

## Costs, Risks and Responsibility. Negotiating the Value of Disabled Workers Between Disability Insurance and Employers

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*Abstract:* Drawing on the theoretical framework of the Economics of Convention this paper analyses the employment of people with disabilities as a valuation process. Based on case studies and interviews in business companies and disability insurance offices, it explores how employers and disability insurance determine the value of disabled workers. Inasmuch as employers are not willing to adapt performance standards, job design and work organisation, disability insurance attains individual exceptions for its clients at best, while disabling standards remain intact.

*Keywords:* work integration, disability insurance, sociology of conventions, valuation

### Kosten, Risiken und soziale Verantwortung. Die Bestimmung des Werts von behinderten Arbeitskräften zwischen Invalidenversicherung und Arbeitgebern

*Zusammenfassung:* Der Beitrag analysiert die Beschäftigung von Behinderten aus konventionentheoretischer Perspektive. Auf der Basis von Fallstudien und Interviews in Unternehmen und IV-Stellen wird untersucht, wie Arbeitgeber und die Invalidenversicherung den Wert behinderter Arbeitskraft bestimmen. Insofern Arbeitgeber nicht dazu bereit sind, Stellenprofile, die Arbeitsorganisation oder Leistungsstandards anzupassen, kann die IV höchstens Ausnahmen für ihre Klientel erwirken, nicht aber behindernde Standards verändern.

*Schlüsselwörter:* berufliche Eingliederung, Invalidenversicherung, Konventionensoziologie, Bewerten

### Coûts, risques et responsabilité sociale. L'évaluation des travailleurs en situation de handicap entre assurance-invalidité et employeurs

*Résumé:* L'article se propose d'analyser l'emploi des travailleurs en situation de handicap dans la perspective de l'économie des conventions. Sur la base d'études de cas et d'entretiens menés dans des entreprises et des offices de l'assurance-invalidité, cet article explore comment les employeurs et l'assurance-invalidité (AI) déterminent la valeur de la main-d'œuvre en situation de handicap. Dans la mesure où les employeurs ne sont pas disposés à modifier les tâches, l'organisation du travail ou le niveau d'exigences, l'AI parvient au mieux à des exceptions pour ses clients, alors que les standards handicapants restent inchangés.

*Mots-clés:* insertion professionnelle, assurance-invalidité, sociologie des conventions, évaluation

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## 1 Introduction

Disability policy faces a fundamental challenge: On the one hand, disability studies convincingly demonstrate that the economic logic of the labour market is a prime source of the social exclusion of people with disabilities (Oliver 1990; Wansing 2005). On the other hand, labour market inclusion is the pivotal goal of disability policy, because employment is seen as the hallmark of “normality,” citizenship and social inclusion (Bösl 2009; Probst et al. 2016). Therefore, *employers*, as the gatekeepers of the labour market, are repeatedly identified as key actors for disability policy who are to be addressed with instruments such as financial incentives, support services, legal obligations and antidiscrimination legislation. Incentives and support rely on economic cost-benefit calculation, whereas prescriptive and proscriptive laws imply that economic logic alone is not sufficient to mobilise employers for the normative goal of social inclusion. However, empirical evidence on the effectiveness of these policy instruments is inconclusive (Clayton et al. 2012). Research on employers’ attitudes and practices shows that the work capacities of workers with impairments and the fit between capacities and available jobs are among employers’ foremost concerns. Furthermore, lack of experience with disabled workers and lack of information about or access to available support services and resources leads to insecurity in dealing with disability-related issues of hiring and retention (Baumgartner et al. 2004; Prins 2014). Yet, research on employers’ behaviour is often descriptive (Shaw et al. 2014) and treats the observed behaviour as a black box. For example, the studies note employers’ judgments about disabled workers’ productivity or concerns about the fit between capacities and jobs but do not probe such concepts. Rather, productivity or fit are regarded as objective facts. Inasmuch it is a central tenet of disability studies that disability is the product of *socially constructed* barriers and categorisations (Thomas 2007), concepts like productivity, performance or fit cannot be taken as explanations but must be examined for their implicit assumptions, value judgments and workings.

The emerging sociology of valuation and evaluation offers a useful theoretical starting point for such an analysis by focusing on the social processes involved in producing, assessing and institutionalising value judgments (Lamont 2012; Krüger and Reinhart 2017). In this view value is not an inherent feature of an object but a complex accomplishment involving specific technologies of evaluation, criteria, conventions, instruments, etc. Moreover, respective theoretical approaches demonstrate the “actual or potential heterarchy, multidimensionality, or plurality of criteria/grammars of valuation and evaluation” (Lamont 2012, 207). From this perspective, the employment of disabled people may be first and foremost conceptualised as an *issue of valuation*, both in the sense of attributing worth to this category of (potential) workers and of assessing how particular persons are evaluated within specific frameworks of valuation. How do employers actually determine the value

of disabled workers within the context of a given enterprise and to what extent is this value dependent on how workers fit into the particular work organisation? And how do policy instruments interact with organisational valuation? This paper examines these questions based on empirical data from ethnographic case studies and interviews in business companies and disability insurance offices in Switzerland.<sup>1</sup> The study draws on the theoretical framework of the Economics of Convention to analyse the “dispositives of evaluation and coordination” (Diaz-Bone 2009, 187) deployed by employers with regard to recruitment and job retention, as well as the strategies of disability insurance, namely how policy instruments are brought into play and used on the ground.

In Switzerland, recent reforms of the Disability Insurance Act in 2008 and 2012 have reinforced the focus of this mandatory social insurance on labour market inclusion. New policy instruments were introduced, for example incentives for employers such as wage subsidies, experience-rated social insurance premiums and a variety of work trials. Moreover, active job placement as well as job coaching services by cantonal disability insurance offices were expanded and made available to people whose eligibility for a disability pension has not yet been decided. Wage subsidies are offered for a maximum period of six months to cover the adjustment period of newly hired disabled workers; they are only granted for regular employment. In contrast, temporary work trials are used to test the work capacity of insurance clients in the realistic setting of a “normal” job as opposed to sheltered workshops.<sup>2</sup> For businesses, they constitute free labour because the worker receives disability insurance benefits (daily allowances) instead of a wage. Moreover, the employer is not obliged to offer regular employment after the trial. However, the reforms of disability insurance did not revoke the long-standing political consensus in Switzerland that businesses should not be forced to employ disabled people (Canonica 2017) – there are still no statutory employment quota or duties regarding rehabilitation and workplace adjustment for employers. The 5<sup>th</sup> reform of the Disability Insurance Act, effective since 2008, introduced an article which only states that employers “cooperate actively” with Disability Insurance and make a “reasonable effort” to contribute to rehabilitation (Art. 7c). Likewise, anti-discrimination legislation is mild: The Disability Discrimination Act mainly pertains to questions of accessibility to buildings, public transport and services; labour law does prohibit discrimination but the burden of proof lies with the discriminated person.

Before we present our empirical data on the perspectives of employers (4.) and on the strategies of disability insurance (5.), we will give a brief overview of the theoretical framework (2.) and our data and methods (3.). First, a preliminary

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2 The law specifies different types of work trials depending on the work capacity of clients, context and purpose of the trial. In practice, the different types are used rather indiscriminately.

note on terminology is required. In our research fields the term “disabled” is rarely used. Disability insurance staff speaks of the “insured,” sometimes of “clients” when referring to the beneficiaries of their services. Legally, in the context of the insurance, disability is defined by diminished earnings capacity of a specified degree due to medically certified lasting or long-term health impairments affecting work capacity. Thus, it is conceptualised in terms of the medical model of disability as biologically caused individual deviance from the norm of being able to work (Thomas 2007, 12; Tabin et al. 2016). Insofar it is seen as a reversible condition (Probst et al. 2015), which can be overcome by individual effort and with the support of disability insurance which may remove social obstacles like the prejudices or ignorance of employers or material obstacles in the workplace, the category also contains aspects of the social model of disability. The employers in our study were primarily preoccupied with performance “deficits” which could be attributed to health problems, particularly to so-called “long-term illness.” The emphasis was on the functional effects on work capacity, while the kind of impairment did not matter. Indeed, our informants claimed not to bother about impairments which do not affect performance.<sup>3</sup> As ethnographic observers, we adopt our research subjects’emic perspectives for the purpose of this study. Thus, in the business field we focus the handling of workers whose “low performance” is associated with health problems, and in the disability insurance field we examine the attempts to integrate clients who are entitled to occupational integration measures. We use “disabled” as an umbrella term for people who fall into these categories and we do not distinguish between chronic illness and disability (see Thomas 2007, 14).

## 2 Valuing (disabled) workers: theoretical framework

According to cost-benefit logic, employing disabled workers seems irrational, because it is assumed that they are less “productive” than the average worker, hence their employment is not profitable. The argument implies that businesses act according to strict market logic only. From the theoretical perspective of the Economics of Convention (EC) this is a limited view. The focus of EC is on the problem of coordinating economic action in face of the “cognitive indeterminacy” of social situations (Eymard-Duverney 2002, 62). It starts with the premise that in most situations there is a plurality of rationales for assessing and justifying the value of actors, actions and objects. These rationales (“conventions”) are anchored in overarching societal “orders of worth” and provide actors with principles of equivalence and “tests” to make contextually appropriate judgments on the value of social objects (Diaz-Bone 2015). Convention-based coordination in organisations is enabled by

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<sup>3</sup> In light of research on discrimination and the precarious labour market inclusion of disabled people, such statements seem somewhat self-delusory.

an infrastructure of socio-cognitive and material “forms,” such as standardisations, classifications, norms, material equipment and the like, which generalise and stabilise relations and processes (Thévenot 1984). In addition to forms generated within a company (e.g. specific work organisation or management tools) there are also externally created “state forms” (Thévenot 1984, 25 f.), which are valid beyond the individual company. With respect to our research topic, the regulations of labour law or social insurance constitute relevant state forms by specifying, for example, periods of notice in case of sickness or duration of sickness pay and the like, which assign responsibility to employers and/or the welfare state.

The premise of the plurality of conventions in a given situation implies that economic organisations are inevitably confronted with tensions between different orders of worth and disagreements on which convention is appropriate for an assessment (Thévenot 2001, 410). According to Thévenot firms are “compromising device(s) (...) involving at least the *market* and the *industrial* modes of coordination” (Thévenot 2001, 411). In the market convention value is determined by short-term calculations of demand and supply, as well as costs and benefits. In this framework the value of a worker is dependent on his or her contribution to productivity and profit. The industrial convention values predictability, long-term planning and efficient cooperation, and its main mode of coordination rests on standardisation. From this perspective, the value of the worker resides not so much in individual productivity but in his or her fit into an efficient division of labour. As we will show, in our study in addition to the market and the industrial conventions the domestic convention proved to be particularly relevant. This convention is shaped by closeness, custom and relations of authority (Thévenot 2001, 414). Here the worth of a person is determined by his or her position in networks of interdependencies, loyalties and trust (for an overview of conventions see Diaz-Bone 2015, 139–153).

In the realm of employment, (prospective) workers are evaluated and ranked in practical tests (Bourguignon and Chiapello 2005, 659 ff.). In order to be accepted as legitimate, trials must proceed according to rules and criteria that have been defined before the actual testing and that refer to overarching equivalence conventions. Empirically, recruiting criteria or employee appraisals often comprise ambivalent or contradictory measures stemming from different evaluative logics, and these are constructions which define quality in the very process of measuring it (Eymard-Duvernay 2008; Nadai and Maeder 2008; Kozica and Brandl 2015). Trials can occur at different moments of the employment relation. First, a job seeker has to pass the test of job application and meet the criteria constructed by the specific company for the specific job. Second, there are the regular performance appraisals on the job. Especially pertinent to the employment of disabled people is a third kind of test, namely the (recurrent) reassessment of work capacity in case of long-term illness or accident, which may result in job retention or dismissal. In medium sized and large companies, evaluation processes are structured by managerial forms such as

recruiting procedures, performance appraisal systems and health management tools defining rehabilitation processes and time spans.

### 3 Data and methods

The analysis presented here is based on empirical data collected by means of participant observation, semi-structured qualitative interviews and documents in cantonal disability insurance offices and in business enterprises. We conducted in-depth case studies in two disability insurance offices and two business companies, which were complemented by data from additional disability insurance offices and businesses (see overview in Table 1).

Table 1 Overview of design and data

Research field disability insurance	Research field business companies
In-depth case studies in 2 cantonal disability insurance offices: – participant observation – interviews (n = 14) – documents	In-depth case studies in 2 large companies: – participant observation* – interviews (n = 13) – documents
Interviews in 5 additional cantonal offices (n = 5)	Interviews in 13 additional companies (n = 19) One-time observations in 20 additional companies
Total: 7 cantonal offices involved 19 interviews	Total: 35 companies involved 32 interviews

\*Observation in one of the companies only.

In Switzerland, disability insurance is regulated through federal law, while pension administration and occupational integration services are operated by 26 cantonal disability insurance offices. Due to this federalistic organisation, cantonal disability insurance offices vary regarding organisational structures, integration practices and cooperation with employers (Guggisberg et al. 2008; Bolliger et al. 2012; Geisen et al. 2016). For the case studies we selected a large office with 140 integration and job placement specialists and, as a contrasting case, a much smaller agency with 16 integration officers. Participant observation was focused on interactions between disability insurance staff and employers (e. g. meetings during work trials to discuss a client's rehabilitation progress, networking event for employers and the like). In additional cantonal offices, interviews with the heads of the respective integration departments were conducted.

In the economic field, the case studies took place in two large companies (pharmaceutical industry, private insurance), which both have formal structures and management processes to handle disability in the workplace. Additional companies were involved with interviews and/or one-time observations. These observations took place in the course of fieldwork in disability insurance offices, which, as mentioned above, centred on interactions with employers. The sample covers a wide range of industries; with respect to size roughly two thirds of the companies are SMEs and the rest are large enterprises with more than 1 000 employees. In businesses, the focus was on performance problems which were perceived to be health-related. In fact, job retention turned out to be a much more salient topic for our informants than recruiting new employees with known disabilities. Consequently, we had no access to the actual recruiting process, which limits the scope of our study in this respect.

Data collection and analysis followed the grounded theory methodology of theoretical sampling, constant comparison and iterative-cyclical intertwining of data collection and analysis (Strübing 2014). For data analysis, the techniques of open, axial and selective coding according to Strauss and Corbin (1990) were used.

#### 4 Valuing disabled workers: employers' practices

When asked about performance assessment in her company, the head of social counselling of a large retailer laughed and said: "Well, performance is quantified, qualified, and it's sympathy!" This statement captures well the basic indeterminacy of productivity in most jobs. It is often difficult to define a measurable product and to specify the individual contribution to production within a highly developed division of labour. In talking about employees' productivity limits, supervisors sometimes gave quantitative estimates of a person's capacity, stating for example "Mr Karlen brings about 70% of the performance of an apprentice and perhaps 50% compared to other employees."<sup>4</sup> Such a sweeping statement may be elaborated by specifying in what regards the employee underperforms. For instance in the case cited, the supervisor, Walter Joseph, added that the problem with Urs Karlen – a former teacher with bipolar disorder, who was tested as an apprentice shop assistant in a supermarket – was not so much that he was slower than others but that he was "below average regarding self-management." Furthermore, Mr Karlen was "unable to work under pressure" and scored "very low on problem solving." As Mr Joseph later explained in an interview, he was not willing to employ Mr Karlen as a regular apprentice:

*Frankly, no one really waits for these people, because in the end the cost-benefit-ratio doesn't work out. (...) 70% [of an apprentices' performance]*

4 All personal names are pseudonyms. Quotations are from either observational fieldnotes or interviews.

*is just not good enough, I can get ten other people who bring me 100% right from the start.*

Productivity criteria vary between the companies and between specific jobs, but beyond such differences we found remarkable similarities in the evaluation of disabled employees. They were described as being too slow, working “in their own rhythm,” being unable to perform all the tasks of their jobs, needing more instructions and guidance than others and showing strong fluctuations regarding their performance level. Deficiencies were articulated with reference to both the market and the industrial convention. In quantitative terms, disabled workers were perceived as less productive, thus less profitable than non-disabled people. With respect to efficiency they may be seen as “cogs that block the machine,” as a manager stated. Furthermore, working “in one’s own rhythm” disrupts the smooth coordination of work, thereby compromising the values of efficiency and reliable planning of the industrial convention. The precise nature of a health problem did not matter as much as its consequences for the coordination of work.

In small businesses, such assessments are based on informal personal observations of supervisors. In contrast, large companies use formal performance appraisal systems with predefined indicators and processes as paradigmatic tests (Bourguignon and Chiapello 2005). Both, formal systems and informal assessments have to delimit sufficient from insufficient performance and these assessments are ultimately based on the concept of an abstract “ideal worker” delivering a standard performance (Foster and Wass 2013). The authors claim that Post-Fordist work organisation stressing flexibility, multi-tasking and interchangeability, as well as the general intensification of work, are detrimental to disabled employees, who may be perfectly capable of performing a particular task but may not be able to meet the demands of increasingly complex and high-pressure jobs (Foster and Wass 2013, 708). The standards vary for different jobs and skill levels, but lack of flexibility and of stamina for the average full work day and week were seen as major problems in most cases (see also Abberley 2002, 130).

Assessing productivity is comparative by nature: Employees are measured against the yardstick of the standard performance of the ideal worker and, moreover, they are compared to each other. Formal appraisal systems are structurally based on the assumption of inequality following the Gaussian normal distribution (Nadai and Maeder 2008). Thus, they are designed to rank employees and are sometimes accompanied by explicit policies regarding the expected percentages of very good or of insufficient performance (Nadai and Maeder 2008; Kozica and Brandl 2015) – a policy known as “forced ranking” in two of the large firms of our sample. In this way, the managerial format systematically generates the category of low-performing employees. The policy of forced ranking puts disabled people at risk, because – as an HR manager suggested – employees with long-term illnesses become “exactly the victims that are needed for the normal distribution.” If managers have to designate

low performers, they look for those who most obviously cannot meet performance goals because they are on sick leave or have to reduce work hours due to health problems. Repeated low performance can then constitute a reason for dismissal.

The manager cited above made this observation while discussing how her company handles performance reviews in case of long-term sickness: Should these employees be evaluated just like anybody else or should the health-related absence be taken into account? This regards the issue of *attributing causes for low productivity*. Analytically, in modern societies actions are acknowledged as an achievement if they require an intentional effort, are attributable to the individual actor and produce socially valued results (Neckel et al. 2008). Establishing individual responsibility for the result of someone's work is therefore crucial for legitimate evaluations; consequently the question arises to what extent employees with health problems can be held accountable for low performance. Does low productivity really result from an impairment the person cannot overcome by will, or is it caused by lack of skills and effort? Sickness and disability are not self-evident, rather *making health problems visible* in the workplace is a process involving employees disclosing their illness (Charmaz 2010), medical certificates and managerial formats comprising parameters and procedures for dealing with work incapacity. The large companies of our sample have installed sickness-monitoring systems which define the length or frequency of absences that are deemed problematic and require action by HR managers, supervisors or case managers. Thus, management forms detect and simultaneously generate disability as a deviance from the normal frequency and patterns of absences. State forms also play a role in the construction of "problematic" sickness leave: In order to foster swift rehabilitation, the Disability Insurance Act allows employers (and other actors) to report employees to disability insurance after 30 consecutive days of sickness leave or in case of repeated short absences.

In some companies the respective management format may define a moratorium for performance evaluation during prolonged periods of absence or health related part-time work, but such consideration is at the discretion of the employer.<sup>5</sup> Even then, ill health as a legitimate reason for low productivity may still be open to debate. Consider the case of insurance agent Ugo Mantovani, who suffers from depressions: After the second long period of sick leave his supervisor Gerda Rensch sees "no future for him here" and suggests that he look for a job elsewhere. She regards him as someone who "does his job," but is not a "high-flyer." Moreover, his repeated short absences raise the manager's suspicion:

*He has always been collecting sick days. We never found the reasons why he was unable to work. (...) I have never been sure whether those diffuse medical conditions were not related to the job after all and whether he's actually happy with the job he's doing here.*

5 Again, there is no legal obligation to adjust assessment standards to the impaired person's capacities.

She contrasts this dubious case with Margrit Schilliger, a part-time employee with multiple sclerosis, who is also often absent for several weeks:

*In the case of the lady with multiple sclerosis it is clear I'd never dismiss her, because I know she's 100% reliable in her work and she's 100% supportive of the company. (...) She also says she's very happy that she's allowed to come to work here twice a week.*

In both cases the supervisor evidently considers not only the number of sick days and limited productivity, but also *relational and moral aspects* of the employment. While Ms Schilliger is portrayed as unequivocally dedicated, even grateful for the job, Mr Mantovani's motivation is questioned.

Margrit Schilliger has two additional trumps up her sleeve: First, she receives a disability pension; second, she has been employed in the company for 35 years. The disability pension reduces the direct and indirect costs of the employer. The pension is her main income, so she can "afford" to work only two days a week. With this small workload, her absences do not unduly affect the workflow, thus with regard to an efficient work organisation they constitute a tolerable risk for the company. Moreover, although her two working days equal a 40%-job she is only paid for a 30%-job, because, as her supervisor says, "she needs a little longer" for her tasks. Her salary, thus, is a so-called "performance-linked pay," which disability insurance staff sometimes suggest as an incentive for employers (see 5). However, this *market-oriented calculation of costs and risks* does not seem to be decisive alone, but the long-standing employment and the good relationship between Ms Rensch and Ms Schilliger are taken into account as well. The significance of personal relations may become manifest in the above quoted (illegitimate) "sympathy"-dimension of evaluating individual employees. Yet, the relational aspect transcends the individual level. Repeatedly, our respondents described enterprises of any size as a "family": from small businesses to multinational companies with thousands of employees. They cited "family tradition" as a reason why the company was feeling responsible for sick and disabled employees and would not just dismiss them at the earliest opportunity. In other words, employees are also evaluated according to the relational logic of the *domestic convention*. Inasmuch the company is framed as a family, mutual obligations between the hierarchically positioned family-members come into play. The employer has the paternalistic responsibility to protect and care for staff; the employees owe loyalty and hard work – a duty Ms Schilliger fulfils, but Mr Mantovani does not. Paternalistic responsibility is delimited by the intersection of company and state formats: Labour law defines the minimum period of protection against dismissal, while a company's personnel policy may set a more generous span, which in turn is dependent on the employers' sickness benefit insurance.<sup>6</sup>

6 According to Swiss labour law, employees on sick leave are protected against dismissal for 30 days in the first year of employment, for 90 days in case of the employment duration of two to five

Our informants – both in the business world and in the field of disability insurance – share the belief that the self-chosen moral duty of social responsibility for staff is an indispensable reason why businesses employ people with limited work capacity. However, they also believe that social responsibility towards the company family must remain within the limits of “economic reality”: The employment of disabled workers must still “pay off.” They are convinced that an employers’ sense of moral obligation and willingness to employ disabled people must be intrinsically given and cannot be generated by extrinsic incentives and persuasion. Yet, in the absence of legal obligations, influencing employers’ willingness is exactly what disability insurance has to do.

## 5 “Human trafficking”: disability insurance strategies

“All employers know that [employing disabled people] requires an effort and that it’d be easier if you had only people who are 150% productive,” the communication manager of a disability insurance office explained. In political discourse the inclusion of people with disabilities is often advertised as a “win-win”-situation yielding a profit for society, the disabled and employers alike. On the ground insurance staff needs to give specific employers specific reasons and offer them appropriate incentives. “We deal in people,” a job placement specialist declared in the interview. “Human trafficking may sound brutal, but these people need a job after all.” For these deals, insurance staff must use the appropriate conventions and social insurance forms according to the situation at hand. The following list shows the sequence of the arguments job placement specialist Jan Pfister deploys in his first one-hour meeting with the owner of a small glazier’s workshop:

1. Disability insurance pays for workplace adjustment: “If someone in the office has back problems disability insurance could pay a high desk.”
2. After a long absence disability insurance pays daily allowances when the person returns to work and needs a trial period.
3. “As an employer you earn the respect of your staff if you don’t let a sick employee down.”
4. Work in a “real” company is a better way to test someone’s capacities than work in a sheltered workshop; hence, disability insurance needs firms that offer trial jobs.
5. There is the possibility of free work trials for testing prospective employees with disabilities.
6. After such a trial period you are not obliged to offer the person a regular job.

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years, and for 180 days from the sixth year on. Sickness benefit insurance is not mandatory but common in medium and large enterprises. Normally the insurance offers benefits for up to 720 days within a period of 900 days; but shorter coverage is possible.

7. If a trial leads to a permanent job, disability insurance may pay wage subsidies for up to six months.
8. “If you have to fill a vacancy but don’t want a pile of applications on your desk (...) I can find the needle in the haystack for you.”
9. Disabled people are “highly motivated and highly loyal employees.”
10. By employing a disabled person you could assume social responsibility and “make a contribution to society – would you like to try that?”
11. Pfister gives an estimate of an appropriate salary for the job discussed before and for an actual job held by an employee in another company of the owner.

The observed interaction contains in a nutshell the blend of reasons given and social insurance forms deployed by disability insurance staff, albeit in a more hypothetical and less tailored way than in specific cases. Jan Pfister starts with a widely known but actually rarely used disability insurance instrument, namely paying for workplace adjustments.<sup>7</sup> Together with topic 8 this pertains to the *fit between worker and job* that is a crucial concern for employers. Significantly the example given for workplace adjustment (a high desk) is not very costly and does not pertain to major rearrangements of infrastructure or work organisation. Workplace adjustments by means of fitting the material infrastructure to the needs of a disabled worker are rarely mentioned in our data. Rather, the strategy of disability insurance is to create a perfect match by selecting the right person for the right job in the first place. Disability insurance’s job placement services boast a broad portfolio of employable clients as a basis of efficiently matching job profiles and candidates, thereby reducing search costs and the risks of bad choices. Job placement specialists also send anonymized client profiles to employers to acquire jobs for them. As one of them explained, “The more the profile matches the company we contact, the higher the chance that it goes ‘bing dong’ and that we can do business.” The onomatopoeic “bing dong” illustrates very well another advantage of the perfect match in the view of the integration specialists: if the disabled worker clicks into place like a cog in the machine his or her impairment does not matter anymore. He or she is fully productive in that particular job, hence as valuable as any other employee. The employers in our sample, however, are not fully convinced of this matching strategy. To most of them it does not occur to turn to disability insurance to fill a vacancy. “I’d certainly not ask them,” a HR manager declared, “because their clients are not ready to work right away, they’re still in the rehabilitation phase.” In the context of job retention the main adjustment strategy of disability insurance and employers alike is the reduction of working hours, while altering the job profile or transferral to another job are less common. Thus, workplace adjustment actually consists of adjusting the person to the job instead of adapting the workplace to the needs of an individual employee.

7 Workplace adjustments account for roughly 6% of all early intervention measures (Bolliger et al. 2012, 143).

With his second argument (daily allowances) Mr Pfister introduces the *financial aspects*: For the employer an employee returning to work constitutes free labour, if the return is organised in the format of a work trial. To this Pfister adds reflections on risk calculation (argument 6). By not creating any obligation for the employer, work trials with new job applicants function like a product warranty – if the disability insurance client does not meet the demands of the job he or she can be “returned” like a defective product (Nadai 2017, 120). Integration officers use work trials and wage subsidies “creatively” according to the perceived responsiveness of employers. For instance, the duration of work trials is negotiable, even though it is regulated by law. Likewise, there is room for negotiation regarding duration and amount of wage subsidies, which are brought into play as extra “candy” when an employer seriously considers turning a work trial into a regular job (Gonon and Rotzetter 2017). “A regular job is worth its weight in gold for these people,” an integration specialist explained. “So we are generous, but of course in relation to the outcome.”

Social considerations are focused in Jan Pfister's arguments 3, 9 and 10. On the one hand he evokes the paternalistic responsibility for employees and the concomitant standing of the employer in the eyes of his staff, thereby using the framework of the domestic convention. On the other hand he appeals to an even broader responsibility to “society” in general, to which the employer might “make a contribution.” In a way, the employment of disabled workers is here likened to a charitable donation: It is a voluntary act of generosity with the symbolical payoff of a good reputation. Explicit appeals to social responsibility are used sparsely. In fact, employers themselves refer more often to a sense of social responsibility than disability insurance staff, sometimes linking it to reputational gains or risks.

In the last sequence of the interaction (topic 11), the job placement officer turns into a compensation specialist by advising the employer on the appropriate salary for a prospective and an actual job for disabled employees. He does so in response to the employer's admission of being uncertain about fair wages. In the case of the prospective job – which Mr Pfister hopes to secure for one of his clients – he simply suggests the market wage for an unskilled worker in this line of work. Regarding the actual job, which is held by a long-term employee with a cognitive impairment who is well liked by customers, Jan Pfister pleads for a higher wage than the actual salary by asking “the business question”: “Isn't there a non-quantifiable marketing effect involved?” In other words the popularity of the employee and the fact that his very presence publicly proves the employer's sense of responsibility adds to market value, independent of actual productivity. More often, however, when discussing salaries disability insurance staff recommends below-average wages. Like in the case of Margrit Schilliger, such a “performance-linked” pay is meant to compensate for the assumed lower productivity of disabled employees in comparison with the standard performance in this job. As an employer argued in an interaction with a job placement specialist: “If I cannot expect the normal performance I cannot

pay the normal salary.” And like in Ms Schilliger’s case performance-linked pay is often coupled with a partial disability pension. Hence, the market price is actually dependent on the state form of social insurance benefits that cover (part of) the reproduction costs of the disabled person.

However, for disability insurance staff free trials, subsidies and performance-linked pay are not primarily understood as financial incentives, but as compensation for the risks and extra effort of the employer and as a means to overcome their doubts and fears.<sup>8</sup> The view of the employers differs between SMEs and large companies. “It definitely helps,” the owner of a bakery commented on the wage subsidy he received for hiring a disability insurance client. For small companies, the reduction in labour costs provided by subsidies seems to count more than for large enterprises. The latter “pick up” subsidies whenever they are entitled to them, but do not regard the money as a decisive factor for hiring decisions. In fact, the large companies of our sample openly declare that they do not hire disability insurance clients at all, because they have a lot of “wear and tear” among their own staff. There also are differences with respect to the free labour provided by work trials. In four small or medium companies of our sample we found a pattern of systematic use of work trials as free labour. There are permanent posts for rotating work trials, and sometimes disability insurance clients are actively recruited for these temporary jobs. The use of subsidised labour is here part of the production model, e. g. to cope with (seasonal) output peaks or for highly repetitive and monotonous work which cannot be fully automated at reasonable costs. In such so-called “simple jobs,” disability insurance clients are productive after a short adjustment period, so there is clearly an economic profit. In contrast, the regular use of work trials in two large companies of our sample is primarily a means to cope with staff shortage generated by the management format of a fixed “headcount.” The temporary workers (less than 1% of the workforce) are not included in the headcount and cost centres of the respective organisational unit. So the state form of work trials is here used as flexibilization device to offset the adverse effects of a company management form. In a similar vein, the combination of disability insurance pensions with performance-linked pay enables a pattern of long-term employment which is not motivated by economic profit but may best be understood as subsidised social inclusion.

## 6 Conclusions

Inasmuch as labour market inclusion has become a prime goal of disability policy, employers as gatekeepers to the labour market have come to the fore. Employers

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8 In our data, the use of subsidies and performance-linked pay occurs infrequently. Statistical data is only available for wage subsidies, which account for 3.7% of all occupational rehabilitation measures (unpublished data provided by the Federal Statistical Office).

have an ambivalent role, however: On the one hand their “economic” rationality is a source of the exclusion of disabled people, on the other hand inclusion cannot be attained without them. It is therefore important to examine their rationales for (not) employing disabled people. Using theoretical concepts of the Economics of Convention, this paper analysed the employment of disabled people as an issue of the valuation of labour according to a plurality of quality conventions. In a conventionalist approach the employment of disabled people is not singled out as a special problem, but analysed in the context of routine management issues and the coordination of work.

Among our research subjects in 35 enterprises and seven agencies of the Swiss disability insurance we found the shared belief that employers hiring or retaining disabled people act on a sense of social responsibility, but that this non-economic logic is bounded by the “hard facts” of economic reality. These hard facts are basically understood in terms of market forces and the industrial convention: The labour of people with limited work capacity is seen as a commodity with a poor cost-benefit-ratio compared to the presumed productivity of the non-disabled “ideal worker” (Foster and Wass 2013), not least because they do not fit neatly into an efficient coordination of work but may need adjustments of work organisation and material infrastructure. Thus, “social” and “economic” rationales are treated as opposing perspectives. But our respondents also believed that these basically incompatible logics could be mediated by generous employers, sympathetic supervisors, committed case managers and the shrewd “human traffickers” of disability insurance – in short, by socially minded individuals and exceptional firms. From a conventionalist theoretical perspective, the logic of “social responsibility within economic limits” is not a strict opposition. Rather, it represents an invariably contested compromise between different quality conventions, which are in themselves “economic” and “social.” Hence, employing a disabled person out of social responsibility is not an individual moral act, but an evaluation anchored in a specific convention, namely in the domestic, sometimes in the civic convention.

It is important to note that convention-based evaluations are not reducible to individual attitudes or “company culture.” Rather, they are enabled and shaped by distinct arrangements of material and immaterial company and state forms that set the parameters of valuation. As “forms of the probable” (Thévenot 2001, 407) they delimit possible evaluations. Work organisation and personnel management forms such as recruiting procedures, performance assessment systems or tools for handling sickness management interact with labour law and state or occupational social insurance schemes to constitute the ideal worker for the company’s specific coordination of work and simultaneously the possible deviance from this norm.<sup>9</sup>

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9 Forms are characterised by “rigidness” in the sense of “the ability to resist efforts to distort, adjust or negotiate them” (Thévenot 1984, 10). The lack of formal management tools in small businesses therefore opens up more space for negotiation. Yet, the difference to large companies is

The most important employment pattern we found was the temporary tolerance of workers who had developed an impairment while already employed. This pattern of job retention is situated at the intersection of procedures for handling sickness absence, the legal period of notice in case of illness and the maximum period for entitlement to sickness benefits of the employers' insurance. Most employers in our sample acknowledge paternalistic obligations beyond the law and retain sick employees longer than they must, but at the latest, this responsibility, grounded in the domestic convention, ends with the expiration of entitlement to sickness benefits. Moreover, voluntary social responsibility only includes the company "family," while outsiders, i. e. job applicants with known disabilities are assessed according to the market and industrial convention, and found lacking. These findings must be qualified by the limits of this study: We only had access to employers who were open-minded to discuss the topic of disability in the workplace at all and who had some experience with disability in the workplace. This is often not the case: In a recent Swiss employer survey, 87% of the respondents said they did not hire disabled people, and 69% stated they did not retain employees whose work capacity was affected by illness or accident (BSV 2014, 11).

The interventions of disability insurance have a limited effect on these determinants of employers' decisions. First, with respect to influencing the market value of disabled workers, temporary wage subsidies and work trials affect short-term labour costs and are significant for small companies only. A reduction of long-term costs can be attained by performance-linked pay. If this is effective, it is so at the expense of the disabled employee, who not only suffers a loss of income but – for the same reason – is also stigmatised as second-rate labour, which is available at a discount. Second, disability insurance staff's strategy of creating a perfect fit between worker and job is limited by the pre-existing design of jobs and workflow of a given company. We have shown that workplace adjustment is usually a one-way process: The worker is adapted to the job, not the workplace to his or her needs. Typically, this consists of a reduction in working hours and, concomitantly, in salary, thus entailing costs for the disabled individual. In the absence of any legal obligations for employers regarding recruitment, rehabilitation and workplace accommodation, disability insurance can attain individual exceptions for non-standard employees at best, while the disabling standards of the world of work remain intact.

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gradual, for small companies too have standards and ways of assessing performance and the like albeit informal ones, which may lead to more arbitrariness.

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