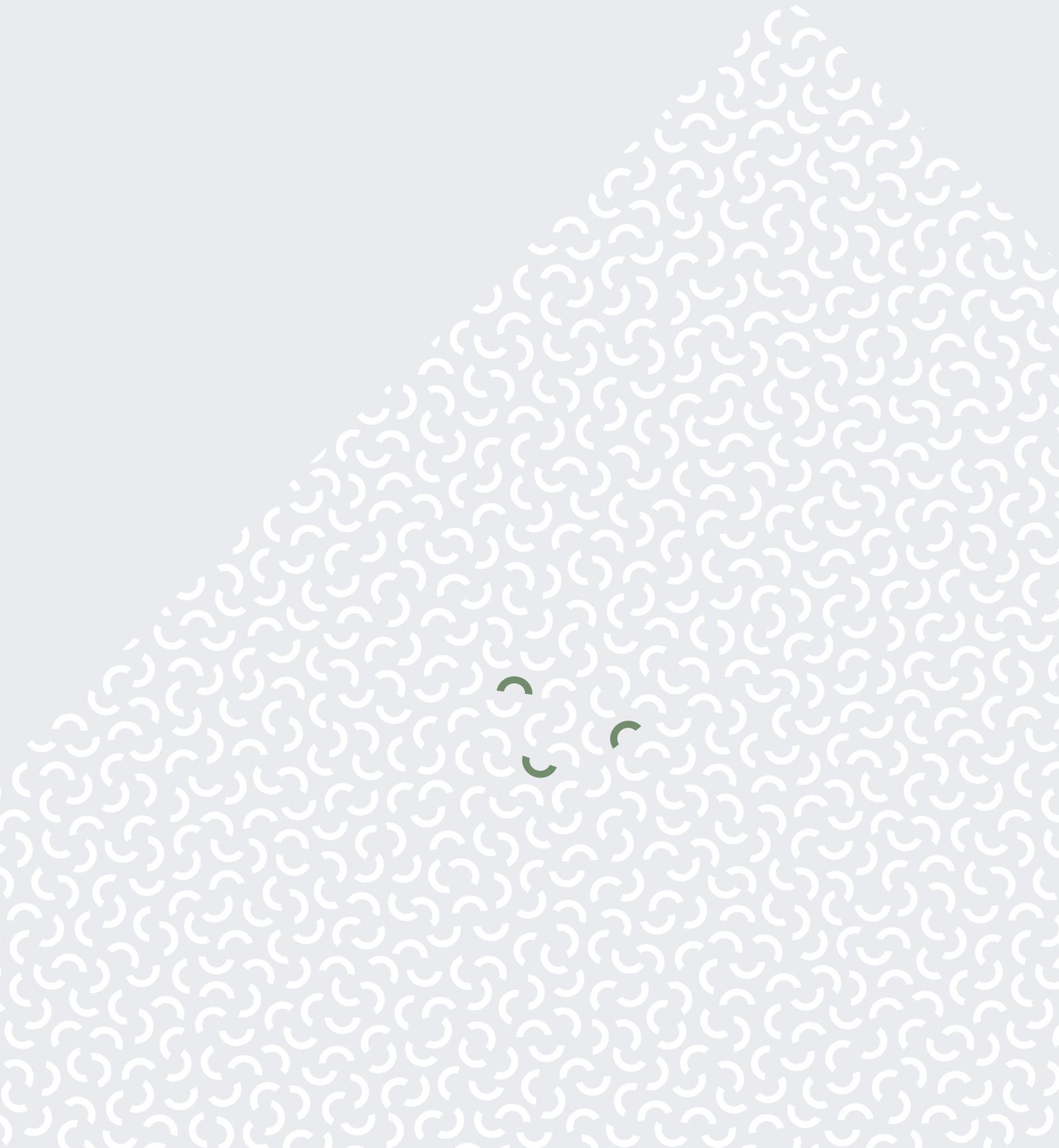
The approval from the director of ADEM confers entitlement to compensation by the Employment fund (Fonds pour l'emploi) for the services provided by the assistant or the assistance service provider for the number of hours and for the duration specified in the personalised inclusion project. The number of hours of assistance is determined as follows:

- maximum 150 hours for an employment contract or an ADEM measure in favor of employment between 12 and less than 18 months;
- maximum 225 hours for an employment contract or an ADEM measure in favor of employment between 18 and less than 24 months;
- maximum 300 hours for an employment contract or an ADEM measure in favor of employment of at least 24 months.

Duration and frequency of the assistance can be adapted by the director of ADEM upon substantiated request made by the employee, employer and the assistant, taking into account the evolution of the employee's disability or the medical condition of the employee in external redeployment or the adaptation of the employee to the workplace.

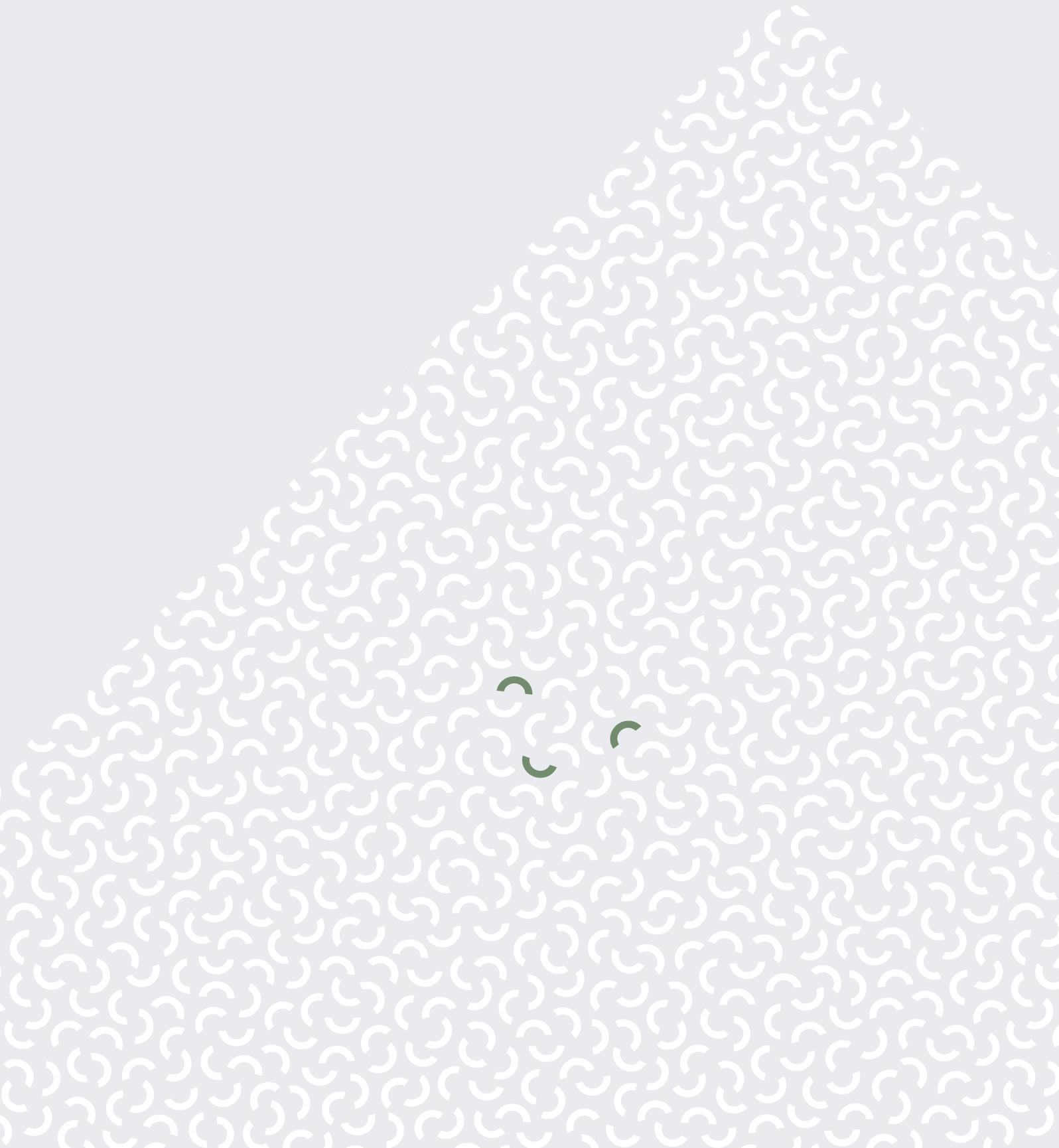
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<sup>28</sup> Article L. 553 -5 of the Labour Code.



# III. REFERRAL TO A SHELTERED WORKSHOP





# 1. THE CHARACTERISTICS OF SHELTERED WORKSHOPS<sup>29</sup>

Disabled employees who, owing to their diminished work capacity, do not or do not yet meet the requirements and constraints of the conventional job market, are referred to a sheltered workshop. A sheltered workshop is an establishment set up and managed by an organisation dedicated to economic and social issues and fulfilling the following conditions:

- enable persons with recognised disabled worker status to exercise a salaried professional activity within an economic production unit amid conditions suited to their abilities;
- promote access of disabled workers to employment in the conventional job market and organise measures of professional integration, accompaniment, and follow-up in this market;
- benefiting from the approval of the minister mandated with Family affairs<sup>30</sup>.

The persons in charge of the sheltered workshop determine the measures necessary for enabling employment of the disabled workers under conditions suited to their needs and any measures of professional integration, accompaniment, and follow-up in the conventional job market.

## 2. EMPLOYMENT CONTRACT SPECIFICITIES

### 2.1. Rights and duties

The employment contract must take into account the specific needs of the disabled worker. Title II of Book I of the Labour Code provides for certain exemptions in particular in connection with the employment of disabled workers in a sheltered workshop.

Hence the employment contract must contain the following:

- a commitment from the sheltered workshop to ensure employment of the disabled worker in conditions suited to his or her needs and abilities;
- a commitment from the sheltered workshop to facilitate entry of the disabled worker into the conventional job market and, where relevant, enable follow-up in this market;
- a commitment from the sheltered workshop to re-employ a disabled worker placed by it in the conventional job market but for whom this integration proves to be unsatisfactory;
- a commitment from the disabled worker, or the disabled worker's legal representative to remain available for placing in the conventional job market and to participate in integration measures proposed by the sheltered workshop or by ADEM.

If the disabled employee is under guardianship, the guardian signs the employment contract<sup>31</sup>.

<sup>29</sup> Article L. 563 -1 ff. of the Labour Code.

<sup>30</sup> The approval is granted according to the provisions of the modified law of 8 September 1998 on the relations between the State and organisations operating in the fields of social, family and therapeutic matters. Sheltered workshops fall within the scope of the modified law of 10 June 1999 on classified establishments.

<sup>31</sup> According to the provision of the Title XI of the Civil Code relating to full age and the protection of persons of full age by law.

The contract ceases to be effective<sup>32</sup>:

- on the day of withdrawal of the disabled person's recognised disabled worker status;
- on the day of notification to the disabled worker and employer of the decision to refer the disabled worker to the conventional job market.

## 2.2. Working hours

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The standard weekly working time in a sheltered workshop is 40 hours unless a different working time is determined by law, regulation, or convention for specific organisations. The disabled employee of a sheltered workshop is entitled to 6 additional days of annual leave which are paid by the State<sup>33</sup>.

In the event that the disabled worker is unable to respect the sheltered workshop's time schedule owing to running times of public transport used by the worker, the duration of the daily travel can be included in the work time up to a number of hours determined in the employment contract of the disabled person.

The sheltered workshop's working time is defined as the time during which the disabled worker is at the disposal of the workshop. It also includes the time spent on socio-pedagogical training and therapeutical support received during working times and in the workplace. The same applies to time spent on outside internships organised by the sheltered workshop and not remunerated by the company where the internship is carried out.

## 2.3. Salary

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The disabled employee of a sheltered workshop is paid a salary the amount of which is at least equal to the hourly rate of the social minimum wage<sup>34</sup> multiplied by the number of working hours laid down in the employment contract concluded between the disabled employee and the sheltered workshop.

The sheltered workshop may additionally pay the disabled worker a bonus or another benefit in cash outside the social minimum wage due. The bonus or benefit in cash is funded by the sheltered workshop.

The salary is paid to the disabled employee once a month by the sheltered workshop.

If the employment relationship with the sheltered workshop were to cease, the disabled employee is entitled to full unemployment benefit<sup>35</sup>, provided that the legal provisions concerning entitlement to full unemployment benefits are met.

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32 Article L. 125-4 of the Labour Code.

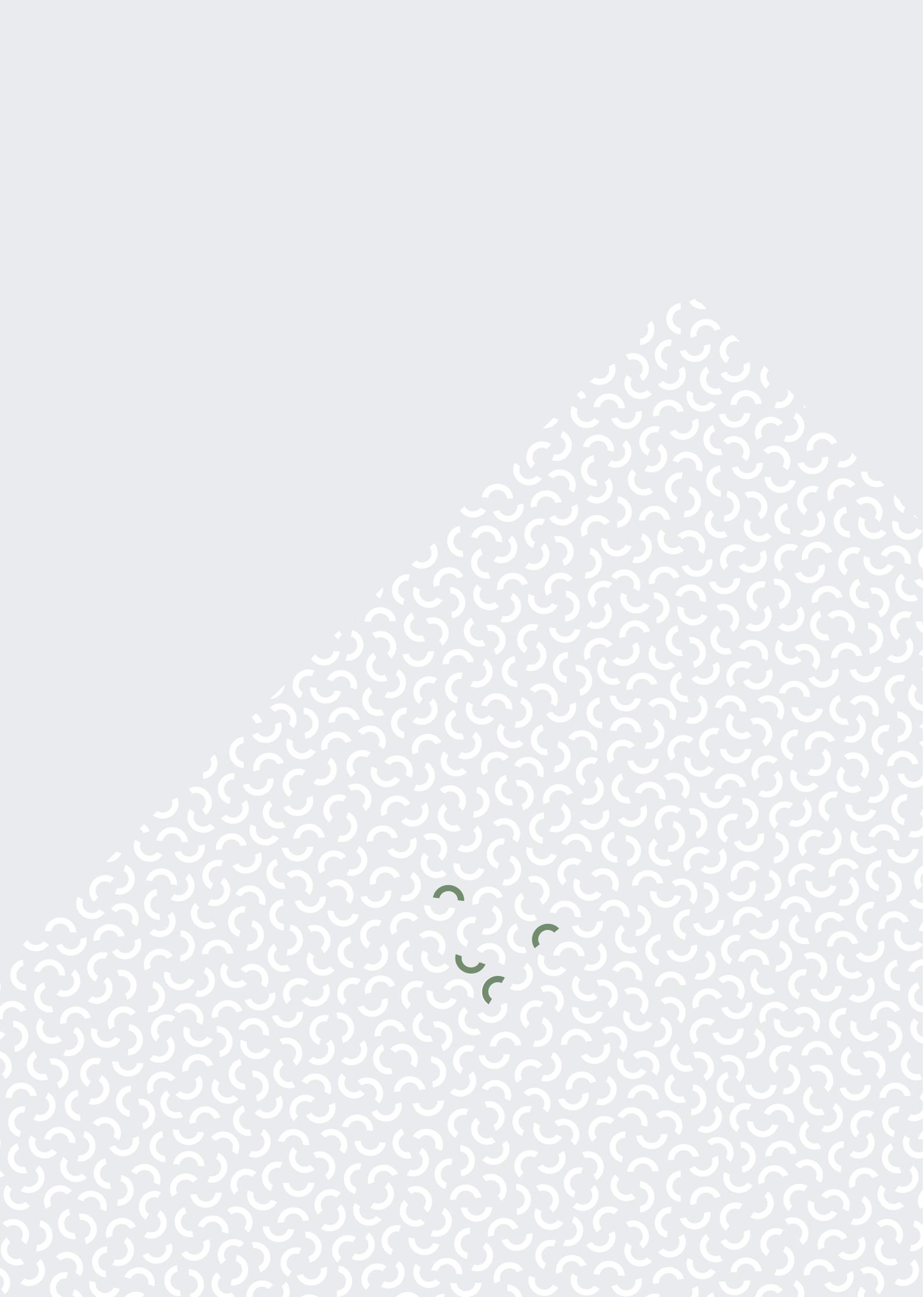
33 Article L. 233-4 of the Labour Code.

34 Monthly social minimum wage as at 1 February 2023, index 898,93: EUR 2,447.07 for an unskilled adult person and EUR 2,936.48 for a qualified adult person.

35 Subject to eligibility as per the provisions of Title II of Book V of the Labour Code.

# IV. SEVERELY DISABLED ALLOWANCE





# 1. THE CONDITIONS TO BE MET

The disabled person who, because of diminished work capacities, is not able to work in the conventional job market nor in a sheltered workshop, may benefit from a severely disabled allowance (Revenu pour personnes gravement handicapées – RPGH).

Any person meeting the following criteria can apply for a severely disabled allowance:

1. aged 18 at least;
2. presenting a reduction in work capacity of at least 30% as a result of a physical, mental, sensory, or psychological impairment and/or psycho-social difficulties aggravating the impairment (the latter must have occurred before the age of 65);
3. presenting a medical condition such that any work effort is considered inappropriate or whose work capacities are so limited that it proves impossible to adapt to a work environment in the conventional job market or in a sheltered workshop;
4. holding a residence permit for the territory of the Grand-Duchy, and being domiciled and residing there <sup>36</sup>.

A person who is recognised as a disabled employee and who, for reasons beyond his or her control, does not have access to paid employment and has resources below the level of the severely disabled allowance can apply for a severely disabled allowance. In this case, the person must register as a jobseeker with ADEM in order to seek a position suitable for his or her work abilities. It should be noted that a disabled employee who rejects a job corresponding to his or her working abilities loses the benefit of the severely disabled allowance.

# 2. ADMINISTRATIVE PROCEDURES

The applicant contacts the secretariat of the Medical commission of the ADEM (by phone at 247-88888 or by email at [commissionmedicale@adem.etat.lu](mailto:commissionmedicale@adem.etat.lu)) in order to receive the appropriate request form. This needs to be returned to the Medical Commission together with the following supporting documents:

- an identity card or passport;
- one or several recent and detailed medical report(s) issued by the general practitioner(s)/medical specialist(s) detailing the likely causes of the diminished work capacity, establishing that the impairment occurred before the age of 65 and including where relevant information on the general medical condition and the likely prognosis;
- documentation on legal representation in those cases where the applicant needs to be represented. <sup>37</sup>

Once these administrative procedures have been completed, the Medical commission decides, taking into account the applicant's general medical condition and the absence of capacity for professional inclusion.

The Medical commission informs the applicant about the decision by registered letter within 2 months from the date of submission of the complete application.

When its decision has become final, the Medical commission transfers it, together with the application and all supporting documents, to the National Solidarity Fund.

<sup>36</sup> A person who is not a citizen of the Grand-Duchy of Luxembourg or of another EU or EEA member state or of the Swiss Confederation, and who does not have recognised stateless or refugee status must have resided in the Grand-Duchy for at least 5 years during the last 20 years. This residence condition does not apply to family members of Luxembourg nationals, of nationals of another EU or EEA member state or of the Swiss Confederation, as specified in the law of 29 August 2008 on free movement of persons and immigration, and regardless of nationality.

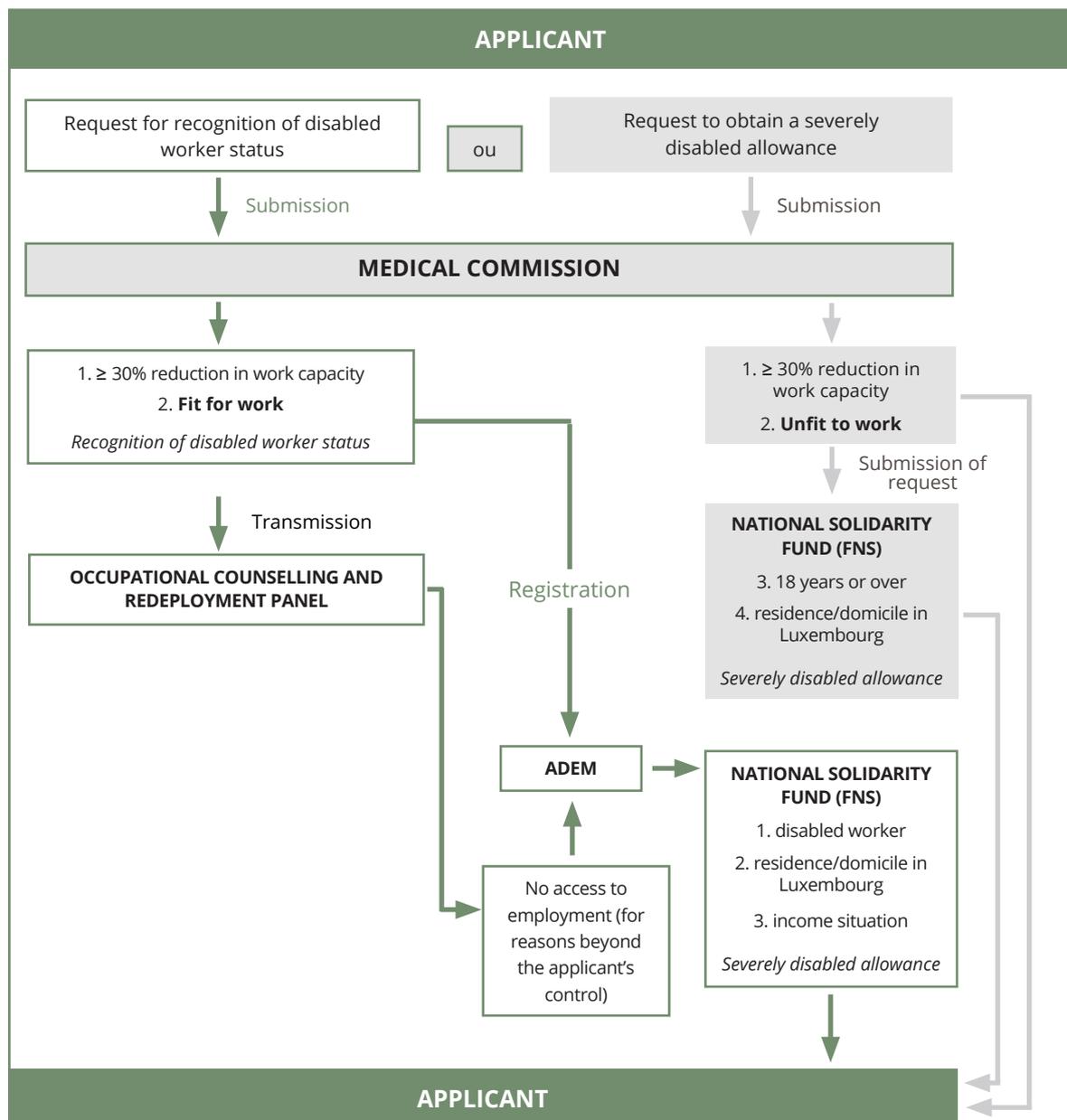
<sup>37</sup> Règlement grand-ducal modifié du 7 octobre 2004 portant exécution de la loi modifiée du 12 septembre 2003 relative aux personnes handicapées.

Then, FNS

- verifies if the criteria of applicant's age and residence are met;
- informs the applicant of the final decision by registered letter, within one month of the date of the communication of the decision taken by the Medical commission;
- manages the implementation of the payment of the severely disabled allowance (RPGH).

If the file is accepted, the severely disabled allowance is paid to the beneficiary starting from the date of signature of the request and availability of the required supporting documents.

Diagram 4: Requests to obtain a severely disabled allowance according to level of fitness for work



## 3. AMOUNT

The monthly income of the RPGH is set at EUR 1,716.96 at index 898.93. This amount is adapted to the amount of the Social inclusion income (REVIS)<sup>38</sup> that the person could receive. Health and care insurance contributions are deducted from this amount. Regarding health insurance, the employer's portion is covered by the National solidarity fund (FNS). The severely disabled allowance is also liable to pension insurance contribution payments if the beneficiary has a contributory service of at least 25 years. In those cases, FNS covers both the portions due by the employer and by the employee.

Provisions on the cumulation with other professional income or with social security benefits also apply. The RPGH is suspended up to the amount of professional income and replacement income from which the holder benefits under Luxembourg or foreign legislation and which are exempted up to 30% of the income for severely disabled persons<sup>39</sup>.

The beneficiaries of the severely disabled allowance must immediately declare to the FNS any changes in their situation that could affect their rights to this complementary payment. Also, FNS regularly verifies that the eligibility criteria continue to be met. If this is no longer the case, the right to the allowance is withdrawn.

If the components of the calculation of income have changed or in case of error, the complementary payment may be increased, reduced or withdrawn.

FNS may in certain cases claim back payments made under a severely disabled allowance scheme from a deceased beneficiary's estate<sup>40</sup>.

The beneficiary must repay the severely disabled allowance if he or she provided incorrect information during the process. The Fund can only claim such restitution after having heard the applicant or his or her heirs either verbally or in writing. In all cases the decision must be duly substantiated.

## 4. APPEALS

In the event of disagreement over the decision taken by the FNS, an appeal can be launched before the Social security arbitration tribunal (Conseil arbitral de la sécurité sociale) within 40 days of the notification of the contested decision.

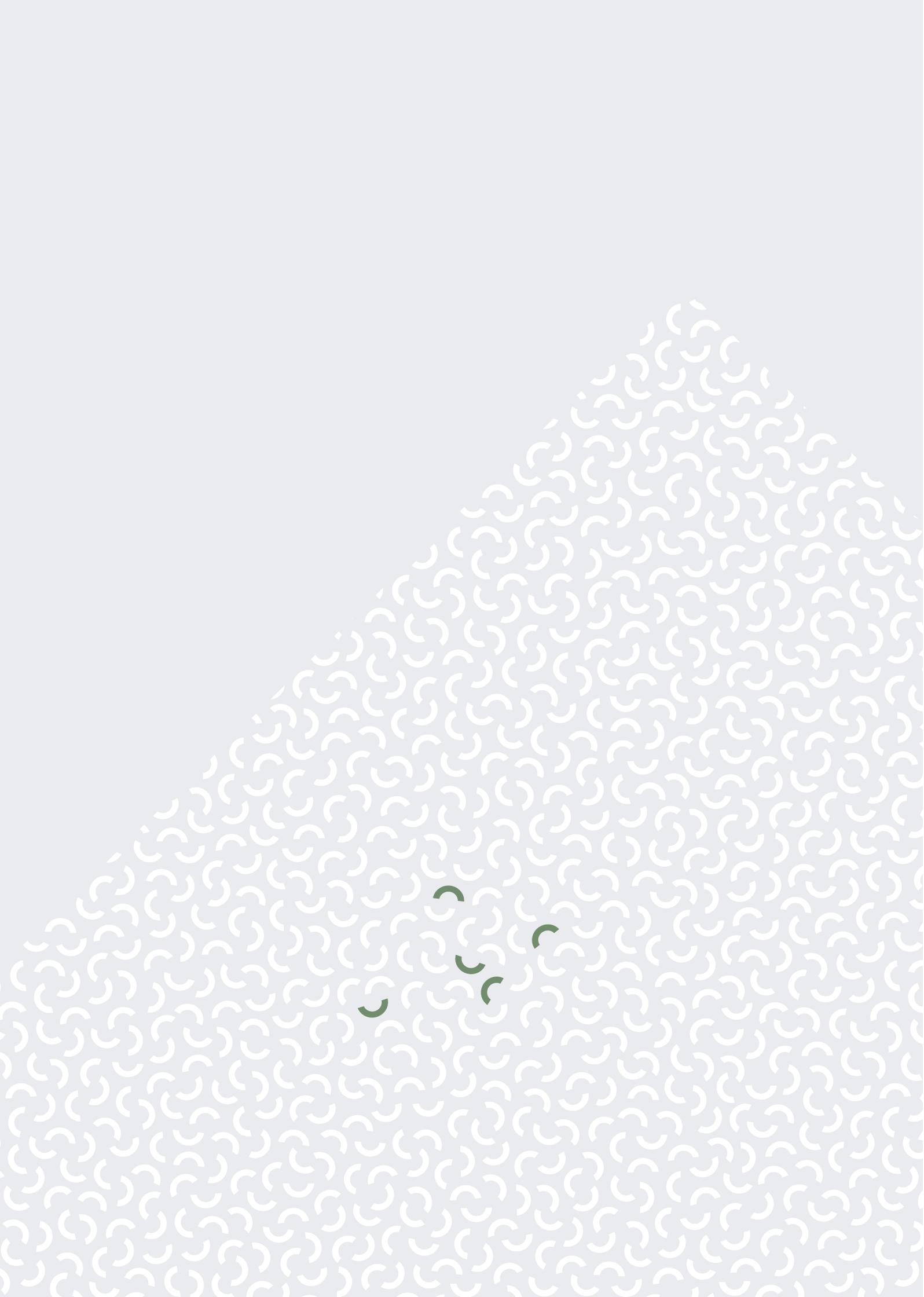
The decision of the Social security arbitration tribunal can be appealed before the High council of social security (Conseil supérieur de la sécurité sociale) within 40 days of its notification.

Appeals do not have a suspensory effect, meaning that the contested decisions continue to apply during the legal proceedings.

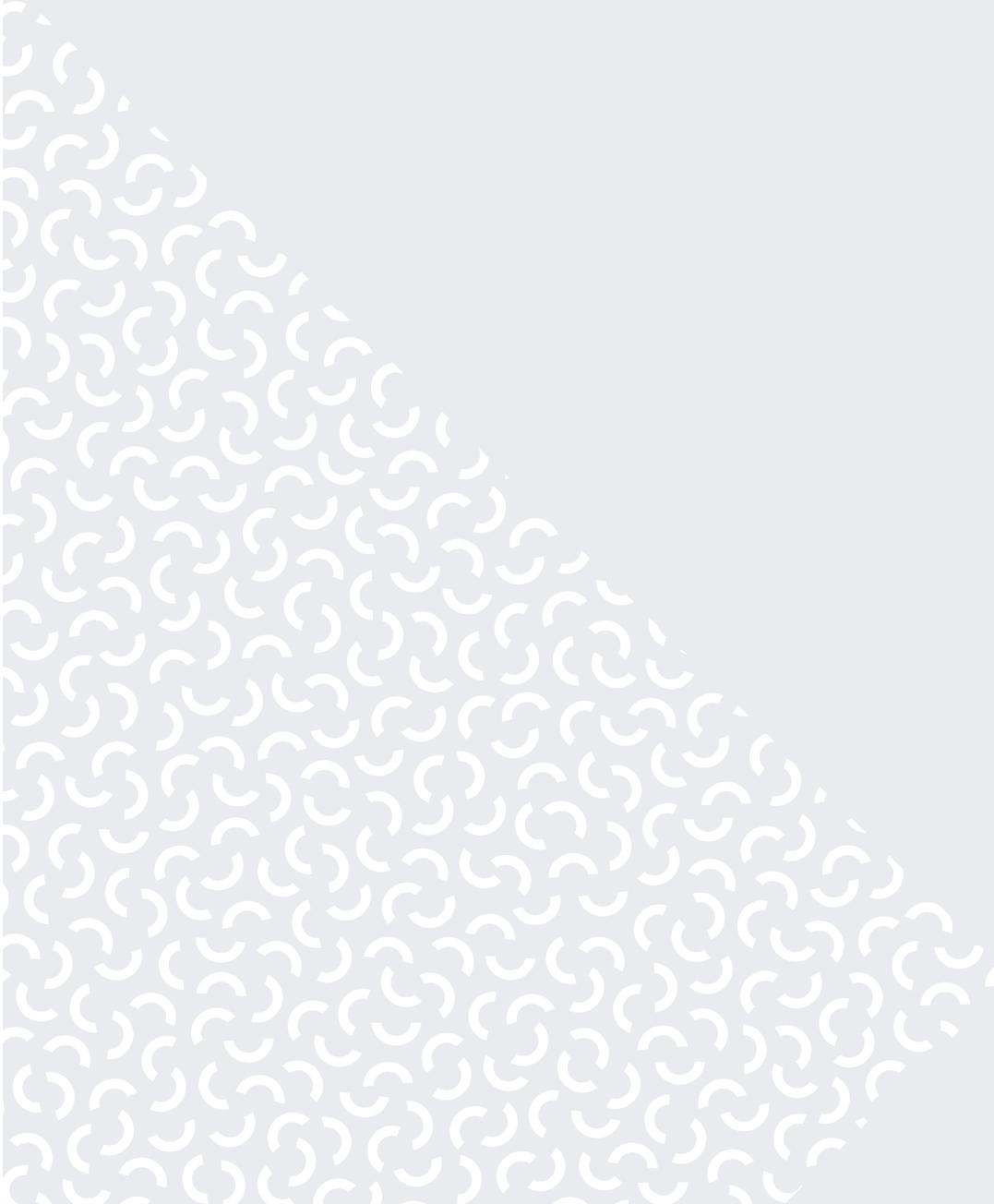
38 The REVIS amount depends on the composition and income of the household. Refer to <https://www.csl.lu/fr/vos-droits/aides/revis/#quentend-on-par-revenu-dinclusion-sociale-revis>

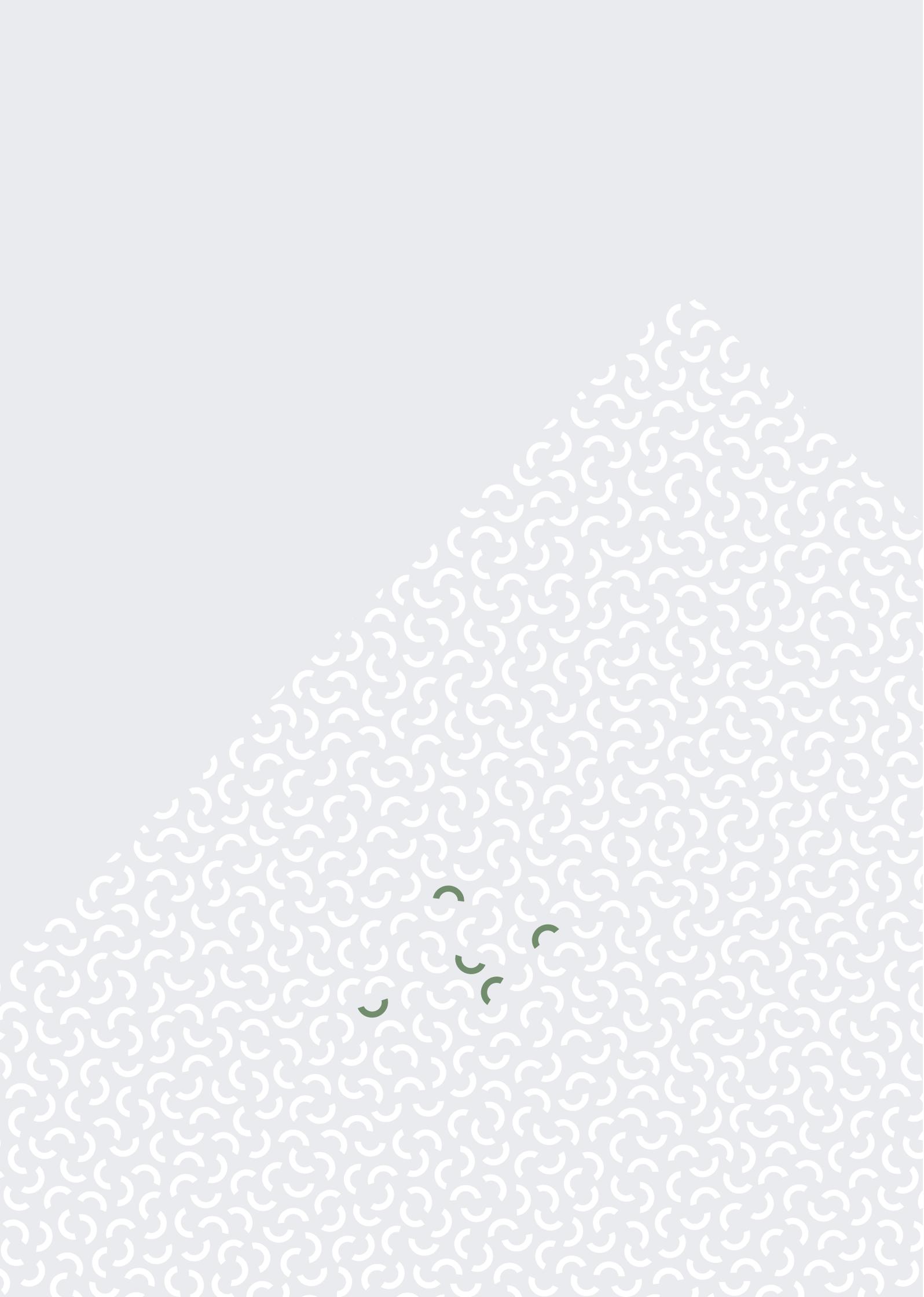
39 The severely disabled allowance is set at 1,716.96 for an adult. If for example this person has other income of EUR 1,000 gross, this amount is not taken into account in its totality in the calculation of the severely disabled allowance complement. It is reduced by an amount equivalent to 30% of the severely disabled allowance:  $1,000 - 515.09 = 484.91$ . The severely disabled allowance complement therefore will be EUR 1,232.05 ( $1,716.96 - 484.91$ ).

40 This claim may however not exceed the assets of the estate. Furthermore, the amounts potentially to be reclaimed by the FNS are secured by a legal mortgage over the real estate assets owned by the beneficiaries.



**V.**  
**PROFESSIONAL  
TRAINING AID**





Persons faced with a sensory impairment (sight or hearing) may request an allowance to cover the costs relating to human aid needed during continuous vocational training and legal or regulatory promotion or career exams. The costs for this aid are covered by the Ministry of Family Affairs, Integration and the Greater Region and includes human aid as well as material or logistic support <sup>41</sup>.

The aid is addressed to beneficiaries of individualised training leave <sup>42</sup> (congé individuel de formation).

Training sessions offered by the following organisations in Luxembourg or abroad are eligible:

- professional Chambers;
- private associations that are accredited by the Ministry for Education, Children and Youth (Ministre de l'Éducation nationale, de l'Enfance et de la Jeunesse);
- institutions which have been granted public or private school status, recognised by the public authorities and issuing certificates validated by these same authorities.

A prior request for aid is to be submitted to the Ministry of Family Affairs, Integration and the Greater Region before the beginning of the training or exam and must be accompanied by a quote as well as by the required documents. The Ministry is then requested to mark its approval. The applicant pays the human aid helper and is where relevant reimbursed by the Ministry upon presentation of the invoice and a certificate of attendance of the training or exam.

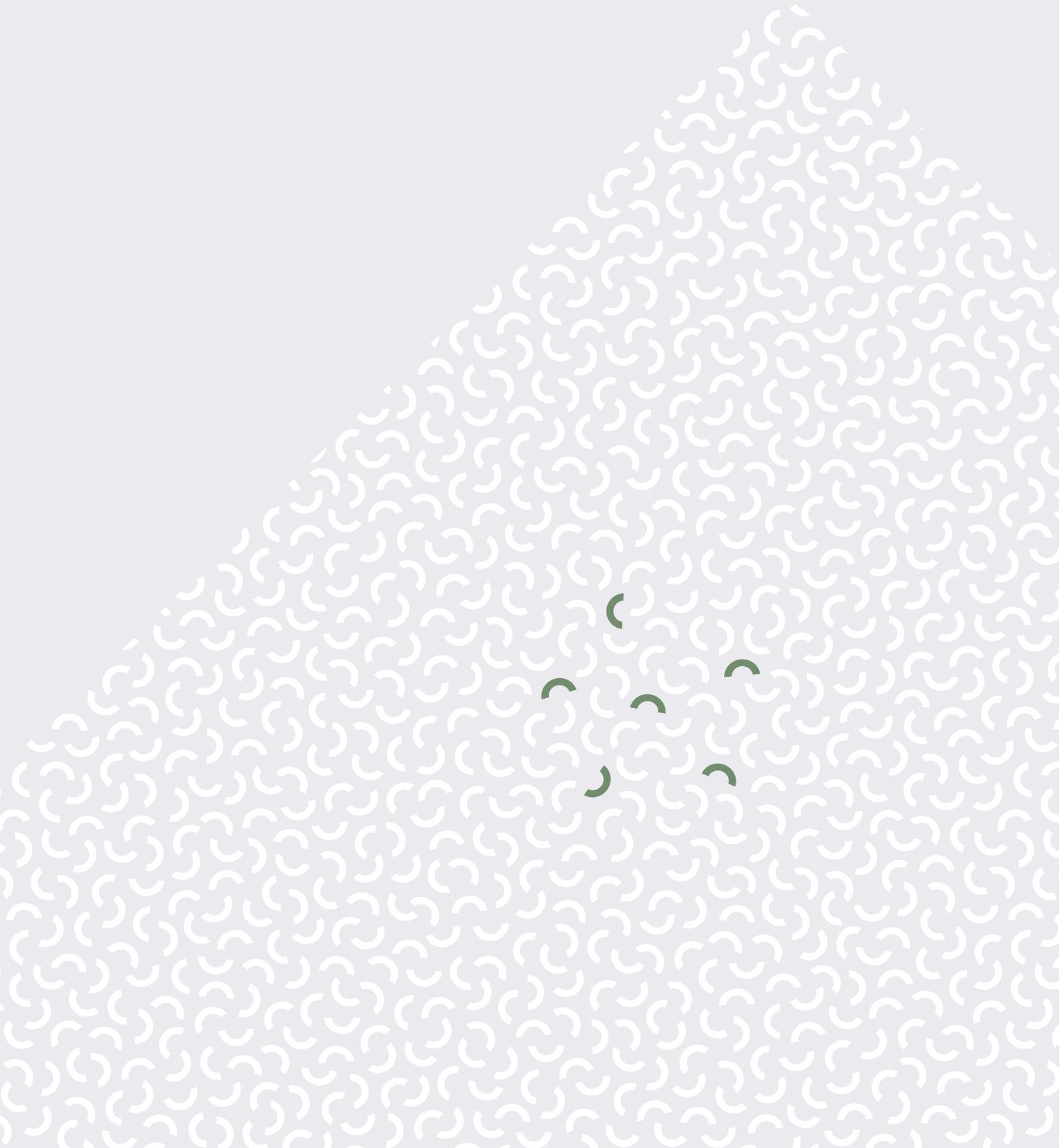
Furthermore, persons with progressive illnesses obliging them to follow specific training to ensure either that they can remain in employment or retain their employability may, upon consultation with the Medical commission and the Consultative Commission for Training Leave, benefit from days of annual training leave additional to those which apply to able-bodied employees and regardless of the number of hours invested in the training <sup>43</sup>.

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41 Source: <https://mfamigr.gouvernement.lu/en/demarches.html>

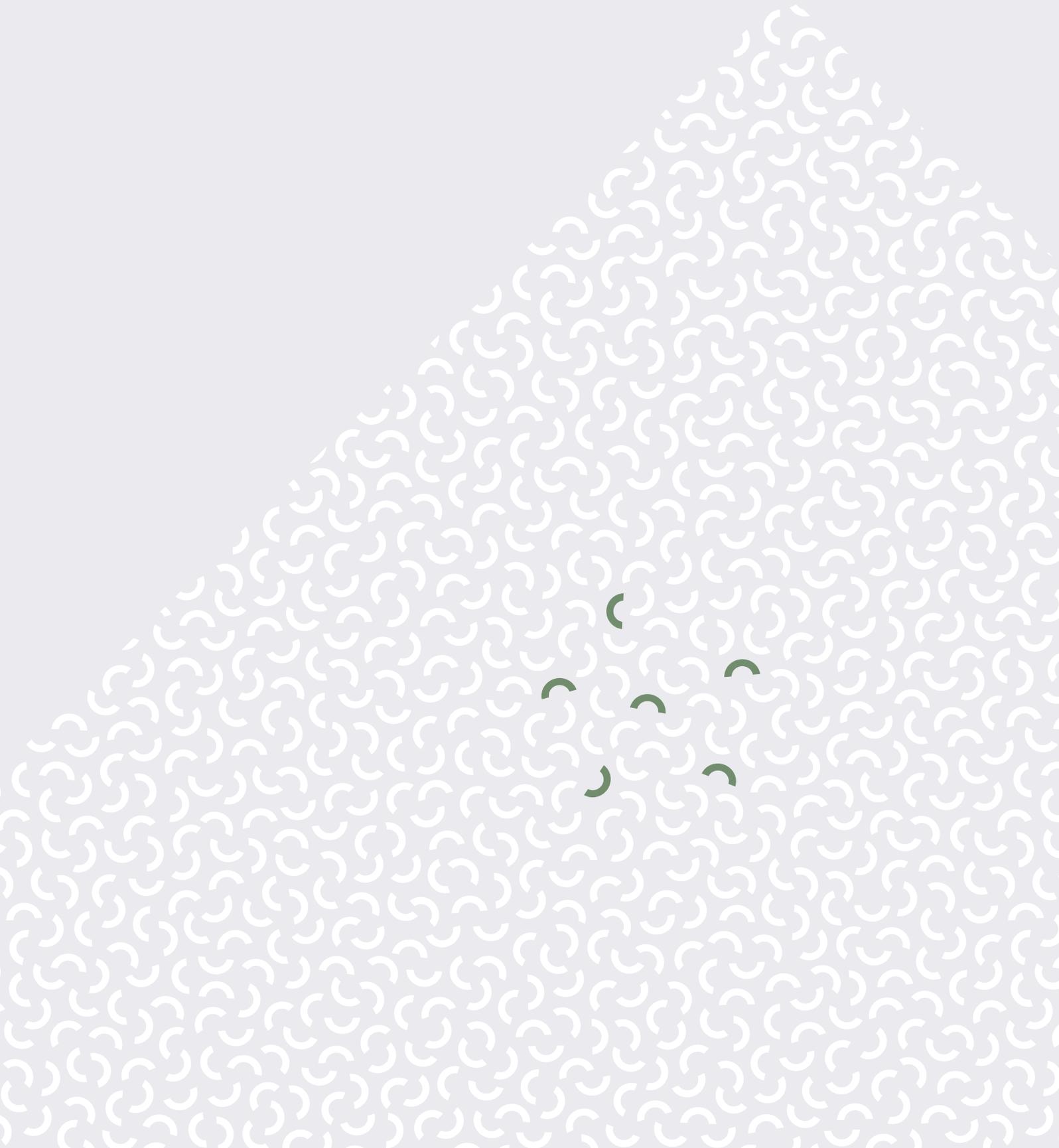
42 Articles L. 234-59 ff. of the Labour Code; Article 28 de la loi modifiée du 16 avril 1979 fixant le statut général des fonctionnaires de l'État et visant les agents du secteur public.

43 Article L. 234-61 of the Labour Code.





# **VI.** **RECENT LEGISLATION DERIVING FROM EUROPEAN AND INTERNATIONAL STANDARDS**



# 1. THE EUROPEAN DIRECTIVE ON EQUAL TREATMENT IN EMPLOYMENT AND OCCUPATION

## 1.1. Content of the Law

The law of 28 November 2006<sup>44</sup> has transposed in particular directive 2000/78/CE of the Council of the European union resulting among others in the addition of a new Title V on equal treatment in employment and occupation into Book II of the Labour Code<sup>45</sup>. These provisions apply to all public or private persons, individuals or legal entities including public organisations. They prohibit all forms of direct or indirect discrimination, in particular that based on disability<sup>46</sup>.

The non-discrimination rules concern:

- conditions of employment and occupation: conditions for access to employment, selection criteria, recruitment and promotion conditions, access to all types of vocational training and advanced vocational training;
- membership of unions and other organisations linked to the profession;
- social care, including social security and health care;
- social benefits;
- education;
- access to goods and services and to the supply of goods and services to the public including in the field of housing<sup>47</sup>.

There are several forms of discrimination:

- direct discrimination (a person is treated less favourably than another is, has been or would be in a comparable situation);
- indirect discrimination (an apparently neutral provision, criterion or practice which would put some people at a particular disadvantage compared to others);
- harassment (undesirable behaviour having the purpose or effect of compromising the dignity of a person and creating an intimidating, hostile, degrading, humiliating or offensive environment);
- incitement to discriminate (any behaviour aimed at instructing the practice of discrimination against persons for any of the motivations listed).

However, as regards disabled persons and salaried employees with diminished work capacity, provisions concerning the protection of health and security in the workplace and measures aimed at creating or maintaining provisions or facilities to safeguard or encourage their insertion in the working world do not constitute direct or indirect discrimination. Furthermore, the employer must adopt appropriate measures, reflecting the needs of a specific situation, in order to enable a disabled employee to access, carry out and progress in an employment and to benefit from training<sup>48</sup>.

44 Modified by the law of 7 November 2017 transposing the modified EU Council directive 76/207/EEC.

45 Articles L. 251-1 ff. of the Labour Code.

46 The other types of prohibited discrimination relate to religion or beliefs, age, sexual orientation, a person's actual or alleged membership or non-membership of a particular race or ethnic group, or gender including references to marital or family status, pregnancy or maternity leave, and gender change.

47 This provision does not apply to insurance contracts insofar as the exception concerns age and disability and on condition that the exception is objectively and reasonably justified.

48 Except if these measures result in a disproportionate expense. This expense is not considered disproportionate if it is sufficiently compensated by a financial contribution from the State.

## 1.2. Protection provided by law

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Persons who believe themselves to be victims of discrimination, in particular in the workplace, may take action before the civil or administrative courts. They may seek the assistance of a trade union or a non profit organisation in their dealings with the courts concerned <sup>49</sup>.

In addition, no employee may be the subject of reprisals neither for reasons of opposition to or rejection of an act or behaviour contrary to the principal of equality of treatment defined by the law in question, nor in reaction to a claim or action before the courts aimed at enforcing the respect of the principle of equality of treatment. Similarly, no salaried employee may suffer reprisals for testifying about instances of discriminatory behaviour or for having raised them. Any contrary provision or act taken in violation of these provisions, in particular relating to dismissal, is null and void <sup>50</sup>.

## 1.3. The Centre for equal treatment

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The Centre for equal treatment (CET) was created by virtue of the law of 28 November 2006 in order to promote, analyse and monitor equal treatment between all persons without discrimination on the basis of race or ethnic origin, sex, sexual orientation, religion or beliefs, disability, or age. Within the exercise of its tasks, the Centre may in particular:

- publish reports, issue opinions and recommendations, and conduct studies on all questions relating to discrimination;
- produce and provide any information and documentation relevant to its mission;
- assist persons who believe themselves to be victims of discrimination by providing advice and guidance aimed at informing victims of their individual rights, the legislation and jurisprudence, and on the means available for enforcing their rights.

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49 Article L. 253-2 of the Labour Code.

50 In the event of termination of the employment contract, the employee may plead the nullity of the termination and the retention of the employment or where relevant his or her reintegration, by simple request addressed within fifteen days following the notification of the termination to the president of the employment tribunal. The tribunal decides during an emergency session after hearing or duly summoning the different parties. The judgment of the employment tribunal is provisionally enforceable; it may be appealed by simple request within 40 days of its notification by the greffe before the magistrate presiding the appeal court in charge of employment law appeals (article L. 253-1 of the Labour Code).

## 2. THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

### 2.1. Content of the text

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The law of 28 July 2011 transposed the United Nations Convention of 13 December 2006<sup>51</sup> on the rights of persons with disabilities as well as the optional protocol of the Committee on the Rights of Persons with Disabilities.

The aim of this UN convention signed by Luxembourg on 30 March 2007, and which became legally binding following the passing of the law of 28 July 2011 is to ensure access of persons with disabilities to fundamental rights on an equal basis with others. Although in theory fundamental rights covered by the different international conventions apply to all, their use and access may prove more difficult for disabled persons. In everyday life access of persons with disabilities to buildings and structures, to self-determination, mobility, the right to information and free speech, to the option to choose a place of living and a way of life, the right to education, access to justice, and participation in social, cultural and sporting life are substantially reduced. In reality, the convention does not create new rights, it makes existing rights accessible to these persons.

This convention stipulates among others in its article 27 that State parties recognise the right of persons with disabilities to work, on an equal basis with others, in particular 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. The States safeguard and promote the realisation of the right to work, including for those who acquire a disability during employment, by taking appropriate steps, including through legislation, to in particular

- “Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- Employ persons with disabilities in the public sector;
- Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- Promote the acquisition by persons with disabilities of work experience in the open labour market;
- Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.”

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<sup>51</sup> Adopted on this day by the United Nations General Assembly; entered into force on 3 May 2008.

Additionally, the States party to the agreement commit to regularly report to the Committee on the rights of persons with disabilities, established by the Convention, on the measures taken to give effect to its obligations under the UN text as well as on the progress made and difficulties faced. Furthermore, the optional protocol provides for an individual appeal procedure to be set up. The Committee can undertake investigations into substantial information relating to important and systematic infringements on the provisions of the Convention. If the Committee receives reliable information indicating that a State party is seriously violating the provisions of this Convention, the Committee may undertake investigations.

## 2.2. National mechanisms derived from the convention

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In accordance with the provisions of the UN text, the law of 28 July 2011 appointed two Luxembourgish bodies, the Advisory committee on human rights and the Centre for equal treatment (CET), as its independent national mechanisms for the promotion and follow-up of the implementation of the convention. The same law appointed a mediator as further independent national mechanism for the protection of the rights of persons with disabilities. The mediator's mission is to defend and protect the rights and freedoms, pursuant to the convention, of persons with disabilities. Any disabled persons who believe their rights and freedoms to have not been respected can thus refer a complaint to the mediator. Legal representatives of disabled persons or registered public associations working in the interest of the protection of disabled persons may also refer a complaint to the mediator. The mediator can also take up a case on own initiative on condition that the person concerned or where relevant the legal representatives or the registered public association working in the interest of the protection of disabled persons has been informed and is not opposed to the intervention.

## 2.3. National action plan on work and employment <sup>52</sup>

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In Luxembourg, the Ministry of Family Affairs, Integration and the Greater Region, as coordinator of disability policies, fulfils a role of central point of contact. An action plan aimed at facilitating the implementation of the convention has been established to this end. It is the result of a collaboration between community and policy-makers which brought together disabled persons, representatives of pressure groups working in the interest of disabled persons, specialised service providers, representatives of the High council for disabled persons (Conseil supérieur des personnes handicapées – CSPH) and representatives of the Ministry.

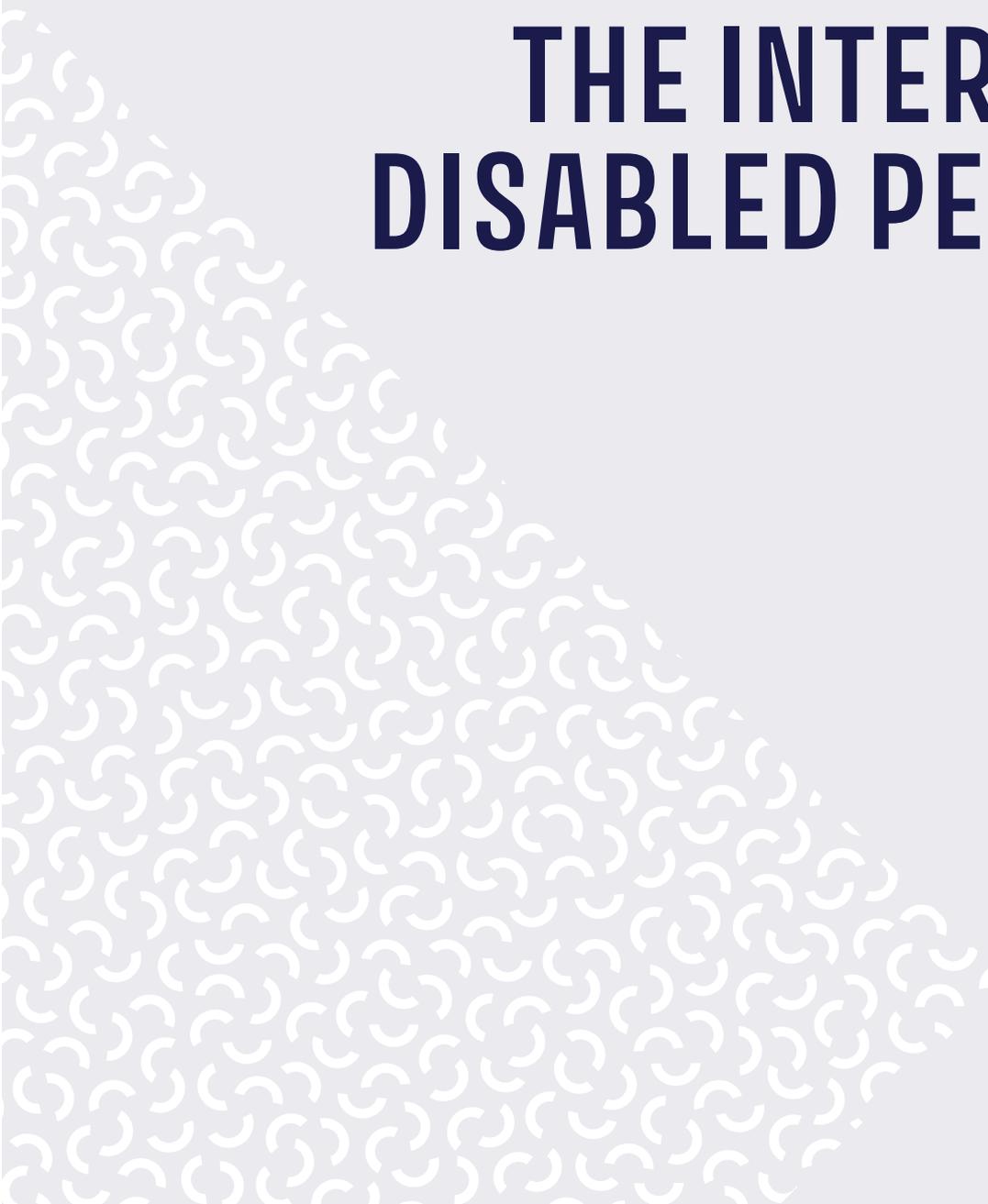
The objective of the plan as regards work and employment is to increase the number of job openings for disabled persons on the conventional job market where it is essential that they can collaborate with able-bodied persons. The disabled persons must be in a position to ensure a stable level of income for themselves without needing to rely on social aid or employment support measures. Training and access to the working world must be adapted to the capacity and objectives of each individual. Specialist centres must advise and accompany the persons to help them lead an independent life.

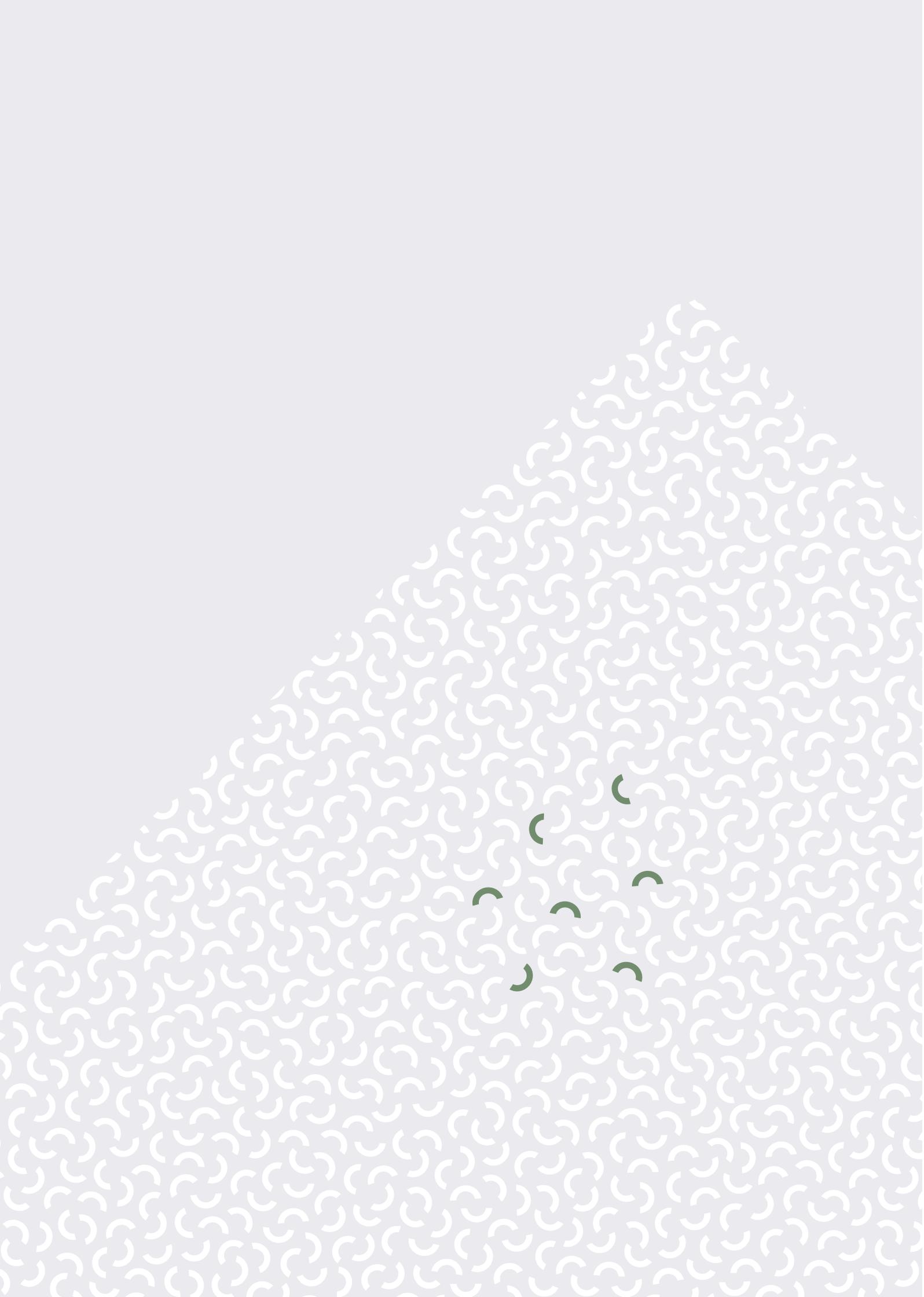
To reach these objectives, several measures have been taken including an improvement of the job offer but also access to schooling and vocational and continuing training. Measures of encouragement of recruitment of disabled workers on the conventional job market and of retention of existing work contracts are also envisaged. Furthermore the question of designating a representative of disabled persons in large enterprises has been put forward. It has proved important that at least one person in the company is available for identifying potential problems and obstacles with which persons with disabilities can be confronted. Raising awareness of staff to these issues could also fall within the remit of this representative. If the implementation of a general principal of equal treatment is the aim, this function would ideally need to be performed by a person in charge of personnel or an equality delegate interested in all forms of legal discrimination.

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<sup>52</sup> First national action plan 2012-2017 implementing the United Nations convention on the rights of persons with disabilities. Second action plan 2019-2024.

# VII. ORGANISATIONS WORKING IN THE INTEREST OF DISABLED PERSONS





# 1. HIGH COUNCIL FOR DISABLED PERSONS

To promote the integration of disabled persons into society a consultative organisation was created by ministerial decree of 13 December 1985: the High council for disabled persons (Conseil supérieur des personnes handicapées – CSPH).

It is responsible for carrying out the following:

- assist and advise the minister mandated with the affairs of disabled persons in his or her coordination work on government policies on disabled persons;
- bring together relevant social partners, in particular special needs persons, professionals of the sector and members of Government;
- opine on draft legislation or regulation on disability submitted to it by the Government;
- examine all questions submitted to it by the minister as well as all subject matters which it considers relevant.

The High council for disabled persons is composed mostly of representatives of associations of disabled persons or associations for disabled persons, as well as of representatives of the State. It is presided by a representative of an association of disabled persons.

Its eleven members are made up as follows:

- 5 representatives of disabled persons (or of their families in those cases where they cannot represent themselves);
- 4 representatives of associations providing services to disabled persons;
- 1 member of staff of the National meeting point and centre of information on disability (Centre national d'information et de rencontre du handicap);
- 1 delegate of the Ministry of Family Affairs, Integration and the Greater Region.

# 2. NATIONAL COUNCIL FOR DISABLED PERSONS

The National council for disabled persons (Conseil national des personnes handicapées – CNPH) is a non profit organisation founded in April 1993 by organisations of disabled persons or organisations working in the interest of disabled persons. It has the following purpose:

- facilitate the consultation process with organisations of and for disabled persons;
- represent Luxembourg at the European disability forum (EDF) whose primary objective is to influence European policies on disability;
- raise awareness, within the community, of equal opportunities and the right of disabled persons to full participation in community life;
- identify shortcomings in disability support in order to find sound solutions in cooperation with relevant authorities;
- foster the establishment of a meeting place for exchange of ideas, pooling of resources and meeting of persons with disabilities.

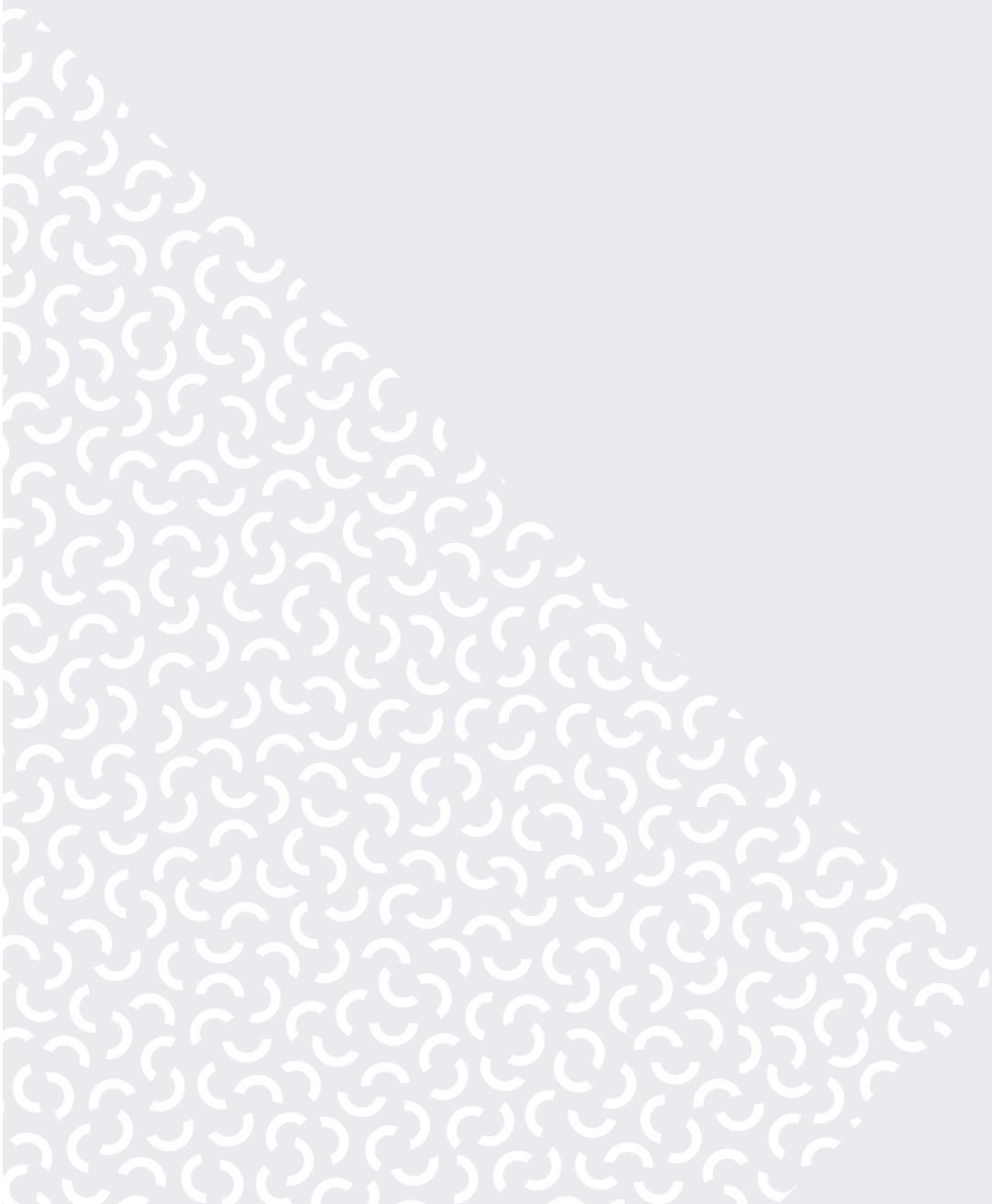
The Council meets as often as necessary for carrying out its business but at least 4 times a year.

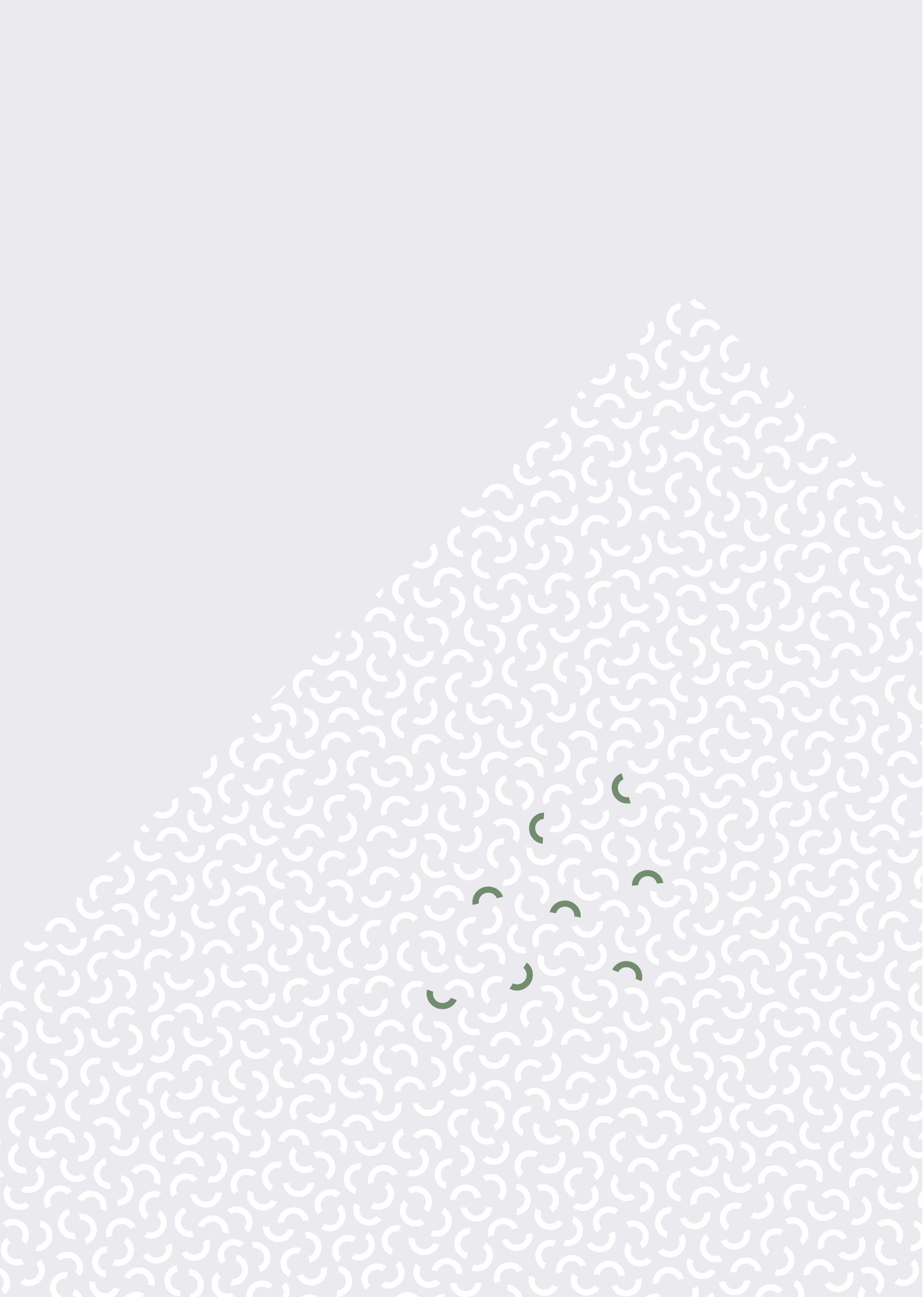
It operates as a federation of some fifty organisations active in many areas. Some of its members are managers of services and institutions while others represent self-help groups or support organisations. One of its principal tasks is to defend the interests of disabled persons; to this end, it seeks the cooperation with the authorities.

The National Council manages the National Meeting Point and Centre of information on disability (Centre national d'information et de rencontre du handicap – Info-Handicap) which operates under a convention with the Ministry of Family Affairs, Integration and the Greater Region. It is a centre of information on disability in Luxembourg and has the following remit:

- systematise and centralise data collection about disability;
- provide information on benefits, addresses, specific aids for disabled persons;
- issue information brochures on services for disabled persons available in Luxembourg;
- organise dedicated training;
- participate in European programmes on topical subjects relevant to persons with disabilities in Luxembourg;
- raise awareness and formulate recommendations in response to problems encountered by disabled persons.

# VIII. APPENDIX





# 1. LEGAL BASIS<sup>53</sup>

## LABOUR CODE

**Book II – Titel V**

**Book V – Titel VI**

LOI MODIFIÉE DU 12 SEPTEMBRE 2003 RELATIVE AUX PERSONNES HANDICAPÉES ET SON RÈGLEMENT D'EXÉCUTION DU 7 OCTOBRE 2004

LOI MODIFIÉE DU 28 NOVEMBRE 2006 TRANSPOSANT NOTAMMENT LA DIRECTIVE 2007/78/CE DU CONSEIL DE L'UE DU 27 NOVEMBRE 2000 PORTANT CRÉATION D'UN CADRE GÉNÉRAL EN FAVEUR DE L'ÉGALITÉ DE TRAITEMENT EN MATIÈRE D'EMPLOI ET DE TRAVAIL

LOI DU 28 JUILLET 2011 PORTANT APPROBATION DE LA CONVENTION DES NATIONS UNIES DU 13 DÉCEMBRE 2006 RELATIVE AUX DROITS DES PERSONNES HANDICAPÉES

RÈGLEMENT GRAND-DUCAL MODIFIÉ DU 24 DÉCEMBRE 1993 DÉTERMINANT LA PROCÉDURE À SUIVRE DEVANT LE CONSEIL ARBITRAL ET LE CONSEIL SUPÉRIEUR DE LA SÉCURITÉ SOCIALE, AINSI QUE LES DÉLAIS ET FRAIS DE JUSTICE

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<sup>53</sup> The legislative texts are only available in the original French language.

## 2. USEFUL WEBSITES

CENTRE FOR EQUAL TREATMENT  
(CENTRE POUR L'ÉGALITÉ DE TRAITEMENT)

[www.cet.lu](http://www.cet.lu)

CHAMBER OF EMPLOYEES  
(CHAMBRE DES SALARIÉS LUXEMBOURG)

[www.csl.lu](http://www.csl.lu)

HIGH COUNCIL OF SOCIAL SECURITY  
(CONSEIL SUPÉRIEUR DE LA SÉCURITÉ SOCIALE)

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The Chamber of Employees decided to re-issue its publication "The disabled employee" in order to take account of the new provisions applicable. This publication is a guide for disabled employees or anyone wishing to promote the social inclusion of disabled persons.

The following topics are covered:

- recognition of disabled worker status;
- referral to the conventional job market;
- referral to a sheltered workshop;
- severely disabled allowance;
- professional training aid;
- recent legislation deriving from european and international standards;
- organisations working in the interest of disabled persons.

Finally, the main applicable legal texts and useful websites are mentioned.

This publication provides a better understanding of the orientation and integration of people with disabilities in the labour market, which is an essential element of the social inclusion of people with disabilities.

## DISTRIBUTION

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