



EUROPEAN UNION LEGISLATION FOR ENCOURAGING THE SOCIAL ENTREPRENEURSHIP FOR PEOPLE WITH DISABILITIES

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- In recent years social entrepreneurship has gained increased importance for the development of economic processes. EU and national institutions take different actions for social inclusion of people with disabilities by satisfying their social, cultural and legal needs.
- These actions are guided by strategies, which have been elaborated by institutions at national level. The implementation of strategies and actions for social inclusion of individuals with disabilities requires legal regulation at EU and national level.

The legal framework is an institutional basis and opportunity for satisfying the cultural, social and legal needs of persons with disabilities in Bulgaria, which will contribute to the creation of new value added in economic and social context.

Social entrepreneurship creates a favorable environment for the integration of people from vulnerable groups, provides opportunities for their social integration, raising the standard and their quality of life.

In general, it provides an opportunity for the social inclusion of people, who are socially excluded from society. The main challenge, which faces people with disabilities, is the employment in an integrated work environment and the provision of an adequate support for workers and employers.

- The newly adopted Law on the Social and Solidarity Economics 2018 which shall become effective as of 5th May 2019, creates in Bulgaria a new branch- the Social and Solidarity Economics with specific legal and organizational entities and structures to carry out businesses. It is expected substantially to improve the opportunities for professional and economic realization of individuals with disabilities

One of the possibilities for social inclusion of people with disabilities is the social enterprises, whose sustainable development is promoted by EU policies.

Some of the European regulations that govern social enterprises are: Decision No 283/2010 / EU of the European Parliament and of the Council of 25 March 2010 establishing a European Progress Microfinance Facility for employment and social inclusion.

This Decision concerns specifically people with disabilities as it states that “an increasing amount of microfinance to vulnerable people who are in a disadvantaged position with regard to access to the conventional credit market in the European Union is provided by non-commercial microfinance institutions, credit unions and banks”

1. EU legislation and opportunities for entrepreneurship for people with disabilities

Regulation (EU) No 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship funds introduces common rules for the financing of social enterprises throughout the European Economic Area and encourages their development. Art. 13 defines the aim of the social enterprises: "Social entities use their profits to achieve their primary social objective and are managed in an accountable and transparent way".

Art. 14 of this Regulation determines the social enterprise: "It includes a large range of entities, taking various legal forms, which provide social services or goods to vulnerable, marginalized, disadvantaged or excluded persons. Such services include access to housing, healthcare, assistance for elderly or disabled persons, child care, access to employment and training"

According to the UN Convention on the Rights of Persons with Disabilities "people with disabilities are people with long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."

In accordance with the Convention the word "cripple" is removed from the Bulgarian legislation and this contributes to the overcoming of stereotypical thinking about people with disabilities as people - unable, cripple, unfit.

Thus society would make a positive step towards social inclusion of people with disabilities and their realization as full citizens, as in the presence of a demographic crisis, every measure of inclusion of all people in Bulgaria should be supported and encouraged.

For persons with disabilities in Bulgaria, the right to independent living is not fully respected. The majority of them live with their families and cannot choose where and with whom to live. Those who have no families or who cannot live with them are moved to social care institutions or residential community-based services where they are placed either involuntarily or without any right to choose.

Persons with disabilities are not provided with real opportunities for vocational training or employment on the open labour market. State funding and attention are mainly focused on specialized enterprises and the promotion employment measures (subsidized employment) on the open labour market which do not prove to be effective.

The main priorities of the Bulgarian National Strategy for Persons with Disabilities 2016-2020 are:

Providing an accessible living environment, to transportation and transportation services, to information and communications

Ensuring equal access including educational environment at all levels and opportunities for lifelong learning

Ensuring effective access to quality health services

Providing conditions for employment of people with disabilities

Providing access to sports, recreation, tourism and participation in cultural life

- The integration on the labor market of people with disabilities is one of the main tools for their integration in all areas of public life. This means that for people with disabilities to participate more actively in the labor market, it is necessary that they be granted access to the education system.
- Implementation of the strategic and operational objectives of the strategy can be achieved by introducing and developing three forms of employment for people with disabilities- protected employment, supported employment and independent business activity of people with disabilities, as well as through continued implementation of the planned in the National Plan for employment actions, projects, programs and measures.

Protected employment is suitable for providing jobs for people with severe and complex disabilities, and sheltered workshops are places excluded from the competitive market.

Specialized enterprises and cooperatives are equal in the labor market as an essential form of providing permanent employment to the target group. Despite the fact that they enjoy tax preferences and receive state subsidies, the number of employed people with disabilities at these enterprises is constantly decreasing.

Employment in common work environment suggests fastest socialization of people with disabilities, but it is very difficult to apply it in times of crisis.

Homeworking and distance working, according to the Bulgarian Labor Code are very suitable for people of working age with a high degree of reduced capacity. Home-based form of employment for people with disabilities is used in specialized enterprises and cooperatives for people with disabilities since their creation. This form has proven its effectiveness, but unfortunately in recent years is limited due to the lack of appropriate orders and workload of production capacity.

Independent business activity should be encouraged, developed and funded by both the state and local authorities. Local government has incentives to promote microenterprises for people with disabilities by facilitating the licenses and the coordination regimes that are carried out.

In Bulgaria the main regulation is the new Law on Persons with Disabilities (December 2018), which replaced the Law on Integration of Persons with Disabilities

The motives for the new law are that it provides all measures of support to be carried out from one body, to adequately support people with disabilities and enables the state to more effectively organize and coordinate the policy on their inclusion. It also emphasizes that the rights of people with disabilities should be ensured in a manner that respects their human dignity by applying individual approach and assess their needs.

It provides the establishment of a specialized body to prepare individual assessment of the needs of people with disabilities. The body will start working from the beginning of 2021 and will coordinate the work of different institutions.

A Monitoring Board is created to ensure protection of the rights of people with disabilities. According to the law there will be two representatives appointed by the Ombudsman and the Commission for Protection against Discrimination, four representatives of the representative organization of and for people with disabilities, and one - determined by the Bulgarian Academy of Sciences.

According to Art. 47 of the Bulgarian Law on Persons with Disabilities - the state and local authorities support and encourage the employment of persons with disabilities by creating conditions for the activity of specialized enterprises and cooperatives of people with disabilities and the labor-treatment bases via appropriate economic incentives, financial relieves under the current legislation and other supportive incentive measures.

By the adoption of the new Law on Enterprises of the Social and Solidarity Economy 2018 the discussion, which legal entities could be defined as social enterprises was terminated and the practice of self-determination of enterprises as social ones ceased.

- Social enterprises are defined as subjects of the social and solidarity economy, along with cooperatives and non-profit legal entities. Last but not least, the new principle of division of two classes should be mentioned: class A and class A + and the creation of a special register for the social enterprises as well.
- The new legislation aims to stimulate enterprises that provide employment to specifically listed groups of individuals in the Art. 7. Those are:
- individuals with permanent disabilities and those who raise children with permanent disabilities;
- long-term unemployed individuals entitled to monthly social assistance;

The new law aims to promote the development of the social and solidarity economy as an economic sector. According to the report on the overall preliminary assessment of the impact of the law, social enterprises are expected to generate approximately 2% of Bulgaria's gross domestic product as well as to improve access to employment and training, to acquire or improve professional qualifications, to create conditions to support those already listed for their social inclusion.

It is essential to achieve a reduction in social inequality and sustainable territorial development of social enterprises, as promoted by good European practices in this field.

- In the law, the "social and solidarity economy" is defined as a form of entrepreneurship, targeted at one or more social activities and / or social objectives performed by enterprises, including the production of different goods or the provision of services in cooperation with state or local authorities or independently.
- The basic principles of the law are: domination of social over economic objectives; association for public and / or collective benefit; publicity and transparency; independence from the state authorities; participation of the members and the employees in making managerial decisions.

- A key point concerning the nature and importance of the social enterprise is its legal regulation. Despite the single policy and legislation of the European Union, each Member State alone makes an assessment exactly what legislation and policy to create in terms of social enterprises and how an effective, sustainable inclusion of people with disabilities will be achieved. It is necessary to implement more measures to encourage employers to hire people with disabilities.

Although some efforts had been made the Bulgarian disability legislation is still far from the philosophy of the UN Convention as it mainly considers persons with disabilities as nonable and object of social assistance schemes. Far more radical and holistic approach needs to be applied in elaboration of legislation and policies especially in the field of personal and social assistance, independent living, support in decision making, education, and employment of persons with disabilities

The enactment of a specific new legislation will foster the development of opportunities in the area of social entrepreneurship through the stimulation of social enterprises. The new legislation is promising a friendly policy environment, which is crucial for the development of the social insertion activities for people with disabilities.