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ANED Country report on Social Protection and Article 28

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ANED Country report on Social Protection and Article 28	
Finland	
Report prepared by: Juha-Pekka Lauronen & Simo Vehmas	

The [Academic Network of European Disability experts](#) (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network support the development of the European Disability Strategy 2010-2020 and practical implementation of the United Nations Convention on the Rights of Disabled People in the EU.

This country report has been prepared as input for the synthesis report on Social Protection and Article 28 UNCRPD.





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PART A: FACTUAL DATA

1 Standard of living

Overall, the situation in standard of living is good in an absolute sense when comparing to the international poverty line or to other poverty thresholds in Europe. However, according to the EU-SILC data (2013)¹ there are on average 5 percentage points more disabled people with low income than non-disabled people. The number of materially deprived disabled people is also significantly higher than non-disabled people (4.3% / 1.5%). Thus, the relative poverty of disabled people is significantly higher. The basic needs of disabled people are satisfied, but the relatively low income indicates also a low employment rate for disabled people, which can be seen in EU-SILC (2013). The unemployment rate is much higher in national data because it defines only partial work incapacity, which is a broader concept than disabled. A great number of these people are economically inactive (41.6%)^{2 3}. More specific information can be found in Finland's "European Semester 2015/2016 country fiche on disability"⁴. Old Finnish data show also how the completion rate in upper secondary and tertiary education is much lower than EU-SILC (2013) indicates⁵. The relative poverty, the unemployment rate and low education completion rate mean the risk of social exclusion of disabled people and especially severely disabled people. A disabled person may face overwhelming barriers to change his/her socioeconomic status and create meaningful social network via working life or education.

2 Overview of disability protection systems

2.1 Services, devices and assistance

2.1.1 Devices (including assistive technologies)

According to the act of the Ministry of Health and Social Affairs (1363/2011) one can access devices of medical rehabilitation when one has a diagnosed illness, impairment or developmental disability, which risks person's capacity and hampers his/her independent life.⁶

Municipalities can provide for a disabled person a service bill, which he/she can use for purchasing devices for aid. Service bills are also for diverse disability services. A municipal decides which service or product providers are suitable and allowed. The

¹ EUSILC UDB 2013 – version 2 of August 2015

² Totterman, Patrik (2015). Unpublished estimates of combined data of employment of people with partial work incapacity and of disability pensioners (interview). The Ministry of Employment and the Economy.

³ The Employment Office (2011) Employment statistics.

⁴ Lauronen, Juha-Pekka & Vehmas, Simo (2015) European Semester 2015/2016 country fiche on disability: Finland. FI - ANED 2015 - Task - EU2020 (for EU28). The Academic Network of European Disability experts (ANED). University of Leeds.

⁵ Savtchenko, Victor & Suikkanen, Asko & Linnakangas, Ritva (2010) Vammaiset ja pitkäaikaissairaat Suomen maankunnissa: prevelanssi, työllisyys ja tulot [Disabled and long-term ill in Finnish municipals]. Yhteiskuntapolitiikka (1) 75.

⁶ Finlex: Act on devices of medical rehabilitation. <http://www.finlex.fi/fi/laki/alkup/2011/20111363>

devices are always means-tested. The agency providing devices must be accepted by the health care. The bill's value is as great as the cost of the device. However, a disabled person can purchase a more expensive device, but he/she must pay the difference in price by him or herself. If a person must wait the delivery of a necessary device, the health care must provide an equivalent device for the time period. Social services can also provide necessary adaptations and devices to accommodate one's apartment. In addition, social services provide assistive devices for daily usage, for example a car or a washing machine.

The Social Insurance Institution of Finland (Kela) handles all the expensive devices that are needed in schooling and working life.⁷ Through a Government Decree on Benefits Related to Public Employment Service (1346/2002) the employer has a right to apply for a benefit for arranging the working conditions to enable an employment of a disabled person⁸.

2.1.2 Personal assistance

Regarding personal assistance the regulations defines a disabled person as a person, who needs constantly the help of another person in order to manage every day routines because of a long-term impairment or illness. The impairment is not caused by aging. Severe disability is defined by individual capacity in the disability service act (2008/981). Since 2009 personal assistance have been a subjective right for severely disabled people.⁹

2.1.3 Other forms of service/assistance

Municipalities must provide decent transportation service with or without an escort, daily activities and accommodation with personal assistance if disabled persons need such service in order to manage their daily lives. Municipalities do not have any obligation to provide accommodation services or personal aid if the necessary care cannot be provided via community care. (19.2.2010/134)¹⁰

2.2 Income protection

Disability pension is available for eligible disabled people. The criterion for receiving the pension is incapacity to work. Persons who have a permanent mobility disability or blindness always receive the full amount of the pension. Disabled pensioners may receive care allowance for pensioners.¹¹ The legislative basis for disability pension is included in the National Pensions Act (568/2007)¹². The maximum national pension is

⁷ Social Insurance Institution (Kela): Assistive devices needed in work and study.

http://www.kela.fi/web/en/vocational-rehabilitation-_assistive-devices?inheritRedirect=true

⁸ Government Decree on Benefits Related to Public Employment Service (1346/2002):

<http://www.finlex.fi/fi/laki/ajantasa/2002/20021346>

⁹ Act on services provided due to disability (1987/380).

<http://www.finlex.fi/fi/laki/ajantasa/1987/19870380>

¹⁰ *ibid.*

¹¹ The Social Insurance Institution: Care allowance for pensioners. http://www.kela.fi/elaketta-saavan-hoitotuki_maara

¹² Finlex: National Pensions Act (568/2007): <http://www.finlex.fi/fi/laki/ajantasa/2007/20070568>

currently 636.63 euro in a month for a person living alone and 564.69 euro in a month for a persons living in a relationship.¹³ Disability pension is added with guarantee pension if one has no other pensions (e.g. earnings-related). Guarantee pension is 766.85 euro in a month.¹⁴ In addition, it is possible to receive other allowances, such as housing allowance, dietary grant, disability allowance or pensioners' care allowance. Disability allowance can be received if one does not receive the complete disability pension. It is tax free. It is divided into three levels based on the severity of disability. The amount is 92.94 - 420.51 euro in a month.¹⁵

2.3 Disability-related expenses

A disabled person can be provided a full or partial compensation for his/her needs caused by the impairment and, in addition, the extra costs of clothing and special diet. Half of the costs of daily devices and tools are compensated as well. Adaptations for standard devices are compensated completely.¹⁶

2.4 Housing costs

It is possible to receive housing allowance. General housing allowance is directed for low-income households. It is available for both rental and owner-occupied homes. Low-income pensioners are eligible to receive housing allowance for pensioners in order to cover the costs of living. The allowance is available for one's primary residence but not for a holiday home. The allowance can be paid for the entire home or just the part used by your family.

If one receives a pension which does not give you eligibility for housing allowance for pensioners, one may be eligible for general housing allowance from Kela.¹⁷

2.5 Retirement benefits

National pension is a basic income for people who are entitled only to a very small earnings-related pension or to none at all. National pension is paid by the Social Insurance Institution. National and earnings-related pension systems do not exclude disabled people, if they fulfil the criteria. Earnings-related pension rights are accrued through employment and self-employment. There are several earnings-related pension providers. To qualify for national pension, any other pension or benefits received may not exceed a certain limit. The age limits for the disability pension is 16-64 years and after that the disability pension is automatically converted into the

¹³ The Social Insurance Institution: The amount of disability pension. http://www.kela.fi/web/en/disability-pension_amount

¹⁴ The Social Insurance Institution: Guarantee pension. <http://www.kela.fi/web/en/guarantee-pension>

¹⁵ The Social Insurance Institution: Disability allowance. <http://www.kela.fi/web/en/disability-allowance-for-persons-aged-16-years-or-over>

¹⁶ Act on services provided due to a disability (1987/380). <http://www.finlex.fi/fi/laki/ajantasa/1987/19870380>

¹⁷ The Social Insurance Institution: Housing benefits. <http://www.kela.fi/web/en/housing>



old-age pension. Guarantee pension is paid to people whose other pensions are under the full guarantee pension (minimum 766.85 euro in month).¹⁸

2.6 Other social protection measures

Social assistance is paid in a case if of a person's allowed expenses exceed the means and income in disposal. The basic amount of social assistance is 485.50 euro in a month. Social assistance cannot be received if one is receiving guarantee pension.¹⁹

2.7 Disability discrimination in social protection measures (including, in particular, social protection measures which are not disability specific)

Non-discrimination Act (1325/2014)²⁰ promotes equality and prevent discrimination. It also aims to enhance the protection provided by law to those who have been discriminated against. This Act applies to both public and private activities. This Act does not, however, apply to activities pertaining to private or family life or the practising of religion. The section 15 concerns reasonable accommodation in order to guarantee equality of disabled people.

3 Case studies

3.1 Case study 1 - childhood

Eva is 10 years old. She lives at home with her parents and younger sister. One of her parents is working full-time on a medium wage and the other is not in paid employment. They live in a rented house in private sector. Eva has intellectual, physical and sensory impairments. She needs support and assistance to eat, dress and walk.

3.1.1 Services, devices and assistance (including personal assistance and specialist technical devices)

(a) Devices (including assistive technologies)

Social services provide all the necessary adaptations and devices in Eva's home and for daily usage. In Eva's case this means devices helping physical mobilization. The Social Insurance Institution provides all the necessary assistive technologies for schooling, for example devices to help reading and writing.

(b) Personal assistance

Eva has a right for a personal assistance in a case that her parents cannot help her to cope full days.

¹⁸ The Social Insurance Institution: Pensions.

<http://www.kela.fi/in/internet/english.nsf/NET/081101151613EH?OpenDocument>

¹⁹ The Ministry of Health and Social Affairs: Social assistance. <http://stm.fi/toimeentulotuki>

²⁰ Finlex: Non-discrimination act. <http://www.finlex.fi/fi/laki/kaannokset/2014/en20141325.pdf>



(c) Other forms of service/Assistance

Her municipal is obligated to provide necessary transportation services, for example, for her school rides.

3.1.2 Income protection

Children under 16 can be paid disability allowance if they have a long-term illness or injury. The length of payment depends on how long the strain is imposed by the child's illness or injury and the commitment it requires and is expected to last. While some illnesses can last a lifetime, the strain they impose and the commitment they require may change as the child grows and develops. Eva would probably receive the highest rate 420.51 euro per month. Disability allowance is paid at the highest rate if the treatment and rehabilitation of a child imposes an extreme, around the clock strain on the family for at least 6 months.

3.1.3 Disability-related expenses

A disabled person can be provided a full or partial compensation for his/her needs caused by the impairment and, in addition, the extra costs of clothing and special diet. Thus, Eva would receive at least some compensation, for example, for her clothing.

3.1.4 Housing

Because Eva is underage and living with her parents, she is not eligible for housing benefits. However, her parents may apply for housing benefit if the income of their household is below the minimum income level.

3.1.5 Poverty line

Eva would receive at least 420.51 euro in month, as she has a severe disability. Eva's poverty would depend completely on her parents' income level and her mother's unemployment benefit type because she is underage. The current poverty line is 1 170 euro in month.

3.1.6 Additional comments about the social protection of disabled children

Disability Allowance for persons under 16 years of age is payable at three rates. The amount of disability allowance payable does not depend solely on the diagnosis but also on the strain that the illness or injury imposes on the family and the level of commitment it requires. Certain diseases are relatively uniform in terms of the amount of care and assistance they demand, the strain they impose and the level of commitment they require. These diseases and the special needs associated with them are defined in the administrative guidelines applied by Kela. Such diseases include heart defects, vision and hearing disabilities, cerebral palsy, epilepsy and mental disorders.



3.2 Case study 2 - adulthood (in work)

Sam is 35 years old. He is married and lives with his spouse. They are both working and each of them earns half the median wage (990.42 euro in a month). They are buying their own home with a mortgage. Sam uses a wheelchair for mobility.

3.2.1 Services, devices and assistance (including personal assistance and specialist technical devices)

(a) Devices (including assistive technologies)

Social services provides Sam's wheelchair and in his home all the necessary adaptations and devices that are needed in daily coping.

(b) Personal assistance

Since Sam is able to work and he is living with his spouse, it seems unlikely that he would be eligible for a full time personal assistant. He could have a personal assistant in his working place provided by his employer.

(c) Other forms of service/Assistance

If Sam's transportation to work and home requires special care, he is eligible to have a transportation with or without an escort offered by his municipal. According to the Act on disability services, the municipal is obligated to offer a transportation with or without an escort if a disabled person necessary needs these services to cope in traffic. Sam's need for the service would be assessed on a test ride under supervision of a qualified physiotherapist.

Sam's employer is obligated to offer necessary work place adaptations such as special equipment. However, Sam's employer has a right to apply adaptation benefit from the Employment Office when hiring Sam. The benefit is limited to 4000 euro per person.

3.2.2 Income protection

Sam can receive at least the basic disability allowance (92.94 €/month) for his impairment and coping difficulties.

3.2.3 Disability-related expenses

Sam would probably receive some compensation for special clothing and gear for his wheelchair and for his home.



3.2.4 Housing

Sam's household cannot get any housing benefit because their total income exceeds the allowed income level in this case if it is assumed that they live in a two-room apartment in Helsinki.

3.2.5 Poverty Line

Sam is living under the poverty line, as his total income would be approximately 1000 euro in a month. Of course, the total income of Sam's family gives some financial security. The current poverty line is 1 170 euro in a month.

3.2.6 Additional comments (working age adults)

It would also be possible that Sam would receive disability pension because of his impairment but he would still work as mentioned above. However, with Sam's income the pension would be suspended for maximum two years.

3.3 Working age adulthood (not in work)

Betti is 45 years old and lives alone. She has severe depression and chronic fatigue syndrome. She left her job three months ago because of the time off she needed because of her health. She does not feel well enough to look for other work.

3.3.1 Services, devices and assistance (including personal assistance and specialist technical devices)

(a) Devices (including assistive technologies)

Betti's condition is mentally disabling, so there are no actual devices for that.

(b) Personal assistance

Betti seems not to have any mobility limitations, so it is unlikely that she is eligible for a personal assistance, as the practice seems to favour physical disabilities.

(c) Other forms of service/Assistance

Usually Betti's kind of customer has a close service relationship with her personal doctor who gives support and advice to cope with her condition and possibly to get in better condition. In Betti's case it is likely that the Employment Office would offer some sort of rehabilitation in order to get back in working life – at least partially. The rehabilitation works in cooperation with doctors and the Social Insurance Institution (Kela).



3.3.2 Income protection

It has been a common practice that first Betti would receive sickness benefit 300 days maximum. With low annual income the amount follows certain calculations (0,7 x annual work income : 300). After 300 days Betti can possibly receive disability pension based on retirement pension regulations. If Betti is directed to rehabilitation, she receives rehabilitation benefit, which is equivalent to disability pension.

3.3.3 Disability-related expenses

Betti can get some compensation if she has her illness related medication, for example depression medication. She can also get compensation of her doctor appointments.

3.3.4 Housing

Betti can receive general housing benefit without question if her income is based only on disability benefit or disability pension below the poverty line.

3.3.5 Poverty line

If Betti receives only rehabilitation benefit or disability pension, her income is under the poverty line.

3.3.6 Additional comments (adults not in work for disability-related reasons)

Basically in the Finnish system there are three different income support sources depending on a case: disability benefit, rehabilitation benefit and disability pension. Disability benefit cannot be granted if one is receiving either full disability pension or full rehabilitation benefit. However, in a case of working it can be granted without any consideration of one's income level. In a sense, disability benefit is a universal benefit.

3.4 Case study 4 – older age

Jon is 75 years old. He lives alone. He is retired after working his whole career as a teacher. He owns his own apartment. Recently he became totally blind.

3.4.1 Services, devices and assistance (including personal assistance and specialist technical devices)

(a) Devices (including assistive technologies)

The Social Services is obligated to provide all the necessary adaptations and devices that Jon may need at home and his daily life. These devices might be, for example, a braille machine, a voice recorder, a computer with additional software and hardware for visually impaired people and a user-friendly mobile phone.



(b) Personal assistance

Jon may have a personal assistance if he requires it, as he may have difficulties to cope considering his age and vision. Another option or extra aid would be a guide dog, which is actually considered as an assistive device.

(c) Other forms of service/assistance

Jon may have a transportation service to cope distances between his home and other services such as a grocery store or a post office.

3.4.2 Income protection

Jon receives earnings-related pension. Because Jon is blind, he can receive at least the minimum amount (62.25 euro in a month) of care allowance for pensioners.

3.4.3 Disability-related expenses

Jon can have compensation for his medical care related his impairment and other illness. He can also have compensation for special devices adapted at his home, for example special software for a computer.

3.4.4 Housing

Jon is not probably eligible for housing benefit according to the information given. His pension is high enough and he has no need to pay rent.

3.4.5 Poverty line

Probably Jon's pension is fairly above the poverty line according to the career information.

3.4.6 Retirement

One can receive disability pension until 64 year age limit and after that one can receive retirement pension and earnings-related pension. Since Jon has worked his whole life and been able-bodied, he had no chance to receive any disability benefits or pension before. He receives earnings-related pension and retirement pension. The starting age of earnings-related pension is 63-68 and retirement pension 65 year. Higher earnings-related pension (semi private funds) decreases retirement pension (public funds). Thus, the Finnish pension system has two lateral systems. Even though one receives disability pension since adolescence, the system regards the person economically active. Otherwise, later earnings-related pension would be very low.

3.4.7 Additional comments (older people)

A situation like Jon's is a bit more complex because older people have also a chance for institutional housing and daily care via the very same service. The problem of the care houses or apartments is the additional costs and scarce placements. People, such as Jon, who can cope well alone and like to live in their own home, are not forced to move away. On the contrary, it is common that a home nurse pays a visit once or twice in a day for medical monitoring. Home visits, of course, are not performed if an older person does not have any illnesses or impairments needed to check. Older people may also have a meal service for charge and some activity services for maintaining physical and mental health.

PART B: CRITIQUE AND EVALUATION

4 Critique and evaluation of specific benefits/schemes

4.1 Services, devices and assistance

(a) Devices (including assistive technologies)

35 percent of municipalities have assessed that the employees of Social Services were not competent enough to make the decisions on devices. The municipalities have had problems to decide whether the device is provided as a disability or medical rehabilitation service. This indicates that the administrative division of tasks is not clear and may slow down the decision-making process.²¹ Some people have even wondered that a device was taken away later, which means that people are always aware of the qualification criteria.²² The ombudsman of the parliament has noted in the annual report that there has been some violations on providing assistive devices for disabled people. Some municipals have not provided devices because of financial reasons. The ombudsman have noted this violation is against the Human Rights. The Finnish Association of People with Physical Disabilities have complained about this situation several times to the ombudsman. The problem have occurred continuously until 2015.^{23 24} In addition, there has been a problem with guide dogs because some health care divisions have not recognized the dog as an assistive tool.²⁵

(b) Personal assistance

²¹ Kylmämiemi, Mariann (2008) Vammaispalvelulain mukaiset apuvälinepalvelut: Selvitys apuvälineiden toteutumisesta vuonna 2006. Stakesin työpapereita 22. <https://julkari.fi/handle/10024/77098>

²² Heikkinen, Leena; Lapinkangas, Sari; Mutanen, Maria-Liisa & sekä Rätty, Rauni (2013) Vammaisten ihmisten kokemaa: elämää ja palveluasiakkuutta arvioimassa Lapissa [Subjective experiences of services in Lapland]. Bachelor thesis, VASPA project. <http://www.tokem.fi/loader.aspx?id=fdd0ec0a-dab6-4d1b-aca2-f36f5d5569e1>

²³ The ombudsman of the parliament (2013) An annual report 2013.

<http://www.oikeusasiamies.fi/dman/Document.phx?documentId=hh16114123723149&cmd=download>

²⁴ Lappalainen, Tiina (2016) Personal communication. The Finnish Association of People with Physical Disabilities, Social Policy Expert.

²⁵ Ibid.



47 percent of the municipals have some difficulties to provide a personal assistance.²⁶ It seems that it is easier to get an assistant if one has a physical impairment.²⁷ The priority of laws is the feature that may confuse when resolving whether, for example, the assistant must be provided by an educational institution (educational services) or by the municipal (act on disability services 380/1987). However, the act on disability services is under reforming, which might solve this kind of administrative problems. Even though personal assistance is a subjective right, this right is not always realized in practice. For example, personal assistants have not received enough guidance and instructions from legislators, which has caused conflicts between severely disabled people assistants. As an employer, a disabled person has been legally responsible for violations. The litigations may take even four years when the disabled person is without proper assistance. In some cases courts have refused to handle these issues because the conflict has been about service hours of the service provider.²⁸

(c) Other forms of service/Assistance

The positive fact is that only five percent of the municipalities have great difficulties to start to resolve the need and entitlement for service, whereas 40 percent have difficulties to some extent. However, 60 % of the municipalities have either minor or major problems to compose a service plan. Almost three quarters have no difficulties to carry out the final decision regarding a planned service. Only one percent have major problems. Thus, it can be seen that the biggest slowdowns and problems are in the resolving and planning phase, which indicate unclear criteria or division of tasks in the bureaucratic mechanism.

Only nine percent of all municipals have any difficulties to provide transportation service. However, according to the information of the Invalid Union, transportation services are under a change to a more concentrated service structure in order to increase cost-efficiency. This means dissolving, for example, individual taxi services for severely disabled people. A familiar driver can be very useful when knowing customer's disability related needs.²⁹

26 percent have small problems to provide institutional housing services and three percent major problems. Housing service is expensive to provide and it covers a quarter of all disability service expenses. This can cause problems in smaller municipals.³⁰ Nevertheless, the government is planning to guarantee special

²⁶ Väyrynen, Riikka (2014) Vammaisten palvelut 2013: Kuntakyselyn osaraportti [Disability Services 2013]. Terveyden ja hyvinvoinnin laitos. <http://julkari.fi/handle/10024/116232>

²⁷ Jauhola, Laura & Vehviläinen, Jukka (2015) Syrjintä koulutuksessa. Erytistarkastelussa kokemukset yhdenvertaisuuden toteutumisesta opintojen ohjauksessa eri vähemmistöryhmiin kuuluvien nuorten osalta. [Discrimination in education]. Ministry of Justice. http://oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1441801274539/Files/OMSO_21_2015_LR_20_s.pdf

²⁸ Lappalainen, Tiina (2016) Personal communication. The Finnish Association of People with Physical Disabilities, Social Policy Expert.

²⁹ Ibid.

³⁰ Väyrynen, Riikka (2014) Ibid.

services without appropriations of money in order to strengthen equality in disability services.³¹

In a survey related to the Social Services 50 percent of the employees (e.g. social workers) providing disability services disagree weakly that the local services are sufficient. One third says that they are not accessible enough. Three quarters disagree weakly that there are enough special services available and almost half that they suit well for the needs of customers or that they are accessible enough.³² However, the number of employees who disagree strongly is small. The critique of the survey points out that there are several cases that have not proceeded well enough.

In education receiving required aid seems to depend on the decision-maker, her attitude, amount of knowledge and the wealth of the municipal.³³ Ability to receive education is closely linked to equality and discrimination.

4.2 Income protection

Studies and data reveal that disabled people's income protection itself is a weak mean against poverty and social exclusion in the Finnish society because income of disabled people remain under the poverty line regardless one receives all the possible benefits.³⁴ The general function of the benefits is temporary coping in order that one could improve his/her situation later. However, for a disabled person the impairment is often a permanent disadvantage, which makes it harder to seek the desired education or job, as brought out in "European Semester 2015/2016 country fiche on disability"³⁵. EU-SILC data shows also how disabled people have higher unemployment and poverty risks than non-disabled people.³⁶ In addition, the income differences between disabled people can be significant. For example, a person who has worked whole his life and gets an impairment in later age close to retiring age is in a completely different position than a young severely disabled person. Hence, the benefit system functions well, but it is alone insufficient for materially and socially richer life.

³¹ The Ministry of Health and Social Affairs (2014) Vammaislainsäädännön uudistamistyöryhmän loppuraportti [The final report of the task force on disability legislation]. <http://www.julkari.fi/handle/10024/125919>

³² The Ministry of Health and Social Affairs (2013) Vammaispalveluhankkeen kysely kuntien työntekijöille [A survey for the employees of municipals on disability service project] http://www.eteva.fi/Global/Tiedostot/Eteva/Vammaispalvelujen_kehittaminen/KASTE%20Vammaispalveluhankkeen%20kysely%20kuntien%20ty%C3%B6ntekijöille%20my%C3%B6s%20ruotsinkieliset.pdf

³³ Jauhola, Laura & Vehviläinen, Jukka (2015) Syrjintä koulutuksessa. Erityistarkastelussa kokemukset yhdenvertaisuuden toteutumisesta opintojen ohjauksessa eri vähemmistöryhmiin kuuluvien nuorten osalta. [Discrimination in education]. Ministry of Justice. http://oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1441801274539/Files/OMSO_21_2015_LR_20_s.pdf

³⁴ E.g. Lauronen, Juha-Pekka & Vehmas, Simo (2015) European Semester 2015/2016 country fiche on disability: Finland. FI - ANED 2015 - Task - EU2020 (for EU28). The Academic Network of European Disability experts (ANED). University of Leeds.

³⁵ Lauronen, Juha-Pekka & Vehmas, Simo (2015) Ibid.

³⁶ EU-SILC 2013. Eurostat.



4.3 Disability-related expenses

In some cases a disabled person has not received the entitled compensation because of negative decision. These decisions have occurred because of incompetent social workers or other officers (see e.g. this report 4.1. a)). Daily expenses cause also a burden in some cases when disability related benefits are insufficient or not synchronized well with other benefits. For example, guarantee pension has caused some problems in daily coping (see this report below 4.5.).

4.4 Housing costs

In general, people pay a big share their income for housing costs. The housing benefit can cover a part of the costs, but the share is calculated in a very complicated way regarding the type of housing, municipality and income. In principle, the more one has income, the less housing benefit one gets. It is clear that a person with very low income has to spend most of his/her income in housing regardless the housing benefit. Hence, because statistically disabled people have smaller income, it would be a relevant policy to reduce the housing costs in a way or another.

4.5 Retirement benefits

The amount of full disability pension is 634.30 euro for alone living person and 562.62 euro for living in registered relationship. Guarantee pension raises the amount to 766.85 euro in month. These amounts are barely enough for coping, but one can work with maximum salary of 743.84 euro in month. Thus, one can raise his/her income above the poverty line to a certain extent. Otherwise, pension needs be suspended for maximum two years and minimum three months. In other words, some disabled people cannot achieve higher income without personal means. Another problem is the guarantee pension, which is possible for all Finnish citizens receiving disability pension or early old age pension (retirement pension). When receiving guarantee pension one cannot receive any income support. Housing benefit reduces as well. Guarantee pension – regardless it is bigger than disability pension alone – means less income in some cases, which may have a huge impact on daily coping with low income, for example purchasing necessary winter clothes.³⁷

4.6 Disability discrimination and social protection measures (including, in particular, measures which are not disability specific)

A recent study points out that equality is realized well in education albeit there are some features to develop further. In education some decisions on aid and services are essential for schooling. There have been some cases, in which the institution has had difficulties to provide adaptations or special services when applying for studying. However, even a greater problem has been the student counselling. Disabled

³⁷ Mahlamäki, Pirkko (2013) Vammaisten ihmisoikeudet eivät toteudu [The rights of disabled people are not realized in practice]. Hyvinvointikatsaus 3. Tilastokeskus. http://www.stat.fi/artikkelit/2013/art_2013-09-23_005.html?s=0



students have not got enough information about their opportunities or the information told has been narrow and focusing only on vocational options.³⁸

5 Critique and evaluation of overall situation and cumulative effect - standard of living

If one is severely disabled and not able to work at all, the standard of living remain on very minimum level (supposing that one has no personal means). This is scarce life in all standards and under the poverty line. In addition, applying for different devices, personal assistance, medication and other services is a complicated process in the point of a disabled person, which may require help of a family member. Hence, more ill or severely disabled one is, less he has flexibility in the system regarding income, education and work. The timeframe for final decision considering a service is minimum three months.³⁹ This can be a long time to wait while coping daily life without the applied service.

³⁸ Jauhola, Laura & Vehviläinen, Jukka (2015) Syrjintä koulutuksessa. Erityistarkastelussa kokemukset yhdenvertaisuuden toteutumisesta opintojen ohjauksessa eri vähemmistöryhmiin kuuluvien nuorten osalta. [Discrimination in education]. Ministry of Justice. http://oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1441801274539/Files/OMSO_21_2015_LR_20_s.pdf

³⁹ Väyrynen, Riikka (2014) Vammaisten palvelut 2013: Kuntakyselyn osaraportti [Disability Services 2013]. Terveyden ja hyvinvoinnin laitos. <http://julkari.fi/handle/10024/116232>



PART C

6 Key points

6.1 Examples of good practice

When applying disability benefits or other benefits in the Social Insurance Institution (Kela), one has always right to get his/her matter handled as soon as possible and have a right to be heard in resolving decisions. The decisions must be based on the law and one is eligible to complain about decisions. The decision processes are based on the administration act (2003/434)⁴⁰, which defines the good practices of the Social Services. These same principles are applied in all administrative processes, for example in benefit and financial compensations for disabled people. Mostly conflicts in decisions are caused of wrong expectations of one's rights, misinterpretation of the law or fuzziness in resolving criteria, which may slow down application procedures.

6.2 Concerns

Poverty of disabled people remains the biggest issue. Scarce daily resources are also related to social inclusion problems and social wellbeing. Disability benefit, compensations and disability pension are excellent tools to help disabled people to cope and fulfil their basic needs. However, for long-term living these social security measures are insufficient because they do not directly give opportunities to raise one's income and living standard. Moreover, daily coping under poverty line is mentally and physically consuming, as many poverty studies have proven. In "European Semester 2015/2016 country fiche on disability" we pointed out that these social security measures do not prevent poverty and social exclusion itself and that it is significantly more difficult to change one's socioeconomic status when having a severe impairment or illness.⁴¹ The government's rehabilitation program is increasing working possibilities.

Educational equality is also a major issue.⁴² Without proper educational opportunities young disabled people are not able to find their place in the labour market and improve their economic activity. In general, education is the weak point of disability policy, as we have shown in "European Semester 2015/2016 country fiche on

⁴⁰ Kela: Hallintolaki (2003/434) [Administration act] <http://plus.edilex.fi/kela/fi/lainsaadanto/20030434>

⁴¹ Lauronen, Juha-Pekka & Vehmas, Simo (2015) European Semester 2015/2016 country fiche on disability: Finland. FI - ANED 2015 - Task - EU2020 (for EU28). The Academic Network of European Disability experts (ANED). University of Leeds.

⁴² Jauhola, Laura & Vehviläinen, Jukka (2015) Syrjintä koulutuksessa. Erytystarkastelussa kokemukset yhdenvertaisuuden toteutumisesta opintojen ohjauksessa eri vähemmistöryhmiin kuuluvien nuorten osalta. [Discrimination in education]. Ministry of Justice. http://oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1441801274539/Files/OMSO_21_2015_LR_20_s.pdf



disability”.⁴³ In addition, municipalities could also provide other forms of social activity for disabled people not able to work or study well enough in order to maintain their social inclusion.

Decision-making processes on devices and assistance have had some unintended slowdowns. This has been partly because of the fuzziness between disability services and medical services. The government has paid attention to the complex bureaucracy by proposing a new act on disability, which is supposed to combine the act on disability and the act on developmental disability. The new act is reducing two-way decision making and possible discrimination between different kinds of impairments. So far the service structures have mostly defined what services one is ought to have. However, the intention is to individualize the services so that a disabled person could have the best possible solution for his/her situation. The act on senior citizen's services have also secured old people's services in cases of illness and impairments.⁴⁴

Administrative challenges and structural changes on disability services have caused problems for severely disabled people, as they have not received all the necessary assistive devices and assistance they require. These challenges have occurred via dysfunctions between the law and practices and lack of resources. There have been too little legislative guidance for actual service providers and users and unsolved financial issues. Moreover, structural changes towards cost-efficient disability services have actually concentrated transportation services albeit the government's policy plans include individualization of the service structure in order to guarantee required services.^{45 46}

6.3 Recommendations

1. The government should pay more attention to disabled people's living standard, education and working opportunities and diverse social inclusion measures. Benefits and pensions have proved to be weak tools to increase disabled people's income. Educational equality need to be monitored more closely in order to increase working possibilities.
2. The Social Services and other officers charging of decision-making processes should have clear criteria and enough competence to understand individual situations of disabled people. In order to develop better administrative practices, the decision criteria have to be transparent and comprehensive for disabled people.

⁴³ Lauronen, Juha-Pekka & Vehmas, Simo (2015) European Semester 2015/2016 country fiche on disability: Finland. FI - ANED 2015 - Task - EU2020 (for EU28). The Academic Network of European Disability experts (ANED). University of Leeds.

⁴⁴ The Ministry of Health and Social Affairs (2014) Vammaislainsäädännön uudistamistyöryhmän loppuraportti [The final report of the task force on disability legislation]. <http://www.julkari.fi/handle/10024/125919>

⁴⁵ Lappalainen, Tiina (2016) Personal communication. The Finnish Association of People with Physical Disabilities, Social Policy Expert.

⁴⁶ The Ministry of Health and Social Affairs (2014) Ibid.

3. Administrative structures must be reformed so that there is no fuzziness or overlapping in division of tasks and responsibilities. The rights and needs of severely disabled people must be guaranteed without heavy litigations (reform on disability legislation). More legislative and practical guidance is needed.
4. Cross-administrative practices should be developed to carry out the current policy plans of integrated social and health care services in order to make the service structure more flexible and cost-efficient (Social and healthcare reform Sote). However, the individual needs and quality of the services should not be compromised. The information about different services should be easily available and accessible.