



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

**Country:** Portugal

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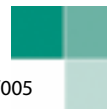
### Background:

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:

The 2009 data is not available yet.

### New policy changes:

Portugal ratified the UN Convention on the Rights of People with Disabilities and the Optional Protocol on the 30<sup>th</sup> July 2009. The deposit of these instruments took place in the UN headquarters on the 23 of September. Portugal became a State Party of the Convention.

#### *New legislation in preparation:*

The government has presented a draft law on the new employment and vocational training system of persons with disabilities to the National Council for the Rehabilitation and Integration of person with disabilities (a consulting body of the Minister of Labour and Social Solidarity) and to the Economic and Social Council (consulting body of the social partners). The publication of the new law is expected soon and it will reinforce the full integration of workers with disabilities in the regular labour force. The new law will shift from the protected employment system to the supported employment system.

#### *The New Labour Code:*

In 2009 the new Labour Code, approved by Law No. 7 / 2009 of 12 February, entered into force. The principle of equal opportunities and combating discrimination on subjective grounds is established in the new Code, which contains a subsection about "Equality and non discrimination" , and defines the right to equal access to employment and occupation (Article 24), as well as the prohibition of discrimination (Article 25). The Code addresses the particular situation of workers with reduced working capacity, disability or chronic illness.

The legal regime applicable to Workers with Disabilities or Chronic Illness is provided for in Articles 85 to 88. Article 85 stipulates that a worker with a disability or chronic illness has the right to equal treatment, and he/she is entitled to the same rights as other workers. The violation of the rights of workers with disabilities is considered a serious violation of the law and is punished, giving the plaintiff a right to compensation.

The Code also defines the duty of the employer to facilitate the employment of workers with reduced working capacity, providing them with appropriate conditions of work (reasonable accommodations), in particular, adaptation of the job, equal remuneration, vocational training and professional progression.

Article 87 specifically stipulates that workers with disabilities or chronic illness can be relieved of their work, if it can harm their health or safety. The organization of working time should be adapted to the specific situation of the worker (adaptability, flexibility of working time and compensation of overtime work by free time when the worker decides (bank hours).

Nevertheless, according to article 88, workers with disabilities or chronic illness are not obliged to perform overtime work.

### New research evidence:

The National Institute for Rehabilitation coordinates the implementation of the Action Plan for the Integration of Persons with disabilities and has published the evaluation of the Plan's impact during 2008 and the first semester of 2009.

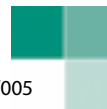


The PAIPDI defined 99 measures to be adopted during the reference period 2006-2009 in different fields, namely, (1) Accessibility and Information; (2) Education, Qualification and promotion of Labour Inclusion and (3) Habilitation and better Life Conditions. It was possible to implement 47 measures; 33 came into force and 19 were not executed.

The major advancements were: a new accessibility law and training of local authorities, an anti-discrimination law on the grounds of disability, a new system of supports to students with special needs in regular schools, a quality program for NGOs based on EQUASS, more investment in social facilities and the national strategy for the qualification of human resources, which was based on an inclusive approach.

### **The economic crisis:**

The financial and economic crisis has led to a series of recent Government measures to support employment and to improve the skills of workers. At the beginning of 2009 several decrees entered into force. They did not address the specific situation of persons/workers with disabilities although they have an impact on these citizens, namely: Decree No. 128/2009 of 30 January, which regulates the measures "Contract employment-insertion" and "Contract + job-insertion", contains one measure which provides increased support for people with disabilities, including Professional Training. According to this decree, the employment contract and the insertion+ fit into all of the active measures of employment, complement instruments of social protection, seek to improve levels of employment and encourage people back into employment, including unemployed persons.



## PART ONE: GENERAL EVIDENCE

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

There is a lack of research and evaluation studies published in Portugal on disability and employment. Nevertheless, and very recently (2008) a study was concluded 'Modelling of policies and practices for social inclusion of people with disabilities in Portugal', promoted by the Institute for Work and Enterprise Sciences (ISCTE/University) and the Vocational Rehabilitation Centre of Gaia (CRPG). This study had the support of the Secretary of State Adjunct and for Rehabilitation and the National Institute for the Rehabilitation as part of the Advisory Committee. Based on research updating the characterisation of people with disabilities in Portugal, and on the evolution of the conceptual framework related to disability, the study designed a new model of policy and practice, in order to promote quality of life for people with disabilities and contribute to a decent, open and inclusive society. The main goals were:

- To extract knowledge from studies produced in Portugal in the last few years in the field of policies/programs concerning people with disabilities, producing guidelines for short term decision taking and policy making;
- To collect, organise and analyse data on the population with disabilities in Portugal, through a national sampling inquiry, identifying incidences, correlations and impacts, in order to improve knowledge and support decision making process
- To analyse the life paths of people with disabilities, identifying possible correlations with current disability policies and programmes, modelling policies, practices and their management, supporting the optimization of results and resources, through comparative analysis of conceptual models of intervention, financing and management.
- To promote the deeper and more systematic analysis about the inclusion of people with disabilities: mobilising researchers, managers and staff.

Key contributions regarding the labour market have been the implementation and evaluation reports of the National Action Plans for Employment (*NEP's*) up to 2008, which reflected the strategies and the results of employment policies for the whole population and specific groups, including people with disabilities.

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

According to the National Population Census taken in 2001, which included questions on people with disabilities resident in Portugal, 6.1% of the total population has at least one type of disability. However, the QUANTI study, a survey promoted between September 1993 and June 1995, 9.2% of the population had some type of disability – a figure close to that determined by studies conducted in other European Union countries.

Concerning the employment of people with disabilities, there has been a notable shift from individual programmes to a more mainstreamed approach. Nevertheless there are still specialized programmes and measures addressing the specific need of people with disabilities.

In 2004 the *framework law defining the general basis of the juridical system for prevention, habilitation, rehabilitation and participation of people with disabilities* (Law nº38/2004, of 18<sup>th</sup> of August) was adopted, which established specific rules in the employment field such as on promoting conciliation between the family and professional responsibilities of people with disabilities, as well as with those taking care of a relative with disabilities; the promotion of self-employment resources; telework, part time work and working from home.

It is important to underline the investment made in *Local and Specialized Resource Centres Networks* within the domain of vocational rehabilitation.

These are concerned with evaluation/vocational guidance, support for integration and for keeping people with disabilities in employment, specialized training support for people on integrated courses and actions targeted to the general public.

The *Resource Centres Network* is approved by the Institute of Employment and Vocational Training (IEFP)<sup>1</sup> and is based on mobilizing partnerships with non profitable private entities acting in this field. It currently includes 83 Employment Centres, 9 of which are *Specialized Resources Centres* and 74 that are *Local Resources Centres*<sup>2</sup>.

**Table 1- Local and Specialized Resource Centre Networks by Regions in Portugal, 2007**

REGION	Local	Specialized Resource Centres	TOTAL
North	14	2	16
Central	22	1	23
Lisbon-VT	20	5	25
Alentejo	12	-	12
Algarve	6	1	7
<b>TOTAL</b>	74	9	83

Source: Institute of Employment and Vocational Training, October 2007(IEFP 2007)

It is also possible to identify, among others, the following measures<sup>3</sup> promoted by the Institute of Employment and Vocational Training (IEFP): *Pre-vocational Education; Information, Evaluation and Vocational Guidance of people with disabilities; Vocational Training; Retraining for work; Incentives for employers in order to promote people with disabilities` employment; Self-Employment, Telework; Technical Assistance on the job; Supported Employment in the normal labour market; Sheltered-Employment and Technical Assistance.*

Within the support actions for vocational training and labour market integration of people with disabilities, around 105.000 individuals have been assisted between 2000 and 2008, as shown in the table below:

**Table 2- Number of beneficiaries of the measures between 2000 and 2008**

MEASURES									
	2000	2001	2002	2003	2004	2005	2006	2007*	2008**
<b>Pre-vocational education</b>	269	333	271	273	213	245	268	226	269
<b>Information, evaluation and vocational guidance of people with disabilities</b>	241	225	292	1.085	1.340	1.023	1.034	1.155	1.378
<b>Vocational Training</b>	5.724	5.807	6.597	7.025	6.624	6.975	6.059	6.002	6.464
<b>Retraining for work</b>	0	0	160	99	119	127	88	71	154
<b>Incentives for employers to promote employment of people with disabilities</b>	629	549	529	463	528	535	519	512	686

<sup>1</sup> Ministry of Labour and Social Solidarity Department

<sup>2</sup> Institute of Employment and Vocational Training, 2007 data.

<sup>3</sup> These measures intend to intervene directly to people with disabilities, improving their skills, or their social environments, in order to create necessary conditions to effective social integration.

<b>Self-employment</b>	61	41	41	30	33	13	12	14	46
<b>Telework</b>	143	0	13	24	14	11	0	0	10
<b>Technical assistance on the job</b>	0	0	1.231	1.288	1.565	1.648	1.092	1.325	1.489
<b>Supported employment in the normal labour market</b>	0	0	0	0	0	0	0	0	0
<b>Sheltered Employment</b>	556	490	511	517	525	540	546	445	562
<b>Technical Aids</b>	175	354	524	403	517	551	490	615	731
<b>Jointly managed Vocational Rehabilitation Centres</b>	575	613	624	1.323	1.488	1.650	1.567	1.793	2.300
<b>TOTAL</b>	8.373	8.412	10.793	12.530	12.966	13.318	11.675	12.158	14.089
<b>Training of Specialists</b>	226	84	120	64	63	119	10	0	50
<b>Merit Prize</b>	52	50	72	62	88	76	0	0	0
<b>OED and Other Experimental Projects</b>	230	211	231	217	186	232	0	0	0

### Notes

2000 and 2006 – data from the Activities Report of Institute of Employment and Vocational Training

\* - 2007 – Final Data from the balance of the Budgetary Execution

\*\* - 2008 data from the Activities Plan

From the table above, it can be seen that the measure that has registered most beneficiaries between 2000 and 2008 has been Vocational Training.

The following table shows the development of financial support for the activities developed by the Resource Centres Network.

**Table 3 – Financial support of the activities developed by Resources Centres Network**

Measures	Financial Support (EUROS)					
	2003	2004	2005	2006	2007*	2008**
<b>Pre-Vocational</b>	423.348,08	414.242,97	376.362,03	364.448,70	308.927,56	425.634,00
<b>Information, evaluation and vocational guidance of people with disabilities</b>	751.099,72	812.790,60	680.869,88	671.509,57	515.927,56	712.371,00
<b>Vocational Training</b>	49.618.686,79	49.199.818,24	46.975.666,15	47.261.687,24	49.989.447,45	43.872.196,00
<b>Retraining for work</b>	317.435,77	524.717,08	468.760,94	580.304,81	448.991,18	495.880,00
<b>Incentives for employers to promote employment of people with disabilities</b>	2.595.517,43	2.670.679,38	2.456.057,36	2.732.420,17	2.993.430,93	3.046.428,00
<b>Self-employment</b>	351.911,56	429.354,13	176.460,11	137.942,68	188.596,32	373.795,00
<b>Telework</b>	83.212,14	113.143,06	52.325,34	4.371,56	0,00	55.000,00
<b>Support to employment and on the job technical assistance</b>	848.222,81	1.061.872,64	852.487,17	938.689,40	835.261,19	984.073,00

Supported employment in the normal labour market	0,00	0,00	0,00	0,00	0,00	50.000,00
<b>Sheltered Employment</b>	<b>1.751.690,63</b>	<b>1.769.933,00</b>	<b>1.749.572,00</b>	<b>1.822.748,90</b>	<b>1.967.836,06</b>	<b>2.618.282,00</b>
CEP	1.285.574,23	1.236.419,16	1.210.555,84	1.266.304,55	1.363.276,14	1.763.268,00
Enclaves	466.116,40	533.514,15	539.016,47	556.444,35	604.559,92	855.014,00
Technical Aids	1.519.426,15	2.044.347,50	2.311.408,20	2.420.074,01	2.497.848,08	2.309.426,00
Training of Specialists	17.378,13	10.965,96	11.133,60	14.899,68	404,05	30.000,00
Merit Prize	53.470,69	49.359,44	50.585,22	53.881,90	4.000,97	60.000,00
Directly managed Vocational Rehabilitation Centres *	1.473.583,00	1.513.507,43	1.547.987,26	1.455.458,98	1.534.042,50	1.697.325,00
Jointly managed Vocational Rehabilitation Centres	6.277.893,00	6.162.000,00	6.438.836,00	6.330.710,00	6.839.853,75	7.036.395,00
OED and Other Experimental Projects	145.021,43	127.834,49	130.994,18	132.032,44	122.899,62	150.000,00
Cooperative Employment and Vocational Training Institute/ National Institute for Rehabilitation	100.000,00	135.883,99	75.000,00	95.000,00	121.855,50	190.000,00
<b>SUBTOTAL</b>	<b>66.327.897,33</b>	<b>67.040.449,91</b>	<b>64.354.505,44</b>	<b>65.016.180,04</b>	<b>68.369.322,72</b>	<b>64.106.805,00</b>
Rehabilitation Centres Network	1.542.319,16	943.920,31	1.675.361,90	1.108.176,11	824.537,13	1.339.130,00
<b>TOTAL</b>	<b>67.870.216,49</b>	<b>67.984.370,22</b>	<b>66.029.867,34</b>	<b>66.124.356,15</b>	<b>69.193.859,85</b>	<b>65.445.935,00</b>

2000 to 2006 – Data from the Instituto do Emprego e Formação Profissional's (IEFP) Activities Report

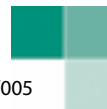
\* - 2007 Final Data from the balance of the Budgetary Execution

\*\* - 2008 Data from the Ordinary Budget

**Table 4 - People with Disabilities and Economic Activity according to type of disability**

	Hearing	Visual	Motor	Mental	Cerebral Paralysis	Other Disa.	Total
<b>Population with Economic Activity</b>	25.563	64.177	33.224	6.446	945	39.223	169.578
<b>Employed population</b>	23.103	58.151	30.272	5.466	825	35.489	153.306
<b>Unemployed population</b>	2.460	6.026	2.952	980	120	3.734	16.272
<b>Population without Economic Activity</b>	52.427	84.172	113.467	55.796	11.071	94.592	411.525
<b>Total</b>	77.990	148.349	146.691	62.242	12.016	133.815	581.103

Source: Instituto Nacional de Estatística (INE), Census 2001, Final results



### 1.3 Laws and policies (key points)

The Employment and Vocational Training Institute ('Instituto do Emprego e Formação Profissional' – IEFP) is the national body responsible for implementing vocational rehabilitation policy by developing actions that favour the vocational integration of people with disability in the normal work market.

Vocational integration of people with disabilities is considered to be a decisive stage in the overall rehabilitation process. It is essential for these people to be able to live fully functional social lives in the community.

This is done by guaranteeing their economic independence, by equipping them with vocational skills and by letting them carry out a stable, paid vocational activity with the acquisition of worker status.

Recently, the **Decree-Law 290/2009, 12 October** was approved, which regulates the granting of technical and financial support for the development of employment policies. It supports qualifications for people with disabilities and impairments and the system of granting technical and financial support to professional rehabilitation centres. The law also deals with the accreditation resource centres of the Institute of Employment and Vocational Training, I. P. (IEFP), and created a Forum for Professional Integration.

Briefly, this Decree-law includes the following measures:

- a) Support for qualifications;
- b) Support for integration, maintenance and reintegration of people with disabilities into the labour market;
- c) Supported employment;
- d) Merit Award.

The Decree - Law No. 290/2009 of 12 October, represents a positive achievement as it reviews exemptions from and reduction of contributions to social security.

Another innovative aspect is the creation of a network of workforce support resources accredited by the Institute of Employment and Vocational Training, I. P., and a Forum for Professional Integration.

The Employment Quota in public administration (5%) and private enterprises (2% of all workers) is not effectively regulated by Article 28. of the Fundamental Law (Law 38/2004).

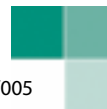
#### The New Labour Code

The issue of equal opportunities is particularly important in the new Labour Code, approved by Law No. 7/2009 of 12 February. It contains a subsection, entitled 'Equality and non discrimination, which includes 'the right to equal access to employment and occupation (Article 24.) as well as the prohibition of discrimination (Article 25.), as regards gender. Discrimination is prohibited behaviour that violates one of these principles, particularly with regard to workers with reduced working capacity, disability or chronic illness.

Legal measures applicable to Workers with Disabilities or Chronic Illness are provided in Articles 85. to 88. Article 85. Stipulates not only that a worker with a disability or chronic illness has the right to equal treatment, and recognition of these rights, but also that penalty payments should apply on the same basis as for other workers concerning access to employment , training and promotion, subject to the specific aspects of their situation.

The Code also contains the subject heading of 'employee with reduced working capacity,' a subsection constituted by Article 84. °.





This sets out the duty of the employer to facilitate the employment of workers with reduced working capacity, providing appropriate conditions work, in particular, the adaptation of jobs, remuneration and promoting or assisting with training and appropriate professional development. The infringement of this provision is a very serious issue.

Article 87. specifically stipulates that workers with disabilities or chronic illness can be relieved of their work, if it can harm their health or safety. The work may be organized more flexibly in terms of time, by banking hours or concentrating them, and should be subject to health checks prior to the start of the time in question.

Article 88 ensures that workers with disabilities or chronic illness should not be required to perform overtime work.

### **Non-discrimination Law**

The **Law 46/2006, 28th August** prohibits and punishes discrimination on the basis of a disability or illness. Discriminatory practice against people with disabilities in the work and employment is considered to be:

- The adoption of a procedure, measure or criteria, directly by the employer or through instructions given to workers or the employment agency, that subordinates their offer of job, due to a person's physical, sensory or mental impairment, ending an employment contract refusing an employment contract;
- The announcement of job offers, or other forms of advertising, pre-selection or conscription for workers, that contains, direct or indirectly, any specification or preference based on factors of disability discrimination;
- The adoption of practices or measures by the employer that, in the scope of labour relations, discriminates against a worker regarding services provided.

### **PAIPDI**

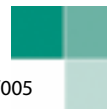
The Government has adopted the 1<sup>st</sup> Action Plan for the Integration of Persons with Disabilities (2006-2009) (PAIPDI) by means of Council of Ministers Resolution No. 120/2006, of 21<sup>st</sup> September.

This instrument marks a qualitative change in the policy on disability in Portugal. It aims as a priority to guarantee and consolidate respect for human rights, promote equal opportunities and combat discrimination. The measure intends to ensure the full social, economic and political participation of all citizens without exception, with special emphasis on combating the discrimination and obstacles faced by persons with disabilities.

By highlighting the capacities and abilities of persons with disabilities and focussing on active policies, PAIPDI is a political instrument for far-reaching cooperation and consultation. It emphasises the social and political participation of persons with disabilities and the organisations which represent their rights and those of their families.

The Plan is a cross-policy instrument which involves 15 Ministries in its implementation and guarantees to mainstream disability in public policies with an impact on the quality of life of persons with disabilities.

This initiative was inspired by the recommendations made by the European Union, the Council of Europe and the United Nations and is based on the following guidelines:



- 1) Promotion of human rights and full citizenship;
- 2) Mainstreaming of questions of disability and impairments in public policies;
- 3) Accessibility to services, equipment and goods;
- 4) Qualification, training and employment of persons with disabilities;
- 5) Qualifications for and training of professionals in terms of strategic knowledge.

The ninety-five measures listed in the Plan comply with the quantitative goals defined over the reference period (2006-2009) and are split into three points of intervention, namely: Accessibility and information, Education, qualification and promotion of inclusion in the labour market and Empowerment and promotion of the quality of life.

Overall, targets for implementation and execution of the Plan are set out with an evaluation to be carried out by an interdepartmental Group which will draw up a report annually and submit new proposals to the Council of Ministers. This is to ensure that the measures comply with the effective promotion of the rights of persons with disabilities and an improvement in their living conditions.

The Plan uses an innovative and multidisciplinary approach regarding the inclusion and participation of people with disabilities. It focuses on various actions associated with: accommodation, accessibility, modern information and communication technologies, the availability of leisure services (culture, sport and art), adjustment to education and lifelong learning and the adaptability and employability of workers in a view to social and tax protection.

It should be underlined that the Council of Ministers changed its procedures in 2005 in order to make sure that the submission of new draft laws should include an assessment of impact on the rights of people with disabilities.

It is also important to note that in 2005 a specific Secretary of State for Rehabilitation was appointed, in charge of promoting an integrated policy aimed at promoting equal opportunities of all the citizens and fighting discrimination against people with disability. The National Institute for Rehabilitation (INR,I.P.) is the national body responsible for promoting this policy, in partnership with other public entities and NGO's. INR,I.P. was created by the Law of the Ministry of Labour and Social Solidarity, and it is the national authority plans, executes and coordinates national policies aimed at promoting the rights of people with disabilities.

### **New Opportunities Programme**

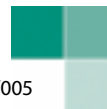
The reform of the Portuguese vocational training system lead to the national strategy New Opportunities, which was launched in 2005 to improve the level of qualification of the Portuguese population. They adopted an integrated education and vocational training policy aimed at generalizing secondary education as a benchmark for the qualification of young people and adults and their integration in a globalised society of knowledge.

Persons with disabilities are also a priority of this programme and are included in its scope, although there are some specialized treatments according to need as mentioned above.

Four protocols were signed for the creation of New Opportunities Centres specialized according to certain groups of people with disability. The aim of these protocols is to adapt and develop the orientation of Recognition, Validation and Certification Centres to secondary schools, adapted to the characteristics of people with disability.

### **Micro-credit**

On the other hand, the promotion of micro-credit has earned increased attention, being a measure of technical and financial support by Social Protection expenditure (SPE) for the creation of self-employment for people experiencing special difficulties with insertion in the labour market. In total, to December 2006, 640 loans were made and 745 workplaces were created.



## Accessibility

There have been significant developments on accessibility, which is considered a priority for inclusion and the exercise of rights of persons with disability in society.

**Decree-Law 163/2006**, establishes the technical norms of accessibility to all public and collective equipment, public buildings and housing. This new law aims to be more effective than the previous one and reinforces the rules applicable to promote accessibility as well as the sanctions that apply to all, whether a public or private entity. NGOs can participate in the complaints procedure against authorities that do not comply with the law.

In 2007 the **National Plan of Promotion of Accessibility** was adopted, which defines the strategy to ensure accessibility to buildings, transport and information and communications technology. The promotion of the accessibility is a key issue for reaching four objectives of the strategy of the European Council of Lisbon: to increase competitiveness, to reach full employment, to reinforce social cohesion and to promote supported development.

The National Plan of Promotion of Accessibility (NPPA) constitutes an instrument of measures which aim at improvement of the quality of life of all citizens and, particularly, the realization of the citizenship rights of persons with special needs. The objective of The National Plan of Promotion of Accessibility is to remove obstacles and barriers faced by citizens up to 2015.

## Legislative amendments

### Years 2008-2009

#### Vocational Rehabilitation

Order No. 279/2009 of 6 January, approved the regulations for granting of IIEFP, I. P. the Resource Centres for information, evaluation and career guidance, placement and post-placement support for people with disabilities and impairments.

#### New programs and measures:

- Ordinance No. 128/2009 of 30 January, regulating measures 'Employment Contracts Insertion' and 'Employment Contracts + Insertion'.
- Ordinance No. 129/2009 of 30 January, repealing Ordinance No. 268/97 of 18 April, and regulating the (new) Professional Training Program.
- Ordinance No. 130/2009 of 30 January, providing exceptional support for employment for the year 2009.
- Ordinance No. 131/2009 of 30 January, as amended by Decree No. 262/2009 of 12 March, regulating the Internship Programme-Employment Qualification.
- Decree No. 300/2008 of 17 April, approving the regulation of development of interventions envisaged under applications from Portugal to the European Globalization Adjustment Fund (EGF), in accordance with Regulation (EC) 1927/2006 of 20 December. It was amended by Decree No. 250/2009 of 9 March.
- Program Inov-JOVEM - Young Executives for Innovation in SME's

#### Programs and measures that have changed:

- Decree No. 282/2005 of 21 March amended Decree No. 268/97 of 18 April (previously amended by Ordinance No. 286/2002, 15 March, No. 814 / 98, September 24, and No. 1271/97 of 26 December), regulating the Professional Training programme. It was repealed by Decree No. 129/2009 of 30 January.

## Training

- Order No. 13 456/2008 of 14 May, approving the initial version of the National Qualifications Catalogue;
- Order No. 18 360/2008 20 June, which approves the specific regulation of Type 6.2 'Qualification of persons with disabilities and disabilities' of the Programa Operacional Potencial Humano (POPH);
- Order No. 18 364/2008 20 June, which approves the specific regulation of Type 6.4 'Quality of Services and Organizations' of POPH.

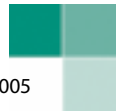
### 1.4 Type and quality of jobs (summary)

According to Census (2001) information on the types of jobs of people with disabilities, the largest group is the blue-collar one, representing 21.5% of individuals, followed by services (20.5%) and individuals with no qualifications (20.3%). Managers and similar professions represent a meagre 1%. Two variables are introduced in the regression to control if individuals received unemployment benefits (30.2%) or underwent a training experience (47,5%), following their registration at the job centre.

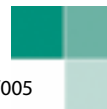
Table 1. Descriptive Statistics

Variables		All													
		No Disabled				Disabled									
		Mean	S.d.	Mean	S.d.	Intellectual	Organic	Muscolar/Skeletal	Other	Mean	S.d.	Mean	S.d.		
Age	Age of individual	32,633	11,761	32,639	11,768	25,885	7,998	32,398	10,568	33,718	11,077	34,090	10,370		
Male	Male individual	0,395	0,489	0,394	0,489	0,592	0,493	0,542	0,500	0,648	0,479	0,694	0,463		
Married	Married individual	0,450	0,498	0,452	0,498	0,092	0,291	0,301	0,460	0,324	0,470	0,284	0,452		
No Dependent	No dependent people	0,609	0,488	0,608	0,488	0,915	0,279	0,687	0,465	0,704	0,458	0,664	0,474		
One Dependent	One dependent people	0,193	0,395	0,193	0,395	0,046	0,211	0,169	0,376	0,141	0,349	0,187	0,391		
Two Dependent	Two dependent people	0,137	0,344	0,138	0,344	0,031	0,173	0,108	0,312	0,085	0,279	0,090	0,287		
Three Dependent	Three or more dependent people	0,061	0,238	0,061	0,239	0,008	0,088	0,036	0,187	0,070	0,257	0,060	0,238		
No Education	No education	0,058	0,233	0,058	0,234	0,038	0,193	0,018	0,134	0,035	0,185	0,015	0,122		
Education4	4 years of education	0,231	0,421	0,230	0,421	0,408	0,493	0,211	0,409	0,204	0,405	0,328	0,471		
Education6	6 years of education	0,217	0,412	0,216	0,412	0,231	0,423	0,265	0,443	0,282	0,451	0,254	0,437		
Education9	9 years of education	0,192	0,394	0,192	0,394	0,200	0,402	0,211	0,409	0,176	0,382	0,194	0,397		
Education11_12	11 or 12 years of education	0,216	0,411	0,216	0,412	0,023	0,151	0,187	0,391	0,225	0,419	0,164	0,372		
Education_over12	over 12 years of education	0,087	0,282	0,087	0,282	0,100	0,301	0,108	0,312	0,077	0,268	0,045	0,208		
No Disability	No disability	0,994	0,078	-	-	-	-	-	-	-	-	-	-		
Intellectual	Intellectual or psychological problems	0,001	0,037	-	-	-	-	-	-	-	-	-	-		
Organic	Blind, deaf or linguistic problems	0,002	0,042	-	-	-	-	-	-	-	-	-	-		
Muscolar/Skeletal	Muscolar or skeletal problems	0,002	0,039	-	-	-	-	-	-	-	-	-	-		
Other	Geriatric, sensorial or aesthetical problems	0,001	0,038	-	-	-	-	-	-	-	-	-	-		
First job	Looking for first job	0,194	0,395	0,193	0,395	0,546	0,500	0,355	0,480	0,296	0,458	0,172	0,378		
Student		0,069	0,253	0,069	0,253	0,077	0,268	0,084	0,279	0,099	0,299	0,045	0,208		
Ex-Student		0,093	0,291	0,093	0,291	0,131	0,338	0,133	0,340	0,092	0,289	0,015	0,122		
End of Training Period		0,018	0,133	0,018	0,131	0,208	0,407	0,048	0,215	0,056	0,231	0,067	0,251		
Fired	Motivation to the registration	0,180	0,384	0,180	0,384	0,085	0,279	0,163	0,370	0,162	0,370	0,164	0,372		
Resignation		0,124	0,330	0,125	0,330	0,038	0,193	0,120	0,327	0,085	0,279	0,119	0,325		
End of Temporary Job		0,363	0,481	0,364	0,481	0,138	0,347	0,241	0,429	0,113	0,317	0,254	0,437		
Other motivation		0,153	0,360	0,152	0,359	0,323	0,469	0,211	0,409	0,394	0,490	0,336	0,474		
Managers and Direction		0,010	0,100	0,010	0,101	0,000	0,000	0,006	0,078	0,000	0,000	0,000	0,000		
Specialist and Teachers		0,077	0,267	0,077	0,267	0,000	0,000	0,030	0,171	0,056	0,231	0,015	0,122		
Technicians		0,075	0,263	0,075	0,263	0,008	0,088	0,120	0,327	0,099	0,299	0,082	0,276		
White Collars	Profession	0,170	0,376	0,170	0,376	0,115	0,321	0,211	0,409	0,415	0,495	0,172	0,378		
Services		0,205	0,404	0,205	0,404	0,108	0,311	0,133	0,340	0,063	0,245	0,134	0,342		
Agricultural and Fishing		0,044	0,206	0,044	0,206	0,131	0,338	0,024	0,154	0,021	0,144	0,037	0,190		
Blue Collars		0,215	0,411	0,216	0,411	0,123	0,330	0,199	0,400	0,141	0,349	0,179	0,385		
No Qualified		0,203	0,402	0,202	0,402	0,515	0,502	0,277	0,449	0,204	0,405	0,381	0,487		
Benefit	Received unemployment benefit	0,302	0,459	0,303	0,460	0,131	0,338	0,235	0,425	0,155	0,363	0,187	0,391		
Training	Received vocation training	0,475	0,499	0,475	0,499	0,546	0,500	0,500	0,502	0,599	0,492	0,485	0,502		
Wage	Wage offered	40,955	90,857	40,943	90,975	41,101	42,173	38,916	50,917	48,785	106,739	43,791	59,643		
Norte		0,346	0,476	0,346	0,476	0,223	0,418	0,337	0,474	0,317	0,467	0,321	0,469		
Centro		0,162	0,368	0,162	0,368	0,269	0,445	0,199	0,400	0,218	0,415	0,127	0,334		
Lisboa	Region of residence	0,362	0,480	0,361	0,480	0,385	0,488	0,386	0,488	0,380	0,487	0,448	0,499		
Alentejo		0,076	0,265	0,076	0,266	0,077	0,268	0,042	0,202	0,021	0,144	0,045	0,208		
Algarve		0,054	0,226	0,054	0,226	0,046	0,211	0,036	0,187	0,063	0,245	0,060	0,238		
Y98		0,151	0,358	0,151	0,358	0,100	0,301	0,139	0,347	0,113	0,317	0,194	0,397		
Y99		0,227	0,419	0,227	0,419	0,323	0,469	0,247	0,433	0,268	0,444	0,201	0,403		
Y00	Year dummies	0,206	0,404	0,206	0,404	0,192	0,396	0,175	0,381	0,254	0,437	0,187	0,391		
Y01		0,199	0,399	0,199	0,399	0,169	0,376	0,205	0,405	0,183	0,388	0,209	0,408		
Y02		0,218	0,413	0,218	0,413	0,215	0,413	0,235	0,425	0,183	0,388	0,209	0,408		
lnstock_u	Log of stock of unemployment	8,931	0,780	8,931	0,780	8,936	0,759	8,902	0,784	8,997	0,701	8,881	0,792		
lnstock_v	Log of stock of vacancies	4,615	0,739	4,614	0,739	4,781	0,737	4,666	0,766	4,786	0,682	4,700	0,683		

Source: Own elaboration based on IEF data.



Note: **This information is based in a Study** 'Unemployment Duration and Disability: Evidence from Portugal', **António Gomes de Menezes ,Dario Sciulli, José Cabral Vieira, Institute for the Study of Labour, September 2007**



## PART TWO: SPECIFIC EXAMPLES

### 2.1 Reasonable accommodation in the workplace

The Decree - Law No. 290/2009 of 12 October provides for an increase in support for the adaptation of jobs and removal of architectural barriers.

#### Technical Aids:

The Decree-Law No. 93/2009 of 16 April creates a system of Allocation Product Support (SAPA), which replaces the system of supplementary aids and assistive technologies. This law came into force in July 2009 but has not been brought into force. It seeks to promote the elimination of social, physical and communication (amongst other) barriers that disabled people are confronted with in their daily lives. It is a public and universal system that covers health, education, vocational training and independent living.

### 2.2 Other activation policies

Summary information on actions to support disabled people are described on the following government information websites:

Ministério do Trabalho e da Solidariedade Social (Ministry of Work and Social Security)  
[www.mtss.gov.pt](http://www.mtss.gov.pt)

Instituto do Emprego e Formação Profissional, I.P. (Employment and Vocational Training Institute)  
[www.iefp.pt](http://www.iefp.pt)

Instituto Nacional para a Reabilitação, I.P (National Institute for Rehabilitation) [www.inr.pt](http://www.inr.pt)

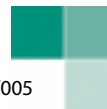
### 2.3 One example of best practice

The partnership between private entities and civil society has been a very important instrument for promoting the employment of people with disabilities. The Ministry of Labour and Social Solidarity, in partnership with the Association GRACE, has carried out a study on Corporate Social Responsibility (CSR) and People With Disabilities, producing a manual: 'The Integration of People with Disabilities in Enterprises: How to act'. This has been published and disseminated in Portuguese enterprises (such as Portugal Telecom, IBM, BP, Logoplaste and Vodafone)<sup>4</sup>

Annual Merit Prize – This is a financial prize awarded to those employers who, each year, stand out because of good practice in the employment of people with disabilities. In 2009, almost 600 Employers presented a bid for this Prize.

In 2007 two protocols were signed between the IEFP and the administration board of two large public enterprises, with the aim of promoting the employment and training of people with disabilities. This initiative was defined in the PAIPDI and it will be implemented in 20 enterprises until 2009. The target is to create 200 jobs and 400 traineeships.

<sup>4</sup> see [www.grace.pt/novo/docs/Integracao.pdf](http://www.grace.pt/novo/docs/Integracao.pdf) and [www.grace.pt/novo/docs/Guia\\_RSE.pdf](http://www.grace.pt/novo/docs/Guia_RSE.pdf)



## PART THREE: SUMMARY INFORMATION

### 3.1 Conclusions and recommendations (summary)

The National Action Programme for Growth and Jobs (PNACE) 2005-2008 is Portugal's answer to the guidelines established by the Lisbon Strategy. The objectives aimed at by PNACE 2005-2008 are to establish the country's public deficit below the maximum limit permitted by the Stability and Growth Pact until 2008; to double public investment and to create the necessary conditions to triple private investment for research and development, as well as to attain an annual GDP growth rate of 2,6% and a global employment rate of 70%.

The priorities for vocational training and employment programmes for people with disabilities are: adjustment and reinforcement of employment and training measures for the professional re-adaptation of disabled persons, through starting a business; qualifications, special professional training, promoting adequate recognition and certification of training; continuing support for labour market insertion and active job seeking. The target is to facilitate the integration of 46,000 people with disabilities between 2005 and 2008. (*Qualification, Employment and Social Cohesion - Measure 16*)

Bearing in mind the low participation rates, low levels of qualification and high levels of unemployment and inactivity of people with disabilities, it is very important to reinforce implementation of the measures already defined for education, Vocational training and employment and to combat discrimination (PAIPDI 2006-2009). Portugal has a very comprehensive legal framework on disability and it is important to reinforce the concrete application of the laws.

Concerning employment, it is important to define a system that combines active and passive social measures in order to stimulate the participation of these citizens in labour market. Improvement of the participation of social partners in the dissemination of laws and good practice is also a key instrument for combating discrimination on the grounds of disability.

### 3.2 References

Ministry of Labour and Social Solidarity (Strategy and Planning Office), 'National Action Plan for Employment 2005-2008', Lisbon, October 2006

<http://www.dgeep.mtss.gov.pt/estudos/pne/pne2005.pdf>

Ministry of Labour and Social Solidarity (Strategy and Planning Office), 'National Action Plan for Employment – Follow-up Report 2007', Lisbon, January 2008

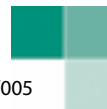
<http://www.dgeep.mtss.gov.pt/estudos/pne/pne2007.pdf>

Lisbon Strategy <http://www.estrategiadelisboa.pt>

ISCTE/CRPG, Estudo 'Modelização das Políticas e das Práticas de Inclusão Social das Pessoas com Deficiências em Portugal', 2008

Dario Sciulli, António Gomes de Menezes, José Cabral Vieira, 'Unemployment Duration and Disability: Evidence from Portugal', Discussion Paper Series, Institute for the Study of Labour, September 2007

Green Book on Industrial relations (Livro verde sobre as relações industriais) MTSS 2007



## ANNEX 1: QUANTITATIVE DATA ON THE EMPLOYMENT OF DISABLED PEOPLE<sup>5</sup>

The data is not available yet

Year:	Absolute? (N)	Percentage (%)	Change (from previous year)
Disability rate			
Employment rate of disabled people			
Activity rate of disabled people			
Inactivity rate of disabled people			
Employment in open labour market			
Employment in sheltered workshop			
Reason for leaving the labour market due to disability or long standing health problem			

Year:	% Permanent	% Temporary
Permanent contracts vs. short term contracts		

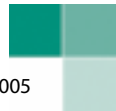
Year:	% Full-time	% Part-time
Full time vs. part time jobs		

Year:	Public sector	Private sector	(e.g. comment or give % employers meeting obligations?)
Fulfilment of employment quota (if it exists)			

Participation in training of disabled people		(e.g. comment or give number of people participating in vocational or work-related employment)
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<sup>5</sup> This information will be given when the 2009 data is available.





## ANNEX 2: 2008-9 LAWS AND POLICIES ON THE EMPLOYMENT OF DISABLED PEOPLE

<b>Name of law:</b>	Law No. 7 / 2009
<b>Date of entering into force:</b>	12 February
<b>Objective:</b>	Approves the new Labour Code
<b>Impact assessment (positive/negative):</b>	Discriminatory behaviour is prohibited with regard to workers with reduced working capacity, disability or chronic illness.

<b>Name of law:</b>	
<b>Date of entering into force:</b>	
<b>Objective:</b>	
<b>Impact assessment (positive/negative):</b>	

<b>Name of law:</b>	
<b>Date of entering into force:</b>	
<b>Objective:</b>	
<b>Impact assessment (positive/negative):</b>	



### ANNEX 3: 2008-9 RESEARCH/EVALUATION ON THE EMPLOYMENT OF DISABLED PEOPLE

<b>Publication details (author, date, title, etc):</b>	
<b>Key findings from the research:</b>	
<b>Comment or assessment:</b>	

<b>Publication details (author, date, title, etc):</b>	
<b>Key findings from the research:</b>	
<b>Comment or assessment:</b>	

<b>Publication details (author, date, title, etc):</b>	
<b>Key findings from the research:</b>	
<b>Comment or assessment:</b>	