

# **Employment-promoting policies for persons with disabilities in China. Understanding the changing policy system**

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## **1. Introduction**

Despite the uncertainties about the employment rates among persons with disabilities, it is unquestionable that globally employment rates are lower for persons with disabilities than for the non-disabled persons. To the extent that they do have paid work, it is more often in part-time, temporary and precarious positions, or in sheltered work outside the ordinary labour market. Particularly women with disabilities, experience attitudinal, physical and informational barriers so that they are unable to have access to equal opportunities to a decent work. Compared to non-disabled persons, they experience higher rates of unemployment and economic inactivity and are at greater risk of insufficient social protection that is a key to reduce extreme poverty (ILO, 2020).

This is the case also in China. China shares a great number of populations with disabilities. In 2019, the State Council estimated around 85 million persons with disabilities to live in China (The State Council, 2019). Whereas the Chinese government has reported an increasing employment rate for persons with disabilities the last decade, official reports suggest that China still only owned a 56 per cent employment rate for persons with disabilities in 2018 (Wang, 2019), with over 11 per cent lower than that for non-disabled people (World Bank, 2019).

Within China, all levels of governments are diversifying disability policies to enhance the employment opportunities for persons with disabilities. Since 2008 China has witnessed significant changes in its policies to enhance the participation and inclusion of persons with disabilities in all arenas of society, including in the labour market. With the emerging international rights regime for persons with disabilities, the employment-promoting policies for persons with disabilities are to an increasing extent developed within a multi-scalar context and face the challenges of multilevel governance and domestic policy coherence.

In this paper, we provide an overview of the policy measures aimed at promoting employment among persons with disabilities in China. First, we present the legal foundations for disability policymaking. Second, we summarize the development of disability policies in China since the 1990s. Third, we then mainly focus on the introduction of disability policy measures and programmes that have direct or indirect effects on employment promotion in China's policy system. We also examine how disability policy provisions at different levels of governance interrelate, and how those provisions are interacting with different institutional systems in China.

Following the analytic framework developed by Halvorsen and Hvinden (2007) (also Halvorsen, Waldschmidt, Hvinden and Bøler 2017), we see a country's disability policy system as consisting of three analytically different but in practice overlapping subsystems involving the following efforts:

- *a cash transfer system*: a system aiming to provide income security for persons out of paid work, to redistribute monetary resources, and to compensate for higher expenses due to special needs (e.g. diet, transportation, heating),
- *a service delivery system*: a system aiming to enhance the capabilities of persons with disabilities to lead active lives and be part of the community, to enjoy independence and participate in the major arenas of society (e.g. through health and social services, rehabilitation, education and vocational training, assistive technology, personal assistance, and related provisions),
- *a social regulative subsystem*: a system aiming to influence the functioning of markets and the behaviour of non-governmental actors, with the goal of promoting welfare policy objectives or human rights.

We regard disability policy as a system in the sense that the three subsystems are interconnected and interdependent with the effect that changes in one part are likely to have consequences in the other two, whether by design (with intent) or default (unintentionally). From this first perspective, a key issue is whether the Chinese government has designed the three subsystems of public policy of relevance for promoting labour market participation of persons with disabilities to mutually support each other, and if so, whether they support or contradict each other in practice.

## **2. Legal foundations for disability policymaking in China**

An extensive system of law and administrative regulations plays a role in guiding disability policymaking and practices. In 1990, China passed the first disability law—*Law on the Protection for Persons with Disabilities* (LPPD) and implemented *Regulations on Education for Persons with Disabilities*, *Regulations on Employment for Persons with Disabilities*. With the modification of LPPD in 2008, China also rolled out *Regulations on Barrier-Free construction*, and *Regulations on Disabilities Prevention and Rehabilitation for Persons with Disabilities* successively. Further, based on national disability law and regulations, the provinces, autonomous regions, and municipalities have their own local legislation and regulations on the implementation of national strategies (Zhang & Zhang, 2014). Besides, since 1982 the Chinese *Constitution* emphasizes the protection of the rights of persons with disabilities—citizens have the right to material assistance from the state and society when they are old, ill or disabled; the state develops the social insurance, social relief and medical and health services that are required to enable citizens to enjoy this right; the state and society help make arrangements for the work, livelihood and education of the blind, deaf-mute and other handicapped citizens (National People’s Congress, 1982). About 70 generic laws and regulations, such as *Law on Labour*, *Law on Employment Promotion*, have particular articles on the rights of persons with disabilities (Zhang & Zhang, 2014).

Meanwhile, the Convention on the Rights of Persons with Disabilities (CRPD), provides a relatively new compass for reforms in disability policy law and regulations in China (Zhao & Zhang, 2018).

Altogether China has over the years adopted a rather complex disability law system.

## **3. A 30-year development for disability policy in China: starting from LPPD**

Though the Chinese central government started to design and exercise various social welfare policies for people with disabilities in the 1950s, a rather stable and sustainable development of disability policy emerged from the 1990s. Based on our review of relevant government documents for the latest 30 years, we suggest to divide the last 30-year development into three phases.

The first stage took place in the 1990-2008 period. The publication of *Law on the Protection for Persons with Disabilities* (LPPD) in 1990 was a milestone for the disability policy making because it was the first disability-preferential law in China that legally confirms and protects

the overall rights for persons with disabilities. The law has later been followed up with a series of policy measures.

To realize the protection of rights for the disabled, a number of laws and regulations, and government documents followed up, bringing out corresponding policy measures. For example, the State Council successively issued documents like *the State Council's Notice on Forwarding of the "Opinions of MOHRSS and Other departments Regarding Further Strengthening the Work on the Employment of the Disabled people* (1999), *Notice of Opinions on Further Progressing the Works on the Disabled's Rehabilitation* (2002), *Opinions on Further Strengthening the Work on Assisting the Low-income Disabled* (2004), and adopted *Regulations on Education for Persons with Disabilities* (1994), *Regulations on Employment for persons with disabilities* (2007). Meanwhile, several national social security schemes were initiated during this period: the cash transfer programme *Dibao* expanded in urban areas; *Regulations on Five-Guarantees in Rural Areas* was implemented, and the pilot of three major medical insurances started. All these programmes have included particular legal and other policy measures for persons with disabilities.

During this first period, the focus was on generating a series of new measures to improve the living conditions and opportunities for participation by persons with disabilities in all areas of society, such as education and employment. Before the 1990s, the Chinese disability policy covered only limited policy areas such as rehabilitation, education, and most of the disability policies had to be developed from almost nothing. While China, during this period, managed to adopt generic policies and regulations, the new policies were still far from mature and in need of more substantial content and measures to have any effect on the living conditions of persons with disabilities. Some of the new policies adopted in 1990-2008 were relatively ambitious – but not followed up by more substantial measures.

The second stage started from around 2008, as a remarkable government document *Opinions on Boosting the Development of the Disability Affairs ("Opinions 2008")* (CCCPC & The State Council, 2008) was rolled out that year. Since then, *Opinions 2008* has been regarded as a guideline document because it outlines the future direction, overall tasks and goals of the disability policy and practices for a new period (Li, Sun, & Zhang, 2008; Zhang & Zhang, 2014). As a supplement to *Opinions 2008*, other important documents followed up, such as *Instructive Opinions on Accelerating the Building of Social Security System and Social Service System for the Disabled* (The State Council, 2010), and *Outline of China's 12<sup>th</sup> Five-*

*Year Plan on Disability Affairs* (The State Council, 2011). Those add-on documents proposed more specific and explicit measures to achieve the goals defined in *Opinion 2008*.

Noteworthy, *Opinions 2008* stated that the core goal for this stage was to construct “two systems for the disabled”—the social security system and the social services system. First, the Chinese central government was supposed to further advance the policies on social assistance, medical insurance, and other disability-related social protection in order to form a mature social security system for the disabled. Second, they aimed to improve the service delivery system for persons with disabilities in the sector of rehabilitation, education, employment service, health and care services, and legal counseling services. The framework of “two systems” was expected to be structured preliminarily by 2015, and to be advanced by 2020 (The State Council, 2010).

Unlike the first phase, a set of more specific policy measures evolved and were adopted during the second phase: *Dibao* has been widened to cover persons with disabilities both in rural and urban areas; the low-income disabled population has been able to enroll in national medical insurances through *Medical Assistance*; the *Interim Measures for Social Assistance* was rolled out. Those policies had involved even more aspects of the disabled’s affairs, and they could be able to provide more effective solutions.

The third phase could be said to start around 2015. The year was a critical point in time. According to *Opinions 2008*, the framework of “two systems for the disabled” had to be generally structured by this year. The year also represents a new start, because China had to amend this framework further, developing it to a mature and advanced system of social security and service delivery so that everyone with disabilities could benefit from the “two systems” by 2020.

To reach this goal, the State Council successively issued *The State Council’s Opinions on Accelerating the Process of Well-off for the Disabled* (2015c) and *Outline of Accelerating the Progress of Well-off for the disabled in the 13th Five-Year Plan Period* (2016a), bringing out many corresponding policy measures. Since 2015, the State Council has widely rolled out “two special subsidies for disabled” policy<sup>1</sup>, published the *Regulations on Disabilities Prevention and Rehabilitation for Persons with Disabilities* (2017), and improved the policy

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<sup>1</sup> Living Allowance for the disabled people with particular needs and nursing subsidy for the severely disabled people.

of *Medical Assistance* in 2015 and *Assistance for the Extremely Poor Household (Tekun Jiuzhu)* in 2016.

The focus in this third stage has been to advance the framework of “two systems” continuously. During this stage, the Chinese central government aims to fill in “two systems” through some new or improved policy measures so that the coverage and quality of “two systems” can be strengthened.

In summary, in the past 30 years the Chinese authority has paid more attention to the living conditions of persons with disabilities. Chinese authorities have rolled out more policy measures in this period, to widen the range of welfare benefits coverage for persons with disabilities, and also gathered those measures to form a stable security and service system. Despite some drawbacks, the development of the disability policy has achieved a lot.

#### **4. Employment-promoting policies in China**

In this section we examine more closely at the employment-promoting policies for persons with disabilities. We review both policies that directly or indirectly may affect the employment opportunities.

##### **4.1 Income maintenance for persons with disabilities in China**

Currently, policy measures applied in the cash transfer system for persons with disabilities in China mainly include two types: the universal-type and the selective-type. The former one refers to a cash transfer measure or programme that applies to every qualified individual or household, not only for a specific group. Typically, however, those universal-type programmes include particular articles addressing vulnerable groups such as the elderly, or persons with disabilities. The “selective-type” cash transfer policy only applies to a specific population group. We will start with the “universal-type” measures.

##### ***The Dibao system***

Currently, the largest-size cash transfer programme is the “Minimum Living Standard Guarantee”, also known as the *Dibao* system. *Dibao* is a programme which aims to alleviate poverty by providing cash transfers to the household with income per capita below the local minimum living standards (Ngok, 2010; J. Zhang, 2010). Since it is open to every household meeting the conditions, *Dibao* is a residual means-tested social security programme covering minimum social security to all sections of the population.

Due to the urban-rural dualism in China, the start-up and progress of *Dibao* system has varied between rural and urban China. The urban *Dibao* programme was initiated in 1997, while the rural *Dibao* programme started as a pilot among several of the economically developed regions in the mid-1990s and expanded since 2007 (Zhao, Guo, & Shao, 2017). In recent years, an urban-rural integration of the *Dibao* system has been realized in some regions, but this integration has so far not expanded nationwide.

Taking the form of living allowances, the *county-level governments* subsidize the gap between the income per capita of the household and the local minimum living standard. The local authorities take responsibility to set up the “minimum living standard” based on the residents’ necessary living expenses, local economic/social development status, and the goods’ price. Meanwhile, local governments determine the specific methods for verifying the household income situation so that the qualified applicants can be filtered accurately (Eardley, Bradshaw, Ditch, & Gough, 1996). An extra article for vulnerable groups is that for the elderly, juveniles, severely disabled, and patients suffering from serious illness(es), who still have difficulties in avoiding the absolute poverty after obtaining benefits from *Dibao*, the local government above the county level shall grant further assistance to them (The State Council, 2014).

*Dibao* has been the most important poverty-relief measure in China, not only for persons with disabilities but also for other vulnerable groups (CDPF, 2015). As the most extensive social security programme in China, *Dibao* has been playing a significant role in improving the living quality for low-income households. In 2014, according to official reports, the amount of *Dibao* recipients reached 70 million (MOCA, 2015).

Despite those achievements, the *Dibao* system still owes limitations on securing persons with disabilities. In 2014, an estimated 15 million persons with disabilities suffered from absolute poverty and other hardships, out of which 11 million of them obtained *Dibao* benefits. Moreover, the cash benefit is based on a definition of “minimum living standard” that is unlikely to lift persons with disabilities out of economic hardship (Yang & Zhang, 2016; Wen & Ma, 2018). Besides, it is a risk that *Dibao* may overlook the special needs of persons with disabilities.

### ***The Tekun Jiuzhu system***

As a consequence of the provision of assistance according to the “minimum living standard”, inevitably a group of people may still suffer from financial burdens after the receipt of the *Dibao* allowance. For example, *Dibao* is unlikely to cover the extra expenses due to long-term care for the elderly, or medical rehabilitation for the sick and disabled. Therefore, solutions are needed as a supplement to *Dibao*, and one of them is *Tekun Jiuzhu* introduced in 2014.

*Tekun Jiuzhu*, or “Assistance for Extremely Poor Households” is one of the major social security programmes in China. *Tekun Jiuzhu* mainly targets the “three-without” groups, which refer to the elderly, the disabled and under-16 minors in both rural and urban China who live without the ability to work, without the stable source of living expense, and without the legal fosterers or the fosterers are unable to provide care for them (The State Council, 2014).

However, because *Tekun Jiuzhu* programme involves not only cash transfer but also relevant service delivery, it can be a plurality of security measures, rather than a single policy measure. Here, we mainly focus on the cash transfer part of *Tekun Jiuzhu*.

Before the introduction of the *Tekun Jiuzhu in 2014*, Chinese central government had implemented successively several cash transfer programmes for the impoverished households, e.g.:

- the programme *Wubao* (Five-Guarantees) to guarantee the supply of food, clothing, housing, medical care and funeral expense for the *rural* population (The State Council, 2006a), and
- the programme *Assistance for Urban Three-Without Population* (UTWP) that provided urban impoverished citizens with basic security benefits (The State Council, 2016b).

In 2014, the State Council issued *Interim Measures for Social Assistance*, which combined *Wubao* and UTWP into the current programme *Urban-Rural Assistance for Extremely Poor Households* (“*Tekun Jiuzhu*”) (The State Council, 2014).

*Tekun Jiuzhu* helps the extremely poor people in various ways. The cash transfer in *Tekun Jiuzhu* may cover 1) supply of living necessities as food, clothing, fuel and bedding through the form of goods or cash; 2) subsidizing the enrolment of medical insurances and a part of medical expenses paid by out-of-pocket money; and 3) in given conditions provide allowance to cover housing rent and education.

As the supplement to *Dibao*, *Tekun Jiuzhu* serves as a highly productive policy measure to guarantee the basic living subsidies for the extremely poor citizens. In 2018, the total number of *Tekun Jiuzhu* recipients hit 4.8 million (MCA, 2019), of whom the disabled recipients shared nearly 19 per cent of this total number, with 0.9 million recipients (The State Council, 2019).

### ***Medical Assistance Programme***

*Medical Assistance* (or *Medical Financial Assistance*) is a cash transfer programme mainly funded by the government, to relieve the medical financial burdens for the low-income individuals and households. Medical Assistance (MA) has been designed as a supplement to the medical insurance programmes, offering extra financial aid to the impoverished groups besides the insurance benefits (Liu, Yang, & Lu, 2017). According to the regulation *Interim Measures for Social Assistance*, MA mainly targets 1) recipient of *Dibao*; 2) recipients of *Tekun Jiuzhu*; and 3) other populations with difficulties verified by the local county-level government (The State Council, 2014).

MA was launched in the rural areas in 2003 and the urban areas in 2005. In 2015, the State Council decided to adopt the urban-rural integration of MA nationwide (MAC, MOF, MOHRSS, NHC, & CBIRC, 2015).

MA aims to assist the qualified recipients through

- 1) subsidizing the individual contributions to medical insurances. *Tekun Jiuzhu* recipients are entitled to a full subsidy while *Dibao* recipients only get a part;
- 2) subsidizing partly the medical expenses paid by out-of-pocket after the compensation of medical insurances.

The *Tekun Jiuzhu* programme already includes benefits relating to medical assistance, which means that *Tekun Jiuzhu* recipients cannot apply for medical assistance separately (MAC et al., 2015).

Despite the universal coverage of medical insurances in China since 2008, medical expenses paid by out-of-pocket money still result in financial hardship for many individuals and families. The persons with disabilities who have more needs for treatment, rehabilitation, or therapy are more likely to suffer from the medical financial burden. In this way, the launch of

*Medical Assistance* may help alleviate the hardship for the lower-income persons with disabilities. In 2018, the input of the medical assistance fund reached 42 billion. According to NHSA (2019), 77 million *Medical Assistance* recipients were subsidized to enroll in medical insurances, and *Medical Assistance* subsidized 54 million persons-times of outpatient and hospitalization services.

### **“Two subsidies for the disabled” policy**

In addition to universal-type cash transfer programmes, there are also some selective-type measures for persons with disabilities, such as “two subsidies for the disabled”. “Two subsidies” refer to 1) the living allowance for disabled people with particular needs and 2) the subsidy to cover care and treatment for the severely disabled (The State Council, 2015b).

The pilot introduction of “two subsidies” happened in 2011. That year, the State Council (2011) adopted the document *Outline of China’s 12<sup>th</sup> Five-Year Plan for the Disability Affairs*, encouraging the regional pilot of “two subsidies”. In 2015, “two subsidies” was institutionally confirmed as a disability policy measure and has since been implemented more widely (The State Council, 2015b).

“Two subsidies” involves two types of benefits:

- The “living allowance” targets the *Dibao* recipients with disabilities so that their extra living expenses due to disability can be compensated.
- Moreover, the “nursing subsidy” targets severely disabled people who have been verified as Level-1 and -2 disability and need long-term nursing care, so that their financial burden out of nursing care can be alleviated.

“Two subsidies” policy takes the form of cash transfer, and the province-level governments take responsibility for setting the subsidizing standard. As for the coordination of disability-related income maintenance benefits, *Tekun Jiuzhu* already include benefits to cover nursing and living allowance benefit, so “two subsidies” do not apply to *Tekun Jiuzhu* recipients (The State Council, 2015b).

As a disability-preferential policy measure, “two subsidies” help expand the network of social security for the disabled and improve the quality of the social security system. By 2017, “two

subsidies” had started to be implemented in all counties (Jin, 2017). Over 21 million people received such subsidies in 2018, twice as much as in 2016 (MCA, 2017, 2019).

### ***Summary***

Altogether China has over time developed a rather complex social security system for persons with disabilities, which is providing a wider range of benefits and covering more recipients in need than in the past. Even though the cash transfer measures may not have a direct effect on promoting employment of the disabled, it plays an unreplaceable role in guaranteeing the basic living allowance for persons with disabilities during periods out of paid work. So far, the main emphasis has been on means-tested benefits. We know less about the implementation, coordination and take-up of the benefits.

## **4.2 The disability service delivery system in China**

Since 2008 the Chinese central government has aimed to provide persons with disabilities with more high-quality services in areas of rehabilitation, education, employment, poverty-relief, and the provision of assistive technology. This has included cash transfers for persons with disabilities, to cover or subsidise expenses to education, transportation, renovation of dilapidated houses in rural areas, assistive technology, and housing accessibility renovation. In this section we focus on those services which more explicitly aim to promote labour market inclusion of persons with disabilities.

### ***Medical rehabilitation services as employment promoting measures***

The rehabilitation services in Chinese disability policy is defined as “after disabilities happening we use medical, educational, vocational, social, mental or other assistive technological measures to help the disabled recover or compensate capacity, to improve incapacity, to enhance personal independence and social participation (The State Council, 2017). Since a medical, physical or mental incapacity restricts the ability or capacity of persons with disabilities to return to the labour market. From this perspective, rehabilitation service delivery can be seen as an employment-promoting measure for the disabled.

For China, the provision of medical rehabilitation to persons with impairments (disabilities) has been a priority since the 1990s (National People’s Congress, 1990). Chinese central government has taken steps to realize rehabilitation services for persons with disabilities, such as launching a series of rehabilitation projects like cataract surgeries, language training, and enhancing the supply of assistive technology, and establishing a organization-community-family network of rehabilitation service delivery so that persons with disabilities can reach to services such as medical treatment, counselling, training, and assistive technology services within walking distance (MOH et al., 2002; The State Council, 2015c).

As of 2020, policy measures for the rehabilitation service delivery include

- 1) a multi-level service delivery system, such as the “hospital-community health center” rehabilitation delivery network;
- 2) “community disability rehabilitation” —taking the form of purchasing services. Governments can defer to professional rehabilitation agencies to provide persons with disabilities with services such as skills training, rehabilitation nursing, assistive technology and counselling in the local community;
- 3) the “Precise Rehabilitation” movement—officially-assigned rehabilitation agencies which take responsibility for assessing personal rehabilitation needs, suggest personalized rehabilitation plans, and to provide packaged services involving medical treatment, assistive technology, rehabilitation training and other support services;
- 4) strengthening the training of personnel and building “China Rehabilitation University” so that more qualified personnel are capable of providing professional rehabilitation services;
- 5) implementing major rehabilitation projects, such as free surgeries or treatment for poor people with disabilities or persons with severe impairments (CDPF, NHC, & CPAD, 2016; CDPF, NHC, MOCA, MOE, & MOHRSS, 2016).

In 2018, more than 10 million children with disabilities and adults with the “disability certificate” received basic rehabilitation services. Aid-equipment personalization services had served around 3.2 million people with disabilities. Both the number of rehabilitation service agencies and personnel have increased (CDPF, 2019). However, despite those achievements, the shortage of rehabilitation agencies, personnel, and other facilities still threatens the quality of rehabilitation services. Many people’s needs for rehabilitation have not been met yet. The current policy measures tend to focus on basic physical rehabilitation (Zhuo, Bei, Li, &

Huang, 2015; Tao, Jiang, & Tang, 2018). Services like vocational rehabilitation have so far been given lower priority.

### *Vocational Education as active labour market measures*

Another employment-promoting factor is education. Xin and Wang (2016) find that education has significant positive effects on the probability for persons with disabilities to achieve employment.<sup>2</sup> During the last years, the Chinese government has come up with policy measures, for delivering all-age, general-vocational education services to persons with disabilities. Particularly, vocational education has been suggested as a role that helps individuals find employment sooner at the start of their careers (Forster, Bol, & Van de Werfhorst, 2016). In the next paragraphs we will have a look at the relevant measures that aim to realize the vocational education for persons with disabilities in China.

Chinese central government started to review vocational education (VE) for persons with disabilities in the 1990s. A series of laws, administrative regulations and guidelines, such as *Regulations on Education for Persons with Disabilities* (The State Council, 1994) and *Opinions suggested jointly by the Ministry of Education and other departments on the development of special education* (The State Council, 1989), argued that VE was an indispensable part of the disability education system. In the 1980s-90s, the focus was on expanding the middle-level vocational education for persons with disabilities. In the 2000s, the Chinese central government has been further scaling up the middle-level VE. Meanwhile, through improving the school facilities, configuring the management system, and strengthening human resource training, the Chinese central government has aimed to lift the quality of middle-level vocational education for persons with disabilities.

As of 2020 current policies which aim to deliver vocational education services for persons with disabilities include:

1) implementation of *the 2<sup>nd</sup> Special Education Enhancement Plan (2017-2020)*.

Based on existing resources, province-level governments are expected to run at least one vocational school for persons with disabilities; for instance, by establishing special vocational schools or special-education classes in ordinary vocational schools, the

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<sup>2</sup> Available data suggest that in Europe education is the single most important factor to promote employment among persons with disabilities (Grammenos 2017; Molden and Tøssebro 2012; Clements, Douglas, and Pavey 2011).

ambition is that an increasing number of students with disabilities shall have access to vocational education;

2) identification and organization of occupations and jobs that are suitable for persons with disabilities. According to the demands from labour market and specific type of disability, the vocational education providers shall set up various jobs/employment opportunities that are suitable to persons with disabilities, such as blind massager.

3) improving the teaching and studying condition, such as improving accessibility to the built environment and facilities on campus, and constructing classrooms equipped with special education resources;

4) recruiting teachers with special education background and sufficient working experiences in order to guarantee the quality of vocational education;

5) combing vocational education and employment training. By purchasing employment training services, governments and vocational education providers are expected to operate various employment/start-up training for persons with disabilities. Based on the personal situation and needs, vocational education providers shall offer students with disabilities with “one-to-one” employment counselling services (MOE et al., 2017; MOE, NDRC, MOF, & CDPF, 2018).

All in all, the provision of vocational education for persons with disabilities has expanded the last decade. In 2018, there were 133 middle-level vocational education schools (classes), with 19475 enrolled students (CDPF, 2019). During the 2014-2018 period, a total of 24556 disabled students graduated from vocational education, of whom 14500 received a vocational certificate (CDPF, 2015, 2016b, 2017, 2018, 2019).

### ***Employment services***

In China, it has been suggested that the vocational training has a significantly influencing impact on increasing the employment rate and promote the employment (Liao, 2014; Hu & Mei, 2015). Article 22 of *Regulation on Employment for Persons with Disabilities* stipulates that the China Disabled Persons' Federation and its multi-layered branches-owned disability employment service organizations shall provide the following free services for persons with disabilities: employment information; vocational training; vocational psychological consulting, job-suitability evaluations, job rehabilitation training, job-seeking guidance, and

necessary assistance to persons with disabilities in choosing their careers (The State Council, 2007).

Several policy measures to ensure employment service delivery have been adopted since the 1990s. Early policy documents include

- the *Law on Protection of People with Disabilities* (LPPD) (National People's Congress, 1990) and other guideline documents, such as
- *the State Council's Notice on Forwarding of the "Opinions of MOHRSS and other departments regarding further strengthening the work on the employment of the disabled people* (The State Council, 1999),
- *9<sup>th</sup> and 10<sup>th</sup> Five-Year Plan On Disability* (The State Council, 1996; 2001).

The documents identify measures to realize the employment service delivery, including “operating employment service institutions for the disabled people”, “organizing job training and guidance”, and “sharing employment information”. However, during 1990-2008, disability employment services had limited coverage.

From the 11<sup>th</sup> Five-Year plan (2006-2010), the Chinese government started to widen the range of employment services for disabled people and concern the quality of the service delivery. For example, “employment assistant service” has been added; market demands-oriented skill training has been provided (The State Council, 2006b); the publication of *Regulations on Employment for Persons with Disabilities* (The State Council, 2007) and *Employment Promotion Law of China* (National People's Congress, 2007) further specified the content of employment services for persons with disabilities, and suggested more specific measures to deliver relevant services.

To speed up the progress in employment opportunities for persons with disabilities, the Chinese government has since 2015 launched a series of employment service delivery projects to ensure that both urban and rural areas are covered by the same multiscale delivery system. The Chinese central government has proposed more explicit goals for employment service delivery and adopted more diverse measures. Additionally, more categories of persons with disabilities have been targeted.

Since 2015, the Chinese central government has adopted the following measures for the employment service delivery:

- 1) The *Vocational Skills Enhancement Plan for Persons with Disabilities (2016-2020)*. All relevant sectors (vocational schools/college, enterprise training institutes, employment training centers, private-owned vocational training agency) shall provide a) primary vocational skill training for new employees, b) vocational skill enhancement for the employees and c) start-up training services for persons with disabilities in need, so that “every employee with disabilities can have access to vocational training by 2020”;
- 2) the “employment aid service”. By providing positions in neighborhood and welfare business, local authorities shall help the disabled people who encounter difficulty in finding jobs;
- 3) the 13<sup>th</sup> *Five-Year Plan of the Employment Promotion for Persons with Disabilities*. Regional and local authorities and colleges are expected to consider and plan for the employment of graduates with disabilities. Based on individual action plants (“one student, one plan”) and “one-to-one” employment or start-up services, colleges shall try to maintain a 60 per cent employment rate from their graduates. Employment service providers shall provide free tailor-made and personalised employment services, guiding, and counselling. The employment service providers may provide distant vocational training, employment information, and other services (CDPF, NDRC, et al., 2016; MOHRSS & CDPF, 2016).

Based on the above policy measures, China is gradually establishing and improving its “urban-rural, province-municipal-county” multi-scalar employment-service delivery network, which has been constantly providing diverse employment services for the disabled. By the end of 2017, there were nearly 3000 employment-service organs, with 15000 staff. Moreover, the China Disabled Person’s Federation has established 500 vocational training bases at the national level, training 625,000 disabled people from urban and rural areas in 2017. There are about 350 vocational training bases for persons with disabilities at the provincial level (United Nations, 2019b). However, it has been questioned if the coverage is sufficient, especially in rural China (United Nations, 2019a).

### ***Summary***

Since 2008, China has been acceleratively widening the coverage and enriching the content of public service delivery for persons with disabilities. Moreover, those services have been delivered more systematically and become more standardized across the provinces. Many of

those services have the potential of, directly or indirectly, promoting the employment of persons with disabilities. We also must be aware of unsolved problems in the service delivery system as well as limitations of current disability-related social services measures, for instance when it comes to coverage and inclusion of persons with disabilities in regular, non-segregated education and employment services.

### **4.3 Social regulation in Chinese disability policy**

To activate other actors such as market and non-government organizations, maximizing their supporting functions on disability employment promotion, China has been adopting a pocket of policy measures. We will demonstrate how those policy measures work to promote employment of persons with disabilities. We will start with a brief introduction to the “Quota Scheme of Employment” (QSE) and its add-on measures.

#### ***The “Quota Scheme of Employment”***

The QSE has existed since 1990 with the adoption of the *Law on the Protection of Persons with Disabilities* (LPPD). Article 33 of LPPD requires that “the State shall introduce a quota scheme of employment to provide jobs for persons with disabilities. Government agencies, social organizations, enterprises, public institutions, and private-run non-enterprise entities shall, in accordance with the quota stipulated in relevant regulations, arrange job opportunities for persons with disabilities.” Additionally, Article 36 stipulates that “the State shall implement preferential tax treatment, according to law, for enterprises and employers who have fulfilled or over fulfilled their quota obligations to employ workers with disabilities.” (National People’s Congress, 1990)

In 2007, *Regulations on Employment for Persons with Disabilities* (“*Employment Regulations*”) further specified relevant rules on QSE. Article 8 of *Employment Regulations* stipulates that “employers shall employ disabled persons as no less than 1.5% of their total number of employees in the work unit. The specific proportion can be determined by the province-level government.”

Article 9 suggests that “if employer work units do not employ the proportion of disabled persons stipulated, they shall pay into an “*Employment Security Fund for the Disabled*

*Persons*” (ESFund)<sup>3</sup>. ESFund is the fund that government agencies, social organizations, enterprises, public institutions, and private-run non-enterprise entities must contribute to when they fail to employ persons with disabilities according to a quota ( $\geq 1.5\%$  of the total number of employees) specified by the province-level government. The purpose of collecting ESFund is to support the employment and improve the quality of life for persons with disabilities, by funding services such as vocational training, education and rehabilitation for persons with disabilities.

Article 27 emphasizes the legal responsibilities of the employers: “if the work units fail to pay into the ESFund, the financial authorities shall issue a warning and order payment by a deadline; if the payment is not made on time, apart from repaying the owed amount, starting from the overdue date, a late penalty of 0.5% per day shall also be imposed” (The State Council, 2007).

QSE is not only enforced through legislation and by threats of fines to be paid into the ESFund for those work units who do not comply with QSE. Employers will also get a financial reward, such as cash or preferential tax treatment, if they fulfill or even overfulfill their obligation required by the QSE.

QSE-series policy measures also take the form of persuasion through information and appeals. One example is the *Announcement System on Implementation of the Quota Scheme of Employment of the Disabled Persons (Announcement System)*. In this system, relevant government sectors publish the list of work units (enterprises, governmental organizations) who have fulfilled and overfulfilled QSE and those who have neither accomplished the task of QSE nor paid the contribution to ESFund yearly on radio, television and internet (The State Council, 2015a).

The purpose of the *Announcement System* is to push more employers to take social responsibilities for persons with disabilities. The *Announcement System* would not result in any legal consequence or financial loss for employers who have not complied with QSE but may affect adversely the self-respect or reputation of them. The *Announcement System* takes advantage of pressure to comply with widespread values norms in society and public policy

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<sup>3</sup> The calculation of the amount of ESFund for a work unit is: Payable amount = (total number of employees in the previous year  $\times$  the quota (set by province-level government) of employees with disabilities - the actual number of disabled employees of the previous year)  $\times$  average annual salary of employees in the previous year.

may motivate more employers to make QSE in practice, while to avoid “losing face” in front of the public, more employers would also like to correct their previous behaviours.

The above illustrates how QSE and supporting measures aim to combine legal regulations, financial incentives and persuasion through “naming and shaming” to promote the employment of disabled people. Unfortunately, we do not have available any studies about the implementation of the quota system.

### ***Social regulation of accessibility***

To what extent the workplace and labour process are accessible greatly affect the employment of persons with disabilities (Wilton and Schuer, 2006). Xu (2010) also found that the shortage of the barrier-free design in workplaces in China prevent persons with disabilities from being included in paid work. Moreover, accessibility influence other aspects of the disabled people’s life, such as how conveniently they can use public transportation, how easily they can collect information, or communicate with others. All those factors may affect the employment rates of persons with disabilities.

Accessibility has been addressed in Chinese disability policy since 1990 with the adoption of the *Law on Protection for Persons with Disabilities*, which specified the governments’ responsibilities and duties on barrier-free construction and accessible information exchange (National People’s Congress, 1990). Later the 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> *Five-Year Plan on the Disability Affairs* have adopted various measures on accessibility, such as regulative standards and guidelines for barrier-free construction, construction or renovating urban roads, and public transport (The State Council, 1996, 2001, 2006b). Before 2008, however, accessibility policies mostly applied in urban public areas and had a limited scope.

Since 2008 China has started to widen the coverage of accessibility provisions. For example, the barrier-free environment construction has been extended to smaller towns and rural areas. During the 12<sup>th</sup> Five-Year Plan period (2011-2015) China adopted measures to support retrofitting of housing for households including persons with disabilities (The State Council, 2011). *Regulations on the Construction of Barrier-free Environments* rolls out more explicit objectives and means on accessibility building construction and accessible information exchange (The State Council, 2012).

Key policy documents include *the Implementation Programme for Construction of Barrier-Free Environments During the 13<sup>th</sup> Five-Year Plan (2015-2020)* (CDPF, 2016a) and *the Outline of Accelerating the Progress of Well-off for the Disabled in the 13<sup>th</sup> Five-Year Period* (The State Council, 2016a). Current disability policy measures on accessibility include, for example, measures to

- 1) develop and advance barrier-free built construction in municipalities, counties, towns and villages. New public buildings (e.g., health centers, banks, schools) and disability welfare organizations (e.g., nursing homes, disability public service centers) must add accessible facilities, with 100 per cent coverage rate. All construction must strictly follow *Accessibility Design Standards (GB50763)*;
- 2) equip public transport vehicles and surrounding public space (e.g., bus stations, ferry ports), with accessible facilities, and define accessible parking areas;
- 3) promote the accessible design of new housing, and provide funding for retrofitting of the homes of poor persons with severe disabilities;
- 4) promote provision of accessible information, for example, publishing government information in accessible formats (e.g., sign language, voice and word notice, Braille) at public service delivery arena, public areas, and public transportations; accessible medical information;
- 5) providing accessible first-aid services in institutions for persons with disabilities (e.g., special education school, disability nursing homes).

Available data suggest that the above measures have had positive outcomes. By the end of 2017, barrier-free construction was systematically implemented in 1,622 municipalities, counties, and districts (United Nations, 2019b). Some provinces/regions have reported 100 per cent compliance of new constructions with barrier-free design. In 2018 the Guangxi region reportedly built 243 roads, 1350 residing communities, 135 transportation constructions, 158 parks/squares, 178 hospitals, 56 welfare and special services delivery arenas compliant with the accessibility requirements (Mo, 2019). Besides, 1,158,000 homes underwent accessibility conversions in 2018, of which 166,000 homes came from absolutely-poor persons with severe disabilities (CDPF, 2019). However, in general, accessibility construction in China is still challenging. In some cases the new constructions do not comply with the accessibility standards; some cities have not started retrofitting existing

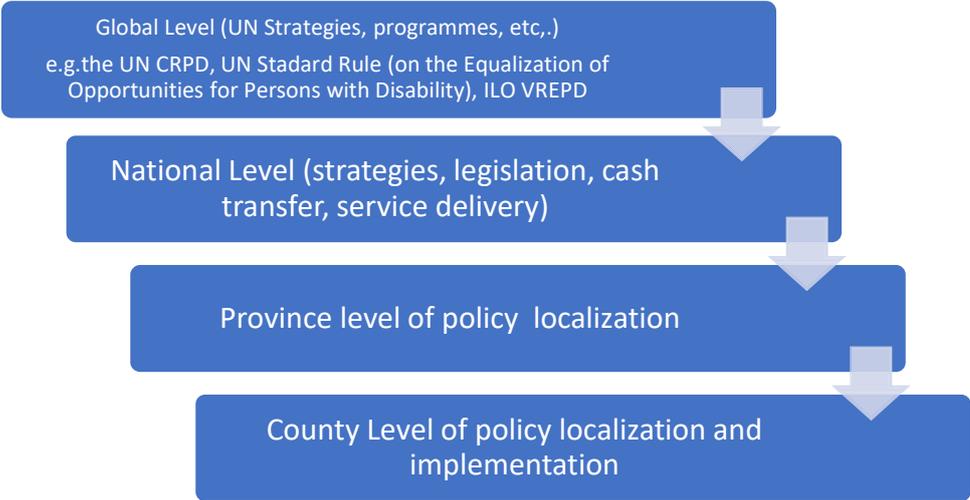
infrastructures; and provision of accessible information, retrofitting of housing for persons with disabilities disabled persons’ houses, barrier-free construction/retrofitting in rural areas are still lagging behind (CDPF, 2016a). Those challenges require governments and other relevant sectors to make efforts to adopt more explicit and effective solutions.

**5 Multi-level governance of importance for Chinese disability policy**

Like many other countries or regions, the deliberation and implementation of Chinese disability policy are shaped by a multi-layered system of governance. On the vertical dimension, the layers of governance involve the global level, national level, province level and county level (Figure 1.1).

We place the global level at the top of the multi-layered system of disability policy governance as supranational organizations, notably the UN, to an increasing extent influence the disability policy making and practicing at the national level in China. For example, China first published national law on disability - LPPD - in 1990. However, due to the signature and ratification of UN CRPD in 2008, China reviewed LPPD and made efforts to reconcile UN CRPD and LPPD, which resulted in the second edition of LPPD in 2008.

Figure 1.1 Layers of governance of disability policy in China



The national level of governance plays a crucial role in the Chinese context. The State Council and other relevant departments such as China Disabled Persons’ Federation (CDPF), are the main actors at this level of governance. On the one hand, the Chinese central government needs to keep an active interaction with supranational organizations, for example,

receiving information from and communicating with the UN. On the other hand, the Chinese central government works on “localizing” those global level disability policy strategies in the provision of income maintenance, services and social regulation of the market and non-governmental actors in China.

The Chinese central government typically provides a general framework for disability policy at the national level, but it is unlikely to issue a specific implementation plan that every province and county can comply with to practice those disability policies, due to regional disparities. Therefore, part of the responsibilities of (disability) policy-making and practicing is actually delegated to the province and county level.

The provinces and counties have quite different socio-economic situations. When operationalising and interpreting the national policies the provincial governments will have to work on carrying out the province-level “policy localization”, given the resources they have available. For example, the Guangdong province government has introduced more explicit and ambitious measures than the central government to promote employment opportunities for persons with disabilities. Guangdong specified a 1.5 per cent quota of employment of persons with disabilities, while the national legislation LPPD initially did not specify a percentage. Likewise, the Chinese central government has deferred the responsibility of determining the standard of “two subsidies for the disabled people” to the provincial governments. As a result, the Hubei province government has stipulated a living allowance of 50 CNY per person/month for persons with disabilities living in hardship and a nursing subsidy of 100 CNY per person/month for persons with severe disabilities.

Often province-level disability policies are not the final action guidelines. In most cases, they need to be further decentralized to the city or county-level authorities. While some counties may directly apply those province-level provisions and regulations in practice, the city or county governments are in charge of the actual implementation of the disability policies. The local authorities have some scope for discretion to adjust to ensure that they have a feasible action plan on the ground, accommodating the particular situation of each city or county. We all noticed that, as the above example shown, the Hubei province government has already stipulated the standard of “two subsidies”. However, thanks to a relatively developed socio-economic situation, Wuhan, the capital city of Hubei province, increased the “living allowance” to 130 CNY per person/month, which is the final version of the allowance which applies in the Wuhan areas.

Therefore, in this multi-layered system of governance, each layer has its own role in the implementation of the disability policies. Meanwhile, one level is always interrelating with another. The multiscalar governance of the disabilities opens up for more open and dynamic processes in the deliberation, monitoring and implementation of the disability policy measures. As a number of levels of governance are involved, it is not obvious that one level of governance has the upper hand or is more important. The idea that all political decisions are made at the top of the political pyramid and then responded to and decisions trickle down the ladders do not necessarily provide an accurate picture of the policy processes. Research has yet to examine these dynamics in a Chinese context.

## **6 Who are the actors in the Chinese disability policy? A welfare mix**

For a long time, China has insisted on involving other actors than the government - the market, family and civil society – to implement the disability policies. For example:

- To enhance the health security for persons with disabilities, private insurance companies are encouraged to provide insurance products on rehabilitation and nursing.
- And to guarantee the supply of assistive technology, the Chinese central government supports enterprises in research, development and manufacturing of disability aid-equipment through preferential tax treatment (The State Council, 2017).
- To provide rehabilitation services in the local community and establish a “professional organization-community-family” delivery network, China has made efforts to provided training and coaching of family members and neighbours of persons with disabilities (CDPF, 2016b).
- China Young Volunteers has launched the “Disability-Helping Sunshine Movement”, whereby volunteer events on medical services, nursing, culture, rehabilitation instructions for children with disabilities, assistance for employment and start-up have been organized nationwide (China Youth Daily, 2014).

The above examples illustrate the interactions, influences, and interdependencies between governmental and non-governmental actors in the Chinese context. On the one hand, policy changes or preferences have affected the behaviour of actors in the market, the family, and the civil society. On the other, those three institutions also influence and may potentially provide feedback on the public disability policies. Examples can be shadow reports submitted by

grassroots disabled people organizations to evaluate the implementation of the CRPD in China for the UN (C. Zhang, 2017).

In the Chinese context, however, what we mostly can see is how reforms in public disability policy and provisions have influenced the actors in the market, the family, and civil society to behave. Conversely, the three institutions have relatively little space to shape public disability policies—for instance, various barriers have impeded the development of civil society in China, such as grassroots disabled people’s organizations (C. Zhang, 2017). However, research has yet to examine how families and households in urban and rural China cope with experiences of disabilities and disabling environments in everyday life, and how family life and social networks shape the employment opportunities of persons with disabilities.

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