

# Open employment in Spain. Why have we still not taken the decisive step?

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**Abstract.** Spain was one of the first countries in Europe to initiate supported employment. However, its development compared with sheltered employment has not been positive. This article attempts to answer why we have not been able to make this decisive step forward towards the ordinary labor market. One of the keys to this has been the priorities in the social policies reflected at the various levels of financial investment in both types of employment. Where funding has gone hand-in-hand with supported employment programs, the results have enabled a significant increase in instances of vocational integration in competitive employment. Another key to explaining the lack of progress is pressure and influence in the face of sector management that defends sheltered employment. The article concludes with proposals for forward movement, and stresses that public policies and financial investment need to aim for the highest possible level of integration and normalization with regard to people who are significantly limited in their day-to-day functioning.

**Keywords:** Supported employment, sheltered employment, ordinary employment, disability, social policies

## 1. Introduction

The employment of people with disabilities has been, and is, one of the most advanced lines of research coming out of the University of Salamanca's *Instituto Universitario de Integración en la Comunidad* [University Institute on Community Integration] (INICO). The approach that this institute has taken to this issue has always been the same: to assess all the employment options, but at all times to secure the highest level of integration into the Community. This is why we have always encouraged supported employment and critically examined sheltered employment. We have undertaken our research in both areas, and this has allowed us to obtain facts for analysis in order to establish a solid principle for ourselves about the reality around us in the sphere of work. The contributions to this article are based on this research and, above all, on two documents: the 'Report on the Situation

of Special Work Centers in Spain' (*Informe sobre la Situación de los Centros Especiales de Empleo en España*) [7] produced by the Ministry of Labor and the 'INICO White Paper #1, Integrated Employment as an Essential Goal' (*Documento Blanco del INICO nº 1 El empleo integrado como meta irrenunciable*) [5] published by INICO and based on the ideas conveyed personally by Paul Wehman. These documents led to great debate in Spain, with various criticisms and lobbying hushed up by some disability sectors with financial interests in segregated employment.

We should clarify that in Spain, Sheltered Employment is mainly run through Special Work Centers (SWC). These centers are companies in which at least 75% of staff are workers with disabilities. These companies participate fully in market activities in every sense, but the law allows them tax exemptions and financial subsidies on the salary of workers with disabilities that imply a big investment of government funds. In Spain, this type of center has entailed a vital job-generating source for people with disabilities. However, these centers were created with a dual function in mind: primarily to provide employment, but also to encourage

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the transition to normalized employment. The first has been fulfilled, the second has not.

This article is based on three premises that respond directly to the proposals in article 27 of the UN Convention (2006) which governs labor law for people with disabilities. The premises are: 1. All jobs are employment, but not all jobs are equal; 2. Integration is preferable to segregation; and 3. Priorities and the allocation of funds determine results.

## 2. A wide divide between sheltered employment and supported employment

Access to reliable, up-to-date data on the number of people with disabilities working in Special Work Centers in Spain is really difficult to obtain, as they are not published. As a result, when offering such data one has to count on reliable, though perhaps rather obsolete, sources, or provide unofficial data. Thus, the reliable data that we are able to offer are based on the publication by Rodríguez, García and Toharía [13], who have been presenting data since 1996 and cite 54,146 workers in a total of 1,728 Special Work Centers in 2007. Unofficially, we came across a final figure for 2010 for the Public Employment Service which estimates that there are 59,185 workers for 1,871 centers. These data reflect a trend between 1996 and 2010 which triples the number of centers and doubles the number of people working in them (see Table 1).

Moreover, the only data available for the trend in supported employment in Spain are those obtained by the *Instituto Universitario de Integración en la Comunidad* (INICO) in its periodic analysis of this situation, which have always been widely published and disseminated [2, 4, 6, 10, 15–18], some of them in this journal. The most recent study available includes data relating to the end of 2010 [3, 8, 9] and presents a situation in which supported employment had 207 initiatives on the go, which provided services to 47,650 people; of these, 28,882 were at risk of social exclusion and 18,768 were people with disabilities. However, of the people in receipt of services from the supported employment programs, only 2,838 people were at risk of exclusion

Table 1  
Trend in Special Work Centers and workers

|      | Centers | Workers |
|------|---------|---------|
| 1996 | 562     | 24,823  |
| 2007 | 1,728   | 54,146  |
| 2010 | 1,871   | 59,185  |

Table 2  
Trend in supported employment initiatives and workers with disabilities

|      | Initiatives | Workers |
|------|-------------|---------|
| 1996 | 35          | 1,067   |
| 2010 | 207         | 5,538   |

and 5,538 people with disabilities were working. Thus, based on the data available from the studies carried out, we are able to present a graph similar to that of the SWC relating to people with disabilities in supported employment (see Table 2).

Unfortunately, the increase in programs and people working continues to show evidence of a deep divide between the SWC and Supported Employment which, although it has narrowed proportionally, testifies to situations with very different figures. How can we determine the reasons as to why we have progressed so little in the last 15 to 20 years? And, as we ask in the title of this article, why have we still not taken the decisive step?

## 3. Government approach since the Act on Social Integration of the Disabled

The enactment of Law 13/1982 of 7 April – the Act on Social Integration of the Disabled – assumed a fundamental starting-point for generating inclusive policies in various social areas in Spain. Nevertheless, despite the existence of subsequent declarations of intent in different government action plans, a detailed analysis of the main legislative developments highlights four aspects in relation to the government's approach in the last three decades. The first is *historical redundancy in the development of measures for vocational integration of people with disabilities that reinforce the sheltered employment alternatives*, including when the latter claim to be measures in favor of integrating people with disabilities into ordinary companies.

Since the adjustment of the quota system to assist the integration of people with disabilities (PWD) into ordinary employment, and bringing the SWC into operation, the different relevant measures implemented have included:

1. The Royal Decree on alternative measures, which favors exemption of the binding nature of a contract with PWD in ordinary companies and suggests, among other alternatives, the procurement of goods and services from SWC. This

- alternative strengthens the sheltered employment organizations.
2. The Royal Decree on Enclaves, which creates a legal precept of doubtful usefulness for assisting the vocational integration of PWD into ordinary employment, but which does encourage SWC to develop their market and activities, providing ordinary companies with further grounds for exemption for failing to meet recruitment quotas.
  3. The Royal Decree on Supported Employment, which – paradoxically – provides SWC with new funds on top of the large allocations already available for assisting the transition to ordinary employment that the Act on Social Integration of the Disabled provided for from the start as one of its functions.
  4. The Royal Decree that governs the vocational activity support units within the framework of the personal and social adaptation services provided by the SWC, which again allocates new funds for the development of an activity that the SWC should have developed from the start, as regulated by the Act on Social Integration of the Disabled.

The second is the *set of measures implemented for robustly assisting the integration of PWD into ordinary employment*, regardless of the strategy for checking recruitment; apart from the setting of quotas, these measures boil down to one, the Royal Decree on Supported Employment, which we have mentioned, and which also, once again, provides funds to the SWC organizations. This development plainly shows a clear tendency of the government to especially favor the sheltered employment organizations already created over the development of alternatives for assisting integration into ordinary employment. This situation arises under strong influence from CERMI (The Spanish Committee of Representatives of Persons with Disabilities) which, although it represents PWD, above all represents the organizations that bring them together, over which the network of SWC holds a great deal of sway. The resulting policies deviate from the recommendations of international bodies such as the OECD, the ILO [International Labor Organization], the UN and the EU itself in terms of promoting active policies for assisting

access to ordinary employment and a gradual reduction in sheltered employment.

Thirdly, *although most of the recent developments have distinguished between the amounts of financial aid depending on the type and percentage of disability, there was no such differentiation in the area of the SWC*. No proportional fairness standard has been used according to the different types of support needed.

Lastly, *the aid given to SWC is not subject to budgetary availability*, so that if a worker is taken on in December, funding will arrive as if he or she were taken on in January. However, *the aid allocated to integrated employment through supported employment has always been subject to budgetary availability*, and a support-based contract entered into in August could well be left without funding due to funds having run out.

The aspects outlined in the paragraphs above result in clear differentiation with regard to levels of investment in sheltered employment and supported employment, which discriminates against the latter.

#### 4. The historical imbalance in government investment

The Special Work Centers and Supported Employment have not been treated in the same way in terms of financial investment by the government. According to Public Employment Service data analyzed with reference to different jobs [1, 11, 12], by way of example, we can say that investment in Sheltered Employment rose from an approximate total of €87,250,000 in 1998 to €214,135,000 in 2007. During this period, the total therefore dedicated by the administration to SWC exceeded €1,624,000,000 (see Table 3).

It does need to be pointed out that while the SWC have been assured a funding model that guarantees financial aid thanks to the aid being clearly regulated, Supported Employment lacked specific sources of funding until it was regulated in 2007, only being able to benefit from the odd program with a very small budget and subject to availability of funds, sponsored mainly by a few autonomous administrative regions. Even after Supported Employment became regulated by Royal Decree, its funding continued to depend on the availability of resources.

Table 3

Trend in SWC budgets. Source: Public Employment Service. National statistics without Navarre. Source: Barea and Monzón (2008)

| 1998       | 1999        | 2000        | 2001        | 2002        | 2003        | 2004        | 2005        | 2006        | 2007        |
|------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 87,246,583 | 149,370,199 | 150,875,975 | 150,049,163 | 155,954,070 | 161,028,180 | 175,809,000 | 185,187,060 | 194,446,421 | 214,135,328 |

Table 4  
Investment in employment and disability 2008–2010. Source: Public State Employment Service

|   | 2008           | 2009           | 2010           |
|---|----------------|----------------|----------------|
| Aid and subsidies for the vocational integration of people with disabilities into SWC, including those relating to the support units for personal and social adaptation | 219,781,416.00 | 263,185,183.00 | 231,034,650.00 |
| Subsidies for encouraging permanent employment for people with disabilities, including those relating to work enclaves, and aid for supported employment                | 76,612,857.00  | 78,649,098.00  | 79,247,840.00  |

Public Employment Service data make it possible to compare the budgetary allocation of ‘Aid and subsidies for the vocational integration of people with disabilities into SWC, including those relating to the support units for personal and social adaptation’ with the allocations of ‘Subsidies for encouraging permanent employment for people with disabilities, including those relating to work enclaves, and aid for supported employment’ (see Table 4).

It must be made clear that the second aid package includes both non-specific aid for permanent employment as well as aid for enclaves, which goes directly to the Special Work Centers – being added, in practice, to that of the first package – and that only a percentage of the second package is dedicated to supported employment. We can therefore say, with a fair degree of certainty, that approximately 75% of the government’s budgetary allocation in terms of employment for people with disabilities is dedicated to sheltered employment and only 25% to ordinary employment, and only part of this latter percentage is dedicated to supported employment. Determining the actual amounts is virtually impossible due to the complete lack of differentiated data and accurate evaluations.

Something that we can make clear with regard to funding for supported employment is that, where it exists, the figures in terms of results rise significantly. We are able to state this on the basis of the most recent follow-up studies, which were carried out on funding for the Caja Madrid SE program [3, 8, 9, 18, 19], implemented by INICO for the Caja Madrid Benevolent Fund which distributed a total of nearly €10.5 million to supported employment initiatives in Spain between 2005 and 2010. The impact of the program was such that, in comparing the trend in the number of programs between 1995 and 2004, supported employment initiatives in Spain grew from 24 to 57, and from the start of the SE program in 2005 up to 2010, they numbered 207, reaching a decisive point in 2009, before the start of the crisis and financial cutbacks, with 236 initiatives on the go.

## 5. Other relevant issues

Although the government’s decisions in the last 15 or 20 years have maintained a line that has especially favored the development of sheltered employment compared with supported employment, we must not lose sight of two aspects that have also been decisive and are intimately related. The first is the existence within the area of disability of a sector with a great deal of financial power and influence over the organizations as a whole and its representation to the government, which maintains, moreover, a sizeable network of special work centers, and has had – due to its positioning, relationships and lobbying capacity over other disability organizations and over the government – a decisive influence in policy and administrative decisions in the matter of employment.

We can trace the second aspect in the limited capacity for influence and mobilization that the supported employment sector has had in Spain: scarcity of resources, the never-ending concern for an innovative or pilot initiative, the lack of a legal framework until 2007 and its subsequent deficiencies, the false belief that costs are higher. We also need to consider the lack of success that those of us may have had who, with the best of intentions, have participated with responsibilities in the Spanish Association of Supported Employment, which had a very limited role, whether due to lack of resources as an organization, the negligible margin of influence that was open to us in view of the fact that the government ignored us, or due to the overwhelming task of many of the members who have always had to contend with a situation of shortage of funds and a huge demand for support, which inevitably takes up a great deal of one’s time at work. Probably all these reasons have resulted in the capacity for influence and mobilization of the supported employment sector, users, families and professionals, having had in very little, or almost no, impact.

Given the situation, this means coming up with proposals in the hope that the public administration will pay heed to one of them and redirect its policies.

## 6. Suggestions for change

The 'INICO White Paper #1, Integrated Employment as an Essential Goal' [5] covers a set of 43 proposals relating to redefining the SWC, kick-starting Supported Employment and other more general measures. Some of the measures suggested imply qualitative and quantitative leaps in terms of understanding the SWC and in the approach to the employment of people with disabilities towards integration into the Community. The proposals are meant for open debate and intended to serve as a tool for moving forward in the face of stagnation in the changes towards integrated employment. In this section, we include only those of a general nature and some of the most significant ones relating to the SWC and Supported Employment.

### 6.1. General proposals

The general measures involve, in the first place, modifying the alternative measures so that their effects favor the development of employment in ordinary companies rather than sheltered employment. We understand that it is illogical to provide alternatives to companies that avoid taking on PWD and that the profits of such companies may not be ploughed back into encouraging the quota to be met and access to normalized employment, but instead favor sheltered employment. We believe that all the revenue to the government that derives from the sanctions stipulated in this respect should be directed solely and exclusively towards programs to assist ordinary employment or supported employment. Equally, the alternative measures must consider, as a priority, contributions to bodies or programs that undertake vocational integration into the ordinary market or supported employment, so that within the total calculation of investment by the company to avoid meeting the quota, at least 50% should be dedicated to donations to organizations that implement programs aimed at integration into the ordinary market or supported employment and the other 50%, at most, to purchasing products or services from SWC.

Secondly, it is proposed to create, under the protection of the Public Employment Services (PES), joint coordination bodies with responsibility for urban or interurban geographic districts. These bodies would

take the form of regular information-exchange forums in which one PES representative and one representative for each SWC, Occupational Center, Supported Employment Program, as well as a representative from the Assessment Teams, would take part. These bodies would cover areas limited to specific geographic zones in big cities, or to entire towns or regional or other delimitations depending on the size of the population and available resources.

A third proposal sets out the need for the Public Employment Services to have at their disposal professionals and specialist services for people with disabilities in order to provide specialist care and actively seek out employment options for this group. These specialist services would have to work in coordination with the government's assessment teams, the SWC vocational activity support units, and the supported employment programs, for each personalized case and to enable coordination via bodies such as the one described in the previous proposal.

The fourth proposal would be to develop a system for assessing the capacity for work of workers with disabilities so as to ascertain whether or not they are suited for the SWC or for ordinary employment. Although we understand that the Ministry of Labor and Immigration is working on tools for evaluating the capability of, and systems for, exchanging this information between the agents involved in these processes, we believe that an assessment of capacities needs to be conducted through the assessment teams with a report that recommends very specifically the right position for a person with disabilities in sheltered or ordinary employment, thereby complying with the spirit and objective of the Act on Social Integration of the Disabled to demonstrate that SWC genuinely are centers for those who are at that time unable to access ordinary employment, and that Occupational Centers genuinely are for those who are at that time unable to access SWC. We would point out that the assessments respond to a need at specific crucial times in a person's life and believe that they should be reviewed jointly each year by each center's assessment teams and vocational activity support units. We must not lose sight of the fact that in any case, the assessment of a person's capacity will need to be carried out for each specific job when the opportunity arises, and if it comes from a SWC, it will need to be done by the vocational activity support unit.

Lastly, a fifth proposal suggests promoting and funding innovative studies and projects relating to different objectives, among which we might single out: strategies for organizational change towards a

support-cum-quality of life model; personal plans from a person-centered planning perspective; development of tools for evaluating the support provided to, quality of life and self-determination of PWD; cost-benefit analysis of employment alternatives for PWD; job satisfaction in ordinary and sheltered employment; and strategies for promoting active enjoyment of their rights for all people with disabilities (regardless of the type and seriousness of their disability).

The studies carried out in recent years, including those conducted within the framework of the Caja Madrid SE program [14, 18, 19], provide a great deal of interesting data on the work situation and benefits for PWD in supported employment in Spain. However, many more studies and much more research needs to be done in order to continue shedding light on the implementation of standard practices, the impact of employment on people, the most effective organizational dynamics, and much more. What is essential in social policies nowadays is to base conclusions on data, and to do this we need to acquire them from different sources, from impartial experts. Furthermore, people and the impact of the actions on them play an important role in these data.

## 6.2. *Proposals relating to the special work centers and supported employment*

We have drawn several proposals from those relating to SWC and Supported Employment, but first we want to present the framework that joins many of these proposals together, and that divides people with disabilities into three levels of support determined by the Type of disability and the Percentage of disability that the government assigns to each support option when carrying out the assessment (Table 5) and which is similar to that used in the Caja Madrid SE program for aid for supported employment implemented by INICO for the Caja Madrid Benevolent Fund nationwide since 2005. This division would be the basis for allocating aid, in SWC or Supported Employment, which would be filtered according to three levels. Level 3, represented by the people with the greatest difficulties, would receive 100% of the determined amount, this being considered the basic level, level 2 would receive 50%, and finally, level 1 would receive 20%.

*Apply financial aid in different ways depending on the type and percentage of disability.* We suggest differentiation into three levels of allocation as far as this is concerned. This proposal suggests taking as a basis the current amounts of aid allocated to SWC, with 100% as

Table 5

| Levels of support by type and percentage of disability |                                  |
|--|----------------------------------|
| LEVEL 1<br>(20%)                                       | Physical dis. (33%–44%)          |
|  | Sensory dis. (33%–44%)           |
|  | Brain damage (33%–44%)           |
|  | Intellectual dis. (33%–64%)      |
|  | Mental Illness (33%–64%)         |
| LEVEL 2<br>(50%)                                       | Cerebral Paralysis (33%–64%)     |
|  | Autism (33%–64%)                 |
|  | Sensory dis. (45%–64%)           |
|  | Physical dis. (45%–64%)          |
|  | Brain damage (45%–64%)           |
| LEVEL 3<br>(100%)                                      | Intellectual dis. (65% or more)  |
|  | Sensory dis. (65% or more)       |
|  | Physical dis. (65% or more)      |
|  | Mental Illness (65% or more)     |
|  | Cerebral Paralysis (65% or more) |
|  | Autism (65% or more)             |
|  | Brain damage (65% or more)       |

the base level, and filtering it according to three levels of aid as shown in Table 5.

*Maintain the current budgetary allocation to the SWC nationally and in the autonomous regions without increasing it until the allocations for sheltered and ordinary employment are made equal within five years.* In this way, the current status of the SWC will be maintained and the level of aid for ordinary employment will be gradually increased to assist the objectives of the Act on Social Integration of the Disabled and the UN Convention in line with all the international perspectives. After the proposed deadline has passed, progress with ordinary employment will need to be reviewed according to the increase in the allocation of funds and the situation of the SWC as an alternative. This will at least mean that the supported employment program will be put on a level with that of the SWC, so that the development of supported employment can be substantially increased.

*Compulsory development of the vocational activity support units within companies designated as SWC with ratios of professionals according to the center's total number of PWD staff.* Any company designated a Special Work Center will need to have a vocational activity support unit that will carry out the functions described in Royal Decree 469/2006 for all the people with disabilities in the center.

*Assist the transition through a quota criterion depending on the type and percentage of disability, and the size of the company.* This system would set out a number of minimum obligatory transition quotas according to the levels of support shown in Table 5 and in keeping with the model that we are also demanding for the differential allocation of aid. The vocational

activity support unit will work with the person on his or her vocational program and on seeking out employment options in collaboration with the public employment service and local community resources.

*Create compulsory personalized plans with work programs for SWC workers with disabilities.* Include in the documentation to request designation as a SWC the center's plan for cooperative interaction with the local community's resources that can provide them with new workers in the implementation of a work program (as Occupational Centers) and with resources that assist workers' transition into ordinary employment (supported employment programs), and with organizations that provide services for PWD that supplement those required for the PWD to play a full role in the SWC. For each user, the SWC will need to implement: a) A multidimensional assessment of the worker's support requirements, b) Personalized person-centered planning with written targets relating to improved personal outcomes in terms of quality of life, and c) Activities to be carried out in the personalized plan and a system for following up the plan. These plans will be reviewed each year by the PES and the assessment teams, preferably within the framework of the coordination bodies proposed earlier.

*Open up participation in the supported employment program to all people with more than 33% disability and to people at risk of social exclusion.* Supported employment is a tool that has proven effective in integrating PWD into the ordinary employment market regardless of the type or percentage of a person's disability. It has also proven to be effective for people at risk of social exclusion. The problem is therefore not the methodology, but the appropriate application of aid according to where there is a specific need for it. For this to happen, the allocation of funds, as we shall establish below, must be equally differentiated. People at risk of social exclusion would come under level 2 in Table 5.

*Set up funding by levels of need for support and according to each stage of the process.* Our proposal, in keeping with the arguments we have already outlined, is to apply the same model as in other proposals. To this end, we are proposing that allocation be differentiated according to three levels, based on Table 5. After the first year, and over the following four years, the amount would be the initial sum less 50% for each level.

*Extend the term for financeable actions to five years, differentiating the amounts allocated by time periods.* As we shall propose below, this would involve two distinct periods: an initial one of 12 months, during which funding is applied in proportion to the high demand for

support that the worker may need until he or she gets a job, followed by a subsequent period of four years during which funding is applied in proportion to the follow-up tasks and on-the-job support, the purpose of which is to create stability for the worker. After the first two years of this second stage, it would be possible to request funding again for further integration for the same worker if he or she were to change job.

*Set up the supported employment actions as the result of the work of a team of professionals who are specialists in Community integration, one of whom would be the 'job trainer'.* The supported employment actions are the outcome of the work done jointly by a team of professionals who assess candidates, prospect for jobs, analyze positions, pair the candidate up with the job, and provide on-the-job training, follow-up and support. In addition, these teams need someone to carry out the necessary management or coordination tasks. A wide range of strategies and tools are used for this, including a fundamental role played by Person-Centered Planning. It is ridiculous to reduce this concept to the intervention of a single professional, failing to see it at all times as teamwork which, moreover, must create synergies with other services provided by organizations and the local community.

*Allocate the subsidies granted to any cost derived from implementation of the program and not only to taking on job trainers.* The development of supported employment entails the existence not only of job trainers but, as we have said, a varied team of professionals. Infrastructure such as offices or premises, the overheads for these, business trips, IT resources, etc., are also part of the necessary costs for the upkeep of the programs and services. Freedom to allocate subsidies makes it easier to scale the programs to size as required and grow them. Whatever the case, what needs to be verified are the results.

*Do away with the system of competition where subsidies are concerned by guaranteeing them, so long as requirements and results can be verified.* Aid should not be awarded subject to budgetary availability or on a competitive basis. The allocation of aid should be guaranteed provided that the applicant body duly verifies both the conditions for making a request and the required results.

## 7. Conclusion and answer

Returning to the question which is the title of this article, that is to say 'why have we still not taken the

decisive step?', in our opinion the answer is clear: because the government has maintained the wrong approach in its employment policies for people with disabilities, in which full integration into ordinary employment has never been a priority objective.

What does a proper re-focusing of public policies involve? As we see it, the employment of people with disabilities and the framework for it to be developed must be restructured according to three basic notions:

1. The assumption as a principle that *the vocational integration of people with disabilities must have as its end purpose the ordinary companies in the Community*, and that any tool or strategy used at a lower level of integration should be weighed up, structured and implemented according to this principle.
2. The necessary restructuring, based on the foregoing principle, of the Special Work Centers so that this tool can be used to the extent it should be, with clear aims and guiding principles, and at the same time, reinforcement of Supported Employment as a valid tool for achieving the main objective.
3. And lastly, though of crucial importance, the assumption that legislative and mainly budgetary developments should take on board that principle and that investment and the amounts to make it possible be properly targeted.

Finally, we need to call for much more active participation from the organizations that support people with disabilities in the programs that pursue integrated employment. Without the mobilization of their managers, and of the professionals who work in them, the opportunities for transition towards social and vocational integration for people with significant limitations will be much slower.

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