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Research paper

Situating disability. The recognition of “disabled workers” in France



Le handicap en situation(s). La reconnaissance des travailleurs handicapés en France

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ABSTRACT

This article concerns the issues surrounding the “recognition of the quality of disabled workers” in France, from both applicants’ and decision-makers’ points of view. While the latter strive to make “disabled workers” into a sub-category of disabled persons, applicants’ positions are often more ambivalent. In speaking of their experience, many of them use the notion of “situation of disability”, a term quite common in current French debates about disability that was not retained in the French law of 2005: even if they are bothered by a functional difficulty in certain professional situations, many still do not think of themselves as disabled persons. To understand these differences, we propose returning to the foundations of French employment policy in favour of disabled persons and exploring the variety of issues that dominate claims to recognition, without forgetting the essential interface role played by professionals in the field of disability. Our analysis is based on a field study on both sides of the counter at Departmental houses of people with disabilities, with people working in the institutions and those requesting recognition of the quality of disabled worker.

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R É S U M É

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Cet article porte sur les enjeux de la reconnaissance de la qualité de travailleur handicapé en France, du point de vue des demandeurs et des décideurs. Alors que ces derniers s'évertuent à construire les travailleurs handicapés comme une sous-catégorie des personnes handicapées, le positionnement est plus ambivalent du côté des demandeurs. Avec leurs mots, beaucoup utilisent de fait la notion de situation de handicap, très présente dans les débats actuels sur le handicap mais non retenue par la loi française de 2005 : s'ils sont gênés dans certaines situations professionnelles, beaucoup ne se pensent pas pour autant comme des personnes handicapées. Pour comprendre ces décalages, nous proposons d'une part, de revenir aux fondements de la politique française d'emploi en faveur des personnes handicapées, d'autre part, d'explorer la variété des enjeux qui président aux demandes de reconnaissance, sans oublier le rôle d'interface essentiel des professionnels du champ du handicap. Notre réflexion s'appuie sur une enquête de terrain qui s'est déroulée des deux côtés du « guichet » des maisons départementales des personnes handicapées, auprès d'agents de l'institution et de demandeurs d'une reconnaissance de la qualité de travailleur handicapé.

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As recent as the notion of “handicap” may be in France, only really appearing in the late 1950s, it already has a long and turbulent history.¹ “Handicap” (as disability is still known in France) was the latest in a long series of terms chosen to escape the negative connotations that had gradually come to taint preceding expressions (infirmity, abnormality, maladjustment. . .) (Stiker, 1999). It came to define a new field of social policy when a pair of laws² in 1975 tried to harmonize the private initiatives that had until then dominated the field of disability, bring them under centralized State control (Ebersold, 1997). Thirty years later, a 2005 law³ updated the principles of the sector and gave the first legal definition of “disability”.⁴ The fruit of intense negotiation, this law failed to embrace the notion of “person in a situation of handicap” (*personne en situation de handicap*; Winance, 2007), as promoters of the social model of disability in the wake of disability studies would have liked: it defined disability as the consequences of a “substantial, persistent, or permanent change” in physiological function. The emphasis is put on individual situations in two ways, however: first by specifying that the consequences of these changes are “suffered by a person in his environment”, then by re-enforcing the process for evaluating applications case by case through the creation of the *Maisons départementales des personnes handicapées* (Departmental houses of people with disabilities; MDPH), developed as a centralised portal to the full range of claims and claimants. Within them, collegial groupings (multidisciplinary teams and the *Commission des droits et de l'autonomie des personnes handicapées* [Commission for the rights and independance of disabled people; CDAPH]) grant, when appropriate, rights, status, or orientations depending on explicitly stated requests and the needs and expectations

¹ Loi n° 57-1223 du 23 novembre 1957 sur le reclassement professionnel des travailleurs handicapés (Law n° 57-1223 of 23 November 1957 on the professional reclassification of handicapped workers).

² Loi n° 75-534 du 30 juin 1975 d'orientation en faveur des personnes handicapées and Loi n° 75-535 relative aux institutions sociales et médico-sociales (Law n° 75-534 of 30 June 1975 for orientation in favour of handicapped persons; Law n° 75-535 relative to social and medico-social institutions).

³ Loi n° 2005-102 du 11 février 2005 pour l'égalité des droits et des chances, la participation et la citoyenneté des personnes handicapées (Law n° 2005-102 of 11 February 2005 for the equality of rights and opportunities, the participation and citizenship of disabled persons).

⁴ Article 2 holds that “A disability, in the meaning of this present law, is any limitation on activity or restriction on participation in social life suffered by a person in his environment due to a substantial, persistent, or permanent alteration of one or several physical, sensorial, mental, cognitive, or psychic functions, a multiple handicap, or an invalidating health problem.”

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