

## Report on the employment of disabled people in European countries

**Country: Spain**

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### **Background:**

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

This country report has been prepared as input for the *Thematic report on the implementation of EU Employment Strategy in European countries with reference to equality for disabled people*.

The purpose of the report ([Terms of Reference](#)) is to review national implementation of the European Employment Strategy from a disability equality perspective, and to provide the Commission with useful evidence in support of disability policy mainstreaming. More specifically, the report will review implementation of EU Employment Strategy and the PROGRESS initiative with reference to policy implementation evidence from European countries, including the strategies addressed in the EU Disability Action Plan (such as flexicurity and supported employment).

The first version of the report was published in 2008. This is the second version of the report updated with information available up to November 2009.



## Summary of changes since 2008

### New quantitative data:

Servicio Público de Empleo Estatal (2008). [Informe del mercado de trabajo de las personas con discapacidad](#). Madrid: Observatorio de las ocupaciones del Servicio Público de Empleo Estatal . [Labour market for persons with disabilities report]

### New policy changes:

- Estrategia global de acción para el empleo de personas con discapacidad [2008-2012](#) [Global action strategy to employ people with disabilities 2008-2012].
- III PLAN de Action para las Personas con Discapacidad [2009-2012](#) [Disability Action Plan 2009-2012].
- Real Decreto [248/2009](#), de 27 de feareer, por el que se aprueba la oferta de empleo público para el año 2009 ([Corrección de errores](#)). [Public jobs vacancies for the year 2009]

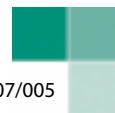
### New research evidence:

Some of the more relevant studies published recently were centred on:

- Evaluating public policies related to employment of persons with disabilities and proposing new initiatives (<http://www.cermi.es/NR/rdonlyres/2412CC5D-1A75-47F7-B5A9-7CEE44820232/24855/Evaluaciondelaspolicasdef.pdf>);
- Report that examines the compliance of Spanish companies from the rules on workplace integration of persons with disabilities ([http://www.ugt-cat.net/subdominis/firabcn/images/stories/documents/informe equipara 2008.pdf](http://www.ugt-cat.net/subdominis/firabcn/images/stories/documents/informe_equipara_2008.pdf)); and
- Report on the access of people with disabilities to public employment ([http://sid.usal.es/idocs/F8/FDO20830/empleo\\_publico\\_discapacidad.pdf](http://sid.usal.es/idocs/F8/FDO20830/empleo_publico_discapacidad.pdf)).

The economic crisis:

Spanish employment, measured in terms of full-time equivalent job posts, decreased 7.1% during the second quarter of 2009, eight tenths more than that of the first quarter (INE, [2009](#)). This result indicates a decrease of almost 1.369 million net full-time jobs in one year. On analysis by type of activity, it was observed that all market activities, on an aggregate level, continued to register negative growth rates. The most pronounced rates continued to appear in construction, followed by services and industry services. Given that services and industry sectors groups have the largest number employees with disabilities, this group of workers is being significantly affected by the crisis (SPEE, [2008](#)). Sheltered Workshops have been also affected by the crisis. There is evidence among the different Spanish regions of substantial reductions in monthly funding for these social economy enterprises, as well as reductions in hiring workers with disabilities.



## PART ONE: GENERAL EVIDENCE

### 1.1 Academic publications and research reports (key points)

Employment of disabled people has been a focus of interest for decades. Nevertheless, there are still issues that need to be overcome. Some of these shortcomings can be summarised as follows:

- There are higher rates of unemployment in the active population with disabilities, higher rates of inactivity and a higher number of long-term unemployed (Argüelles, 2005; Colectivo loé, 2003; De Cabo, Gago & González, 2003; Fundación ONCE, 2005; IMSERSO, 2004; Minguijón, Penacho & Pac, 2005; MTAS, 2005; Servicio Público de Empleo Estatal, 2008). There is a downward trend in recruitment, with a fall of 6.54% in 2008 compared to 2007 (Servicio Público de Empleo Estatal, 2008).
- Employers are not familiar with benefits available for hiring an employee with disabilities (Argüelles, 2005; Minguijón, Penacho & Pac, 2005; SEPECAM, 2007). Society does not distinguish between occupational centers and sheltered workshops (Laloma, 2007).
- People with more severe disabilities are particularly disadvantaged regarding employment as are people who have severe physical disabilities (Argüelles, 2005; Colectivo loé, 2003; De Cabo, Gago y González, 2003). Other studies show that people with intellectual disabilities, deafness or congenital disabilities experience fewer possibilities for employment (Fundación ONCE, 2005), and people with the least severe physical disabilities have more options (Minguijón, Penacho y Pac, 2005).
- Spain is the EU country that has the lowest rates of employment for people with severe disabilities (Argüelles, 2005; Colectivo loé, 2003).
- Gender is another key factor of unemployment, with women with disabilities a particularly disadvantaged group (Colectivo loé, 2003; De Cabo, Gago y González, 2003; Fundación ONCE, 2005; García y Argüelles, 2006; IMSERSO, 2004; Minguijón, Penacho & Pac, 2005; SEPECAM, 2007).
- Age is also a key issue, with people with disabilities older than 45 being disadvantaged (Jordán de Urríes, Verdugo y Vicent, 2005; Servicio Público de Empleo Estatal, 2008). The highest rates of unemployment for the disabled population occurs for those aged 35 - 44 years (27.01%) and those aged 45 -54 (25.39%), with higher rates at older ages compared with the general population (Servicio Público de Empleo Estatal, 2008)
- Low educational background is associated with higher unemployment rates (Servicio Público de Empleo Estatal, 2008).
- Although in recent decades the number of contracts in sheltered workshops has increased (De Cabo, Gago y González, 2003), there is a need for updated regulations concerning their operations (Laloma, 2007). A low number of sheltered workshop employees move toward supported employment (Lantegi Batuak, 2006; Minguijón, Penacho & Pac, 2005). Additional issues regarding sheltered workshops are: low salaries, high dependence on the industrial sector rather than service sector, low career development and promotion opportunities and lack of job stability (Lantegi Batuak, 2006; VVAA, 2007a).
- Workers with disabilities are under-represented in the primary sector (Minguijón, Penacho & Pac, 2005).
- Having a disability certificate can be somewhat stigmatizing (Minguijón, Penacho y Pac, 2005).
- There are higher percentages of temporary contracts for workers with disabilities, compared to their non-disabled peers (Jordán de Urríes, Verdugo y Vicent, 2005).

On the positive side, people with disabilities are improving their educational background (IMSERSO, 2004), even though there is still a long way to go (Minguijón, Penacho & Pac, 2005).

In recent years an increasing number of people with disabilities have passed civil service exams and there has been an increase in the number of positions reserved for them (MAP, 2006). There is also a continuing increase in Supported Employment initiatives (Jordán de Urrías, 2004) as consequence of recent legislative initiatives. Likewise, mobile crews are becoming a useful alternative (Minguijón, Penacho y Pac, 2005) and insertion companies are an increasing work alternative for people with disabilities (Veciana et al, 2007).

On the negative side and as consequence of the global crisis, Spanish employment, measured in terms of full-time equivalent job posts, decreased by 7.1% during the second quarter of 2009, eight tenths more than in the first quarter (INE, 2009). This represents a decrease of almost 1.369 million net full-time jobs in one year. Analysis by type of activity shows that all market activities, on an aggregate level, continued to register negative growth rates. The most pronounced rates were in construction, followed by services and the industrial sector. Given that service and industry sectors have the largest numbers of employees with disabilities, this group of workers is being significantly affected by the crisis (SPEE, 2008). Sheltered workshops have been also affected by the crisis. There is evidence among the different Spanish regions of substantial reductions in monthly funding for these social economy enterprises, as well as reductions in hiring workers with disabilities. In order to reduce the negative impact of the global crisis on sheltered workshops, in June 2009 the Spanish Government approved an additional contribution to them of EUR 40 million, agreed by the Sectoral Conference on Labour as an initiative of the Ministry of Labour and Immigration. This increase in the budget allocated to sheltered employment in 2009 is part of the a number of emergency measures requested by the office of the disability sector to alleviate the effects of the economic crisis.

### **What are the lessons for good policy and practice?**

There is a need for: positive discrimination measures, vocational and professional training (e.g. occupational professional training), awareness activities, and innovative initiatives for promoting employment (Argüelles, 2005; García & Argüelles, 2006; Fundación ONCE, 2005; IMSERSO, 2004; Laloma, 2007).

#### **Good Policy:**

- Families have a key role, as do associations of people with disabilities in consultations with the civil service and unions, (Colectivo Ioé, 2003; García y Argüelles, 2006; Lantegi Batuak, 2006; Minguijón, Penacho & Pac, 2005).
- Proactive initiatives with employers may lead to a better match with their needs. Better communication with businesses on social responsibility measures and on potential benefits derived from hiring workers with disabilities (Fundación ONCE, 2005; IMSERSO, 2004; Laloma, 2007). Differentiate the goals, expectations, and achievements of occupational centers and sheltered workshops (Lantegi Batuak, 2006).
- Promotion of stable supported employment initiatives (García y Argüelles, 2006; Jordán de Urrías, 2004; Jordán de Urrías & Verdugo, 2003; Jordán de Urrías, Verdugo & Vicent, 2005; MTAS, 2005), with better working conditions (i.e. salaries, etc.), and fostering mobile crews (Minguijón, Penacho & Pac, 2005; MTAS, 2005).
- Legal measures to enforce quotas ( reserved positions) for people with disabilities, as well as other active measures (García & Argüelles, 2006; Lantegi Batuak, 2006).
- People with disabilities should be informed and oriented towards training opportunities that better match their capabilities with employment opportunities (Fundación ONCE, 2005) and more job analyses on potential jobs suitable for people with disabilities should be conducted (Minguijón, Penacho & Pac, 2005).
- Differentiated legal measures for employment of different groups of people with disabilities and who have different employability skills (Fundación ONCE, 2005).
- Promoting and disseminating equal opportunities for training, vocational counseling, and employment (Fundosa Social Consulting, Federación de Mujeres Progresistas, 2003; Lantegi Batuak, 2006; Minguijón, Penacho & Pac, 2005).

- Ongoing and in-service training for workers with disabilities (García & Argüelles, 2006; IMSERSO, 2004).
- Labour intermediary services and individualised employment support, with adequate regulation (IMSERSO, 2004; Laloma, 2007; MTAS, 2005)
- Accessibility, ergonomics, and new technologies (IMSERSO, 2004; Lantegi Batuak, 2006; Minguijón, Penacho & Pac, 2005); telejob (MTAS, 2005); and financial aid for making businesses and job positions accessible (MTAS, 2005).
- Alliances between social agents and membership organisations (IMSERSO, 2004)
- Supports (IMSERSO, 2004).

**Good Practice** (Lantegi Batuak, 2006):

- Adapted and flexible economic benefits that do not preclude motivation toward work (i.e. more benefits for those who are working instead of for those who are receiving a Disability Living Allowance (MTAS, 2005).
- Follow-up studies on the impact on users of active political measures to promote employment, including outcomes such as: improvements in quality of life, employment rates instead of unemployment rates (the latter indicator does not include those who are not looking for a job), social integration, etc. (Pérez & Díaz, 2004; VVAA, 2007b).
- Progressive funding to services providers based on outcomes (training vs. employment) (Pérez & Díaz, 2004).

**What new research is needed in your country?**

- Research on quality of life and quality of working life outcomes for employees with disabilities.
- Policy evaluations based on employment, job retention, and career development rates.
- Multilingual web pages of qualitative and quantitative EU research outcomes that share the same indicators, dimensions, and outcomes for analytical comparison.
- Protocols (fluxograms included) of good practice.
- Official data on whether the requirements of the 1982 Act on Social Integration of Disabled People (LISMI) are being met regarding quotas (2% of workers with disabilities in private companies larger than 50 employees, and 5% in public administration).

**1.2 Employment statistics and trends (key points)**

**Where to find employment data about disabled people:**

There are up to date national statistics on employment of disabled people. The Ministry of Labour and Social Affairs, the National Institute on Employment, and data derived from the Economically Active Population Survey, are the three main sources of information. The Economically Active Population Survey (EAPS), has been conducted quarterly since 1964. It is a continuous survey that targets households, and its main objective is to obtain data on the labour force (categorised as employed and unemployed), and on people outside the labour market. The sample includes approximately 200.000 people, with between 64.000 and 60.000 householders interviewed .

Since 1999, the EAPS, in accordance with Community guidelines, has incorporated a series of specific questions related to the labour market in its questionnaires. The results of these studies can be found in the section "Other information available".

Dissaggregated data can be obtained on membership of Autonomous Communities, provinces, age, and gender. The data is easy to access and reliable.

The data also shows that there has been an increase in contracts for disabled workers, and that more temporary contracts are being converted into permanent positions. Statistics can be accessed at the following urls:

- Ministry of Work and Immigration: <http://www.mtas.es/estadisticas/anuario.htm>
- Ministry of Health <http://sid.usal.es/estadisticas.asp?arg=informeepa&subcat=1>
- Ministry of Health report on Employment and Disabled People 2002: [http://sid.usal.es/idocs/F8/FDO6455/discapa\\_empleo.pdf](http://sid.usal.es/idocs/F8/FDO6455/discapa_empleo.pdf)
- Inem: Servicio de Empleo Público Estatal: <http://www.sepe.es/>
- Ministry of Health disability statistics: <http://sid.usal.es/estadisticas.asp?arg=empleo>

More recent data on the employment situations of disabled workers has been published by the Servicio Público de Empleo Estatal (2008). [Informe del mercado de trabajo de las personas con discapacidad](#). Madrid: Observatorio de las ocupaciones del Servicio Público de Empleo Estatal. [Labour market for persons with disabilities report]

Additional documents and research studies have been published concerning the employment of disabled people, as follows:

- Cayo, L. (dir.) (2007). Estrategia global de acción para el empleo de personas con discapacidad 2007-2008. Propuesta CERMI. Madrid: Cinca,
- García, A. y Argüelles, C. (coords.) (2006). Estudio sobre la situación de la mujer con discapacidad física en el medio de trabajo: factores influyentes en el desempleo de la mujer con discapacidad en el Municipio de Gijón. Gijón: COCEMFE-ASTURIAS..
- Herce, J.A., Labeaga, J.M., Sosvilla, S. y Ortega, C. (2006). El Sistema Nacional de Dependencia. Evaluación de sus efectos sobre el empleo. Madrid: Instituto de Mayores y Servicios Sociales (IMSERSO).
- MAP (2006). Informe sobre acceso de personas con discapacidad al empleo público. Periodo 2003-2005. Madrid: Ministerio de Administraciones Públicas.
- Minguijón, J., Penacho, A.M. y Pac, D. (2005). Discapacidad y empleo. Zaragoza: Instituto Aragonés de Empleo (INAEM, 2005), Departamento de Economía, Hacienda y Empleo: Caja Inmaculada (CAI), Servicio de Estudios.
- MTAS (2006a, 2006b). Un sistema integrado de información estadística para el estudio de la relación entre discapacidad y mercado de trabajo. Madrid: Ministerio de Trabajo y Asuntos Sociales -Secretaría de Estado de Servicios Sociales, Familia y Discapacidad- Universidad Carlos III. Madrid.
- SEPECAM (2007). Estudio de la situación sociolaboral de la mujer con discapacidad en Castilla-La Mancha y de las dificultades para su acceso al empleo. Toledo: SEPECAM.

Data on disabled people's employment rates provides the following information:

In December 2008, 107.502 people with disabilities were seeking a job, which represented 2.54% of the total number of job seekers. Of them, 61.29% applicants were unemployed. 51.52% had physical disabilities and 18.61% psychological disabilities. The proportion of disabled job seekers increased by 26.63% from 2007. Unemployed job seekers with disabilities represented 2.11%, a lower rate compared to the total registered unemployed population (2.54%). A potential explanation is that people with disabilities were previously inactive. The lower rate (24.95%) of the previous year, when compared to that for the total population, could suggest minor job losses for this group. Women represented 52.50% of the unemployed disabled applicants. The highest rates of unemployment for the disabled population occurs for those aged 35 - 44 years (27.01%) and those aged 45 -54 (25.39%), with higher rates at older ages compared with the general population. A low educational background is associated with higher a unemployment rate. The highest percentage of unemployed disabled population is found in the service sector (61.03%). There is a downward trend in recruitment, with a fall of 6.54% compared to 2007. In 2008 there were 153,530 job contracts for 83,346 workers with disabilities (with an average of 1.78 contracts per person), representing 0.92% of all signed contracts and 1.16% of contracted workers,. Of those contracted who have disabilities, 59.18% were men and 40.82% women.

Most contracts (84%) were temporary vs. permanent, and full-time vs. part time (71.52%) (Servicio Público de Empleo Estatal, [2008](#), pp.47-48).

In 2008, there were 3,787,400 disabled people (Servicio Público de Empleo Estatal, [2008](#)), which represented 8.9% of total population older than 6 years old. Of them, 7,26% were male and 10,64% were female. The data shows a decrease of -0,1% for male disabled people, and an increase of 0,3% for female disabled people, compared to 2007 data.

Concerning the employment rate of disabled people, 153, 530 (28,5%) were working, with 90,858 (34,3%) being male and 62,672 (21,7%) being female (INEM, [2008](#)). This was 0,92% of total contracts for the general population and represented a decrease of 6,54% in the employment rate of disabled people compared to 2007 (Servicio Público de Empleo Estatal, [2008](#)).

The activity rate of disabled people is distributed as follows: In 2008 107,502 (33,7%) disabled people were looking for employment, this being 39,3% of disabled men and 27,1% of disabled women. Of those, 38,71% (n=65,892) were employed and 61,29% (n=41,610) were unemployed. The activity rate increased from the previous year, as in 2007, 26,63% of the disabled population was active (24,95% unemployed and 20,39% employed) (Servicio Público de Empleo Estatal, [2008](#)).

It is estimated that 67,8% of the disabled population are economically inactive (Council of Europe, [2003](#)). There is no data available from more recent years.

Data from 2008 (Servicio Público de Empleo Estatal, [2008](#), p.30) shows that of the 151,851 (82,24%) disabled workers employed in the open labour market, 47.12% were working in businesses smaller than 50 workers, and 52.88% were working in businesses larger than 50 workers. Total contracts represents a decrease of 6,66% from the previous year. There are 32,796 (17,76%) disabled workers in sheltered workshops, Enclaves or Mobile Work Crews, which represents an increase of 3,41% from the previous year (Servicio Público de Empleo Estatal, [2008](#), p.30). Yet, according to the Ministry of Labour and Immigration ([2009](#)), there are 1,897 sheltered workshops in Spain that employ nearly 54,200 people with disabilities.

Most disabled workers have temporary/short term contracts (84%), compared to permanent positions (16%), and most contracts consist of full time (71,52%) jobs, compared to part-time jobs (28,48%) (Servicio Público de Empleo Estatal, [2008](#)). There are no official data on the fulfillment of the employment quota.

Data from 2007 shows that 11.210 people with disabilities (3.94% of total participants) participated in vocational or work-related programs. Of these, 753 found employment before finishing the programme; 1,713 left the training before finishing it; and 683 received a negative final assessment. Finally, 8.061 completed training successfully (INEM, [2008](#), p.24).

There is a general lack of evidence concerning migrants or ethnic minorities with disabilities. Recent statistics on the employment situation of migrants (INEM, [2008](#), p.40) shows that a total of 3,631,768 contracts were signed with immigrants, with 293 permanent contracts (.01%) being subscribed with disabled immigrant workers, which represents a decrease of 13,87%, compared to 2007. On the other hand, 452 temporary contracts (.01%) were subscribed with disabled workers in 2008, which represents a decrease of 9.96 points compared to 2007.

The main laws or policies concerning disabled people are as follows:

- Real Decreto [248/2009](#), de 27 de febrero ([Corrección de errores](#)), on public jobs vacancies for the year 2009, entered into force on March, 4th, 2009. It increased the employment quota up to 7% for disabled workers in public sector positions.

- III PLAN de Acción para las Personas con Discapacidad [2009-2012](#) [Disability Action Plan 2009-2012], entered into force on July, 10th 2009. It includes seven goals: 1) Removing cultural, legal, physical, architectural and communication barriers, which still hinder access to employment for persons with disabilities; 2) Promoting training of persons with disabilities to increase their employability; 3) Designing new active employment policies better suited to the needs of people with disabilities and to improve their management; 4) Promoting increased recruitment of persons with disabilities in the regular labour market; 5) Renewing sheltered employment, preserving the momentum achieved in recent years and promoting transition to regular employment; 6) Improving the quality of employment and working conditions of persons with disabilities, by actively fighting discrimination. 7) Improving data collection, analysis and dissemination on employment of people with disabilities, as well as the coordination of employment policies developed by public administrations.
- Estrategia global de acción para el empleo de personas con discapacidad [2008-2012](#) [Global action strategy to employ people with disabilities 2008-2012], that entered into force on September, 26th, 2008. Its objective is to reduce unemployment rates and raise activity rates of people with disabilities, paying special attention to women with disabilities, and those other people who, due to their disability, experience severe difficulties in accessing the labour market.
- [Ley 49/2007, de 26 de diciembre](#), that establishes the system of offenses and penalties relating to equal opportunities, non discrimination and universal accessibility for disabled people. The violations are classified as minor, serious or very serious. Violations are punishable by fines ranging from a minimum of 301 euros to a maximum of 1,000,000 euros.
- [Real Decreto 1544/2007, de 23 de noviembre](#), that regulates the basic conditions of accessibility and non-discrimination for access and use of transport modes for people with disabilities
- [Ley 44/2007, de 13 de diciembre](#), that regulates insertion companies. The Integration enterprise or cooperative corporation are those businesses that produce goods and services and whose goal is the integration, training and employment of people experiencing social exclusion as a transition to regular employment. The insertion companies may receive different financial support and benefits.
- [Real Decreto 870/2007, de 2 de julio](#), that regulates the supported employment program as a mean of promoting employment of disabled people into regular work.
- [Real Decreto 366/2007, de 16 de marzo](#), It regulates conditions for accessibility and non discrimination of disabled people in their relationships with the General State Administration. It includes: 1) Accessibility Measures of Citizen's Service Offices, such as, location of Citizens Advice Bureaux, Interactive information systems, and signage inside the offices. 2) Measures to ensure the accessibility of forms and administrative documents, and 3) Measures to ensure accessibility in the provision of citizen services.
- [Ley 43/2006, de 29 de diciembre](#), for improving growth and employment. It sets bonuses or financial benefits for contracting disabled people, women with disabilities, people over age 45 with disabilities, people with severe disabilities, as well as bonuses for recruiting people with disabilities for Sheltered Workshops.
- [Ley 39/2006, de 14 de diciembre](#), Of Promotion of Personal Autonomy and Care for people in situations of dependency. It sets the national System for Autonomy and Care and the benefits and care services catalog. It establishes the procedure for recognizing the situation of dependence and the entitlement to benefits of the system, the funding system and contribution of the beneficiaries, as well as measures to ensure the quality and effectiveness of the System.
- [Real Decreto 1414/2006, de 1 de diciembre](#), That determines the eligibility of person with a disability for purposes of Law 51/2003 of December 2, Equal opportunities, non discrimination and universal accessibility for disabled people.
- [Real Decreto 1417/2006, de 1 de diciembre](#), that establishes the arbitration system for resolving complaints and grievances on equal opportunities, non discrimination and accessibility by reason of disability.



- [Real Decreto Ley 5/2006 de 9 de junio](#), for improving growth and employment. It sets bonuses or financial benefits for contracting disabled people.
- Royal Decree [357/2006](#) of 24 March, regulating the direct concession of subsidies in certain areas of employment and occupational training. Includes allocations to: a) promoting the employment of people with disabilities, b) integration of disabled people in sheltered workshop and self-employment, c) the transition from sheltered workshops to employment in the regular labor market through enclaves, and d) promoting self-employment, among others.
- [Real Decreto 364/2005, de 8 de abril](#), that regulates alternatives to the reserved quota for disabled workers. Alternative measures that businesses can apply are: a) recruiting services or activities with a Sheltered Workshop, or a disabled self-employed, b) making donations and sponsorship activities to develop employability and job creation activities for disabled people, c) recruiting an enclave or mobile work crew from a sheltered workshop.
- [Real Decreto 205/2005, de 25 de febrero](#), that regulates the program of active insertion income for the unemployed with special economic needs and difficulty in finding employment, for the year 2005. Potential beneficiaries are those who have a handicap in a grade equal to or above 33 percent, or have a recognized disability that reduce their ability to work above the indicated percentage. The maximum duration of the perception of income is of 11 months. In addition, the program includes employability measures such as individual counseling, job placement Itinerary Management, placement offers, and Incorporation to employment or education plans.
- [Real Decreto 290/2004, de 20 de febrero](#), which regulates enclaves as a means for promoting employment of people with disabilities. An enclave (mobile work crew) means the contract between an ordinary company, called collaborating company, and a Sheltered Workshop to carry out works or services bay which a group of disabled workers from s Sheltered Workshop moves temporarily the workplace into the corporate partner.
- [Real Decreto, 170/2004, de 30 de enero](#), that amends the Royal Decree 1451/1983, of 11 May, concerning the provisions of Law 13/1982 of 7 April, and regulates measures to promote employment of disabled workers. The first amendment relates to contracts of employment of women with disabilities. It encourages the permanent hiring of women with disabilities through the subsidy for each disabled woman hired, 90 percent or 100 percent. It also simplifies the requirements of ordinary enterprises and the eligibility for subsidies, and aims to give greater flexibility to hire workers with disabilities. The other major change relates to support for job adaptation of in order to remove barriers or obstacles that impede or hinder the work of disabled workers. It provides that those benefits may be granted in for permanent contracts or temporary contracts with duration not less than 12 months.
- [Ley 53/2003, de 10 de diciembre](#), on public employment for disabled workers, it establishes that a quota of not less than five percent of the vacancies should be reserved to be covered by people with disabilities whose degree of disability is not less than 33 per cent.
- [Ley 51/2003, de 2 de diciembre](#), on equal opportunities, non discrimination and universal accessibility for disabled people. The law aims to establish measures to ensure and implement the right to equal opportunities for persons with disabilities, according to the Spanish Constitution. It also includes a commitment to develop additional legislation.
- [Real Decreto 27/2000, de 14 de enero](#) (B.O.E. núm. 22 de 26-01-2000), that regulates alternatives to the reserved quota for disabled workers. Alternative measures that businesses can apply are: a) recruiting services or activities with a Sheltered Workshop, or a disabled self-employed, and b) making donations and sponsorship activities to develop employability and job creation activities for disabled people,.

Disabled persons are included in the National Employment Reform Programme in Spain through

- [The Fourth National Action Plan for Social Inclusion](#): IV Plan Nacional de Acción para la Inclusión Social del Reino de España (2006-2008)

- Networks of Environmental and Social Inclusion Authorities  
CERMI, as a representative organisation of the disabled people's movement in Spain, and Fundación ONCE

**In addition to the previously included information, other important changes and/or new employment policies:**

- Estrategia global de acción para el empleo de personas con discapacidad [2008-2012](#) [Global action strategy to employ people with disabilities 2008-2012].
- I Plan Nacional de Accesibilidad, [2004-2012](#). Madrid: Instituto de Mayores y Servicios Sociales, 2004.
- [Real Decreto 395/2007, de 23 de marzo](#), por el que se regula el subsistema de formación profesional para el empleo.
- [Ley Orgánica 3/2007, de 22 de marzo](#), para la igualdad efectiva de mujeres y hombres.

Regarding the extent to which disabled people are included within mainstream of employment policies, or treated as a separate group, several positive discrimination measures have been developed since 1983: LISMI (Act [13/1982](#), on the Social Integration of Disabled People - and LIONDAU (Ley [51/2003](#), de 2 de diciembre, de igualdad de oportunidades, no discriminación y accesibilidad universal de las personas con discapacidad) concerning equal opportunities, non-discrimination and universal accessibility. Both measures are contributions to mainstreaming.

#### **1.4 Type and quality of jobs (summary)**

People with disabilities in sheltered workshops are experiencing the impact of the economic crisis. There is a clear reliance on the industrial sector for sheltered employment. Jobs in sheltered workshops have low salaries, reduced opportunities for career development or for transition toward open toward labour market.

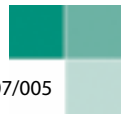
On the other hand, jobs in sheltered workshops are full-time and permanent, as opposed to supported employment initiatives, where part-time contracts and temporary jobs are more prevalent. The social economy and social enterprises are increasingly important contributors for the employment of disadvantaged populations (<http://www.observatorioeconomiasocial.es/index.php> )

Several Acts are expected to have an important impact on employment for people with disabilities:

- 1) the Act on Supported Employment (Real Decreto [870/2007](#)):
- 2) the Act on Insertion Companies ([Act 44/2007](#)):

Employment activation policies for disabled people are not focused on specific kinds of work or specific types of jobs, and there is a need for differentiated policies based on the severity of the disability and the types of job.

More and more companies are including social actions in their strategies. In 2004, 1,2% of employees with disabilities were hired in Spanish businesses, whereas in 2003, on average there were 1.04% disabled employees. Currently, there are 319.185 workers with disabilities employed in Spain. In [2008](#), (Equipara, 2008) only 14% of businesses employing more than 50 workers were meeting the requirements of the Lismi (i.e. that they should hire 2% of workers with disabilities, or should buy products from sheltered workshops). In 2007, the Ministry of Work identified 142 companies that did not meet these requirements. Some companies, such as Siro, MRW, DKV Seguros and Fermax Electrónica, have more than 7% workers with disabilities. Other companies, such as Grupo Fundosa (which is part of ONCE), or the cooperative La Fageda employ more than 70% workers with disabilities in their businesses.



Between 2005-2007, from the businesses associated to the programme Business-Disability, companies such as Repsol YPF, Mapfre, and Accenture were the top three in creating employment for disabled workers, and Iberia, Sol Meliá and Accenture were the top three businesses that bought products/services from sheltered workshops. In [2009](#), ACCENTURE, CITI, REPSOL and UNIÓN DE PAGESOS have won de prizes.

In 2004, companies spent a total of 28.6 million euros on products from sheltered workshops for. Roche Farma and Barclays España subcontracted many products or services .



## PART TWO: SPECIFIC EXAMPLES

### 2.1 Reasonable accommodation in the workplace

The first type of support to make employment more accessible for disabled people was legal. Some examples are:

- [Ley 49/2007, de 26 de diciembre](#), that establishes the system of offenses and penalties relating to equal opportunities, non discrimination and universal accessibility for disabled people. The violations are classified as minor, serious or very serious. Violations are punishable by fines ranging from a minimum of 301 euros to a maximum of 1,000,000 euros.
- [Real Decreto 1544/2007, de 23 de noviembre](#), that regulates the basic conditions of accessibility and non-discrimination for access and use of transport modes for people with disabilities.
- [Real Decreto 1414/2006, de 1 de diciembre](#), that determines the eligibility of person with a disability for purposes of Law 51/2003 of December 2, Equal opportunities, non discrimination and universal accessibility for disabled people.
- [Real Decreto 1417/2006, de 1 de diciembre](#), that establishes the arbitration system for resolving complaints and grievances on equal opportunities, non discrimination and accessibility by reason of disability.
- [Real Decreto 364/2005, de 8 de abril](#), that regulates alternatives to the reserved quota for disabled workers. Alternative measures that businesses can apply are: a) recruiting services or activities with a Sheltered Workshop, or a disabled self-employed, b) making donations and sponsorship activities to develop employability and job creation activities for disabled people, c) recruiting an enclave or mobile work crew from a sheltered workshop.
- [Real Decreto, 170/2004, de 30 de enero](#), , that amends the Royal Decree 1451/1983, of 11 May, concerning the provisions of Law 13/1982 of 7 April, and regulates measures to promote employment of disabled workers. The first amendment relates to contracts of employment of women with disabilities. It encourages the permanent hiring of women with disabilities through the subsidy for each disabled woman hired, 90 percent or 100 percent. It also simplifies the requirements of ordinary enterprises and the eligibility for subsidies, and aims to give greater flexibility to hire workers with disabilities. The other major change relates to support for job adaptation of in order to remove barriers or obstacles that impede or hinder the work of disabled workers. It provides that those benefits may be granted in for permanent contracts or temporary contracts with duration not less than 12 months.
- [Ley 53/2003, de 10 de diciembre](#), on public employment for disabled workers, it establishes that a quota of not less than five percent of the vacancies should be reserved to be covered by people with disabilities whose degree of disability is not less than 33 per cent.

Secondly, in accord with the programme Business-Disability ([2005-2007](#)), several companies have developed different adaptations. Some examples are: accessible offices and web pages (Web Accessibility Initiative (WAI)), information in Braille or sign language, voice-operated mobile phones, sign language interpreters, accessible ATM machines, job analysis in cooperation with Fundosa Social Consulting, training their employees in sign language, etc. The report mentioned above includes data on financing, numbers, costs and benefits.

Finally, some studies have analysed the accessibility of workplaces (Fundación [ONCE, 2007](#)). Other reports have developed guidelines to incorporate telework at workplaces (CEPES, 2000).



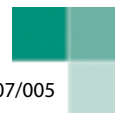
## 2.2 Other activation policies

In addition to the information included in these pages and at a national level, in the IV Plan Nacional de Acción para la Inclusión Social del Reino de España [2006-2008](#), there are several Appendices with data from the previous III Action Plan:

- ANEXO I - Informe de Ejecución de las Medidas incluidas en el PNA in [2005-2006](#) includes data on: money spent to promote employment of at-risk groups; new laws such as the Real Decreto 364/2005, Real Decreto-Ley 5/2005, Real Decreto 205/2005, among other measures.
- [ANEXO IV](#) – on Good practices on Social Inclusion.

## 2.3 One example of best practice

- **Discapnet:** This is the largest portal focused on people with disabilities. <http://www.discalpnet.es/Discalpnet/Castellano/default.htm>. It has a link to an [Employment Portal](#) from the Fundación ONCE where disabled workers can access to employment and training offers.



## PART THREE: SUMMARY INFORMATION

### 3.1 Conclusions and recommendations (summary)

People with disabilities are being included in employment activation policies, and there are an increasing number of people with disabilities entering the labour force in public and private job positions. There is still a long way to go in order to accomplish the goal of full employment. Especially disadvantaged groups are those with the most severe disabilities (Jenaro & Flores, 2006). In this sense, women with disabilities, and people with disabilities and additional risk factors (e.g. immigrants, older people) are more disadvantaged. More research is required with disaggregated data on employment according to: type of employment, sector, type of disabilities, type of business, job tenure, etc. More studies should also be conducted to include outcomes not only regarding employment but also concerning quality of life and quality of working life. Legal measures should be developed to link specific actions with specific disability groups and specific outcomes.

As consequence of the global crisis, Spanish employment, measured in terms of full-time equivalent job posts, decreased 7.1% during the second quarter of 2009, eight tenths more than that of the first quarter (INE, 2009). This result indicates a decrease of almost 1.369 million net full-time jobs in one year. On analysis by type of activity, it was observed that all market activities, on an aggregate level, continued to register negative growth rates. The most pronounced rates continued to appear in construction, followed by services and industry services. Given that services and industry sectors groups have the largest number employees with disabilities, this group of workers is being significantly affected by the crisis (SPEE, 2008). Sheltered Workshops have been also affected by the crisis. There is evidence among the different Spanish regions of substantial reductions in monthly funding for these social economy enterprises, as well as reductions in hiring workers with disabilities. In order to reduce the negative impact of the global crisis on Sheltered Workshop, in June 2009 the Spanish Government, has approved an additional contribution of EUR 40 million for Sheltered Workshops, agreed by the Sectoral Conference on Labor at the initiative of the Ministry of Labor and Immigration. This increased the budget allocated to sheltered employment in 2009 is part of the emergency measures demanded by the office of the disability sector to alleviate the effects of the economic crisis.

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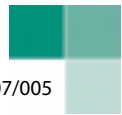
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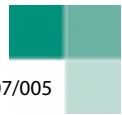
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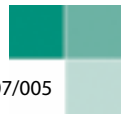
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**Annex 1: quantitative data on the employment of disabled people**

<b>Year: 2008</b>	<b>Absolute? (N)</b>	<b>Percentage (%)</b>	<b>Change (from previous year)</b>
<b>Disability rate</b>	3.787.400 <sup>1</sup>	8,9% (older than 6) <sup>2</sup> (Male=7.26%; Female=10.64%)	-0.1% <sup>3</sup> +0.3% <sup>4</sup>
<b>Employment rate of disabled people</b>	153.530 (Male=90.858; Female=62.672) <sup>5</sup>	28,5% (male=34,3%; female= 21,7%) <sup>6</sup> (Percentage over total contracts for general population=0.92% <sup>7</sup> )	-6.54% <sup>8</sup>
<b>Activity rate of disabled people</b>	N= 107.502 who want employment. Of those, 38.71% (n=65.892) are employed and 61.29% (n=41.610) are unemployed <sup>9</sup>	33,7% (male=39,3; female= 27,1)	26.63% (24.95% unemployed, and 20.39% employed) <sup>10</sup>
<b>Inactivity rate of disabled people</b>	It is estimated to be 2 out of three <sup>11</sup>	67,80 % <sup>12</sup>	No data available
<b>Employment in open labour market</b>	151.851 <sup>13</sup>	82.24%	-6,66%
<b>Employment in sheltered workshop</b>	32.796 <sup>14</sup>	17.76%	1.11% (2007/2008)
<b>Reason for leaving the labour market due to disability or long standing health problem</b>			

<sup>1</sup> Servicio Público de Empleo Estatal (2008). Informe del mercado de trabajo de las personas con discapacidad (p.10). Madrid: Observatorio de las ocupaciones del Servicio Público de Empleo Estatal.

<sup>2</sup> Servicio Público de Empleo Estatal (2008). Informe del mercado de trabajo de las personas con discapacidad (p.10). Madrid: Observatorio de las ocupaciones del Servicio Público de Empleo Estatal and Encuesta de Discapacidad, Autonomía personal y situaciones de dependencia (EDAD, INE, 2008)

<sup>3</sup> Encuesta de Discapacidades, Deficiencias y Estado de Salud 1999 (EDDS)

<sup>4</sup> Módulo de personas con discapacidad y su relación con el Empleo. Encuesta de población activa (2º trimestre, 2002, EPA, 2002). (Disabled population aged 16-64 years)

<sup>5</sup> Servicio Público de Empleo Estatal (2008). Informe del mercado de trabajo de las personas con discapacidad (p.8). Madrid: Observatorio de las ocupaciones del Servicio Público de Empleo Estatal.

<sup>6</sup> Data from 2002, in INEM (2008). Información sobre mercado de trabajo de jóvenes, personas con discapacidad, mujeres, extranjeros, demandantes de larga duración (p.85). Madrid: Servicio Público de Empleo Estatal (INEM).

<sup>7</sup> Servicio Público de Empleo Estatal (2008). Informe del mercado de trabajo de las personas con discapacidad (p.8). Madrid: Observatorio de las ocupaciones del Servicio Público de Empleo Estatal.

<sup>8</sup> Servicio Público de Empleo Estatal (2008). Informe del mercado de trabajo de las personas con discapacidad (p.8). Madrid: Observatorio de las ocupaciones del Servicio Público de Empleo Estatal.

<sup>9</sup> Servicio Público de Empleo Estatal (2008). Informe del mercado de trabajo de las personas con discapacidad (p.12). Madrid: Observatorio de las ocupaciones del Servicio Público de Empleo Estatal.

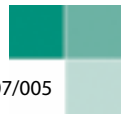
<sup>10</sup> Servicio Público de Empleo Estatal (2008). [Informe del mercado de trabajo de las personas con discapacidad](#) (p.12). Madrid: Observatorio de las ocupaciones del Servicio Público de Empleo Estatal.

<sup>11</sup> European Social Charter, European Committee of Social Rights, Conclusions XVI-2 (Spain), Council of Europe, 2003 ([http://www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/State/SpainXVI2\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/State/SpainXVI2_en.pdf))

<sup>12</sup> European Social Charter, European Committee of Social Rights, Conclusions XVI-2 (Spain), Council of Europe, 2003 ([http://www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/State/SpainXVI2\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/State/SpainXVI2_en.pdf)) (data from: Survey on Disabilities, Deficiencies and State of Health carried out by the Institute of Statistics (INE) in 1999)

<sup>13</sup> Servicio Público de Empleo Estatal (2008). [Informe del mercado de trabajo de las personas con discapacidad](#) (p.30). Madrid: Observatorio de las ocupaciones del Servicio Público de Empleo Estatal.

<sup>14</sup> Servicio Público de Empleo Estatal (2008). [Informe del mercado de trabajo de las personas con discapacidad](#) (p.30). Madrid: Observatorio de las ocupaciones del Servicio Público de Empleo Estatal.



<b>Year: 2008</b>	<b>% Permanent</b>	<b>% Temporary</b>
<b>Permanent contracts vs. short term contracts</b>	16%	84%

<b>Year:</b>	<b>% Full-time</b>	<b>% Part-time</b>
<b>Full time vs. part time jobs</b>	71.52%	28.48%

<b>Year:</b>	<b>Public sector</b>	<b>Private sector</b>	<b>(e.g. comment or give % employers meeting obligations?)</b>
<b>Fulfilment of employment quota (if it exists)</b>	No official data	No official data	

<b>Participation in training of disabled people</b>	Data from 2007 <sup>15</sup> show that 11.210 people with disabilities (3.94% of total participants) participated in vocational or work-related programs. Of those, 753 found employment before finishing the program; 1,713 left the training before finishing it; 683 received a negative final assessment. Finally, 8.061 finished it successfully.	<b>(e.g. comment or give number of people participating in vocational or work-related employment)</b>
-----------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------

<sup>15</sup> INEM (2008). [Información sobre mercado de trabajo de jóvenes, personas con discapacidad, mujeres, extranjeros, demandantes de larga duración](#) (p.85). Madrid: Servicio Público de Empleo Estatal (INEM).

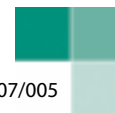


## Annex 2: 2008-9 laws and policies on the employment of disabled people

<b>Name of law:</b>	Estrategia global de acción para el empleo de personas con discapacidad <a href="#">2008-2012</a> [Global action strategy to employ people with disabilities 2008-2012].
<b>Date of entering into force:</b>	September, 26 <sup>th</sup> , 2008
<b>Objective:</b>	To reduce unemployment rates and raise activity rates of people with disabilities, paying special attention to women with disabilities, and those other people who, due to their disability, suffer severe difficulties in accessing the labor market.
<b>Impact assessment (positive/negative):</b>	It is expected to have positive impact

<b>Name of law:</b>	III PLAN de Acción para las Personas con Discapacidad <a href="#">2009-2012</a> [Disability Action Plan 2009-2012].
<b>Date of entering into force:</b>	July, 10th 2009
<b>Objective:</b>	It includes seven goals: 1) Removing cultural, legal and physical, both architectural and communication barriers, which still hinder access to employment for persons with disabilities; 2) Promoting training of persons with disabilities to increase their employability; 3) Designing new active employment policies better suited to the needs of people with disabilities and improve their management. 4) Promoting increased recruitment of persons with disabilities in the regular labor market. 5) Renewing sheltered employment, preserving the momentum achieved in recent years and promoting the transition to regular employment. 6) Improving the quality of employment and working conditions of persons with disabilities, by actively fighting discrimination. 7) Improving data collection, analysis and dissemination on employment of people with disabilities, as well as the coordination among public employment policies developed by public administrations.
<b>Impact assessment (positive/negative):</b>	It is expected to have positive impact

<b>Name of law:</b>	Real Decreto <a href="#">248/2009</a> , de 27 de febrero, por el que se aprueba la oferta de empleo público para el año 2009
<b>Date of entering into force:</b>	March, 4 <sup>th</sup> , 2009
<b>Objective:</b>	It increases employment quota up to 7% for disabled workers in public job positions
<b>Impact assessment (positive/negative):</b>	It is expected to have positive impact



### Annex 3: 2008-9 research/evaluation on the employment of disabled people

<b>Publication details (author, date, title, etc):</b>	Servicio Público de Empleo Estatal (2008). <a href="#">Informe del mercado de trabajo de las personas con discapacidad</a> . Madrid: Observatorio de las ocupaciones del Servicio Público de Empleo Estatal .
<b>Key findings from the research:</b>	<p>Summary:</p> <p>In December 2008, 107.502 people with disabilities were seeking a job, which represented 2.54% of total job seekers. Of these, 61.29% applicants were unemployed. 51.52% have physical disabilities and 18.61% have psychological disabilities. Disabled job seekers increased by 26.63% from 2007. Unemployed jobseekers with disabilities represent 2.11% which is a lower rate compared to the total registered unemployed population (2.54%). Potential explanations are that people with disabilities were previously economically inactive. The lower variation (24.95%) from the previous year, when compared to the variation for total population, could suggest minor job losses for this group. Women represent 52.50% of the unemployed disabled applicants. The highest rates of unemployment for disabled population occurs for those aged 35 - 44 years (27.01%) and those aged 45 -54 (25.39%), with higher rates at older ages compared with the general population. Low educational background is associated with higher unemployment rates. The highest percentage of unemployed disabled population is found in the service sector (61.03%). There is a downward trend in recruitment, with a fall of 6.54% compared to 2007. In 2008 there were 153,530 job contracts for 83,346 workers with disabilities, representing 0.92% of signed contracts and 1.16% of the contracted workers, respectively. Of those contracted who have disabilities, 59.18% were men and 40.82% women. Most contracts (84%) were temporary and full-time (71.52%) (Servicio Público de Empleo Estatal, 2008, pp.47-48).</p>
<b>Comment or assessment:</b>	Public national data

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<b>Key findings from the research:</b>	
<b>Comment or assessment:</b>	