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System(at)ic Exclusion & Inclusion of People with Disabilities? – Vocational Rehabilitation in the Light of the Systems Theory

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Abstract

The chances for comprehensive participation in modern societies are strongly connected to the individual health status. Avoiding inequality of opportunities based on health issues is a central concern of social policy. One of the most important aspects of participation and social inclusion is the integration into the labour market, since employment goes far beyond safeguarding subsistence.

Vocational rehabilitation aims to integrate people with disabilities into the labour market. As other fields of social policy, vocational rehabilitation in Germany has been path-dependently grown. A major development has been the implementation of Social Code IX in 2001, which contained a fundamental change of perspective by replacing the paradigm of *welfare for* with *participation of* people with disabilities.

Concerning vocational rehabilitation there is no systematic research on the inclusive effects regarding different societal fields. This theoretical paper uses the concept of Systems Theory (as established by Niklas Luhmann) to identify the societal part systems influencing inclusion and the course of vocational rehabilitation. Moreover, we apply a multilevel-approach to specify the analytical framework and to investigate the rehabilitative process – from the acceptance as a rehabilitant to the final integration into the labour market.

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1. Introduction

Employment is one of the most important determinants of inclusion in society, not only in respect of people with disabilities.¹ It provides features that cannot easily be substituted. Besides earning money, employment assures access to specific areas of the social security system, social contacts, a fixed time structure, social recognition and prestige (see Promberger 2008). Along with women, older people and long-term unemployed, people with disabilities belong to the 'problematic groups' concerning their position in the labour market. People with disabilities often show more deficits in the fields of employment and education than non-disabled people (Hradil & Schiener 2001). In Germany, they are twice as likely to leave school without a degree as non-disabled people (Pfaff 2007b). Compared to people who are not affected by disability they exhibit a lower income (Pfaff 2007a). Additionally, they more often receive pensions as their main source of income (Pfaff 2007b). Those, who are considered able to work, carry a greater risk of becoming unemployed (Hradil & Schiener 2001). Because of the accumulation of social challenges and stigmatization processes, they are identified as one of the social fringe groups (Vaskovics 1989, Hradil & Schiener 2001, Fürstenberg 1965).

The factors mentioned above lead to their limited participation in the labour market. As a consequence, people with disabilities might have a greater chance of being marginalized and may suffer from less comprehensive participation in society.

The enhancement of societal participation of people with disabilities is one of the central goals of social policy. Besides participation, integration, and equality of opportunity self-determination is also to be achieved. Vocational rehabilitation, as one way of improving the situation of people with disabilities, is designed to counteract the tendencies of exclusion and marginalization and to help (re)gaining employment by improving the educational standard. As other fields of social policy, vocational rehabilitation in Germany has been path-dependently grown. A major development has been the implementation of Social Code (Sozialgesetzbuch) IX in 2001, which implied a fundamental change of perspective by replacing the paradigm of *welfare for* with

¹ This draft was written within the framework of the IAB-Project "Panel Vocational Rehabilitation" funded by the Federal Ministry of Labour and Social Affairs.

participation of people with disabilities. Vocational rehabilitants² may attend different kinds of measures provided by the welfare state. Some measures convey competence, others are of financial character. Adapted to individual needs these measures constitute the field of action within vocational rehabilitation.

The scientific discourse on vocational rehabilitation is closely connected to the definition of disability. Under German law, “people are defined as disabled if their physical function, their mental ability or their psychological health status deviates from the typical health state of their respective age group with high probability for longer than six months” (§2 Abs. 1 SGB IX, authors’ translation). The German administration uses this definition as its guiding principle, and it is crucial for becoming a vocational rehabilitant. Nevertheless, the scientific discourse also includes other definitions.

Applying the International Classification of Functioning, Disability and Health (ICF), the World Health Organization (WHO) defines disability according to the functional health status, the social impairment, and relevant environmental factors. The focus lies on one’s abilities, not on the disturbance stemming from disabilities (as deviant from some norm) (WHO 2010). A biological-medical model describes disability as an individual attribute, which can be treated by medical means (Cloerkes & Markowitz 1997). Another more socially oriented model focuses on the social environment as the most decisive criteria for disability (Howard 2003). Haber and Smith (1971), on the other hand, comprehend disability as 1. an individual characteristic, 2. a social situation determined by the environment, which 3. describes the interaction of the medical condition and the participation in society. People with disabilities are ascribed certain societal roles leading to stigmatization and deteriorating the prospect of participation.

In the view of the Systems Theory, disability is related to different fields of society. It focuses on a dysfunctional relationship between the personal and the societal level. The system perspective helps structuring both, the formal and the informal processes attached to vocational rehabilitation, as well as the determining factors of being successfully placed in the labour market. Using the perspective of the Systems Theory, mechanisms of exclusion and inclusion can be described adequately. Additionally, a concept of multiple levels can easily be integrated.

2. Mechanisms of Inclusion and Exclusion

² Rehabilitants are people who are entitled for benefits of vocational rehabilitation because of their disability and the identified need for help to (re-)gain labour market participation (§19 SGB IX).

Vocational Rehabilitation is part of German social policy in general and of labour market policy in particular. One of the central aims is to preserve social inclusion and to guarantee the satisfaction of a number of needs, mainly defined by cultural standards (Opielka 2008). For people with disabilities to be part of a society, they should have a stake in the accomplishments of it. Ongoing debates deal with the identification and attainment of justice and the conditions and degree of inclusion. These arguments are deeply associated with the challenges and accomplishments of the modern welfare state. But what is behind the concept of inclusion? In the past few years the term exclusion has become more and more common in the social sciences, in public discourse, and in political disputes. It describes a sidelined position as well as an unfavourable situation of persons or groups. As a consequence, it is used for a wide range of societal areas and groups (Castel 2000). In this regard, its concrete meaning is often ambiguous. Thus, a theoretical approach is needed to substantiate the term *exclusion*.

There is a close link between the objective of vocational rehabilitation, its structure and the Systems Theory: Firstly, the connection appears in terms of the area, in which inclusion should be achieved. In the context of vocational rehabilitation this is mainly the labour market. It is usually expected that integration in occupational life will also produce inclusive effects in other spheres of society, one example is the social security system. Secondly, several forces exist affecting the process of vocational rehabilitation, both intended and unintended, stemming from several areas of society (law, education, economy etc.).

The Systems Theory assumes that modern societies are divided into several social spheres –named *part systems* – including the economy, the legal system, education, the political system, health care as well as a number of other fields. All these areas together form the society. They have their own functions, unwritten laws, and restrictions of behaviour (Habermas & Luhmann 1971). Although they work autonomously, making them independent from the rest of society to a certain extent, they are connected to each other in a specific way (Luhmann 1997).

The educational system has multiple external relations (Kade 1997). Its function is to convey knowledge and vocational competencies. Furthermore, it prepares individuals for work contents and the organisation of work that are becoming increasingly more complex. By safeguarding employability for the labour market, it supports skill-intensive

production. As the work requirements are constantly changing, the demand for further education forces people into ongoing educational participation (Luhmann 2002b), i.e. lifelong learning. Qualifications and certificates indicate the level of competencies an applicant has to offer, so that formal knowledge facilitates entrance to working life. They serve as signals for employers (Wittpoth 1997), being suggestive of the individual's performance. A number of other examples exist, for example a lot of areas of society are affected by economic changes like the political order, research, family life, and the legal system (Luhmann 1994). Economic growth turns out to be a signal of political success. It facilitates new fields of research and is conducive to heightening research funds. Participation in occupational life stabilises the family life and high employment rates have some positive effects on familial bonds. The law helps to avoid arbitrariness and to organise the economic process. The legal system defines several standards and determines formal processes. It is constantly changing due to modified political priorities and normative beliefs (Ucakar & Gschiegl 2010; Luhmann 2002a). The formation of the law depends on political decisions and defines the behaviour being permitted formally. All these characteristics have some important implications in respect of inclusion and exclusion.

First of all, exclusion may not be understood as to be removed from society as a whole.³ It only refers to a part of the societal world like labour markets (economy), social assistance (politics and law), school (education), and political debates and elections (political system; Nassehi 1997). It means to be taken out of some given societal areas only (Nassehi 2006). Therefore, exclusion is fractional.

The second implication refers to the existence of a risk of being excluded from more than one area. A reduced inclusion quality in one area may cause exclusion processes in another field (Weiß 2004): Educational deficits are connected to unemployment. Disabilities reduce educational opportunities, social relations, socio-cultural inclusion, and financial strength. Health problems often lead to long-term unemployment (Hradil 2001), most times due to scepticism of motivation, flexibility, and disposability (Montada 1997). Unemployment may cause an unstable financial situation and can often damage cultural participation (Deutschmann 2009). A separation from the labour market precipitates financial deprivation, social isolation, dysfunction in family life, and

³ Several concepts are available concerning the problem of inclusion. With respect to the Systems Theory people are either included or excluded, whereas some other approaches emphasize varying values of the inclusion quality. Inclusion and exclusion may then be perceived as two poles of a continuum (e.g. Castel 2009).

increases the risk of poverty (Rogge & Kieselbach 2009). Multiple exclusion results (Schimank 2005).

Thirdly, the welfare state programs aim at avoiding processes of social exclusion. In accordance to cultural standards, the welfare state facilitates a reintegration in education, health, employment, and the representation of interests (Kronauer 2006). In connection to labour market policy, it attempts to eliminate disadvantages caused by health damages, to compensate an exclusion from the labour market by providing benefits of social security, to limit social risks, and to recover the participation in working life (Land & Willisch 2006; Castel 2009; BMAS 2009). By doing so, the welfare state creates a sphere of secondary inclusion (Stichweh 2009). It tries to counterbalance specific participation deficits and to avert some of the negative consequences (Mühlum & Gödecker-Geen 2003). The exclusion from one part of the society is then connected with another kind of inclusion within the welfare state institutions in terms of the eligibility for social benefits (Stichweh 2009).

Fourthly, vocational rehabilitation is not only aimed at the reinforcement of inclusion in several areas. It also needs to involve part systems in the process of rehabilitation, since other societal areas influence the extent to which the conditions may be met. Some examples should be considered. The economy and labour market circumstances determine the conditions, suppositions, and requirements of a successful and stable integration in occupational life. Rehabilitation therefore is seen as an adaptation to the labour market conditions (Rauch & Dornette 2009). The public health system aims at improving the health status and at alleviating negative consequences caused by health problems and thus supports the preservation of the individual labour force. The social law on the other hand defines legal standards and regulates the formal processes of vocational rehabilitation. It coordinates the cooperation of the actors involved in vocational rehabilitation, which are structured by a multilevel concept

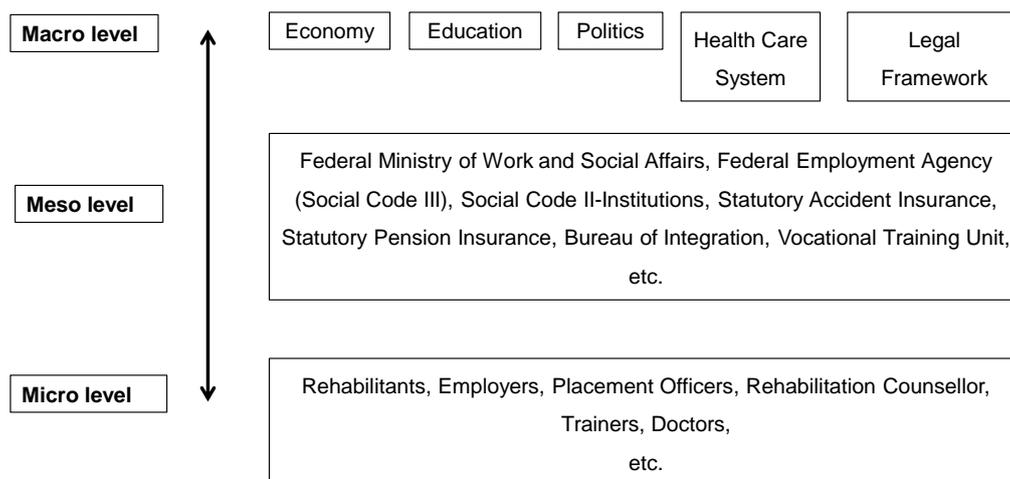
3. The Multilevel Structure of Vocational Rehabilitation

The process of exclusion described so far is mainly located at the societal macro level. The different areas/systems of this level do not only influence the exclusion mechanisms, but also the procedure, the structure, and the constitution of vocational rehabilitation itself. But which areas of the macro level are involved, how do they influence the process and which other

factors of influence may be identified on other levels? To answer these questions, we use a multilevel concept. Figure 1 presents the multilevel structure of the rehabilitation process and the involved representatives.

Starting with the societal macro level, the political field forms the concrete principles of the legal framework. In Germany mainly Social Code II and Social Code IX represent the legal basis of vocational rehabilitation. The health care system focuses on the restoration of the individual health status. Illness and disabilities may be regarded as deviances from what is defined as 'normal' and should therefore be remediated. The area of education largely aims at the (re-)creation of working ability. Lastly, the economic system defines the requirements of a stable and long-run integration into the labour market.

Figure 1: Multilevel Structure of Vocational Rehabilitation



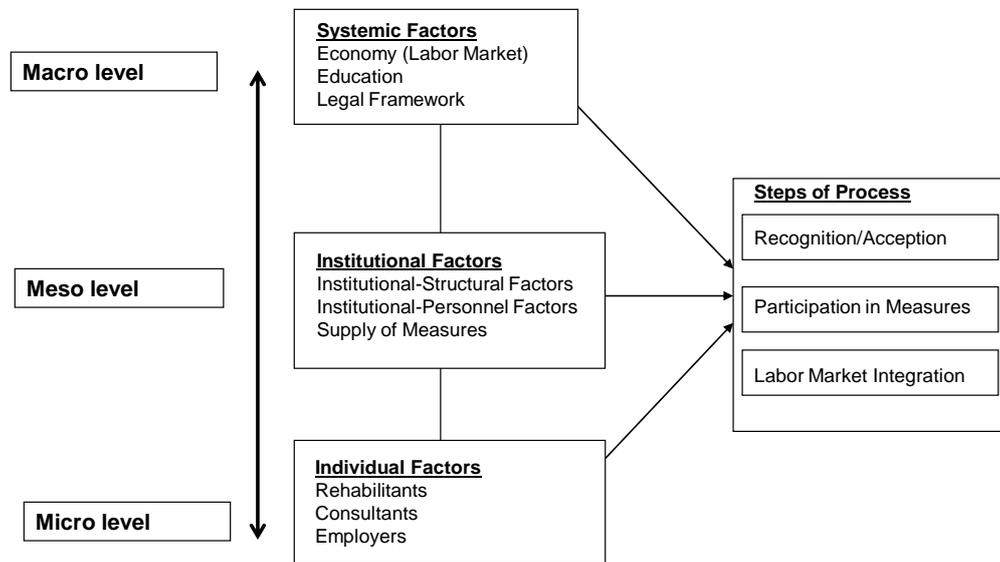
Source: own illustration

The processes in the areas/systems on the macro level comply with institutions on the meso level specialised on vocational rehabilitation, for example the Federal Employment Agency, the Statutory Accident Insurance, the Statutory Pension Insurance, the Bureau of Integration and vocational training units; inter alia. In accordance to the structural factors of the macro level, these institutions create additional guidelines for both, their personnel on the one hand and their clients – the rehabilitants – on the other. The third level of relevance is the micro level, where the interaction between professionals and rehabilitants in particular constitutes an

important factor of influence concerning the process and the outcome of vocational rehabilitation.

The course of action of vocational rehabilitation may be regarded as a stepwise process: The first step is the recognition and the acceptance of the status as a rehabilitant. Only if the need for vocational rehabilitation is recognised (by the rehabilitant himself, the placement officer, the rehabilitation counsellor, the trainer or the school teacher) and officially accepted by the rehabilitation counsellor, any further step in the process of vocational rehabilitation becomes possible. The second step is the participation in rehabilitative measures, which target at the successful and long term integration into the labour market. It is important to accentuate that this is the ideal final step of the process. Other outcomes like drop-outs because of lacking contribution of the rehabilitants or an occupation in sheltered workshops are possible. Social Code IX formulates that not only the integration into the labour market but also the improvement of the individual working ability may be regarded as success. The question about the definition of goals of vocational rehabilitation not only concerning the labour market integration but also other fields of social life is crucial – especially for sociologists. However, a deeper discussion would go beyond the scope of this paper.

Figure 2: Factors of Influence on the Process



Source: own illustration

Analogous to the multilevel structure, different factors of influence on the diverse steps of the process are identified: Systemic factors on the macro level, institutional factors on the meso level and individual factors on the micro level. They influence the different steps with varying intensity. Figure 2 shows them in the process of vocational rehabilitation.

Systemic Factors

On the macro level we focus on the societal areas which are most important in the German context: economy, education and legal framework. The mechanisms of participation in the economic system are not only based on financial resources but also on the requirements of employment, which arise from the mechanisms and rules situated on the labour market itself. People who are limited in their physical and/or mental health often do not comply with these requirements. Consequently, they are dependent on jobs with relatively low requirements in the low-wage sector (Hradil & Schiener 2001). Furthermore, globalisation leads to displacement of these jobs to low wage regions – in high-wage countries like Germany in particular. The consequence is that the requirements on the local employees increase (Rowthorn & Ramaswamy 1999). Rationalisation and technical specialisation are developments leading to the same outcome. Furthermore, a sectoral change in terms of a decrease of the primary and secondary economic sector⁴ towards the service sector modifies the labour market requirements, and therefore the direction of the individual's adaptation (Fourastié 1954, Schmid et al. 2004).

In addition, the German education system is not organised centrally. For that reason education of adolescents with disabilities may vary among the Federal States. Nevertheless, most young people with disabilities are taught in special schools (Förderschulen) instead of in integrative education. In 2006, about 84 per cent of all disabled students were taught in special schools (Ellger-Rüttgardt et al. 2009). As Ellger-Rüttgardt et al. 2009 state, special schools provide students with specialised support but the probability of attaining a qualifying degree is remarkably lower.

The political and legal framework are supposed to counter these disadvantages (Bartelheimer 2004). Article 3 paragraph 3 of the German Constitution declares that disability may not lead to systematic exclusion and disadvantage. In general the legal framework of vocational rehabilitation is quite complicated since many codes of law are involved. The most important ones have already been mentioned: Social Code III and Social Code IX.

⁴ According to the three-sector hypothesis economies are divided into the extraction of raw materials (primary sector), manufacturing (secondary sector), and services (tertiary sector) (Fourastié 1954).

Institutional Factors

The institutions are an important part of the rehabilitation process as they connect structural factors of the macro level with the individual elements of the micro level. But in this context the position of the professionals – particularly placement officers and rehabilitation counsellors – is an ambiguous one. From one point of view, they may be regarded as representatives of their institutions which makes them belong to the meso than to the micro level. On the other hand, they still have a considerable scope of action, giving them the character of micro level actors.

As Figure 2 shows, we differentiate between institutional-structural factors, institutional-personnel factors and the supply of measures. Institutional-structural factors refer to the institutional guidelines differing from institution to institution. They constitute a framework regulating the action of professionals and making institutional operations more predictable. Institutional-personnel factors are connected to personnel specifics of institutions affecting the process of vocational rehabilitation. In Germany for example, the introduction of Social Code II⁵ in 2005 (*Basic Security Benefits for Job-Seekers*) changed the benefit arrangements dealing with unemployed people (Ebbinghaus & Eichhorst, 2006), and led to a restructuring of the personnel within the administration. Limited employment contracts and higher fluctuation of personnel are some of the resulting consequences – tendencies which are problematic particularly in respect of the special consulting requirements of disabled people. Moreover, this may cause at least temporary de-professionalization of the staff (Wynne & McAnaney 2010). As the last factor of institutional influence, we identify the supply of measures that differs by region. Previous studies have shown that certain measures are more available in urban areas than in rural ones (Schubert et al. 2007) limiting the practical course of vocational rehabilitation in the latter. For those with disabilities, large distances may prove to be severe and at times unconquerable.

Individual Factors

In the course of vocational rehabilitation, rehabilitants interact with the agents of various institutions. The first step of the rehabilitation process (recognition/acceptance as rehabilitant) mainly regards placement officers and counsellors in job centres and employment agencies.

⁵ The introduction of Social Code II was key element of the so called Hartz Reforms.

They decide on the acceptance and plan the procedures in accordance to the structural factors at the macro level; the institutional guidelines and the individual characteristics of the rehabilitants. In analogy to the position of a doctor in the health care system they operate as gate keepers. During the second step (participation in measures) interaction takes place mainly between rehabilitants and trainers or other staff of measure supplying institutions. The last step (labour market integration) concerns the rehabilitants themselves, but also employers and placement officers, are the main actors on the micro level.

4. Conclusion and Outlook

People with disabilities are more frequently affected by unemployment and marginalization. They often face a process of multiple exclusion, which usually stems from separation of the labour market and from poor prospects in educational opportunities. Beginning with the economic and educational system, the welfare state is designed to reduce exclusion from part systems. Therefore, vocational rehabilitation is an instrument to regain the opportunity of social participation, supported by special regulations of the legal system. For different societal systems and levels are involved in its process, vocational rehabilitation is becoming a complex field. Based on a Systems Theoretical framework, it may be conceptualized as a process including several steps ideally leading to successful integration in the workforce. Each of them (recognition/acceptance, participation in measures, and integration into the labour market) is affected by several influencing factors potentially causing selection.

One important objective of this paper, besides contributing some theoretical concepts, is to promote research on vocational rehabilitation and to present interesting research questions. Based on a multilevel structure, there is different impetus resulting from each level. The systemic factors of the macro level ask the question, whether legal guidelines are convenient to counter the exclusion mechanisms within the labour market. This question is more of theoretical than of empirical character. Nevertheless, it is of high scientific, social and political relevance.

Institutional factors at the meso level refer to the implementation of legal guidelines by social institutions. Which institutional characteristics (positively or negatively) influence the probability of being recognized and accepted as a rehabilitant? Does every rehabilitant receive the measures which are expedient for a future integration into the labour market? Are the measures suitable regarding abilities and career aspirations? Profound qualitative and/or quantitative studies are necessary to generate deeper knowledge on institutional selection processes although first research results already exist (Rauch & Dornette 2009).

On the micro level the focus of future research could include an investigation of selection mechanisms that originate from individual characteristics. Again, the influence of individual determinants might differ among the three steps of the rehabilitation process. The main challenge in this context is to generate hypotheses, which can be empirically tested by means of qualitative and/or quantitative research. Concerning the educational system for example, step-specific hypotheses could be formulated in the following way: The first step of recognition/acceptance, a higher educational level could increase the chances of self-recognition. With regards to the second step – the participation in measures – those more highly educated may receive more effective and more cost-intensive measures resulting from advantages in the negotiation processes with the counsellors (so-called *creaming effect*). Finally, it may be assumed that high educational attainment serves as a positive signal for employers. As a result, the chance of employment increases. Other interesting effects might be connected with gender; age; migration background; region of residence; inter alia.

Deeper knowledge is required to evaluate and improve the inclusive effects of measures in the framework of vocational rehabilitation. In other fields of labour market policy the evaluation of programs and measures has already been performed successfully.

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