



QUALIFYING DIFFERENCES



# HIRING A PERSON WITH DISABILITIES?

Guide for employers

Spain

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# INTRODUCTION

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### 1.1 | Basic concepts: Disability

The concept of disability has changed a lot through the years. During the past few years, we could observe how there is no more a paternalistic and care approach regarding disability. In the past, “disability” used to mean being someone “dependent and needed”, nowadays the new approach turns towards a person with potential skills and resources.

In 2001, the World Health Organization, with the aim of providing a better unification of the concept of disability, established a second International Classification, the International Classification of Functioning and Health, where the below definition is provided:

*“Disabilities is an umbrella term, covering impairments, activity limitations, and participation restrictions. An impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations.”*

This way, disability is not just a health problem, but the result of the interaction between features of a person’s body and features of the society in which we live.

In Spain, the definition of disability is included in the Royal Legislative Decree 1/2012, of 29th of November, that approves the Consolidated Text of the General Law of rights of people with disabilities and their social inclusion: “Disability: a situation resulting from the interaction of people with foreseeably permanent deficiencies and any other type of barriers that limit or unable their full and effective participation in society, under equal conditions than the rest of people.”

For all purposes, people with disabilities recognized with a degree of disability equal to or higher than 33% will be considered disabled people.

### 1.2 | Disability Certificate

The Disability Certificate is an official document that proves the legal condition of a person with disability. This document is issued by the Autonomic Administration at the corresponding Base Centre. In order to recognize a disability, this must be, at least, a 33% grade or higher. The legal law that controls this is the Royal Decree 191/1999, of 23rd December, of the procedure for recognition, declaration and qualification of the disability degree (BOE dated 26th January 2000)

The objective of this certificate is compensate the social disadvantages that disability implies,

by providing access to rights and benefits, with the aim to equate opportunities.

The evaluation is made by a tribunal composed by a doctor, a psychologist and a social worker. In addition to the physical, sensory and/or mental limitation itself, other social factors of the person are taken into account that hinder or facilitate their development.

### 1.3 | Classification of disability

We are going to explain very briefly the existing types of disabilities with no further details about the typology of each of them.

**Physical or motor disability:** motor functional diversity can be defined as the decrease or absence of motor or physical functions (fully or partial absence or alteration of one hand, arm, leg, feet movement) decreasing the normal daily development.

**Sensory disability:** the sensory disability is the one that is suffered by people with visual or hearing impairment. There are scales to rate different degrees of sensory disability. There are very important pathologies to be considered since they entail serious psycho-social effects. They produce communication problems with the patient and its environment that can conduct to a disconnection or low participation in social events. They are also important risk factors for producing or aggravating depression.

**Mental:**

- **Intellectual Disability:** the American Association on Intellectual and Developmental Disabilities offered in 2002 the following definition:

*“Intellectual disability is a disability characterized by significant limitations both in intellectual functioning and in adaptive behavior as expressed in conceptual, social, and practical adaptive skills. This disability originates before the age of 18.”*

This definition assesses the person by using a multidimensional approach: intellectual capacity, adaptive behaviour, participation, interaction, social network, health and context.

- **Mental disorder:** the concept of mental disease is very difficult to define in a unified way, since it may include a large number of very different pathologies, less or more severe, so each disease or disorder must be discussed in an individual way, since it affects differently to each person.

*“A disorder of the cognitive and affective processes of development which results in disorders*

*of behaviour, reasoning, adaptation to life conditions and understanding of reality.”*

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**CURRENT EMPLOYMENT  
SITUATION FOR PEOPLE  
WITH DISABILITIES**

## 2.1 | Employment as a tool for integration

People with disabilities is one of the social groups that is especially protected by the Spanish Constitution (article 49). This precept imposes on the public authorities the implementation of a decided inclusion policy for this group.

Employment has become one of the most efficient factors in the fight against social exclusion, since it is not only a source of incomes, but also the origin of a network of social relations that helps inclusion. However, this reality faces the barriers of the lack of employment as well as the poor quality of it.

Business owners possess several methods in order to reach the labor integration of people with disabilities. We will explain about in further below in point 2; but now we are going to point out the three most effective ones:

- 1 | Special Employment Centres
- 2 | Labour enclaves
- 3 | Supported employment program

**Special Employment Centres:** one of the methods with better results for the people with disabilities integration, until now, has been developed by the Social Integration Law for disabled people from 1982. This Law created the Special Employment Centres and improved the situation of disabled workers.

Those centres' target groups are disabled people who are in any of the following cases:

- People with cerebral palsy, mental disorder or disability; with a recognized disability degree equal or higher than 33%.
- People with physical or sensory disability; with a recognized disability degree equal or higher than 65%.

Special Employment Centres counts with personal and social adjustment services such as rehabilitation; therapies; social, cultural and sport integration. Those centres are one of the keys for disabled people labour inclusion through its tripe function:

- By one hand, there are a business itself, so they offer products and services, which competes in a free and open market.
- By the other hand, those centres have an outstanding social character since they offer opportunities, develop and improve disabled people employability.

- Finally, those centres help to normalize disabled people labour activity. This allows to reduce the existing reluctance to hire disabled people and normalize their labour market entry through the delivery of services or elaboration of products.

**Labour Enclaves:** that means the contract between an ordinary labour market company, also known as partner company; and an Employment Special Centre with the aim of deliver services directly related with its normal activity. For the execution, a team of disabled workers goes temporarily to the partner company work center.

**Supported employment program:** Son el conjunto de acciones de orientación y acompañamiento individualizado en el puesto de trabajo, prestada por preparadores laborales especializados, que tienen por objeto facilitar la adaptación social y laboral de trabajadores con discapacidad con especiales dificultades de inserción laboral en empresas del mercado ordinario.

## 2.2 | Some figures about disabled people employment

Disabled people employability rate was 25.8% in 2018, while the same rate for general population was much higher, around 50% (<https://ine.es/>).

It is true that situation of disabled people in labour market has improved during the recent years, since the both, labour participation as well as employment have improved. Nevertheless, distance respecting general population has not been reduced.

## 2.3 | Measures to cover labour needs of social groups with fewer opportunities for labour market incorporation

Through the last few years, public administrations have approved and implemented a series of actions. Some of the most outstanding ones are the following:

- Approval of some incentives for permanent contracts for disabled people;
- Creation of placement direct agencies or labour market intermediation;
- Organization of information and labour orientation services;
- Specific and adapted vocational training of workers;
- Counselling for self-employment and continuous support for entrepreneurs;

- Promoting the creation of insertion companies;
- The approval of protected social employment programs or the requirement of “reservation quotas” for certain positions for people in social exclusion situation within the companies.

Despite the social and financial improvements made by those actions, current society continues being unequal; not only regarding temporality or precariousness of those positions; but also regarding the access to those position by disabled people who is a group with a much higher unemployment rate than the rest of workers.

### **2.4 Advantages of hiring people with disabilities**

Some of the most outstanding ones are the following:

- A worker with disabilities shows a greater loyalty to the company, which makes reduce the staff rotation. Therefore, the invested time in adaptation and staff training are also reduced.
- The company human capital is enriched by hiring disabled workers since diversity is a value itself.
- Respect the principle of equal opportunities no matter the kind of disability of workers.
- Financial advantages as for example financial incentives such as deductions of Social Security taxes; financial support for hiring, adapting work places or eliminating architectural barriers disturbing access and mobility purposes.
- Promoting an image and a better social recognition that can become a model for other business.

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**FINANCIAL SUPPORT AND  
HIRING OF DISABLED  
PEOPLE IN SPAIN**

In this point we are going to make a review on all types for contract and financial support for the people with disabilities labour insertion.

All updated existing measures are published in the “Guide for the Disabled Peopled Labour Integration” made by the Spanish Public Employment Service (NIPO: 858-19-062-0. February 2019), which aims to be a guide for both companies and institutions, as well as workers.

<http://publicacionesoficiales.boe.es>

### **Integration of disabled workers in the ordinary work system**

- Reservation quota
- Alternative measures
- Hiring of employees
- Permanent contract
- Temporary contract for promotion of employment purposes
- Training contracts
- For training and learning
- Internship
- Provisional contracts
- Self-employment
- Self-employment promotion program for people with disabilities
- Capitalization of the social benefits for unemployment and Social Security quotas

financial support

- Social Security quotas bonus and reductions
- Supported employment

### **Integration of disabled workers in the protected work system**

- Special Employment Centres

### **Transition measure from supported to ordinary employment**

- Labour enclaves

The following is a more detailed explanation of the integration measure of disabled workers in

the ordinary work system.

### **Reservation quota**

Public and private companies with more than 50 employees are required to hire a number of disabled workers greater than 2%, unless collective agreement or the business owner willingness, whenever other alternative measures are taken.

In the public employment offer, no less than 7% of the offer will be aimed for people with disabilities.

### **Alternative measures**

- Executing a commercial or civil contract with a Special Employment Centre or with a disabled self-employee (for the supply of goods or the provision of third-party services).
- Donations and sponsorships
- Creation of Labour Enclaves

### **Hiring of employees**

• **Permanent contract:** for each permanent full-time contract to a person with disabilities, the employer will earn €3907. If it is a part-time contract, this quantity will be proportionally reduced depending on the agreed working hours. Also, for adapting work places, delivery protective equipments or eliminating barriers purposes, the employer will receive a financial aid up to €902.

Also, a series of Social Security fees benefits and deductions in company taxes will be applied while the contract is valid.

• **Temporary contract for the promotion of employment purposes:** this is a contract which last between 12 months and 3 years. In this kind of contract, the employee has right to be indemnified with 12 work days salary per each year that has been worked. A series of Social Security fees benefits are applied while the contract is valid.

- **Training contracts:**

- **For training and learning:** this kind of contract last at least one year and maximum three years. It can be extended up to four years if it is approved by the Public Employment Service. There is no limit of age when this kind of contract is used for disabled people. The time dedicated to theoretical training cannot be greater than 75% of the total working hours during the first year, or 85% or the second and third year. In cases of people with mental disorders, up to 25% of the effective work can be dedicated to rehabilitation or personal and social adjustment procedures.

Among the incentives, a reduction of 100% of Social Security business fees for companies with less than 250 workers or 75% for companies with more than 250 workers. Also, benefits covering 100% of Social Security workers fees while the contract is valid.

- **Internship:** this kind of contract lasts between 6 months and 2 years. The employee must have a university degree or VET diploma or a certificate of professional standards. Among the incentives, there are 50% reductions of Social Security taxes for companies.

- **Provisional contract:** this contract objective is replacing a disabled worker who is in a temporary leave by another disabled worker. This applies a benefit of 100% Social Security taxes for companies while the contract is active.

### Self-employment

- **Self-employment promotion program for people with disabilities:** financial support up to €10,000. Also, reduction of interests on loans up to 4 points over the agreed interest by the financial entity, reduction up to 75% of the technical support services and reduction up to 75% of the training courses costs.

- **Capitalization of the social benefits for unemployment and Social Security quotas financial support:** people with disabilities equal or higher than 33% can apply for 100% of the contributive loan in just one payment.

- **Social Security quotas bonus and reductions:** at the very first registration under the Special Scheme for self-employed or they have not been registered in the last two immedia-

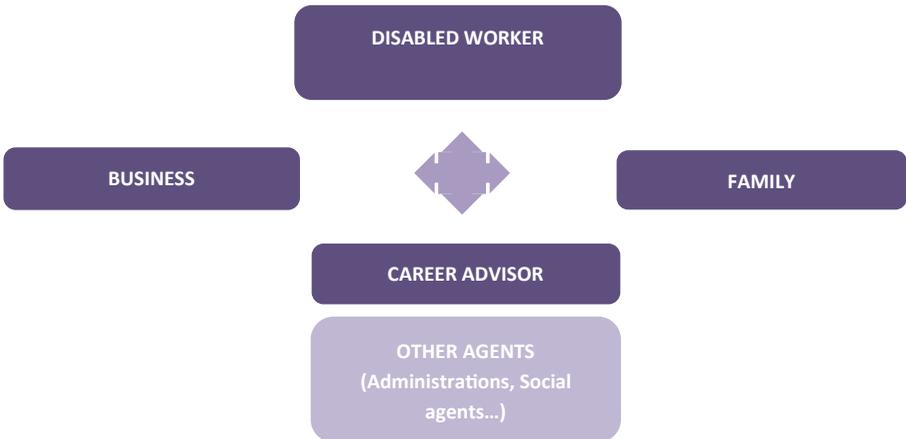
tely preceding years.

Por último, el Programa de Empleo con Apoyo, los Centros Especiales de Empleo y el Enclave Laboral han sido desarrollados en el punto primero de este documento.

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**ITINERARY FOR LABOUR  
INTEGRATION OF PEOPLE  
WITH DISABILITIES**

#### 4.1 | Involved agents within the labour integration process



Nowadays, the standardized work of disabled people is everyday a more common reality and its generalization is something that can be reached. A detailed professional planning with a continuous family collaboration and commitment will help the labour insertion processes. Even if in this process several different agents take an action, in this section we are going to analyze the different steps of the labour integration process from the different experts' points of views: career advisors, facilitators, trainers, psychologist, etc.

#### 4.2 | tage 1: Pre-labour training

Initially, it is a more general training and useful for the development of soft skills that it will be later completed with a more specific training for a specific position.

At this first stage, the professional must:

1. Make a continuous evaluation of the labour market, reaching detailed information about the different requirements for different positions.
2. Advice to the person and their family about how important is to get training on social labour skills before labour integration.
3. Offer psychological strategies in order to correctly face the training stage.

## 4.3 | Stage 2: Access to the work position

During this stage, the professional must:

1. Provide the disabled person with the needed psychological support during the job search process.
2. Elaborate the customized insertion itinerary with the implied person, by using realism and satisfaction of needs, expectation and interest criteria.
3. Identify and propose strategies for the disabled people, who are search a job, can promote themselves (techniques on how to create a CV, how to face a job interview, how to access to job offers through mass media...).
4. Provide the person all the information related to the offer in a clear way, making sure they understand it and taking all needed time in order to solve potential questions.
5. Promote a tolerant attitude towards the applicant's opinion, helping them to communicate their opinions in a clear and reasoned way.
6. Facilitate freedom of choice of the person with disabilities, supporting them in their communications with the company, when they must directly negotiate the offer.
7. Promote equality of opportunities.

## 4.4 | Stage 3: Incorporation in the company

At this stage, the professional must:

1. Search strategies that help to learn tasks and improve the working pace.
2. Promote a "natural support" in the work place (coworkers)
3. Reinforce needed tasks and skills outside the company.
4. Meet frequently with managers and coworkers in order to know about the worker evolution.
5. Establish contact with the family.
6. Always adopt an empathic attitude towards the worker, the family and the company.
7. Inform the company about the legal issues related to the hiring process.
8. Give psychological support to successfully face this new stage.
9. Work in team with the job coach in order to reinforce positive behaviours and redirect those ones that are not appropriate.
10. Monitor the psychological status of the person during all this stage.

#### **4.5 | Stage 4: Follow up and assessment**

During this stage the professional must:

1. Carry out the assessment and evaluation of the individual insertion process considering the provided information by the implied agents in the insertion process.
2. Analyze and assess the psychological impact that can cause the labour period in the disabled person.

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**GOOD PRACTICES**

**FORD**

Ford, the multinational automotive company Ford, has been involved in hiring disabled people. Not only by including them in their factories, but also, with Fundacion ONCE and Generalitat Valencia, they have implemented two special employment centres.

In 2000, with the collaboration of Fundación ONCE, Ford created a special employment centre that had up to 49 workers. Later, in 2004, the automotive company decided to create another company that has grown until counting both of them with 260 employees – 95% of them are people with disabilities – who work in the production of sub-assemblies that are sent to the central industry.

Those employment centres are required by the Ford Human Resources Department the same quality that is required to any other provider since this is a needed condition in such a competitive market as it is the automotive industry.

Nowdays, among the whole Ford staff there are 174 employees with disabilities, this is a figure that will probably increase in the next future, since the company renew every year their labour insertion agreement with Fundación ONCE.

**MELIÁ HOTELS INTERNATIONAL**

In the frame of its strategy with the aim to improve the level of their customers satisfaction, the direction of Meliá realized that an adequate customer services with disabilities and the incorporation of disabled applicants to their recruitment processes will strength their business. As a result, the current Melia Hotels International strategy is focused in three aspects:

- Direct labour insertion of people with disabilities,
- Accessibility of their hotels,
- Customer service to their disabled customers.

To implement the first of those strategies, that means, raise awareness to managers of the hotel company about people with disabilities by hiring and involving them in the company, Meliá HI created in 2011 a discussion group composed by its managers, representatives of disabled people association and a series of experts in accessibility and labour integration of people with disabilities.

Thanks to this work group, some architectural barriers were progressively eliminated

according to the accessibility criteria for hotels. Also, purchases in the Special Employment Centres were boosted with the aim of promoting the indirect employment of people with disabilities. All those measures, and a raising of employment contracts in Spain of people with disabilities, reflects a substantial change in the business strategy of Meliá HI in order to consider disabilities as a references in its Corporative Social Responsibility policies.

### **ACCIONA**

As a member of the Association for the Social-Responsible Public Employment, Acciona actively works to promote the inclusion of ethic terms in all public contracts. In 2011, this company became an example by incorporating new terms in all its orders and contracts into the bidding conditions.

Among all those terms, it must be highlighted the one that requires providers the compliance of Social Integration Law for disabled people regarding the labour insertion: each provider “expresses their willingness to comply with current regulations regarding the employment reservation quota for disabled workers.”

This condition must be respected and its compliance is a fair cause for the contract resolution. Also, Acciona promotes the indirect employment among its providers since they are required to present, within a maximum period of 6 months from the sign of the contract, “the responsible declaration of compliance of the current regulation for the direct or indirect employment” of disabled people.

Dentro de los Planes Estratégicos de la compañía, Acciona prioriza sus estrategias de RSC-Dis-capacidad que desarrolla a través de su Plan de Proyecto, una metodología que incluye análisis de áreas de negocio, análisis de puestos, búsqueda activa de candidatos y sensibilización de empleados.

### **BANCO POPULAR**

With the objective to incorporate disability in a standard way in its organization, the Direction of Banco Popular developed an overall strategy in terms of disabilities. This strategy meant a direct implication in different areas and departments of the bank that defined different guidelines whose common aim was the social, financial and labour integration of people with disabilities. After planning this strategy, the used their communication channel (Intranet,

Employee platform, newsletters and corporative magazine) in order to, firstly, disseminate and raise awareness to its organization staff about it and, secondly, to achieve the full integration of their disabled workers.

After that, there have been many implemented actions, especially mention to training programs for workers in order to let them know about the bank engagement with disabilities. A proof of this is the the training action integrated in the program called “Impulsando Talento”. This program is aimed at recent graduates as well as postgraduate applicants with a projection in the company, and includes a comprehensive training and development plan tailored, with rotation through different areas of the Bank with the aim to assume responsibility tasks at medium-term. In the frame of this program, potential managers must attend to the workshop “Disabled coworkers” at their venues in Via Libre, a company that offers integral solutions regarding accessibility. This is a training to recognize physical and social barriers of disabled people and the opportunities that offer an inclusive vision.

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- AGENCIA ESTATAL BOLETÍN OFICIAL DEL ESTADO: [www.boe.es](http://www.boe.es)



Epralima - Escola Profissional do Alto Lima, C.I.P.R.L.



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