



# Striving for an inclusive labour market in Spain

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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# **Striving for an inclusive labour market in Spain**

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

Miguel Ángel Verdugo  
Cristina Jenaro

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## 1 Executive summary

### 1.1 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

In Spain, there is an obligation on all companies with more than 50 employees to hire persons with disabilities as 2 % of their workforce. The law provides for alternative measures (e.g. sourcing services from special employment centres or financial sponsorship from foundations and organisations relating to the workplace integration of persons with disabilities). Companies that hire employees with disabilities receive discounts on their income tax returns; they also receive reduced social security contributions and wage subsidies for employers employing persons with disabilities. These subsidies are higher in the case of women with disabilities over 45 years of age and persons with severe disabilities. Further, Spanish law obliges employers to adopt reasonable accommodations. Employers receive a grant of up to EUR 901.05 for the adaptation of the workplace for employees with disabilities. In order to receive any of these grants, companies must make a responsible declaration of compliance with the reserve quota or, if applicable, of alternative measures. In addition, companies are obliged to report annually on compliance with these measures.

Numerous initiatives have been adopted by foundations or non-governmental organisations (NGOs). For example, the Adecco Foundation, part of the Adecco business group, has numerous initiatives such as: (1) an online calculator to comply with the General Disability Act, which provides an estimate, based on the number of persons in the workforce and the number of employees with disabilities, of the amount to be allocated to alternative measures; (2) advice to companies on hiring persons with disabilities; (3) awareness-raising activities in companies; (4) Diversity and Inclusion (D&I) Awards to recognise the commitment of companies, small and medium-sized enterprises (SMEs) and entrepreneurs to corporate diversity and socio-occupational inclusion; (5) the development of numerous reports and studies through its vulnerability observatory.

Another relevant document is the *Good Practice Guide for the inclusion of people with disabilities in organisations*, produced by the Law and Disability Foundation in collaboration with CERMI (Spanish Committee of Representatives of People with Disabilities). This guide includes, among other aspects, a list of awards and distinctions that companies can obtain for hiring persons with disabilities, such as the Bequal seal,<sup>1</sup> the Stela awards from the Down Syndrome Foundation, the Queen Letizia Awards and the CERMI.es awards, among others.

In terms of advisory services aimed at employers, the Envera Group – Iberia Employees Association of Parents of Persons with Disabilities – has a consultancy service for companies. It advises companies on compliance with the General Law on the Rights of Persons with Disabilities and their Social Inclusion (*Ley General de derechos de las personas con discapacidad y de su inclusión social, LGD*) – in terms of hiring quotas, etc. – and launches awareness campaigns, among other activities.

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<sup>1</sup> See: <http://www.bequal.es/servicios/sello-bequal>.

Various official data suggest that Spanish companies generally comply with quota regulations, although detected infringements accounted for 12 % of the companies inspected by the Labour and Social Security Inspectorate in 2020. The data also show that 71 % of employees with disabilities are in companies with more than 50 employees, which are those legally obliged to reserve 2 % of jobs for employees with disabilities. However, in Spain, only 1 % of companies are of this size. These data reveal the inadequacy of the quota regulations.

## **1.2 Support and partnerships available to employers to assist them in making reasonable accommodations**

For more than a decade, the issue of reasonable accommodations in companies has been a topic of research in Spain.<sup>2</sup> In Spain, employers are obliged to adopt reasonable accommodations, and there are additional duties with regard to health and safety in the workplace. In order to guarantee risk assessment and the implementation of measures for the adaptation of workplaces, the risk prevention, occupational health or health monitoring services or committees within companies are responsible for carrying out this process. Companies that hire persons with disabilities benefit from a subsidy of EUR 901.52 for adapting the workplace, removing barriers or providing protective equipment. Representative organisations of persons with disabilities, through their foundations, also offer support and funding to projects set up by legal entities for the adaptation of workplaces, the establishment of support projects, etc.

There are examples of partnerships from both the public and private sectors. For example, the State Centre for Personal Autonomy and Technical Aids (*Centro de Referencia Estatal de Autonomía Personal y Ayudas Técnicas, CEAPAT*) has published a reference guide for the adaptation of workstations, which provides comprehensive information on reasonable accommodation, regulations and other information. Likewise, trade union organisations have published numerous documents that provide guidance on preventing occupational hazards and on compliance with the obligation to adapt jobs to protect employees. Finally, NGOs representing groups with disabilities, such as Fundación Once, offer funding for projects related to the adaptation of workplaces.

Representative organisations of persons with disabilities are important allies in this process. For example, Plena Inclusión (a representative organisation of persons with intellectual and developmental disabilities) has published guides to raise awareness and offer support to the public administration when hiring persons with disabilities, which emphasise the possible support, in terms of reasonable accommodations, that these employees can receive in their jobs.

In addition, ASPACE, an organisation representing people with cerebral palsy, has published a guidebook to guide companies in selecting, welcoming and hiring persons with cerebral palsy. Further, the Spanish Confederation of People with Physical and Organic Disabilities (*Confederación Española de Personas con Discapacidad Física y Orgánica, COCEMFE*) has published a document entitled, 'Support Guide to becoming

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<sup>2</sup> See the 2008 publication *Ajustes razonables del puesto de trabajo para personas con discapacidad: Estudio de fuentes secundarias* (Reasonable adjustments of jobs for People with disabilities: Study of secondary sources), <https://sidinico.usal.es/docs/F8/FDO22275/factoresadaptpuestos.pdf>.

an inclusive business: The value of collaboration with persons with disabilities', which includes a catalogue of actions to create inclusive policy in a company.

Research centres are also important partners in this regard. The Valencia Institute of Biomechanics has been implementing multiple projects and initiatives in the field of workplace adaptation. Among these actions, there are some relating to the provision of technological advice to companies.<sup>3</sup>

Information provided by the organisations that are mentioned in the documents and web pages listed above allows the satisfaction of those involved to be inferred.<sup>4</sup>

### **1.3 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities**

Examples of good practice in the private and public sector, some of which have been developed in Spain, are given in the guide *How to put reasonable accommodation into practice*, which details promising practices to combat discrimination against persons with disabilities in the workplace. In this guide, reasonable accommodation is considered from a broad perspective, beyond the adaptation of specific elements of the workplace.<sup>5</sup>

On the websites of NGOs or foundations committed to inclusion, some examples of reasonable accommodations provided by employers are included.

Evidence of effectiveness is based on the experience and documents developed by the parties involved. It is not possible to establish a clear cause-and-effect relationship between actions and results, beyond the information that the different organisations provide in their annual reports or on their transparency portals.

### **1.4 Recommendations**

#### **Recruitment and Hiring**

It is necessary to conduct a personalised negotiation with a company about job functions and expectations in order to balance the skills and interests of the employee with the needs of the employer. The company must visualise the benefits of hiring a person with a disability, beyond the economic benefits in terms of subsidies that can be obtained. The company should write an integration plan in which it mentions reasonable accommodations. It should collaborate with social entities, which can offer guidance or support services and professionals. It should also make job offers, not only through general employment services but also via specific employment services for people with disabilities. Existing good practices also help to develop this process.

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<sup>3</sup> See: <https://www.ibv.org/servicios/asesoramiento-tecnologico>.

<sup>4</sup> Some examples are available at: [https://www.youtube.com/watch?v=KywcaPqM\\_Rc](https://www.youtube.com/watch?v=KywcaPqM_Rc)  
[https://www.youtube.com/watch?v=7Pvp\\_GXmXas&list=PLOY\\_SZ9PWmQ7MKx7A529x6\\_-I3OUt\\_xiA](https://www.youtube.com/watch?v=7Pvp_GXmXas&list=PLOY_SZ9PWmQ7MKx7A529x6_-I3OUt_xiA);  
[https://www.youtube.com/watch?v=Ber31kdfhLk&list=PLOY\\_SZ9PWmQ7MKx7A529x6\\_-I3OUt\\_xiA](https://www.youtube.com/watch?v=Ber31kdfhLk&list=PLOY_SZ9PWmQ7MKx7A529x6_-I3OUt_xiA).

<sup>5</sup> European Commission, Directorate-General for Employment, Social Affairs and Inclusion (2021), *How to put reasonable accommodation into practice: guide to promising practices*, Publications Office, <https://op.europa.eu/en/publication-detail/-/publication/2db3faa7-468f-11ec-89db-01aa75ed71a1/language-en>.

### **Initial employment**

The adaptation of the job must be carried out on an individual basis, by analysing the employee-task-job relationships. The support products that may be necessary to respond to different disabilities must be considered. It is advisable to make use of available technical documents such as Technical Prevention Notes (*Notas Técnicas de Prevención, NTPs*), especially those relating to persons with disabilities at work. There are protocols for assessing the necessary adaptations of a workstation, which may be of use. Supported employment is an alternative that guarantees the provision of reasonable adaptations for people with disabilities who face greater difficulties with integration in the ordinary job market. Public research centres, such as the Valencia Institute of Biomechanics,<sup>6</sup> offer technological advice on reasonable accommodation.

### **Promotion and Career Development**

An analysis of suggested reasonable accommodations should consider the occupational hazards to which employees are exposed if they have a physical, sensory or intellectual disability. In addition to the employee-job fit, it is important to monitor the integration of the recruited worker. It is also important to assess the impact of this recruitment on the work environment. The effects on the performance of the team, line managers and management should also be analysed.

### **Retention**

A proactive rather than reactive approach should be adopted to ensure an adequate quality of working life as well as an appropriate working environment. Analysing job demands and resources will promote job satisfaction. The process of adapting the job to a person requires more than just financial support. It is a more global process that involves the culture of the organisation and must be reflected in institutional documents (company strategic and operational plans, ethical codes, equality plans, work-life balance plans, internal regulations, seals and awards, recruitment plans, other company agreements with social partners) if the company is to be truly inclusive.

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<sup>6</sup> See: <https://www.ibv.org/en/technological-consultancy/>.

## 2 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

### 2.1 Employment quotas

Article 42 of the General Law on the Rights of Persons with Disabilities and their Social Inclusion (LGD)<sup>7</sup> establishes employment quotas for persons with disabilities. It requires that public and private companies employing 50 or more workers are obliged to ensure that at least 2 % of their employees are persons with disabilities. In the public sector, Royal Decree 636/2021 establishes that 7 % of public job vacancies must be reserved for persons with disabilities. Furthermore, of this percentage, 2 % must be reserved for persons with intellectual disabilities, and the other 5 % for those with other types of disabilities.<sup>8</sup> The regulations governing access to public employment for persons with disabilities<sup>9</sup> stipulate that: 'Applicants with disabilities may request adaptations and reasonable accommodations of time and means of the tests of the selection process, in order to ensure their participation under equal conditions. If they request such an adaptation, they must attach the Technical Opinion issued by the technical body for the qualification of the degree of disability, accrediting in a reliable manner the permanent deficiencies that have given rise to the degree of disability recognised, so that the selection body can assess whether or not the requested adaptation should be granted' (Article 12.3).

Article 4 of the LGD establishes that persons with disabilities are those who have physical, mental, intellectual or sensory impairments, foreseeably permanent, which, in interaction with various barriers, may prevent their full and effective participation in society on an equal footing with others. It also states that persons with disabilities are considered to be those who have been recognised as having a degree of disability equal to or greater than 33 %. Therefore, all persons with a recognised degree of disability of 33 % or more are eligible for the employment quota.

Article 2 of Royal Decree 364/2005<sup>10</sup> provides for alternative measures in lieu of the fulfilment of the quota. These measures consist of: (1) contracting the supply of raw

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<sup>7</sup> Royal Legislative Decree 1/2013 of 29 November 2013, approving the revised text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion (*Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social*), *Official State Gazette (Boletín Oficial del Estado, BOE)*, 3 December 2013, No. 289, <https://www.boe.es/buscar/pdf/2013/BOE-A-2013-12632-consolidado.pdf>.

<sup>8</sup> Royal Decree 636/2021 of 27 July, approving the public employment offer for the year 2021 (*Real Decreto 636/2021, de 27 de julio, por el que se aprueba la oferta de empleo público para el año 2021*), *BOE*, 28 July 2021, No. 179, <https://www.boe.es/boe/dias/2021/07/28/pdfs/BOE-A-2021-12608.pdf>.

<sup>9</sup> Order HFP/688/2017 of 20 July, establishing the common bases that will govern the selective processes for admission or access to bodies or scales of the General State Administration (*Orden HFP/688/2017, de 20 de julio, por la que se establecen las bases comunes que regirán los procesos selectivos para el ingreso o el acceso en cuerpos o escalas de la Administración General del Estado*), *BOE*, 22 July 2017, No. 174, <https://www.boe.es/boe/dias/2017/07/22/pdfs/BOE-A-2017-8652.pdf>.

<sup>10</sup> Royal Decree 364/2005 of 8 April, regulating the alternative fulfilment on an exceptional basis of the reserve quota in favor of workers with disabilities (*Real Decreto 364/2005, de 8 de abril, por el que se regula el cumplimiento alternativo con carácter excepcional de la cuota de reserva en favor*

materials, machinery or goods necessary for the development of the activity with a special employment centre, or with a self-employed disabled worker; (2) contracting with a sheltered workshop, or with a self-employed worker with a disability, for services that are unrelated and ancillary to the normal activity of the company; (3) setting up a work enclave, subject to a contract, with a special employment centre; (4) making donations or sponsoring certain activities to foundations or associations, for the development of work insertion and job creation activities for people with disabilities.

The annual number of contracts (measures 1 to 3) must be at least three times the annual public indicator of multiple effects income (IPREM) for each worker with a disability who has not been hired under the 2 % quota. The annual amount of donations and sponsorships (measure 4) must be at least 1.5 times the annual IPREM for each worker with a disability who has not been hired below the 2 % quota. These percentages are regulated at national level by the aforementioned Royal Decree 364/2005<sup>11</sup> and by the respective regional regulations.

Companies must report, within the first quarter of each year, the ratio of employees with disabilities hired in relation to the annual average size of the company's workforce. However, as indicated in the *Good Practice Guide*<sup>12</sup> published in 2016 by CERMI and others in order to improve employment levels among persons with disabilities, it is necessary for all companies, whether they are obliged to do so or not, to increase the number of employees with disabilities in their workforces. The guide points out that 48 % of job opportunities for employees with disabilities come from sheltered workshops, thus signalling that quotas are ineffective. This is also linked to the fact that 98 % of the Spanish business sector is made up of companies with fewer than 50 workers, thus quotas have, de facto, a limited applicability. In fact, companies with fewer than 50 workers are those that generate the least employment for people with disabilities. The guide also points out that 73 % of the recruitment of employees with disabilities comes from companies that are obliged to do so because they have more than 50 workers, but these companies represent only 1 % of the Spanish business sector.

There are no detailed data on the number of persons who are employed under the quota. However, indirect evidence can be found in official statistics. Thus, according to data from the National Institute of Statistics for 2020 (updated to 28 February 2022),<sup>13</sup> the percentage of employees with disabilities in companies with 50 or more employees in the private sector is 2.2 %; and in companies with less than 50 employees, it is

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de los trabajadores con discapacidad), BOE, 20 April 2005, No. 94, <https://www.boe.es/boe/dias/2005/04/20/pdfs/A13466-13469.pdf>.

<sup>11</sup> Royal Decree 364/2005 of 8 April, regulating the alternative fulfilment on an exceptional basis of the reserve quota in favour of workers with disabilities, BOE, 20 April 2005, No. 94, <https://www.boe.es/boe/dias/2005/04/20/pdfs/A13466-13469.pdf>.

<sup>12</sup> *Comité Español de Representantes de Personas con Discapacidad* (CERMI), Law and Disability Foundation (*Fundación Derecho y Discapacidad*) and *Centro de Estudios Garrigues* (2016), *Guía de Buenas Prácticas para la inclusión de las personas con discapacidad en las organizaciones* (Good Practice Guide for the inclusion of people with disabilities in organisations), [http://www.fderechoydiscapacidad.es/wp-content/uploads/2016/12/GU%C3%8DA-BUENAS-PR%C3%81CTICAS-CERMI-CEG-FDyD\\_Inclusi%C3%B3n-de-las-personas-con-Discapacidad\\_versi%C3%B3n-final.pdf](http://www.fderechoydiscapacidad.es/wp-content/uploads/2016/12/GU%C3%8DA-BUENAS-PR%C3%81CTICAS-CERMI-CEG-FDyD_Inclusi%C3%B3n-de-las-personas-con-Discapacidad_versi%C3%B3n-final.pdf).

<sup>13</sup> See: [https://www.ine.es/prensa/epd\\_2020.pdf](https://www.ine.es/prensa/epd_2020.pdf).

1.8 %. According to additional data from the Olivenza 2020-2021 report,<sup>14</sup> the percentage of employees with disabilities employed in the public sector is 3.1 % (2.9 % in organisations with fewer than 50 workers, and 3.3 % in organisations with more than 50 workers); the percentage of employees employed in private companies is 1.9 % (1.5 % in companies with fewer than 50 workers, and 2.3 % in companies with more than 50 workers). If public and private sector companies (excluding special employment centres and civil servants who pay contributions to state mutual funds) are taken together, the percentage is 2.1 %. These data suggest that Spain complies with the legal quota regulations.

Companies that do not comply with the reserve quota commit a serious offence, as defined in Article 15 of the Law on Offences and Penalties in the Social Order,<sup>15</sup> which, in addition to a monetary fine, may lead to a ban on contracting with public administrations, as well as on benefiting from other aid. Specifically, Law 9/2017,<sup>16</sup> establishes that companies that do not comply with the job reserve quota will not be able to participate in public sector contracts. All organisations or entities wishing to receive subsidies must also comply with this reserve quota. In the different regions and autonomous communities, there are declaration forms which must be filled in by the interested parties and which confirm compliance with the reserve quota.<sup>17</sup>

In 2018, the Labour and Social Security Inspectorate, which is the body responsible for verifying companies' compliance with the reserve quota, issued financial penalties to companies that were obliged to comply with the reserve quota in favour of employees with disabilities to an overall amount of EUR 11 398 172, which was 37.3 % higher than in 2017.<sup>18</sup> The number of infringements detected increased by 42.7 %, from 260 in 2018 to 371 in 2019.<sup>19</sup> In 2020, the Labour and Social Security Inspectorate

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<sup>14</sup> See State Observatory on Disability (*Observatorio Estatal de la Discapacidad, OED*), *Informe Olivenza 2020-2021 sobre la situación de la discapacidad en España* (Olivenza 2020-2021 report on disability in Spain), <https://www.observatoriodeladiscapacidad.info/wp-content/uploads/Informe-Olivenza-2020-2021-v2.2.pdf>.

<sup>15</sup> Royal Legislative Decree 5/2000 of 4 August, approving the consolidated text of the Law on Offences and Penalties in the Social Order (*Real Decreto Legislativo 5/2000, de 4 de agosto, por el que se aprueba el texto refundido de la Ley sobre Infracciones y Sanciones en el Orden Social*); see: <https://www.boe.es/buscar/pdf/2017/BOE-A-2017-12902-consolidado.pdf> and <https://www.boe.es/boe/dias/2000/08/08/pdfs/A28285-28300.pdf>.

<sup>16</sup> Law 9/2017 of 8 November, on Public Sector Contracts, transposing into the Spanish legal system the Directives of the European Parliament and of the Council 2014/23/EU and 2014/24/EU of 26 February 2014 (*Ley 9/2017, de 8 de noviembre, de Contratos del Sector Público, por la que se transponen al ordenamiento jurídico español las Directivas del Parlamento Europeo y del Consejo 2014/23/UE y 2014/24/UE, de 26 de febrero de 2014*), *BOE*, 9 November 2017, No. 272, <https://www.boe.es/eli/es/l/2017/11/08/9/con>.

<sup>17</sup> Some examples are available at: <https://contrataciondelestado.es/wps/wcm/connect/ea015f1a-7f8d-4858-b495-ca331b564b71/DOC20190925114700modelo+declaracion+responsable+discapacidad.pdf?MOD=AJPERES>; <https://contrataciondelestado.es/wps/wcm/connect/ca486762-ae00-446d-9237-42ade69dda5b/DOC20200811101012Documento+5+lote+3.pdf?MOD=AJPERES>.

<sup>18</sup> See: [https://www.mites.gob.es/itss/ITSS/ITSS\\_Descargas/Que\\_hacemos/Memorias/MEMORIA\\_2018.pdf](https://www.mites.gob.es/itss/ITSS/ITSS_Descargas/Que_hacemos/Memorias/MEMORIA_2018.pdf).

<sup>19</sup> See: [https://www.mites.gob.es/its/ITSS/ITSS\\_Descargas/Que\\_hacemos/Memorias/Memoria\\_2019.pdf](https://www.mites.gob.es/its/ITSS/ITSS_Descargas/Que_hacemos/Memorias/Memoria_2019.pdf).

carried out 2 540 inspections, with 303 infringements detected, not comparable with previous years due to the health crisis and its impact on employment.<sup>20</sup>

## 2.2 Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities

There are several financial incentives for the employment of persons with disabilities in the open labour market (e.g. wage subsidies, tax reliefs). Given that competencies for employment are transferred to the autonomous communities (*comunidad autónoma*), each of those communities has its own incentives relating to different types of contracts. These incentives depend on the type of employment contract for employees with disabilities. There are also incentives for youth entrepreneurs; specific additional incentives for hiring workers with disabilities in some autonomous communities in Spain, as well as tax incentives to hire persons with disabilities for employers, the employee and the self-employed. In most instances, if the employee has a disability, the bonuses are higher. In addition, the bonuses are higher if the employee has a more severe disability. Severe disability means cerebral palsy, mental illness or intellectual disability equal to or greater than 33 % and physical or sensory disability equal to or greater than 65 %.<sup>21</sup>

There is a technical document with specifications for calculating the percentage of persons to be hired by companies, which is used by the Government in its inspections of companies.<sup>22</sup>

More specifically, companies that hire persons with disabilities have several tax advantages depending on the type of employment contract.<sup>23</sup> In the case of permanent contracts, the rebate on social security contributions ranges from EUR 4 500 to EUR 6 300 per year, depending on age, gender and severity of disability. From this intersectional perspective, the hiring of severely disabled women over 45 years of age attracts the highest bonus. If the contract is temporary, the social security contribution bonuses range from EUR 3 500 to EUR 5 300 per year, depending on the above variables of age, gender and severity of disability. In addition, the conversion of other types of contracts (temporary or training contracts) into open-ended contracts attracts the same bonuses that apply to open-ended contracts.

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<sup>20</sup> See:

[https://www.mites.gob.es/itss/ITSS/ITSS\\_Descargas/Que\\_hacemos/Memorias/Memoria\\_2020\\_.pdf](https://www.mites.gob.es/itss/ITSS/ITSS_Descargas/Que_hacemos/Memorias/Memoria_2020_.pdf)

<sup>21</sup> See 'Bonificaciones/reducciones a la Seguridad Social a trabajadores con discapacidad' ('Social security bonuses/reductions for workers with disabilities'), <https://www.sepe.es/HomeSepe/que-es-el-sepe/comunicacion-institucional/publicaciones/publicaciones-oficiales/listado-pub-empleo/bonificaciones-reducciones-discapacitados>.

<sup>22</sup> Ministry of Employment and Social Security, Technical Criterion DGITSS No. 98/2016 - On actions of the ITSS in terms of job reservation quota for people with disabilities (*Criterio Técnico DGITSS nº 98/2016 – Sobre actuaciones de la ITSS en materia de cuota de reserva de puestos de trabajo para personas con discapacidad*), available at: [https://www.mites.gob.es/itss/ITSS/ITSS\\_Descargas/Atencion\\_ciudadano/Criterios\\_tecnicos/CT\\_9\\_8\\_2016.pdf](https://www.mites.gob.es/itss/ITSS/ITSS_Descargas/Atencion_ciudadano/Criterios_tecnicos/CT_9_8_2016.pdf).

<sup>23</sup> See 'Bonificaciones/reducciones a la Seguridad Social a trabajadores con discapacidad' ('Social security bonuses/reductions for workers with disabilities'), <https://www.sepe.es/HomeSepe/que-es-el-sepe/comunicacion-institucional/publicaciones/publicaciones-oficiales/listado-pub-empleo/bonificaciones-reducciones-discapacitados>.

Companies that hire persons with disabilities who are undergoing training (i.e. training contracts) can benefit from a reduction in employer contributions (Law 3/2012).<sup>24</sup> This reduction is 100 % in companies with fewer than 250 workers and 75 % in companies with 250 workers or more. Other similar contracts, known as 'contracts for the acquisition of professional practice', provide for a 50 % rebate of the employer's contribution for common contingencies.

In the event that an employee with disabilities in a situation of temporary incapacity is replaced by a person with disabilities who was previously unemployed, the company can benefit from the 100 % rebate on employer social security contributions.

As for tax relief, under Law 27/2014 on Corporate Income Tax,<sup>25</sup> Article 38 establishes that companies (legal entities) benefit from a deduction of EUR 9 000 in taxes per person per year in which the average number of workers on staff with a degree of disability equal to or higher than 33 % and less than 65 % has increased. This deduction will rise to EUR 12 000 per person per year if the worker has a disability equal to or higher than 65 %. This same deduction is applicable to employers (natural persons), in accordance with Article 68 of Law 35/2006 on personal income tax.<sup>26</sup>

### 2.3 Reasonable accommodation

The General Law on the Rights of Persons with Disabilities (LGD)<sup>27</sup> defines reasonable accommodation as 'necessary and appropriate modifications and adaptations of the physical, social and attitudinal environment to the specific needs of persons with disabilities not imposing a disproportionate or undue burden, where needed in a particular case effectively, and practice to facilitate accessibility and participation and to ensure to persons with disabilities the enjoyment or exercise, on an equal basis with others, of all human rights' (Article 2m).

Alongside the definition of reasonable accommodation, the LGD defines universal accessibility as 'the condition that environments, processes, goods, products and services, as well as objects, instruments, tools and devices must meet in order to be understandable, usable and practicable by all people in conditions of safety and comfort and in the most autonomous and natural way possible'. Universal accessibility includes cognitive accessibility which '(...) presupposes the adoption of the strategy of 'universal design or design for all persons', without prejudice to the reasonable accommodations to be adopted'. (Article 2k).

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<sup>24</sup> See Law 3/2012 of 6 July, on urgent measures for the reform of the labour market (*Ley 3/2012, de 6 de julio, de medidas urgentes para la reforma del mercado laboral*), BOE, 7 July 2012, No. 162, <https://www.boe.es/buscar/pdf/2012/BOE-A-2012-9110-consolidado.pdf>.

<sup>25</sup> Law 27/2014 of 27 November, on Corporation Tax (*Ley 27/2014, de 27 de noviembre, del Impuesto sobre Sociedades*), BOE, 7 July 2012, No. 162, <https://www.boe.es/buscar/pdf/2014/BOE-A-2014-12328-consolidado.pdf>.

<sup>26</sup> Law 35/2006, of 28 November, on the Income Tax of Physical Persons and partial modification of the laws of the Taxes on Corporations, on the Income of Non-Residents and on Wealth (*Ley 35/2006, de 28 de noviembre, del Impuesto sobre la Renta de las Personas Físicas y de modificación parcial de las leyes de los Impuestos sobre Sociedades, sobre la Renta de no Residentes y sobre el Patrimonio*), BOE, 29 November 2006, No. 285, <https://www.boe.es/buscar/pdf/2006/BOE-A-2006-20764-consolidado.pdf>.

<sup>27</sup> Royal Legislative Decree 1/2013 of 29 November 2013, approving the revised text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion, BOE, 3 December 2013, No. 289, <https://www.boe.es/buscar/pdf/2013/BOE-A-2013-12632-consolidado.pdf>.

The LGD states that both public and private employers are obliged to take appropriate measures for the adaptation of the workplace and the accessibility of the company, according to the needs of each specific situation, in order to enable persons with disabilities to access employment, perform their work, progress professionally and access training, unless such measures place an undue burden on the employer. Failure to comply with these principles constitutes an infringement (Article 61, Article 81) which carries a financial penalty of varying amounts depending on the infringement committed and the associated circumstances.

The various autonomous communities have regulations so that companies that hire or incorporate employees with disabilities through an open-ended contract may apply for subsidies to adopt reasonable accommodations and adapt workplaces or to eliminate barriers or obstacles that prevent or hinder their work. As mentioned earlier, reasonable accommodation is defined as modifications and adaptations of the physical, social and attitudinal environment to the specific needs of persons with disabilities. In this sense, supported employment, which has been regulated in Spain since 2007, is in itself an example of a measure or reasonable accommodation for employees with disabilities. This employment alternative is defined as the provision of guidance and individualised support (*acompañamiento*) in the workplace that aims to facilitate the social and occupational adaptation of persons with disabilities.<sup>28</sup>

## 2.4 Other relevant actions targeted at employers

Representative organisations of persons with disabilities, through their foundations or specific departments, also offer support and funding to projects set up by legal entities for the adaptation of workplaces, the acquisition of support projects, etc.<sup>29</sup>

It must not be forgotten that supported employment, which has been regulated in Spain since 2007, is in itself an example of a measure or reasonable accommodation for employees with disabilities.

## 2.5 Examples of good practice

An instance of good practice must be innovative, effective, sustainable and replicable.<sup>30</sup> Therefore, an initiative, policy or action model that improves the processes and outcomes relating to the employment of people with disabilities can be considered a good practice.

In order to promote employability, a quota of 2 % of positions reserved for persons with intellectual disabilities in the public sector can be regarded as good practice because otherwise, persons with intellectual disabilities would be at a disadvantage in terms of

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<sup>28</sup> Royal Decree 870/2007 of 2 July, regulating the supported employment programme as a measure to promote the employment of people with disabilities in the ordinary labour market (*Real Decreto 870/2007, de 2 de julio, por el que se regula el programa de empleo con apoyo como medida de fomento de empleo de personas con discapacidad en el mercado ordinario de trabajo*), BOE, 14 July 2007, No. 168, <https://www.boe.es/buscar/pdf/2007/BOE-A-2007-13588-consolidado.pdf>.

<sup>29</sup> For example, Fundación ONCE; see: [https://www.fundaciononce.es/sites/default/files/convocatorias/documentos/General/2022/Guia\\_de\\_Apoyo\\_formulacion\\_Personas\\_Juridicas\\_Conv\\_General.pdf](https://www.fundaciononce.es/sites/default/files/convocatorias/documentos/General/2022/Guia_de_Apoyo_formulacion_Personas_Juridicas_Conv_General.pdf).

<sup>30</sup> See: <https://www.educacionyfp.gob.es/dctm/cee/%20ncuentros/buenapractica.pdf?documentId=0901e72b815f9789>.

employability. Different laws<sup>31</sup> acknowledge that, within the group of people with disabilities, there are groups that, due to the specific type of disability they have, such as cerebral palsy or autism spectrum disorders, or due to their degree of disability, find it more difficult to access the labour market. This reality calls for specific affirmative action measures within the group of people with disabilities. These are more intensive and differentiated treatments to stimulate the employability of these groups of workers with disabilities who find it more difficult to enter the labour market.

Bonuses that take into account intersectionality, and therefore consider variables such as gender, age and severity of disability, as detailed above, can be regarded as good practice, given their innovative character. It is necessary to evaluate the effectiveness of these actions in order to assess their efficiency.

The requirement that all public and private companies issue a declaration of compliance with the reserve quota regulations or, where applicable, of compliance with alternative measures, can be regarded as good practice for its innovative character. As in the previous case, it will be necessary to evaluate the effectiveness of these actions in order to assess their efficiency.

## 2.6 Good practice guides, websites and advice services directed at employers

Several initiatives aimed at raising awareness and providing advice regarding the employment of persons with disabilities have been released by foundations. For example, the Adecco Foundation, part of the Adecco business group, has set up numerous initiatives such, as: (1) an online calculator<sup>32</sup> to comply with the General Disability Act, which provides an estimate, based on the number of people in the workforce and the number of people hired with disabilities, of the amount to be allocated to alternative measures; (2) advice to companies on hiring workers with disabilities;<sup>33</sup> (3) awareness-raising activities in companies;<sup>34</sup> (4) Diversity and Inclusion (D&I) Awards to recognise the commitment of companies, SMEs and entrepreneurs to corporate diversity and socio-occupational inclusion;<sup>35</sup> (5) the development of numerous reports and studies through its vulnerability observatory.<sup>36</sup>

Another relevant document is the *Good Practice Guide for the inclusion of people with disabilities in organisations*<sup>37</sup> produced by the Law and Disability Foundation, in

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<sup>31</sup> For example, Royal Decree 870/2007 of 2 July, regulating the supported employment programme as a measure to promote the employment of people with disabilities in the ordinary labour market, BOE, 14 July 2007, No. 168, <https://www.boe.es/buscar/pdf/2007/BOE-A-2007-13588-consolidado.pdf>.

<sup>32</sup> See: <https://fundacionadecco.org/lismi-ley-general-discapacidad-lgd/calculadora-lgd/>.

<sup>33</sup> For more information see: <https://youtu.be/cTGimj0aGSQ>.

<sup>34</sup> For more information see: <https://fundacionadecco.org/lismi-ley-general-discapacidad-lgd/proyectos-inclusion-laboral/>.

<sup>35</sup> For more information see: <https://www.fundacionadecco.org/premiosdiversidad/premiosadecco2020.html>.

<sup>36</sup> See examples available at: <https://fundacionadecco.org/informes-y-estudios/>.

<sup>37</sup> *Comité Español de Representantes de Personas con Discapacidad (CERMI), Law and Disability Foundation (Fundación Derecho y Discapacidad) and Centro de Estudios Garrigues (2016), Guía de Buenas Prácticas para la inclusión de las personas con discapacidad en las organizaciones (Good Practice Guide for the inclusion of people with disabilities in organisations), [http://www.fderechoydiscapacidad.es/wp-content/uploads/2016/12/GU%C3%8DA-BUENAS-PR%C3%81CTICAS-CERMI-CEG-FDyD\\_Inclusi%C3%B3n-de-las-personas-con-Discapacidad\\_versi%C3%B3n-final.pdf](http://www.fderechoydiscapacidad.es/wp-content/uploads/2016/12/GU%C3%8DA-BUENAS-PR%C3%81CTICAS-CERMI-CEG-FDyD_Inclusi%C3%B3n-de-las-personas-con-Discapacidad_versi%C3%B3n-final.pdf).*

collaboration with CERMI (Spanish Committee of Representatives of People with Disabilities). This guide includes, among other aspects, a list of awards and distinctions that companies can obtain for hiring people with disabilities, such as the Bequal seal,<sup>38</sup> the Stela awards from the Down Syndrome Foundation,<sup>39</sup> the Queen Letizia awards<sup>40</sup> and the CERMI.es awards,<sup>41</sup> among others.

In terms of advisory services aimed at employers, the Envera Group – Iberia Employees Association of Parents of Persons with Disabilities – has a consultancy service for companies. It advises companies on compliance with the LGD (hiring quota, etc.), and launches awareness campaigns, among other activities.<sup>42</sup>

COCEMFE, the Spanish Confederation of Persons with Physical and Organic Disabilities, has published a 'Support Guide to becoming an inclusive business: The value of collaboration with persons with disabilities', which includes a list of 10 actions to create inclusion policy in the company.<sup>43</sup>

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<sup>38</sup> For more information see: <http://www.bequal.es/servicios/sello-bequal>.

<sup>39</sup> For more information see: <https://downmadrid.org/premios-stela-2019/>.

<sup>40</sup> See Resolution of 2 September 2021 of the Royal Board on Disability, by which the Queen Letizia Awards are convened (*Resolución de 2 de septiembre de 2021, del Real Patronato sobre Discapacidad, por la que se convocan los Premios Reina Letizia*), BOE, 13 September 2021, No. 219, <https://www.boe.es/boe/dias/2021/09/13/pdfs/BOE-A-2021-14912.pdf>.

<sup>41</sup> For more information see: <https://www.cermi.es/sites/default/files/docs/novedades/Bases%20reguladoras%20premios%20cermi.es%202022.docx>.

<sup>42</sup> For more information see: [https://grupoenvera.org/documentos\\_oficiales/2020/Envera%20Memoria%20de%20Actividades.pdf](https://grupoenvera.org/documentos_oficiales/2020/Envera%20Memoria%20de%20Actividades.pdf).

<sup>43</sup> Spanish Confederation of People with Physical and Organic Disabilities (*Confederación Española de Personas con Discapacidad Física y Orgánica, COCEMFE*), 'Support Guide to becoming an inclusive business: The value of collaboration with persons with disabilities', [https://sid-inico.usal.es/idocs/F8/FDO27435/Guia\\_Empresas\\_Inclusivas.pdf](https://sid-inico.usal.es/idocs/F8/FDO27435/Guia_Empresas_Inclusivas.pdf).

### 3 Support and partnerships available to employers to assist them in making reasonable accommodations

#### 3.1 Support available to employers for making reasonable accommodation

At state level, since 1983, laws have provided an array of subsidies to support the adoption of reasonable accommodation. Namely, Royal Decree 5/2006 has been updated several times to respond to the evolution of the labour market.<sup>44</sup>

At present, companies that hire workers with disabilities benefit from a subsidy of EUR 901.52 for the adaptation of the workplace, the elimination of barriers or the provision of means of protection.<sup>45</sup>

Employment competencies have been transferred to the autonomous communities so that each of the communities establishes the regulations and the procedure for applying for this aid, given that the subsidies are managed by the communities.<sup>46</sup> To benefit from this aid, companies must apply for it through a standardised form in which they must also present a declaration of compliance with the regulations on integration of persons with disabilities in the workplace; of exemption from this obligation; or, where applicable, of not being subject to it.

As far as we know, there is no specific data on the use of this subsidy in relation to its effectiveness, strengths or weaknesses.

The regulations do not provide for application for grants to receive advice / guidance / information, e.g. on identifying appropriate kinds of accommodation for persons with disabilities. This type of support is offered by organisations representing persons with disabilities or working on support products (public or private) or by disability-related foundations, which offer this type of advice to companies or develop their own websites, guides or similar.

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<sup>44</sup> Royal Decree-Law 5/2006 of 9 June, for the improvement of growth and employment (*Real Decreto-Ley 5/2006, de 9 de junio, para la mejora del crecimiento y del empleo*), BOE, 14 June 2006, No. 141, <https://www.boe.es/boe/dias/2006/06/14/pdfs/A22670-22682.pdf>.

<sup>45</sup> Royal Decree 1451/1983 of 11 May, regulating, in compliance with the provisions of Law 13/1982 of 7 April 1982, selective employment and measures to promote the employment of disabled workers (*Real Decreto 1451/1983, de 11 de mayo, por el que en cumplimiento de lo previsto en la Ley 13/1982, de 7 de abril, se regula el empleo selectivo y las medidas de fomento del empleo de los trabajadores minusválidos*), BOE, 4 June 1983, No. 133, <https://www.boe.es/buscar/act.php?id=BOE-A-1983-15813&b=16&tn=1&p=20120707#art12>.

<sup>46</sup> See, for example: [https://www.tramitacastillayleon.jcyl.es/web/jcyl/binarios/592/439/IAPA%201228%20F651%20Solicitud%20Programas%20I%20I%20@%20v33.PDF?blobheader=application%2Fpdf%3Bcharset%3DUTF-8&blobheadername1=Cache-Control&blobheadername2=Expires&blobheadername3=Site&blobheadername4=Content-Disposition&blobheadervalue1=no-store%2Cno-cache%2Cmust-revalidate&blobheadervalue2=0&blobheadervalue3=Portal\\_Informador&blobheadervalue4=inline%3B+filename%3Dtramite.pdf&blobnocache=true](https://www.tramitacastillayleon.jcyl.es/web/jcyl/binarios/592/439/IAPA%201228%20F651%20Solicitud%20Programas%20I%20I%20@%20v33.PDF?blobheader=application%2Fpdf%3Bcharset%3DUTF-8&blobheadername1=Cache-Control&blobheadername2=Expires&blobheadername3=Site&blobheadername4=Content-Disposition&blobheadervalue1=no-store%2Cno-cache%2Cmust-revalidate&blobheadervalue2=0&blobheadervalue3=Portal_Informador&blobheadervalue4=inline%3B+filename%3Dtramite.pdf&blobnocache=true).

### 3.2 Partnerships to assist employers to make reasonable accommodations

Representative organisations of persons with disabilities, through their foundations or specific departments, also offer support and funding to projects set up by legal entities for the adaptation of workplaces, the acquisition of support projects, etc.<sup>47</sup>

There are examples of collaboration in both the public and private sectors. Some examples that offer information or advice on job adaptation are:

(1) The reference guide for the adaptation of workstations by the State Centre for Personal Autonomy and Technical Aids, CEAPAT,<sup>48</sup> which provides comprehensive information on reasonable accommodation, regulations and other information.

(2) Trade unions are another example of a partnership. This partnership is characterised by joint commitment to the success of the organisation; joint recognition of each other's legitimate interests; and joint commitment to employment security, quality of working life etc. Trade unions have developed several guides that provide numerous recommendations on reasonable accommodations for workers with disabilities, either when faced with a disability or when hiring such workers. There are numerous guides published by trade union organisations to provide guidance in this process.<sup>49</sup>

(3) NGOs representing groups with disabilities, such as Fundación Once, offer funding for projects related to the adaptation of workplaces, among other aspects.<sup>50</sup>

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<sup>47</sup> For example, Fundación ONCE; see:

[https://www.fundaciononce.es/sites/default/files/convocatorias/documentos/General/2022/Guia\\_de\\_Apoyo\\_formulacion\\_Personas\\_Juridicas\\_Conv\\_General.pdf](https://www.fundaciononce.es/sites/default/files/convocatorias/documentos/General/2022/Guia_de_Apoyo_formulacion_Personas_Juridicas_Conv_General.pdf).

<sup>48</sup> See:

<http://www.ceapat.org/InterPresent2/groups/imsero/documents/binario/adaptacionpuetra.pdf>.

<sup>49</sup> Some examples of guides to workplace adaptation: CCOO, '*Adaptación al puesto de trabajo – Guía sindical para delegados y delegadas de prevención*',

[https://drive.google.com/file/d/18V66dlhdoqYXivT6xj\\_MBBixfrJoyiqr/view](https://drive.google.com/file/d/18V66dlhdoqYXivT6xj_MBBixfrJoyiqr/view); UGT, *Guía sobre adaptación al puesto de trabajo*,

[http://portal.ugt.org/saludlaboral/publicaciones\\_new/files\\_adaptacionpuestosdetrabajo/publication.pdf](http://portal.ugt.org/saludlaboral/publicaciones_new/files_adaptacionpuestosdetrabajo/publication.pdf).

<sup>50</sup> See:

[https://www.fundaciononce.es/sites/default/files/convocatorias/documentos/General/2022/Guia\\_de\\_Apoyo\\_formulacion\\_Personas\\_Juridicas\\_Conv\\_General.pdf](https://www.fundaciononce.es/sites/default/files/convocatorias/documentos/General/2022/Guia_de_Apoyo_formulacion_Personas_Juridicas_Conv_General.pdf).

## **4 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities**

### **4.1 Good practice guides for employers regarding reasonable accommodation**

This section highlights three examples of guides published by organisations representing different groups with disabilities.

Plena Inclusión (a representative organisation of persons with intellectual and developmental disabilities) has published guides to raise awareness and offer support to the public administration in hiring people with disabilities, which emphasise the possible support that these workers can receive in their jobs.<sup>51</sup> An example of a useful document is: *Customised employment: The role of business* (2018).<sup>52</sup>

ASPACE, an organisation representing persons with cerebral palsy, has published a guidebook to guide companies in selecting, welcoming and hiring people with cerebral palsy.<sup>53</sup>

### **4.2 Any other sources of information regarding good practice for employers regarding reasonable accommodation**

As a complement to the above, and as evidence of the prominence given to reasonable accommodation, in the *Official State Gazette (Boletín Oficial del Estado, BOE)*, in the section on rulings of the Constitutional Court, one can access decisions in which the Court ruled in favour of a worker who had been punished for having committed serious misconduct at work, and therefore the rulings of other courts (contentious-administrative) were considered invalid as they had not taken into consideration the alleged disability (Asperger's syndrome) or the request for reasonable accommodation in the workplace.<sup>54</sup>

In response to complaints from organisations of persons with disabilities such as CERMI, the Ombudsman has made a statement regarding the fact that Law 43/2006 on the improvement of growth and employment does not provide business incentives for maintaining in employment workers (employed with a permanent contract) who, during the term of the contract, are recognised as having a degree of physical or sensory disability equal to or greater than 33 % and less than 65 %. Moreover, their reintegration into the company is not subsidised until several months have elapsed. In particular, the Ombudsman recommends that the incentives for these cases be extended.<sup>55</sup>

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<sup>51</sup> See: [https://www.plenainclusion.org/wp-content/uploads/2022/02/Sensibilizacio%CC%81n-en-el-puesto-de-trabajo\\_web-2.pdf](https://www.plenainclusion.org/wp-content/uploads/2022/02/Sensibilizacio%CC%81n-en-el-puesto-de-trabajo_web-2.pdf).

<sup>52</sup> See Plena Inclusión (2018), *Empleo Personalizado: el papel de las empresas* (Customised employment: The role of business), available at: <https://www.plenainclusion.org/wp-content/uploads/2021/03/empleopersonalizadofocus.pdf>.

<sup>53</sup> See: <https://sid-inico.usal.es/wp-content/uploads/2022/01/Preguntas-y-respuestas-para-la-contratacion-de-personas-con-paralisis-cerebral.pdf>.

<sup>54</sup> See: <https://www.boe.es/boe/dias/2021/04/23/pdfs/BOE-A-2021-6597.pdf>.

<sup>55</sup> See: <https://www.defensordelpueblo.es/resoluciones/bonificaciones-contrataciones-personas-con-discapacidad/>.

### 4.3 Examples of individual reasonable accommodations which reveal good practice

Websites of NGOs and foundations promoting inclusion include examples of the provision of reasonable accommodation.<sup>56</sup>

#### **Economic and emotional enrichment**

For example, one of the videos presents Noli, a young woman with intellectual disability telling her own story. Noli expresses her interest in working and becoming financially independent. She is currently working at a flea market. In order to accommodate her, a job analysis has been carried out and agreements have been made about the tasks that Noli could perform. Her work consists of helping at the market to organise the products, take them to the customers, etc. The employer is pleased to have hired Noli because her work is valuable. Employing her has been 'an economic and emotional enrichment'. The video also presents the job coach who analyses the possible adaptations to be made to create a tailor-made job for the employee with intellectual disabilities. The job coach also helps Noli to acquire skills related to income management and to become independent. The video claims that job descriptions exclude people with disabilities from the labour market. The employment design should focus on the talents of an employee and offering solutions to the company instead of focusing on job descriptions. Noli is happy, confident and secure about her ability to perform the tasks that she has been employed for.

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<sup>56</sup> Some examples are available at: [https://www.youtube.com/watch?v=KywcaPqM\\_Rc](https://www.youtube.com/watch?v=KywcaPqM_Rc);  
[https://www.youtube.com/watch?v=7Pvp\\_GXmXas&list=PLOY\\_SZ9PWmQ7MKx7A529x6 - I3OUt\\_xiA](https://www.youtube.com/watch?v=7Pvp_GXmXas&list=PLOY_SZ9PWmQ7MKx7A529x6-I3OUt_xiA);  
[https://www.youtube.com/watch?v=Ber31kdfhLk&list=PLOY\\_SZ9PWmQ7MKx7A529x6 - I3OUt\\_xiA](https://www.youtube.com/watch?v=Ber31kdfhLk&list=PLOY_SZ9PWmQ7MKx7A529x6-I3OUt_xiA).

## 5 Recommendations and guidance regarding good practice and reasonable accommodation

### 5.1 Recommendations regarding good practice and reasonable accommodation in recruitment and hiring

It is necessary to conduct a personalised negotiation with a company about job functions and expectations in order to balance the skills and interests of the employee with the needs of the employer, and to specify the reasonable accommodations that the employee may need.<sup>57</sup> The company must visualise the benefits of hiring a person with a disability, beyond the economic benefits (in terms of subsidies and the like) that can be obtained.<sup>58</sup> In this respect, guides are available to help promote diversity management in companies and to help implement reasonable accommodation measures.<sup>59</sup>

In developing an integration plan, a company should consider actions aimed at its workforce (e.g. prior dissemination of the characteristics and objectives of the integration plan), as well as the actions carried out in this regard (the signing of collaboration agreements, for example, with entities specialising in the integration of persons with disabilities, and awareness-raising sessions for the workforce so everyone is familiar with reasonable accommodation and other measures to support diversity).<sup>60</sup>

In addition, and according to the definition of reasonable accommodation as any modifications of the physical, social and attitudinal environment to meet the needs of persons with disabilities, the company should define its jobs on the basis of professional competencies. It should review all documents used for selection in order to eliminate discriminatory elements in the process or language. It should also carry out blind recruitment processes. It should also collaborate with social entities, which can offer guidance or support services and professionals. It should also apply for applications or make job offers not only through general employment services but also via specific employment services<sup>61</sup> for persons with disabilities. Many of these specific employment services can be found online.<sup>62</sup>

Existing good practices can also help to develop this process.<sup>63</sup>

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<sup>57</sup> Plena Inclusión, '*Empleo Personalizado – Una oportunidad para crear situaciones únicas*' ('Personalised Employment: An opportunity to create individualised positions'), [https://www.plenainclusion.org/wp-content/uploads/2021/03/cbp\\_empleo\\_personalizadoweb.pdf](https://www.plenainclusion.org/wp-content/uploads/2021/03/cbp_empleo_personalizadoweb.pdf).

<sup>58</sup> COCEMFE, 'Support Guide to becoming an inclusive business: The value of collaboration with persons with disabilities', [https://sid.inico.usal.es/idocs/F8/FDO27435/Guia\\_Empresas\\_Inclusivas.pdf](https://sid.inico.usal.es/idocs/F8/FDO27435/Guia_Empresas_Inclusivas.pdf).

<sup>59</sup> See '*Guía para acelerar la implementación de la diversidad en las empresas*' ('Guide to accelerating the implementation of diversity in companies', <http://ceoporladiversidad.com/guia-ceoxd>).

<sup>60</sup> IMEPE, '*Directrices para la contratación de personas con discapacidad*' (Guidelines for hiring people with disabilities), [https://sid.usal.es/idocs/F8/FDO21630/contratacion\\_pcd.pdf](https://sid.usal.es/idocs/F8/FDO21630/contratacion_pcd.pdf).

<sup>61</sup> IMEPE, '*Directrices para la contratación de personas con discapacidad*' (Guidelines for hiring people with disabilities), [https://sid.usal.es/idocs/F8/FDO21630/contratacion\\_pcd.pdf](https://sid.usal.es/idocs/F8/FDO21630/contratacion_pcd.pdf).

<sup>62</sup> See: <https://vivva.es/8-portales-de-empleo-para-personas-con-discapacidad/>.

<sup>63</sup> IMEPE, '*Directrices para la contratación de personas con discapacidad*' (Guidelines for hiring people with disabilities), [https://sid.usal.es/idocs/F8/FDO21630/contratacion\\_pcd.pdf](https://sid.usal.es/idocs/F8/FDO21630/contratacion_pcd.pdf).

## **5.2 Recommendations regarding good practice and reasonable accommodation in initial employment**

The adaptation procedure must take into account an analysis of the person and his/her individual characteristics in addition to an analysis of the job, tasks and working conditions, taking into account the worker's opinion. The adaptation of the job must be carried out on an individual basis, analysing the employee-task-job relationships.<sup>64</sup> It is important to take into account the support products that may be necessary to respond to different disabilities.<sup>65</sup>

It is important to make use of technical documents such as the Technical Prevention Notes that the Institute for Safety and Health at Work (INSST) has been publishing periodically since 1982, especially those related to persons with disabilities at work.<sup>66 67</sup>

## **5.3 Recommendations regarding good practice and reasonable accommodation in promotion and career development**

In addition to the worker-job fit, it is important to monitor the integration of the recruited worker. It is also important to assess the impact of this recruitment on the work environment. The effects of reasonable accommodations on the performance of the immediate environment, the team, line managers and management should also be analysed.<sup>68</sup>

## **5.4 Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes**

An organisational culture should be fostered to ensure adequate monitoring of these occupational risks.

The regulations oblige organisations to adapt the jobs of their workers due to circumstances such as illness, pregnancy or breastfeeding and disability.<sup>69</sup> They also provide for possible job reassignment in cases where adaptation of the job is not enough. A proactive, rather than reactive, approach should be adopted to ensure an adequate quality of working life as well as an appropriate working environment. Analysing job demands and resources will allow for and promote job satisfaction.<sup>70</sup>

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<sup>64</sup> Comisiones Obreras (CCOO), '*Adaptación al puesto de trabajo - Guía sindical para delegados y delegadas de prevención*', available at:

[https://drive.google.com/file/d/18V66dlhdoqYXivT6xj\\_MBBixfrJoyiqr/view](https://drive.google.com/file/d/18V66dlhdoqYXivT6xj_MBBixfrJoyiqr/view).

<sup>65</sup> See:

<http://www.ceapat.org/InterPresent2/groups/imsero/documents/binario/adaptacionpuestra.pdf>.

<sup>66</sup> See: [http://amespa.info/v1/integrando/documentos/Resumen\\_NTP\\_1004.pdf](http://amespa.info/v1/integrando/documentos/Resumen_NTP_1004.pdf).

<sup>67</sup> See: [https://www.insst.es/documents/94886/326962/ntp\\_490.pdf/0c966687-ff39-4c4e-b3b7-45f2e1dd07ac](https://www.insst.es/documents/94886/326962/ntp_490.pdf/0c966687-ff39-4c4e-b3b7-45f2e1dd07ac).

<sup>68</sup> IMEPE, *Directrices para la contratación de personas con discapacidad (Guidelines for hiring people with disabilities)*, available at: [https://sid.usal.es/idocs/F8/FDO21630/contratacion\\_pcd.pdf](https://sid.usal.es/idocs/F8/FDO21630/contratacion_pcd.pdf).

<sup>69</sup> Law 31/1995 of 8 November on occupational risk prevention (*Ley 31/1995 de 8 de noviembre de prevención de riesgos laborales*), BOE, 10 November 1995, No. 269, <https://www.boe.es/boe/dias/1995/11/10/pdfs/A32590-32611.pdf>.

<sup>70</sup> Flores, N., Moret-Tatay, C., Gutiérrez-Bermejo, B., Vázquez, A., and Jenaro, C. (2021), 'Assessment of Occupational Health and Job Satisfaction in Workers with Intellectual Disability: A Job Demands-Resources Perspective'. *International Journal of Environmental Research and Public Health*, 18(4), <https://doi.org/10.3390/ijerph18042072>.

However, the process of adapting to a job requires more than just economic support. It is a more global process that involves the culture of the organisation, and it must be reflected in institutional documents (company strategic and operational plans, ethical codes, equality plans, work-life balance plans, internal regulations, seals and awards, recruitment plans, other company agreements with social partners), if the company is to be truly inclusive.<sup>71</sup>

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<sup>71</sup> See COCEMFE, 'Support Guide to becoming an inclusive business: The value of collaboration with persons with disabilities', [https://sid-inico.usal.es/docs/F8/FDO27435/Guia\\_Empresas\\_Inclusivas.pdf](https://sid-inico.usal.es/docs/F8/FDO27435/Guia_Empresas_Inclusivas.pdf).

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