

ANED 2016-17 -Task Social Pillar (focus topics)

Country report

Country: Spain

Author(s): Miguel Ángel Verdugo & Cristina Jenaro

Contents

1	Skills in transition to the labour market.....	2
2	Access to the open labour market	8
3	Benefit caps and transitions.....	17
4	Accessible housing	29

1 Skills in transition to the labour market

1.1 Main policy reforms or measures in education and training

What are the main legal and policy frameworks providing for equality of learning opportunity for young people in your country, and have they changed since ANED reported on these issues in 2010? For example:

- *What significant reforms or policy measures have been introduced in vocational education and training and how are young disabled persons affected by them?*
- *Are young disabled people in vocational skills programmes covered by disability discrimination legislation beyond compulsory school age?*

The main significant reform or policy measure introduced in vocational education and training is the implementation of Basic Vocational Training, as established in Royal Decree 217/2014. Article 13 of that Royal Decree states that vocational training must be organized according to the principle of attention to diversity and must meet the specific educational needs and the rights for an inclusive education. The fourth additional disposition of that Royal Decree establishes that Educational Administrations of the autonomous communities may develop adapted vocational training activities aimed at special education students. Basic Vocational training offers two modalities: (1) a general one, aimed at those students without disabilities and those with special education needs who are integrated in ordinary schools and can achieve the requirements for graduating as secondary school students; (2) specific (adapted) programs aimed at students with special education needs who cannot graduate from secondary school. Classes have a reduced student-teacher ratio according to the type of disability: pervasive developmental disorders (N=5), intellectual disability (N=8), severe behavioural disorder (N=5), pluridisability (N=6). Detailed numbers/statistics on how many are being educated in the general or specific programs can be accessed through the Ministry of Education Web page. The most recent published statistics correspond to the academic year 2014-2015.¹ According to the summary note published by the Ministry of Education,² in the 2014-2015 academic year, 6.5% of the total number of students enrolled received special educational services. Of this group, 33.6% received it for special educational needs associated with disability or serious disorder, 3.7% received it for high intellectual capacities, 1.6% for late integration into the education system and 61.1% for other categories of needs (e.g. learning disabilities).

The percentage of students with special educational needs who receive support is approximately 2.2%, both in public and subsidized private education. In non-subsidized private education, the percentage of pupils with special educational needs is only 0.3%.

The most frequent disabilities of these pupils are intellectual (37.4%), serious behavioural / personality disorders (22.4%) and generalized developmental disorders (17.5%). Out of the total, 80.2% are integrated into regular centres.

¹ See: <https://www.educacion.gob.es/educabase/menu.do?type=pcaxis&path=/Educacion/Alumnado/Apoyo/Curso14-15/Acnee&file=pcaxis&l=s0>.

² <https://www.mecd.gob.es/dms/mecd/servicios-al-ciudadano-mecd/estadisticas/educacion/no-universitaria/alumnado/Necesidades-de-apoyo/Curso1415/Nota-Resumen.pdf>.

This basic vocational training requires two years of training. It is aimed at students older than 15 who did not achieve the requirements for graduating from secondary schools. There are more than 30 different vocational training titles³ that have been approved by the Educational Administration as well as by the respective educational departments of the Autonomous communities.

As this educational reform is quite recent and the titles have been implemented during 2015-2016, it is too soon to evaluate the impact of this initiative. Yet, it is important to mention that this basic vocational training replaces the vocational programs previously known as PCPI (Programas de Cualificación Profesional Inicial or Initial Vocational Qualification Programs) Several criticisms have arisen from different sectors of the society, mainly from families and organizations for disabled people. These are (1) the requirement of not having the secondary school certificate implies that some students with disabilities who could graduate should choose not to, in order to have access to adapted vocational training; otherwise, they are not eligible for this training; (2) there is a lack of post-compulsory vocational training alternatives (other than the basic vocational training) accessible to diverse students, and the number of beneficiaries with disabilities is very small. (3) The requirement of being younger than 21 to be eligible for this basic vocational training is leaving some functional diverse students out of the system or even expels them in the middle of the educational process when they are 21. This situation has been denounced in the court.⁴

Anti-discrimination legislation is present in the Spanish Constitution, and includes all sectors (education, health, etc.). Later National legislation applies the principle of non-discrimination in all sectors of public and private employment and occupation, education, health, etc. Consequently, National law, transposing Directive 2000/78 has implemented the duty to provide reasonable accommodation for disabled people both in general terms (Law 51/2003 on equal opportunities for the disabled) and in employment (Law 13/1982 on the social integration of the disabled).

1.2 Relevance of the National Youth Guarantee Implementation Plan and assessment report (for EU Member States)

Are the policy measures described above all covered by the reforms outlined in the national Youth Guarantee Implementation Plan, or the Commission assessment of it? (EU Member States only)

- *Are the needs of young disabled persons addressed in those documents, what is missing?*

The European Commission has published the assessment of the implementation of the Youth Guarantee in Spain,⁵ but it does not explicitly mention the disabled population. The term “disadvantaged” population is mentioned only once. Main issues, according to the Commission assessment, relate to: *“Apart from collaboration agreements with some NGOs, there is no specific outreach mechanism to identify those hardest to reach among young people not in employment, education nor*

³ See: <http://www.todofp.es/todofp/que-como-y-donde-estudiar/que-estudiar/ciclos/fp-basica.html>.

⁴ See: <http://www.larazon.es/local/andalucia/un-alumno-con-discapacidad-lleva-a-la-junta-a-los-juzgados-por-su-expulsion-de-la-fp-BH13365523>.

⁵ See: <http://ec.europa.eu/social/BlobServlet?docId=13661&langId=en>.

training (NEET) and encourage them to register in the system. Coordination among stakeholders is still lagging behind. The role of education authorities in supporting the large partnership created to support the Youth Guarantee is still to be defined. The role and contribution of regional public employment services in providing young NEET with an offer of employment, traineeship, apprenticeship or further education within the four-month time limit is still unclear” (p. 4). In addition, the Employment Committee’s, EMCO’s, assessment invites Spain “to provide for next year’s data collection data on unsubsidized offers and to monitor young people exiting to unemployment, inactivity or unknown destinations” (p.5).

The Youth Guarantee Program under the Youth Employment Initiative was passed in Spain in 2013. Since the signing of the Vocational Training Agreement for Employment on 7 February 2006 and after 13 years of two different modalities of vocational training in the workplace - occupational and continuing training – Royal Decree 395/2007, of 23 March,⁶ integrated both subsystems into a single model of vocational training for employment. Currently, the Programs of Schools Workshop and Homes of Trades and Workshops of Employment are regulated since 2001⁷ with some modifications included in 2013.⁸ The Program of Workshop schools and craft houses is also included under the National System of Youth Guarantee and some regulations are affected by Law 18/2014 of 15 October approving urgent measures for growth, competitiveness and efficiency.⁹ Workshop schools and craft houses receive funding from the Youth Employment Initiative through Axis 5 of the European Social Fund Youth Employment Operational Program. Consequently, requirements for accessing this training are those applicable for the Youth Guarantee Program. Concerning Employment Workshops, requirements for eligibility are: being unemployed, being registered as demanding employment, having an age that does not allow them to access Workshop schools and craft houses, and being part of a group with special difficulties for insertion in the labour market, such as having a disability.

Concerning the Youth Employment Initiative (YEI) implementation, as the EU report states,¹⁰ the number of persons in YEI-supported actions to date is 276,880. There are no available data on the number of persons who completed a YEI operation. There are no available data on the number of persons in employment or education or training after end of the YEI support.

1.3 Availability and effectiveness of apprenticeship schemes

Specifically, and in more detail, what is the current availability of apprenticeship schemes in your country and how beneficial are they for young disabled people? For example:

- *What training schemes are available, how are they funded, and who is eligible for them?*

⁶ See: http://noticias.juridicas.com/base_datos/Admin/rd395-2007.html.

⁷ See: http://noticias.juridicas.com/base_datos/Laboral/o141101-1-mtas.html.

⁸ See: http://noticias.juridicas.com/base_datos/Admin/509251-om-ess-1271-2013-de-24-jun-modifica-om-mtas-de-14-nov-2001-y-desarrolla.html.

⁹ See: <https://www.boe.es/boe/dias/2014/10/17/pdfs/BOE-A-2014-10517.pdf>.

¹⁰ See page 8: <http://ec.europa.eu/social/BlobServlet?docId=13661&langId=en>.

- *Are young disability people a target group for recruitment and what provisions exist to ensure that apprentices get reasonable adjustment, accessibility and appropriate support during their training?*
- *What evidence is there of take-up, or positive job outcomes, among young disabled people on such schemes?*

For disabled people, under the Ministry of Education department, there are:

- (1) apprenticeship schemes under the education system, such as the previously mentioned basic vocational training.
- (2) some initiatives of adapted post-compulsory vocational training aimed at those students (regardless having a disability or not) who graduated secondary school.
- (3) Disabled students who attended special education centres since primary school, can access Programas de Transición a la Vida Adulta (Programs of Transition to Adult Life) that are aimed for students aged 16-21 studying in special education centres. These programs are regulated since 1999.¹¹ The law establishes¹² the contents that should be trained in those programs, which are organized into three areas: daily life personal autonomy, social and community integration, and labour orientation and training.

All these previous alternatives are regulated and supported under different education provisions (acts, etc.)

In addition, for adults (18+) with disabilities there are several programs that are regulated by the Ministry of Employment and Social Issues.

- (1) One option is attending occupational centres to acquire some vocational, personal, and social adjustment skills. These centres are aimed at people with the most significant disabilities who, theoretically, are not able to perform a job. So, this option is different from employment alternatives, such as supported employment and sheltered workshops.
- (2) A second option is to participate in the Youth Guarantee Program under the Youth Employment Initiative that was passed in Spain in 2013 and is aimed at youth between 17-24 or up to 29 if they have a 33% or higher level of disability.

1.4 Example of good practice to achieve Youth Guarantee objectives

Can you identify an example of promising policy/practice in your country that might help other countries to achieve the goals of the Youth Guarantee for young disabled persons?

- *i.e. a policy or practice that might ensure more young disabled people receive a good-quality offer of employment, a continued education, or an apprenticeship or a traineeship.*

¹¹ See: <https://www.boe.es/boe/dias/1999/04/10/pdfs/A13515-13517.pdf>.

¹² See: <https://www.boe.es/boe/dias/1999/06/03/pdfs/A21080-21095.pdf>.

One example of good practice are the activities that are being implemented by FSC Inserta,¹³ the organization from ONCE Foundation for Training and Employment for disabled people. FSC Inserta, previously known as Fundosa Social Consulting, is a non-profit organization that carries out personalized work integration itineraries for people with disabilities, offering free training activities as well as job intermediation to access a job. The organization has been designated as one of the intermediary organisms (like the Spanish Red Cross, for example) to manage the Operative Program on Fighting against Discrimination 2007-2013, which is co-funded by the ESF, and the ONCE Foundation. The different levels of the administration are also involved under the Ministry of Employment. In 2015,¹⁴ the results obtained by this organization were: (1) Recipients of the Program Per Talent: 19,280; (2) Employment seekers: 221,601; (3) Program Students Per Talent: 9,656; (4) Placements (i.e. employment): 7,961; (5) Placements (i.e. employment) 2009-2015: 39,310.

FSC Inserta has developed different activities since January 2016 within the new programming period of the European Social Fund, which corresponds to the September 2014-2020. The activities are grouped into two programmes:

- (1) POEJ: This Youth Employment Operational Program aims to improve the employability of young people with disabilities through training for employment and lifelong learning. To this end, it combines a variety of dual vocational training plans, training with a commitment to recruitment, mixed training schemes in workshops and trade schools, non-work placements in companies, innovative training and employment plans. It has the support of secondary education centres, universities and higher education centres to stimulate interest in young people to follow degree studies. This program wants to serve 16,800, train 3000 students and get 1,700 job placements.
- (2) POISES: The Operational Program for Social Inclusion and Social Economy is composed of a set of plans and actions that aim to facilitate job inclusion of persons with disabilities over 30 years of age, with special attention to groups with greater difficulties to access a job. This program includes the recruitment of recipients and their incorporation into the www.portalento.es platform,¹⁵ their activation towards employment and the evaluation of skills and competences through personal interviews. Subsequently, it implements participation in training programs for the development of skills and abilities for sustainable employability and active job search. Also, it incorporates an employment program with support for groups with greater difficulties of access to employment. It also guarantees the acquisition and updating of knowledge, skills training and work practices in companies. Another section of the POISES is the promotion and support of entrepreneurship,¹⁶ ranging from motivation and training of entrepreneurs to mentoring and technical assistance. It also offers postgraduate training, masters and specialization courses for people with disabilities. The objectives are to serve 50,000 recipients, to provide 27,800 students with training courses for employment and to reach 15,000 work placements.

¹³ See: <http://www.fsc-inserta.es/Quienes/Paginas/Empresa.aspx>.

¹⁴ See: <http://www.fsc-inserta.es/Quienes/Paginas/FSCencifras.aspx>.

¹⁵ See: <https://www.portalento.es/>.

¹⁶ See: <http://www.emprende2020.es/>.

Another example of good practice consists on the dissemination of information. Once Foundation has published a manual of 11 good practices of different enterprises promoting employment for disabled people.¹⁷

¹⁷ http://www.fsc-inserta.es/Actualidad/Publicaciones/Estudios/Documents/buenas%20practicas_ok_acc.pdf.

2 Access to the open labour market

2.1 Relevant active labour market schemes

What are the main policies or schemes that exist to support people with disabilities in employment and what policy changes have occurred in recent years? This question relates to pillar theme 4. For example:

- *What measures exist to support people with disabilities to take up employment?*
- *Who is responsible for helping them and what help is available?*
- *Are these mainstream or disability specific schemes?*

It is possible to classify the active employment policies in Spain (Piñar, 2015, pp.11-12) in four large groups:¹⁸ (1) Training of workers: this type of active employment policy encompasses all those measures aimed at the training active and unemployed workers. (2) Direct public sector employment programs: such measures include those aimed at the direct creation of jobs in the public sector or other activities. Typically, these direct public sector employment programs are targeted at groups with labour market insertion difficulties. The quota system (i.e. 2% of jobs in private companies and 7% in public administration) should be reserved for people with disabilities,¹⁹ is a specific example (3) Incentive programs for the private sector: these measures focus both on avoiding layoffs and on encouraging the hiring of workers in the private sector. An example of this type of measure is the reduction in the social security contributions directed at employers. Thus, companies need to meet a minimum length in contracts with disabled workers in order to benefit from certain grants and subsidies. Alongside this, these types of programmes also include grants to workers to start a new business, discounts on their contributions or job counselling. (4) Guidance and monitoring services: This block of programs covers measures to improve job search efficiency.

National legislation²⁰ applies the principle of non-discrimination in all sectors of public and private employment and occupation, including contract work, self-employment and holding statutory office. Art. 16.2 of the Workers' Statute provides that (public and private) employment services should guarantee 'the principle of equal treatment in access to employment'. Accordingly, any job advertisement that does not respect this precept constitutes direct discrimination.²¹ Law 62/2003²² (Art.28.1.c) also protects against indirect discrimination where it is not justified by a legitimate aim (Cachón, 2009, p.30).²³ Some Articles of the Workers' Statute have been updated according to Law 62/2003. For example, Art.4 on Labour Rights, section 2c, states that workers may not be discriminated against based on a disability (Workers' Statute). Additional articles have been reworded after passing of Law 3/2007 of 22 March,²⁴ for effective equality between women and men. Art.4.2e states that privacy and dignity must be preserved, as well as protection against mobbing (i.e. "workplace bullying") based on characteristics such as disability.

¹⁸ Piñar (2015). Downloadable at: <https://uvadoc.uva.es/bitstream/10324/15713/1/TFG-E-155.pdf>.

¹⁹ <https://www.msssi.gob.es/ssi/discapacidad/informacion/empMasInformacion.htm>.

²⁰ Full Spanish version is available at: <https://www.boe.es/buscar/act.php?id=BOE-A-2003-22066>.

²¹ See: <http://www.equalitylaw.eu/downloads/3339-2009-es-country-report-ln-final>.

²² See: <http://www.boe.es/boe/dias/2003/12/31/pdfs/A46874-46992.pdf>.

²³ See: <http://www.equalitylaw.eu/downloads/3339-2009-es-country-report-ln-final>.

²⁴ See: <http://www.boe.es/boe/dias/2007/03/23/pdfs/A12611-12645.pdf>.

In 2013, one of the most important changes, concerning employment policies in mainstream schemes, was the publication by the Ministry of Employment and Social Security of the Strategy for Entrepreneurship and Young Employment 2013-2016. One-hundred new measures related to employment of young people under 30 years are proposed in this Strategy. In the case of young people with disabilities, age increases five years, up to 35. Young people with disabilities who want to register as Self-Employed will have a reduction of 80% in Social Security fees during the first 12 months, and then will remain at 50% up to a maximum of five years. According to González Gago (2017),²⁵ The Youth Employment Initiative (YEI) is embedded in the Operational Program Youth Employment (OPYE), which is entirely devoted to implementing the Youth Guarantee (YG) in Spain, and implies 80% of total YG funding. Yet, “The effective implementation of the YEI/YG started late and achievements have been limited so far, but implementation has accelerated significantly in 2016. Coverage is lower in regions facing the highest NEET shares, calling for more intensive implementation efforts. There exists the risk that Spain is not able to absorb all YEI funds until 2018. Therefore, an extension of the YEI period could be considered. Sustained additional funding after the YEI ends is indispensable to avoid a sharp drop of funding in a context of budget constraints” According to the EU Commission report from 2017, the remaining challenges in Spain relate to: ensure full YG implementation by improving the number of registered participants and the number of offers; ensuring full involvement of regional PES; completing the development of an integrated information system; developing tailored outreach mechanism to identify those NEETs hardest to reach; and improving coordination within the partnership for YG implementation. As regards the YEI, data collection across the implementation in the regions remains a major challenge: for the moment there is no comprehensive registration system of participants that covers the whole OP. Similarly, participation numbers are lower than expected, especially of the most vulnerable NEET groups.²⁶

Continuing with mainstream schemes, another important change in employment are measures in law 14/2013, 27 September,²⁷ of Support for Entrepreneurs and their Internationalization which enacted tax incentives to create jobs for workers with disabilities or reductions from Social Security contributions for workers with disabilities self-employed. All these measures reference Spanish Disability Strategy, European Disability Strategy and UNCRPD.

Current arrangements for providing employment advice and support services to disabled people in mainstream employment depend on the Public Service of State Employment (SEPE) previously known as the INEM (National Institute on Employment). This agency comes under the Ministry of Work and Immigration. Each Autonomous Community (AC) has its own Employment Public Service, given that competences in employment, education, health, etc., have been transferred to the ACs.

²⁵ See: [http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/602022/IPOL_BRI\(2017\)602022_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/602022/IPOL_BRI(2017)602022_EN.pdf).

²⁶ Downloadable at: <http://ec.europa.eu/social/BlobServlet?docId=13661&langId=en>.

²⁷ See: <http://www.boe.es/boe/dias/2013/09/28/pdfs/BOE-A-2013-10074.pdf>.

Currently in Spain there are several incentives to contract workers with disabilities.^{28 29} These incentives depend on the type of contract (Permanent contract, temporary contract, training contract, internship contract, interim contract). There are also incentives for hiring in cooperatives and labour societies, and for recruitment in labour enclaves. The modalities, incentives, bonuses, etc., are different depending on the type of contract (there are seven different types). There are also incentives for youth entrepreneurs; specific additional incentives for hiring disabled workers in some autonomous communities in Spain, as well as tax incentives to hire disabled workers for employers, the employee, and the self-employed. In most instances, if the employee has a disability, the bonuses are higher. Additional measures relate to increasing the length of the contract, etc.

More efforts in mainstream schemes have been directed towards improving the employment situation of disabled people. For example, the Spanish Activation Strategy for Employment 2014-2016³⁰ establishes the need to develop annual employment policy plans. The 2016 Annual Employment Policy Plan³¹ establishes a total of 530 different services and programs for all six lines (Orientation, Training, Employment Opportunities, Equal Opportunities in Access to Employment, Entrepreneurship, Improvement of the Institution's National Employment System). In line 3 of Employment Opportunities, two common programs are established throughout the national territory in relation to persons with disabilities: (1) Programs for the employment insertion of persons with disabilities in the protected market (special employment centres or sheltered workshops). (2) Programs for the job insertion of persons with disabilities in the ordinary labour market. In the different Autonomous Communities, some services or programs related to the different lines previously discussed have also been developed. Some examples are the development of a care service in employment offices for people with disabilities in the Autonomous Community of Madrid, and the program for improving the employability of people with mental illness in the Autonomous Community of Andalusia. In addition, the Annual Plan establishes a set of performance indicators, such as: (1) Year-on-year change in the total number of participants in training plans aimed primarily at employed workers and unemployed workers belonging to the group of persons with disabilities. (2) job seekers under the age of 30 years, over 45 years or with a disability, who signed a contract during the current year or in the two previous years and who did not re-register as claimants after recruitment, nor in the two years earlier or in the current one, with respect to the total number of applicants belonging to these same groups, during the current year.

2.2 Support for flexible working arrangements

²⁸ See: <http://www.fsc-inserta.es/Actualidad/Publicaciones/Estudios/Documents/guia-incentivos-castellano-accesible.pdf>.

²⁹ See: https://www.sepe.es/contenidos/que_es_el_sepe/publicaciones/pdf/pdf_empleo/integracion_labora_l_discapacitados.pdf.

³⁰ See: https://www.sepe.es/contenidos/que_es_el_sepe/publicaciones/pdf/pdf_empleo/estrategia_14_16.pdf.

³¹ See: file:///C:/Users/Cristina/Desktop/ANED%202017%20%20Social%20pillar%20task/punto%202/pape_2016.pdf.

What measures exist to permit or support flexible working arrangements for persons with disabilities? This question relates to pillar theme 2. For example measures that support:

- *Working at non-standard times or non-standard hours, working from home etc.*
- *Please identify any examples of promising practice*

According to the regulations of the work day and working hours of public workers in Spain (2012),³² there are several measures aimed at workers who are in charge of persons with disabilities. These measures relate to: (1) the possibility of intensive days (i.e. six and a half hours of continuous work to be carried out between 8 am and 3 pm from Monday to Friday) from 1 June to 30 September. (2) Various conciliation measures, such as the possibility to have flex time for one or two hours daily in a fixed schedule on a day they have established. They will also have the right to be absent from work to attend meetings related to the educational, social or health support of the person with disabilities in their care.

On the other hand, Law 3/2012,³³ of July 6, on urgent measures to reform the labour market establishes the inclusion in the Consolidated Text of the Law on the Status of Workers, the following measures related to workers with disabilities: (1) "In order to give effect to their right to health protection, disabled workers who demonstrate the need to receive rehabilitation, physical, or psychological treatment related to their disability, shall have a preferential right to occupy another job position, of the same professional group, where the company has a vacancy in another of its work centres in a locality in which such treatment is more accessible"; and (2) "Any person who, for reasons of legal custody, takes care of ... a person with a physical, psychic or sensorial disability who does not perform a paid activity, shall be entitled to a reduction in the daily working day, and the subsequent reduction of the salary between at least one eighth and a maximum of half the duration of the working day".

The General Law on the rights of persons with disabilities and their social inclusion (2013)³⁴ establishes the obligation to make reasonable adjustments, understanding as such the necessary and appropriate changes and adaptations of the physical, social and attitudinal environment to the specific needs of Persons with disabilities who do not impose a disproportionate or undue burden, to facilitate accessibility and participation, and to guarantee to persons with disabilities the enjoyment or exercise, on an equal basis with others, of all rights. It also establishes the obligation to adopt internal rules in companies or centres that promote the elimination of disadvantages or situations of discrimination to persons with disabilities, including the implementation of reasonable adjustments.

The measures that we are mentioning next relate to workers in employment. Some specific additional measures on accessibility have been developed, such as Law 30/2015, of September 9,³⁵ whereby the vocational training system for workers in employment in the workplace is regulated: This amendment has four strategic

³² Downloadable at: <https://www.boe.es/boe/dias/2012/12/29/pdfs/BOE-A-2012-15703.pdf>.

³³ Downloadable at: <https://www.boe.es/boe/dias/2012/07/07/pdfs/BOE-A-2012-9110.pdf>.

³⁴ Real Decreto Legislativo 1/2013, de 29 de noviembre, downloadable at: <https://www.boe.es/boe/dias/2013/12/03/pdfs/BOE-A-2013-12632.pdf>. English version available at: http://www.garrigues.com/sites/default/files/docs/Labour-Updates-14-2013_1.pdf.

³⁵ See: <https://www.boe.es/boe/dias/2015/09/10/pdfs/BOE-A-2015-9734.pdf>.

objectives: (1) guarantee the right to the training of workers, both employed and unemployed, in particular the most vulnerable; (2) makes an effective contribution of training to the competitiveness of enterprises; (3) strengthen collective bargaining on the adequacy of the training to the requirements of the productive system, and (4) establish efficiency and transparency in the management of public resources. It establishes inter alia that vocational training for employment may be given in person, by tele training and content accessible to people with disabilities or a mixed form by combining the previous two methods.

Currently in Spain, there are several incentives for contracting workers with disabilities, even for part time contracts.^{36 37}

Entrepreneurship is of course, one of the formulas that allow work at more flexible times and adapted for people with different disabilities and support needs. FSC Inserta (as explained in the previous section, FSC Inserta³⁸ is the organization from ONCE Foundation for Training and Employment for disabled people), offers support for the whole process of planning, developing and starting up a company.³⁹

In 2015, the revised text of the Workers' Statute⁴⁰ was approved, which established in Article 13 the possibility of carrying out Distance Work, as a flexible work option. Employees with disabilities can be contracted through this route, except for workers with a mental (i.e. psychiatric) disability who are working in Special Employment Centres -also called Sheltered workshops. In the case of workers with other disabilities who are working in special employment centres, this possibility can be chosen, although the following requirements must be met: (1) The Multi-faceted Professional Team of the Special Employment Centre must previously inform the formalization of the contract on the adequacy of the concrete work to the personal and professional characteristics of the worker. (3) Every year the Multi-Professional Team must follow up on the adequacy of work to the characteristics of the worker and their contribution to the improvement of personal and social adaptation in view of their integration into the ordinary labour market. (4) The contract must expressly state the technical adaptations necessary for the performance of the work activity, as well as the personal and social adjustment services that the Special Employment Centre makes available to workers with disabilities working remotely. All these requirements must be met in order to obtain these flexible work arrangements.

2.3 Support for workplace adaptations

What support is available for workplace adaptations for workers with disabilities? This question relates to pillar theme 9. For example:

- *What are the eligibility conditions? What level of funding is provided and who receives it?*

³⁶ See: <http://www.fsc-inserta.es/Actualidad/Publicaciones/Estudios/Documents/guia-incentivos-castellano-accesible.pdf>.

³⁷ See: https://www.sepe.es/contenidos/que_es_el_sepe/publicaciones/pdf/pdf_empleo/integracion_labora_l_discapitados.pdf.

³⁸ See: <http://www.fsc-inserta.es/Quienes/Paginas/Empresa.aspx>.

³⁹ See: <http://www.emprende2020.es/te-animas-a-emprender/>.

⁴⁰ See: http://noticias.juridicas.com/base_datos/Laboral/561075-rdleg-2-2015-de-23-oct-aprueba-el-texto-refundido-de-la-ley-del-estatuto.html.

- *What is the employer's responsibility or liability? Does this depend on the size of the business?*

Workers with disabilities are eligible for workplace adaptations. Law 13/1982⁴¹ states that 'the employer is obliged to adopt appropriate measures, according to the needs of each specific situation in order to enable disabled people to have access to employment, to do a job, to advance in a profession and to undergo training, unless such measures would entail an excessive burden for the employer' (Art. 37 section 2). National law, transposing Directive 2000/78 has implemented the duty to provide reasonable accommodation for disabled people both in general terms and in employment. Law 49/2007⁴² (on offences and sanctions in the field of equality for disabled people) establishes sanctions in the event of a breach of the duty to provide reasonable accommodation. The maximum level of funding for adapting a job position or workplace is 902 Euros.⁴³ The employer must request this incentive from the public administration of the respective autonomous community where the business is located.

2.4 Evidence on non-standard wages

How are wages set for workers with disabilities outside the open labour market? This question relates to pillar theme 8. For example:

- *What provisions regulate the wages of people with disabilities employed in sheltered workshops or forms of adapted employment (alternative / segregated / supported ...)?*
- *Are there groups of workers who do not receive the minimum wage?*

Sheltered workshops (i.e. special employment centres, as we utilize both terms as equivalent) are very diverse in Spain, and those differences impact on inclusion and standardization (i.e. typicalness) of job conditions.⁴⁴ Shelter workshops may have the following characteristics: created by the Public Administrations, directly or in collaboration with other bodies, by Entities, by natural persons, legal entities or communities of goods, who have legal capacity and act as entrepreneurs; Whether public or private, whether or not for profit. As a consequence, depending on the characteristics of the sheltered workshop, the minimum wage applies or not; The qualification and inscription in the Register of Centres of the Public Service of State Employment (SPEE), or, if appropriate, in the corresponding one of the Autonomous Administrations; Management is subject to the same rules that affect any company. In short, sheltered workshops or special employment centres are very diverse in Spain, and the differences impact on inclusion and standardization (i.e. typicalness) of job conditions.⁴⁵ The salary per day in an ordinary company is 47 Euros, while in a sheltered workshop it is 36 Euros.⁴⁶

⁴¹ Available at: <https://www.boe.es/boe/dias/1982/04/30/pdfs/A11106-11112.pdf>.

⁴² Available at: <https://www.boe.es/boe/dias/2007/12/27/pdfs/A53278-53284.pdf>.

⁴³ See an example here: <http://www.boa.aragon.es/cgi-bin/EBOA/BRSCGI?CMD=VEROBJ&MLKOB=915125044141>.

⁴⁴ See: http://www.empleo.gob.es/es/Guia/texto/guia_8/contenidos/guia_8_19_2.htm.

⁴⁵ See: http://www.empleo.gob.es/es/Guia/texto/guia_8/contenidos/guia_8_19_2.htm.

⁴⁶ See: <http://www.siiis.net/documentos/ficha/213265.pdf>.

The workers at these centres may be: (1) Persons with cerebral palsy, persons with mental illness or persons with intellectual disabilities, with a recognized degree of disability equal to or greater than 33%. (2) Persons with physical or sensory disabilities, with a recognized degree of disability equal to or greater than 65%. According to some authors, sheltered workshops have become a refuge from the crisis⁴⁷, whereas other authors believe that sheltered workshops offer precarious job conditions. Protected employment plays an increasingly essential role. Between 2006 and 2013, the volume of specific contracts for people with disabilities in Special Employment Centres has almost doubled, from 26,000 to 49,000, that is 71% of all the specific contracts that are made. This was also due to the reduction of this type of contracts in ordinary companies, going from 29,000 to 20,000 contracts in the same period.⁴⁸ Yet, other authors criticize⁴⁹ this situation. The criticism derives from the fact that although these sheltered workshops regularly participate in the operations of the market, they would also have to be regulated by the sectoral agreements where they reside. However, the fact is that these centres are regulated by the Collective Agreement of Centres and Services of Attention to Persons with Disabilities. That is why there have been work situations where judges and the Supreme Court have forced to intervene and through several judgments, has established jurisprudence on this issue. For example, a judgment of 2013 of the supreme court establishes that if a special employment centre is awarded a cleaning contract, the agreement of cleaning of buildings and premises that provides the subrogation of the workers of the awarded company must be applied. "These and other judgments establish that if there is a collective agreement that regulates the sector of activity where the special employment centre is located, it is the one that prevails.

Concerning how wages are set for workers in sheltered workshops, the agreement for this protected employment in comparison to any other of its sector of activity differs in the remuneration of the employees. Depending on the position and level occupied, they can receive 23.19% less for the same work carried out in the open labour market. Another example, according to the salary tables for 2015 and 2016 of the Special Employment Centres (i.e. sheltered workshops or protected employment),⁵⁰ an operator with support needs gets paid the inter-professional minimum wage established for that year (€ 655.20) while an auxiliary worker of the industry agreement may get paid around € 1,000. This situation derives from the Royal Decree that regulates these centres since 1985,⁵¹ which states: "..... When the personal circumstances of the disabled person require it, the contract can be concluded at low performance, understanding as such the one with the handicapped worker, even while rendering his services during a normal working day, does it at an inferior performance to the normal one in 25%, provided that such circumstance has been verified by the corresponding Multiprofessional Team. In any case, the reduction of the salary corresponding to the category and job position to be performed cannot exceed the percentage quoted. "In this way, a low performance contract could be specified due to impairments, on a case-by-case basis, for the

⁴⁷ See: <http://www.odismet.es/es/informes/informe-1-resultados-principales/23/>.

⁴⁸ See: <http://www.odismet.es/es/informes/version-resumida-del-primer-informe-del-observatorio/2/>.

⁴⁹ See: <http://www.agorarsc.org/el-convenio-colectivo-de-centros-especiales-de-empleo-jurisprudencia-del-tribunal-supremo/>.

⁵⁰ See: <https://www.boe.es/boe/dias/2015/10/14/pdfs/BOE-A-2015-11059.pdf>.

⁵¹ See: <https://www.boe.es/buscar/pdf/1985/BOE-A-1985-16663-consolidado.pdf>.

disabled person. However, the convention of special employment centres generalizes the lowest remuneration for the whole of the collective that provides services, compared to the collective bargaining agreement, but also the possibility of a "low performance contract" in which a worker can obtain at a remuneration around that of the interprofessional minimum wage.

In sum, sheltered workshops or special employment centres are very diverse in Spain, and those differences impact on inclusion and standardization (i.e. typicalness) of job conditions.⁵² The salary per day in an ordinary company is 47 Euros, while in a sheltered workshop it is 36 Euros.⁵³

Other authors agree in that sheltered workshops offer precarious job conditions.⁵⁴ We must distinguish between a Sheltered Workshop, whose only mission is the integration of people with disabilities and other companies that take advantage of the General Disability Law to turn it into a business. However, good intentions are not enough for Sheltered Workshops with social values. The challenge is to maintain the balance of the integration of people with disabilities and at the same time their profitability. Even if they are non-profit Sheltered Workshops, they must be self-sufficient. A common practice of outsourcing services to lower costs is the creation of their own Sheltered Workshop by companies, such as a call centre. The discussion focuses on what is more valuable: whether the employment that is given to people with disabilities, despite the poor quality of the same, or the fact that ultimately it is a job. "If a large company has a Sheltered Workshop and hires 2,500 people with disabilities, what it does is take legal subsidies. It is not very ethical, but in the end, there are 2,500 people working." Other professionals in the field indicate that "the Sheltered Workshops are a ghetto, but a necessary ghetto, because if they did not exist, some other system would have to be invented so that people with disabilities had an opportunity to work." A solution that is proposed to end these situations distinguish the moment of giving the subsidies between a Sheltered Workshop with social roots and one of business roots, and prohibit that the contract is with the parent company.⁵⁵

2.5 Employment conditions in sheltered workshops

What conditions of employment exist for workers in sheltered workshops and how are these regulated? This question relates to pillar theme 7. For example:

- *Describe the system of sheltered workshops generally: do sheltered workshops exist? Who is eligible to be employed in such workshops? Please indicate if there are different kinds of workshops and eligibility conditions.*
- *Does standard labour law apply to those employed in sheltered workshops? If not, what justification is given for differences in treatment? Including:*
 - *Protection from dismissal*
 - *Right to join a trade union and take industrial action*
 - *Health and Safety legislation*
 - *Right to be consulted and receive information from the employer*

⁵² See: http://www.empleo.gob.es/es/Guia/texto/guia_8/contenidos/guia_8_19_2.htm.

⁵³ See: <http://www.siiis.net/documentos/ficha/213265.pdf>.

⁵⁴ See: <http://www.siiis.net/documentos/ficha/213265.pdf>.

⁵⁵ See: <http://www.elmundo.es/sociedad/2016/08/30/57bf1f7022601db6348b45e7.html>.

- *Protection from discrimination*

If protection for workers employed in sheltered workshops is the same as for all other workers, you only need to indicate this, and not discuss level of protection as such. If workers employed in sheltered workshops have a different level of protection, please indicate this and indicate how this level of protection differs from that available to workers in general.

Shelter workshops may have the following characteristics: created by the Public Administrations, directly or in collaboration with other bodies, by Entities, natural persons, legal entities or communities of goods, who have legal capacity and act as entrepreneurs. They can be public or private, whether or not for profit; The qualification and inscription in the Register of Centres of the Public Service of State Employment (SPEE), or, if appropriate, in the corresponding one of the Autonomous Administrations. Management is subject to the same rules that affect any company.

The workers at these centres may be: (1) Persons with cerebral palsy, persons with mental illness or persons with intellectual disabilities, with a recognized degree of disability equal to or greater than 33%. (2) Persons with physical or sensory disabilities, with a recognized degree of disability equal to or greater than 65%.

According to some authors, sheltered workshops have become a refuge from the crisis.⁵⁶ Between 2006 and 2013, the volume of contracts for people with disabilities in Special Employment Centres has almost doubled, from 26,000 to 49,000 which is 71% of all the contracts that were made with disabled workers. This was also due to the reduction of this type of contracts in ordinary companies, which went from 29,000 to 20,000 contracts in the same period.⁵⁷ Yet, other authors criticize⁵⁸ this situation. The criticism derives from the fact that although these sheltered workshops regularly participate in the operations of the market, they should also be regulated by the sectoral agreements where they reside. However, the fact is that these centres are regulated by the Collective Agreement of Centres and Services of Attention to Persons with Disabilities. That is why there have been work situations, which have forced to intervene to the judges and the Supreme Court that, through several judgments, has established jurisprudence on this issue. For example, a judgment of 2013 of the supreme court establishes that if a special employment centre "is awarded a cleaning contract, it must be applied the agreement of cleaning of buildings and premises that provides the subrogation of the workers of the awarded company "These and other judgments establish that if there is a collective agreement that regulates the sector of activity where the special employment centre is located, it is the one that prevails in contrast to any other to which you are attached.

The agreement of special centres of employment in comparison to any other of its sector of activity differs in the remuneration of the employees.

⁵⁶ See: <http://www.odismet.es/es/informes/informe-1-resultados-principales/23/>.

⁵⁷ See: <http://www.odismet.es/es/informes/version-resumida-del-primer-informe-del-observatorio/2/>.

⁵⁸ See: <http://www.agorarsc.org/el-convenio-colectivo-de-centros-especiales-de-empleo-jurisprudencia-del-tribunal-supremo/>.

3 Benefit caps and transitions

3.1 Recent law and policy reforms

How has the legal and policy framework changed for disability benefits for people of working age since the onset of the economic crisis. Have there been changes in the eligibility criteria (making them more difficult to claim or easier to claim)? This question relates to pillar theme 16.

During the period of economic crisis, all the incentives for the labour insertion of people with disabilities have remained unchanged in the legislation (Fernández García, 2016).⁵⁹

Young people with disabilities under the age of 30, being professionally qualified, have less stable employment relationships and lower wages. The lack of experience combined with the shortage of job opportunities makes it especially difficult to join the world of work.⁶⁰

With the crisis, there have been delays in managing aid and subsidies to Sheltered workshops. Some aids intended for these centres have been reduced as well. For example, in Andalusia since 2010, there are only subsidies for the maintenance of jobs, while previously it incentivized indefinite contracting, the adaptation of the positions to the profile of the employee and their disability or the indefinite contracting of reduced days.⁶¹

In other Autonomous Communities, as in Madrid, there are also complaints for non-payment of aid to associations of persons with disabilities, which is leading to bankruptcy. Many have had to apply for bank loans to pay the payroll of people working with the disabled. In addition, many subsidies have been greatly reduced, such as those granted for the use of Taxis or aid for the purchase of Orthopedics. Family Respite Programs have disappeared, and significant delays are occurring in the assessment of disability of children that prevents many children from accessing these aids.⁶²

The latest data available has been published by Fundación FOESSA "The incidence of social exclusion in households with disabled people. VII Report on Social Exclusion and Development in Spain" ["La incidencia de la exclusión social en los hogares con personas con discapacidad. VII Informe sobre Exclusión y Desarrollo Social en España".⁶³ ⁶⁴ This report is based on surveys that provide one of the best statistical sources on social exclusion in Spain. It compares three different surveys in the years 2007, 2009 and 2013 and the conclusion is that there are no big changes related to the levels of social exclusion (around 10%). It is further seen, because of

⁵⁹ <https://www.upf.edu/documents/3885005/3891271/Fernandez.pdf/d0e64c7c-fc79-4162-a34b-858eb3a5a8d0>.

⁶⁰ See: <http://www.antena3.com/a3document/2015/12/01/DOCUMENTS/01106/01106.pdf>.

⁶¹ See: <http://www.elmundo.es/andalucia/2016/08/10/57aa273d268e3ee25d8b464f.html>.

⁶² See: <http://diario16.com/asociaciones-del-ambito-de-la-discapacidad-en-quiebra-por-recortes/>.

⁶³ See: http://www.foessa2014.es/informe/uploaded/capitulos/pdf/24102014184629_5505.pdf.

⁶⁴ See: http://www.foessa2014.es/informe/uploaded/documentos_trabajo/15102014151440_9069.pdf.

the crisis, an approximation among the general population and people with disabilities in levels of exclusion, with a gap to be reduced from 17 to 5 points. They conclude that the economic crisis has continued to increase the levels of poverty of individuals without disabilities (19.4% in 2009 and 28.7% in 2013), while they have stabilized for those with disabilities (around 25%). At the same time the situation with disabilities (with and without a certified disability) has tended to equalize. According to the authors these data are explained by the fact that the number of people in a recognized dependency situation has progressively increased among those who say they have disabilities (40,6%). The number of individuals with disability and certificates recognizing this has also increased. In 2007 they accounted for 60%, then 53% in 2009 and 80% in 2013. Therefore, it seems that certain mechanisms and protection benefits, such as recognition of dependence and / or disability, are cushioning, not reducing, the intensity of the impact of the current crisis. This document also indicates that severe poverty among people with disabilities has remained at identical levels between 2007 and 2013 (4.7%), while that in the combined population has increased from 3.5% to 7.3%. In addition, moderate poverty among persons with a disability recorded a significant increase. In 2009 there was a shift towards moderate poverty from both non-poverty as well as from severe poverty. Consequently, there has been an overall increase in poverty for people with disabilities (from 17.8% in 2007 to 25.7% in 2009).

The Olivenza 2014 report on disability in Spain⁶⁵ states that, regarding economic inclusion, the disadvantage of the disabled population is almost 33% compared to the general population. This is because of the huge difference in labour force participation rate and the poverty levels of the disadvantaged. The risk of poverty affects 32% of the disabled population, nearly 5 points higher than the general population. Meanwhile, severe poverty affects 14.7% of the population with disabilities, and 9.6% in the population without disabilities. This risk is especially high for women with disabilities. Regarding social integration, 21.5% of the population with disabilities recognizes that they have few or no friends and the majority (91%) who have difficulties for cultural, sporting and leisure activities. Yet, other studies suggest that although the crisis has not led to conditions worsening for this group as serious as those of the general population, their welfare is maintained below the whole of society.⁶⁶

A recent study,⁶⁷ shows how people with disabilities face additional costs in the form of additional expenditure for the acquisition of goods and general services (such as having to spend more on transportation), or expenses in goods and services specifically related to disability, such as technical assistance and support products, home adaptations to improve accessibility, or staffing personal assistance. In

⁶⁵ See: Observatorio Estatal de la Discapacidad (OED, 2014). Informe Olivenza 2014, sobre la discapacidad en España. (downloadable at: <http://www.cermi.es/es-ES/Biblioteca/Lists/Publicaciones/Attachments/333/Informe%20Olivenza%202014.pdf>).

⁶⁶ See : Anaut, S., Arza, J. & Álvarez, M.J. (2014). La incidencia de la exclusión social en los hogares con personas con discapacidad. VII Informe sobre exclusión y desarrollo social en España. Serie: Documento de Trabajo, Madrid, Fundación FOESSA, Cáritas Española Editores (downloadable at: <http://www.foessa2014.es/informe/uploaded/documentostrabajo/151020141514409069.pdf>).

⁶⁷ See: Huete García, A. (2015). Pobreza y exclusión social de las mujeres con discapacidad en España [Poverty and social exclusion of women with disabilities in Spain.]. Madrid: CERMI. Available at: <http://repositoriocdpd.net:8080/handle/123456789/934>.

addition, the average income of people with disabilities is often below the average for the whole population.

3.2 Key changes in eligibility criteria for disability benefits

What major policy reforms or developments have occurred in relation to out-of-work disability benefits, implemented or now proposed? This question relates to pillar theme 14

- *Is there evidence of the number of people affected by these changes or the extent of their impact?*

In NRP2016, there is a proposal from the Third sector that recommends implementing a Plan Against Poverty, which has not been implemented yet. This Plan include three main areas, two of which mention our target group: (1) guarantee incomes, that includes among other measures an increase of 20% of pensions for disabled people and their families, as well as increase the number of day care centres for dependent people; (2) Accompanying social measures such as strengthening Care to dependent people. The Third sector also states⁶⁸ that tax reform has benefited employed persons with low level of income. In 2015, they have also created three negative taxes for large families, single parents or families with disabled children. However, there is an endowment to cover large families, single parents or families with disabled children whose incomes do not reach the minimum contribution or lack of income. Moreover, no account has taken on single parent families with one child, as a threshold of two children was established. Another aspect that has a great impact on households with low and medium incomes are indirect taxes, especially levied on goods and family services, which have not been reduced.

Also, It is important to check the rise in taxes, returning to reduce taxes from 21% to 4% of primary products in the household budget, for example, and materials related to children, such as diapers and day-care services, and adult hygiene such as sanitary napkins and adult diapers. Electricity and other basic supplies for housing have very high rates and generate increasing energy poverty. In contrast to NRP 2015, the current document pays less attention to disabled people and increases attention on poverty and social exclusion. Greater emphasis on specific groups and measures aimed at them is advisable.

Actions for families with disabled people are very important, considering that according to various sources,^{69 70} the gap in risk of poverty and social exclusion among people with and without disabilities is 3.7 percentage points. Despite being one of the lowest in Europe, most likely because Spain is one of the countries where the consequences of the crisis have affected more negatively, the risk of poverty has increased across the board for the entire population. For example, if we compare the gap in other countries, like Greece with 2.3 percentage points, the differences are

⁶⁸ <http://www.plataformatercersector.es/sites/default/files/20160425%20Aportaciones%20del%20Tercer%20Sector%20al%20PNR%202016.pdf>.

⁶⁹ See: <http://www.odismet.es/es/datos/2condiciones-de-trabajo-y-trayectorias-profesionales/216tasa-de-riesgo-de-pobreza-de-la-poblacion-con-discapacidad-ocupada/2-28/>.

⁷⁰ See: <http://www.observatoridiscapacitat.com/es/el-riesgo-de-pobreza-o-exclusion-social-de-las-personas-con-discapacidad-europa-2013>.

probably lower in countries where the crisis has affected the entire population.⁷¹ Additional evidence of the risk of and social exclusion for the population with disabilities is found in studies that state that according to data from the EU-SILC, in 2015 14.8% of working people with disabilities were living in poverty even though they were employed, meaning that they could be considered poor workers. The situation of people with disabilities is something worse than for people without disabilities, with a rate of 14.2%. Our country is among those in which the working poor with disabilities is higher. Above Spain there are eight countries, noting especially Romania and Greece (with rates above 20%). Also, this study indicated it had considered that monetary poverty is calculated according to the median income of the entire population. Thus, if reductions occur in the latter, poverty rates may also be reduced without necessarily being an improvement in the purchasing power of households.⁷²

The CR2016 states that “people with disabilities continue to be disproportionately affected by poverty and social exclusion (p. 60)”. The gap between people with disabilities and the rest of the population did not increase significantly during the crisis in the areas of poverty and labour market exclusion in Spain. However, severe material deprivation for people with limitations in their daily activities reached 9.1 % in 2014 against 5.5 % in 2010 (p.60).

Such exclusion is the consequence of multiple variables, many of them are related to barriers to access employment and they have been presented in the previous section. They relate to: (1) Low wages in low quality and unstable (i.e. temporary contracts) work alternatives; (2) difficulties to make transitions from protected employment to ordinary employment; (3) lack of easy information to families, entrepreneurs, and people with disabilities on benefits, bonuses, and work and pensions harmonization.

Another issue refers to the fact that “Minimum income support schemes in Spain remain a set of unconnected programmes with large regional disparities” (p.60). In this regard, procedures and information on benefits and aid compatibility (for disability, minimum income, third-party support, for dependent children with disabilities) should be simplified and there is a need for an accessible “one stop shop” to make all these arrangements.

A third issue stressed in the CSR 2016 is that Limited coordination between employment and social services hampers the effectiveness of activation measures. The multiplicity of players involved at the national and regional level in the delivery of employment and social services and the lack of coordination hinders the effective provision of support for people out of work including the development of personalised support for the long term unemployed and those further from the labour market. Moreover, there is a lack of ‘one stop shops’ to handle social support and/or activation programmes (p.60). In this regard, accessible information, adequately trained professionals, specific training for tax and labour consulting, as well as

⁷¹ See: <http://www.observatoridiscapacitat.com/es/el-riesgo-de-pobreza-o-exclusion-social-de-las-personas-con-discapacidad-europa-2013>.

⁷² See: <http://www.odismet.es/es/datos/2condiciones-de-trabajo-y-trayectorias-profesionales/216tasa-de-riesgo-de-pobreza-de-la-poblacion-con-discapacidad-ocupada/2-28/>.

collaboration with law schools and social graduates, is essential to have proper advice on legal issues in relation to work-pensions-aids.

A fourth issue is the lack of adequate child care provision affects children's opportunities and hampers female labour market participation, and the provision of long-term care remains a challenge and hinders female labour market participation (p. 61). The double disadvantage experienced by women with disabilities who are mothers or care-givers of relatives with disabilities should be specifically addressed.

Concerning business environment and competition, some of the main barriers faced by Spain are the excessive number of small firms that also have very low productivity. Substantial differences in business regulations across regions generate transaction costs for entrepreneurs. SMEs should be should be informed, motivated and accompanied to favour the inclusion of workers with disabilities in their workforces. Also, there is a legal argument for reforming professions in Spain, according to the Omnibus Law (Act 25/2009), but this legal mandate has not been fulfilled to date. In 2015 the Government withdrew the Draft Law of Professional Associations. In this regard, there is a need to fully implement the measures included in the omnibus law in relation to the promotion of SMEs in the service sector and include measures to promote the hiring of workers with disabilities. For complete information on benefits related to disability, the OADIS (Office of Attention to Disability) has published the 2017 Guide.⁷³ It can be seen that there are no significant changes in regulations, benefits, etc., in the last years.

3.3 Conditionality of out-of-work benefits

To what extent is eligibility for out-of-work benefits conditional on active participation in job search or work-related activities? This question relates to pillar theme 14

- *e.g. obligation of to apply for jobs, try out work, attend rehabilitation or training programmes, accept less suitable job offers, etc.)?*
- *Is there any reasonable accommodation or support for disabled job seekers in these obligatory activities?*

For a disabled person to be eligible for benefits in employment, or for an employer to obtain benefits derived from contracting employees with disabilities, the disabled person must be registered as unemployed in the Public Employment Services of the respective autonomous communities. Just as any other unemployed registered person, a disabled person may be called to attend training programs to accept less suitable job offers.

For business and Sheltered Workshops to benefit from the aids and incentives established for hiring employees with disabilities, these individuals with disabilities are required to be registered as unemployed (i.e. demanding employment) in the Public services of Employment. The same is applicable for being eligible for different aids and incentives to set up a business as entrepreneur or self-employed. Being registered in the Public services of Employment requires attending some vocational training activities, accepting potential jobs, etc.

⁷³ See at: <http://www.oadis.msssi.gob.es/novedades/docs/GuiaBenef2017.pdf>.

Concerning reasonable accommodation or support for disabled job seekers in these obligatory activities, Law 13/1982 states that 'the employer is obliged to adopt appropriate measures, according to the needs of each specific situation to enable disabled people to have access to employment, to do a job, to advance in a profession and to undergo training, unless such measures would entail an excessive burden for the employer' (Art. 37 section 2). National law, transposing Directive 2000/78 has implemented the duty to provide reasonable accommodation for disabled people both in general terms (Law 51/2003 on equal opportunities for the disabled) and in employment (Law 13/1982 on the social integration of the disabled). Law 49/2007 (on offences and sanctions in the field of equality for disabled people) establishes sanctions in the event of a breach of the duty to provide reasonable accommodation. In Art. 7 of Law 51/2003, reasonable accommodation is defined as 'measures to adapt the physical, social, and attitudinal environment to the specific needs of persons with disabilities which effectively and practically, without involving a disproportionate burden, facilitate accessibility or participation for a person with a disability on the same terms as for other citizens'. The material scope of this Law 51/2003 is telecommunications, built-up public spaces and buildings, transport, goods and services available to the public, and relations with public administration. The definition of 'disproportionate burden' is the same for employment and areas outside employment. Art. 27.2 of Law 62/2003 provides that measures for the application of the principle of equal treatment under it apply to every person, both in the public and the private sector. Although Directive 2000/78 only refers to the field of employment, discrimination on the grounds of religion or belief, disability, age or sexual orientation is prohibited in all areas, public and private. This applies not only to the fields mentioned in Directive 2000/43 (social protection, social advantages, education, access to and supply of goods and services available to the public, including housing), but also to other possible fields, even if there is not an explicit anti-discrimination provision, because of the general and direct applicability of Article 14 of the Constitution.

There are several general plans and programs dealing with accessibility issues. For example, the Strategic Plan for Equal Opportunities 2014-2016 includes three priorities: (1) employment and combat wage discrimination. In this line measures in education, consisting of developing specific educational programs and reinforcement to especially vulnerable students (immigrants, Roma, disabled people or people suffering from violence) are included; (2) conciliation and responsibility; (3) combating violence against women.

Likewise, Action Plan 2014-2016 of the Spanish Disability Strategy 2012-2020 includes 100 measures that are divided into five areas: (1) equality for all people, (2) employment, (3) education, (4) availability, (5) boosting the economy. These axes are developed through operational targets and specific actions. The Plan intends to promote the accessibility to goods and services.

Some specific additional measures on accessibility have been developed, such as Law 30/2015, of September 9, whereby the vocational training system for use in the workplace is regulated: This amendment has four strategic objectives: (1) guarantee the right to training of workers, employed and unemployed, in particular the most vulnerable; (2) make an effective training contribution to the competitiveness of enterprises; (3) strengthen collective bargaining on the adequacy of training to the

requirements of the productive system, and (4) establish efficiency and transparency in the management of public resources. It establishes inter alia that vocational training for employment may be given in person, by tele training and content accessible to people with disabilities or a mixed form by combining the previous two methods.

3.4 Flexibility of financial support during transition into work

Is there any financial system of allowance to support transitions from benefits into work for unemployed disabled persons? This question relates to pillar theme 14 and 16:

- *e.g. financial support to try out work for a trial period without losing benefit entitlements?*
- *to subsidise wages, to avoid 'benefit traps' or to 'make work pay'? How does this work?*

In Spain there are no wage subsidies, but subsidies and benefits in terms of taxes, transportation, economic aids, education, social aids, etc., based on level of disability and incomes.

The co-existence of employment and pension in disabled people is a complex subject that requires legal advice. Thus, the system of compatibility of the Social Security disability pensions and the performance of paid work requires a distinction to be made between: (1) contributory invalidity pensions; (2) non-contributory invalidity pensions.⁷⁴ In Spain the term "invalidity" refers to the inability to perform a job. It is not necessarily related to the term "disability" that relates to the functional ability of the individual. That is to say, that the incapacity deals with the work aptitude of the worker, so that a permanent incapacitated person cannot have any disability, and vice versa, a disabled person does not have to have a permanent disability.

Regarding CONTRIBUTORY INVALIDITY PENSIONS, in the Social Security system, permanent incapacity is classified according to the following grades: (1) Partial permanent disability for the habitual profession. (2) Total permanent disability for the habitual profession. (3) Absolute permanent incapacity for all work. (4) Great disability. There is no general rule which establishes the compatibility or incompatibility between the receipt of economic benefits for invalidity and the performance of a gainful activity for own account or for others. It depends on the degree of disability recognized and another set of factors and rules. Thus, it is possible to identify the following situations:

(1) Partial permanent incapacity: Partial permanent incapacity for the usual profession means a reduction of not less than 33% in normal performance for that profession, without impeding the performance of the essential tasks of the profession. It is compatible with the development of any type of work activity. The receipt of the corresponding economic benefit, consisting of a lump sum, is compatible with the performance of a self-employed or other work, in the same or different company in which he/she was working on the date the disability was

⁷⁴ See: <http://www.cermi.es/es-ES/Paginas/CERMI%202009%20contenidoywebparts.aspx>.

recognized. As we mentioned previously, it is a lump-sum and one-time payment, as consequence of a disease or an accident.

(2) Total permanent incapacity: A degree of invalidity in which the reduction of work capacity is of lesser level than in the case of absolute disability. According to article 137.4 of the General Law on Social Security (LGSS),⁷⁵ "total permanent incapacity for the habitual profession is defined as disabling the worker for the performance of all or the fundamental tasks of a specific profession, provided that he/she can apply to another profession." The habitual profession is the profession normally performed by the worker prior to the initiation of the incapacity." It is compatible with the performance of any work activity in professions other than the usual and even with the performance of a job other than usual in the same company. The corresponding annuity pension will be compatible with the salary that the worker can receive in the same company or in a different company. A worker who is recognized as having a permanent disability may engage in a gainful activity where different (i.e., the functions do not coincide) from the normal profession for which the worker has been disabled. In any case, the pensioner is obliged to communicate to the Managing Entity the performance of any work for his own account or for others (Art. 2.1 of Royal Decree 1071/1984, of May 23rd) in order to be able to exercise control of such situations. If the work results in the inclusion of the pensioner in any of the Social Security schemes, the employer must register and be paid by him. Obviously total Permanent incapacity is incompatible with the usual profession that make her/him eligible for such a pension, but not for another job in the same or different company. If a worker is claiming the unemployment benefit and is declared with a total permanent incapacity, he/she can choose to continue to receive this unemployment benefit until it or the incapacity pension ends. Consequently, if the worker is earning more money with the unemployment subsidy than what corresponds to him/her for an incapacity pension, he/she will choose to receive the unemployment benefit until it ends.

(3) Absolute permanent disability and great disability: It is understood by absolute permanent incapacity for all work that completely disables the worker for any profession or trade and for great disability the situation of the worker affected by permanent disability and, because of losses, anatomical or functional, requires the assistance of another person for the most essential acts of life, such as dressing, moving, eating or the like. The compatibility / incompatibility regime of both degrees of permanent disability (absolute and major disability) is regulated in a similar way. Article 141.2 of the LGSS stipulates that such situations "shall not prevent the exercise of those activities, whether or not lucrative, compatible with the status of the invalid and that do not represent a change in their working capacity for review." Of course, in this case, the obligation to communicate to the Management Company mentioned previously remains. If the work results in the inclusion of the pensioner in any of the Social Security schemes, the employer must register and pay. The compatibility of working and receiving a permanent disability pension is the subject of numerous disputes although most of the judicial pronouncements are in favour of a certain compatibility depending on the circumstances of each case. What they do not admit is an absolute declaration of incompatibility because they indicate that the absolute incompatibility between the perception of the pension and the development

⁷⁵ See: http://www.seg-social.es/Internet_1/Normativa/095093#documentoPDF.

of a paid job would have a demotivating effect on the social and labour reintegration of the pensioner. These last judicial pronouncements are modifying the "modus operandi" of Social Security, so that now, when a permanent disability pensioner causes discharge in any Social Security scheme, a review process is normally initiated in order to check whether it has resulted in an alteration in the pathological picture that may lead to a review of the degree of disability initially recognized or if there was a diagnostic error in determining the degree of recognized disability, including, if appropriate, due process before the court. The possible consequences regarding the receipt of the pension that the result of this procedure carried with it. On the other hand, Social Security is more flexible and admits compatibility when it comes to disabled workers who request the compatibility between work and pension to exercise their work in special employment centres or as sellers of ONCE coupons. Multiprofessional teams must check the suitability of disabled workers before being hired by a special employment centre. In addition, in order to ensure that the work is always adapted to the personal and professional characteristics of the disabled worker, they should be subject to review and if they prove that the work they are doing poses a risk to their health, they must declare their inadequacy. Therefore, it appears that Social Security is understanding that the pension of absolute permanent disability and even the one of great disability is compatible with the performance of work of people with disabilities in special employment centres when precisely the disability has been the origin of the contract.

In any case, Law 27/2011, of 1 August, on updating, adapting and modernizing the Social Security system, has restricted the compatibility of the absolute permanent disability.

Regarding NON-CONTRIBUTORY INVALIDITY PENSIONS, this modality is accessed when the beneficiary is not entitled to an invalidity in the contributory modality, has a degree of disability of at least 65% and has no income of a determined amount. Invalidity pensions in their non-contributory mode will not prevent the performance of those activities, whether or not lucrative, compatible with the invalid's status, and that do not represent a change in their capacity to work. The legal regime in this case (Article 147 LGSS) is like that of contributory pensions in their degree of absolute disability or great disability, except for the possibility of revision.

Regarding the possibility of reconciling this type of pension with work, without computing income to consider the thresholds to be entitled to enjoy it, allows distinguishing two assumptions: (1) On the one hand (Art. LGSS), the beneficiaries of this pension who are hired or paid, who are established on their own account or who take advantage of the programs of active income of insertion for long-term unemployed workers over 45 years, **will automatically recover**, where appropriate, the right to such pension **when, respectively, their contract is terminated**, they cease to carry out their work or cease in the active income insertion program. But other income that does not derive from work is considered. (2) On the other hand (Article 147 LGSS), in the case of persons who, prior to the commencement of a gainful activity, received invalidity pension in their non-contributory form, during the four years following the start of the activity, the sum of the amount of the invalidity pension and of the income obtained by the activity carried out may not exceed the amount of the public multi-effect income indicator (IPREM) in force at any given time,

on an annual basis. If this amount is exceeded, the amount of the pension will be reduced to 50% of the excess, but in no case may the sum of the pension and of the income exceed 1.5 times the public indicator of income of effects Multiple (IPREM). This reduction will not affect the supplement provided for in section 6 of article 145 of this Law. (Complement equivalent to 50% of the amount of the pension in case you require the participation of another person to perform the most essential acts of life).

According to different experts,⁷⁶ one of the principles enshrined in the Convention is that of maintaining employment in cases of disability. A principle that is key if we consider that both motivation and qualification are on the decline as the downtime increases.⁷⁷ Precisely for this reason, it is important to favour the retention of people with disabilities in the labour market, in cases where it has an overriding nature. Along these lines, Article 27 (1) of the Convention requires governments to safeguard the right to work, including for persons who acquire a disability during employment, and Article K.1 (K) of the Convention. The obligation is to promote the maintenance of employment and the return to work of persons with disabilities.

However, in such cases, our legal system has been more concerned with the guarantee of a pension than with the maintenance of employment. And in fact, from the continuous sample of working lives corresponding to the year 2007, it is evident that only 11.7% of the professionals who were recognized as having permanent disability remained in the company where they provided services doing another job.⁷⁸ Our laws seek to ensure that the employment of disabled people is maintained through certain economic incentives, but the problem is that they are directed exclusively at ex-recruitment and the transformation of certain temporary contracts into permanent ones. Except for a specific case of an absolutely exceptional nature, which we will mention later, there are no incentives to maintain the employment of the worker who acquires a disability or who is recognized as permanently incapacitated during the development of their employment relationship. To a greater extent, one of the few exclusions of the employment promotion program affecting the unemployed with disabilities, in general, is one that leaves out of the scope of application to those who, in the 24 months prior to employment, had provided services in the same company, group of companies or entity, by means of an indefinite contract (article 6.3 Law 43/2006). This will certainly prevent the fraud that would be caused by the fact that the company, after an employee's disability, agreed with the employee to terminate the employment relationship, with the purpose of hiring him later - once he had signed up as a job seeker - and to benefit from the corresponding incentives for the ex novo hiring of disabled workers. But such regulation generates an important dysfunction, since it encourages the hiring of that professional by another company, while penalizing the preservation of employment in the previous company. Yet, it is also important to mention that although in general instances the exclusion criteria for business to obtain incentives for hiring disabled workers relates to having been previously contracted by that company, the

⁷⁶ <http://www.asesoriayempresas.es/articulo/JURIDICO/191943/la-compatibilidad-entre-el-trabajo-y-la-pension-de-incapacidad-permanente>.

⁷⁷ CUETO IGLESIAS, M. B., *El empleo después de la incapacidad permanente: Trayectorias laborales y patrones de salida del mercado de trabajo*, Madrid, Ministerio de Trabajo e Inmigración, Secretaría de Estado de Seguridad Social, 2008.

⁷⁸ ESTEBAN LEGARRETA, R., *Contrato de trabajo y discapacidad*, Madrid, Ministerio de Trabajo y Asuntos Sociales, 1999.

exclusion criteria are not applicable when workers belong to groups with special difficulties, namely: (1) Persons with cerebral palsy, persons with mental illness or persons with intellectual disabilities, with a recognized degree of disability equal to or greater than 33% (2). Persons with physical or sensory disabilities, with a recognized degree of disability equal to or greater than 65%.⁷⁹

On the other hand, the loss of professional capacity may lead to the termination of the employment contract, either due to ineptitude [Article 52 (a) ET]⁸⁰ or recognition of permanent incapacity [Article 49.1.e ET]. However, while absolute permanent incapacity and great disability are an automatic cause of termination of the employment contract, total permanent incapacity for the habitual profession demands the decision of the company to avail itself of this extinguishing cause, insofar as such a degree of incapacity does not prevent the professional from carrying out another profession or trade, and it would be appropriate for the employer to relocate the worker to another job compatible with his residual capacity. In short, in this case, we are faced with a case in which the extinction is not imposed, but the employer is empowered to decide the termination of the contract.⁸¹ What happens is that our law does not oblige the employer, in one or another case, to relocate the employee to another job even if there is a vacancy of such characteristics. A viable alternative would be the adaptation of the work place (which could be specified in the introduction of reasonable adjustments, the reduction of working hours or adaptation of specific functions), or relocation of the worker to another job compatible with their residual capacity. This would favour the maintenance in employment of people with disabilities and, at the same time, the burden of the public pension system would be alleviated, since only a pension for life would be accrued in the event of loss of active income, for example, as a result of the termination of the employment contract, or to a reduction of these, due to a reduction in working hours or the assignment of functions of a lower level of remuneration. In such cases, the protection of the system would take the form of alleviating the loss or reduction of wages by means of economic benefits that substitute income from assets.

If, however, adaptation of the job position or relocation of the worker to another job position is possible, such changes would be imperative for both parties. To that end, it is necessary to economically incentivize the maintenance of employment, in the line opened by the Law 2/2008 for the assumptions of change of job with reason in the professional illness of the worker. And, in fact, in this last direction is oriented in the Global Strategy for the employment of people with disabilities 2008-2012 that advocates "to consider the possibility of aids for the adaptation of jobs in the cases of discharged disability and those of job change in the company and geographical mobility "(objective 6.6). It would also be necessary to revise the amount of the subsidy in order to adapt the workplace and provide personal protective equipment

⁷⁹ See: <http://www.fsc-inserta.es/Actualidad/Publicaciones/Estudios/Documents/guia-incentivos-castellano-accesible.pdf>.

⁸⁰ <https://www.boe.es/boe/dias/2015/10/24/pdfs/BOE-A-2015-11430.pdf>.

⁸¹ CUETO IGLESIAS, M. B., *El empleo después de la incapacidad permanente: Trayectorias laborales y patrones de salida del mercado de trabajo*, Madrid, Ministerio de Trabajo e Inmigración, Secretaría de Estado de Seguridad Social, 2008.

necessary to avoid work accidents or to eliminate barriers and obstacles hindering the work of the disabled person⁸² that amounts 900 euros.⁸³

3.5 Example of good practice (avoiding ‘benefit traps’ or ‘making work pay’)

Can you identify an example of promising practice in your country that might help other countries to ease the transition from benefits to work for persons with disabilities, and to avoid benefit traps?

This topic is so complex that best practices are related on web pages that offer information on rights, procedures and related topics for people with disabilities and employment issues. Some examples of Web pages that offer information in a friendly format on rights, procedures and related topics for people with disabilities and employment issues, and that are used by disabled population who try to obtain an employment are:

Discapnet:

<http://www.discapnet.es/Castellano/areastematicas/derechos/faqs/Paginas/faq8.aspx>

and

http://www.empleo.gob.es/es/Guia/texto/guia_5/contenidos/guia_5_12_2.htm.

⁸² https://www.boe.es/diario_boe/txt.php?id=BOE-A-1983-15813.

⁸³ Orden 13-4-1994, por la que se regula la concesión de ayudas y subvenciones sobre el fomento del empleo de los trabajadores minusválidos establecidas en el Capítulo II del Real Decreto 1451/1983 (BOE 5-5-1994, núm. 107).

4 Accessible housing

4.1 Relevant law and policy

Is there any definition of 'accessible housing' in national law or policy?

- *If so, what is that? It is not necessary to provide us with detailed technical information about the accessibility standards.*
- *Are there any rules / requirements regarding the accessibility of newly built houses?*
- *Are there any rules / requirements regarding newly refurbished houses?*
- *Do these rules / requirements apply to the private sector, to social housing, or both?*

In the area of accessibility, the autonomous communities of Spain have exclusive competencies. Thus, each autonomic community has accessibility laws that contain general principles, objectives and definitions on what is accessible housing. The technical norms that determine how accessibility should be understood in the different communities is regulated by national laws (Observatory of Universal Accessibility in housing in Spain 2013; 24).⁸⁴ The National Statistics Institute (INE), through its Population and Housing Census, studies a variable called "accessibility". The INE considers that a building is accessible when a person in a wheelchair can access each home from the street without the help of another person/ This is usually exclusively related to having or not having an elevator, that is, it does not include any parameter that determines the suitability as regards the accessibility of these elements (Observatory of Universal Accessibility in housing in Spain 2013, page 30). In addition, the INE, through the Survey on Disability, Personal Autonomy and Dependency Situations 2008,⁸⁵ studies some issues related to the accessibility of people's homes and includes within this concept the existence of a barrier to access to housing (Access door to the building and / or inside the building to the entrance door of the dwelling of persons with disabilities).

The main national regulations on accessibility are Law 39/2006,⁸⁶ of 14 December on Promotion of Personal Autonomy and Care for Dependent Persons, and the Law 51/2003 (LIONDAU).⁸⁷ Additional regulations are: (1) Royal Decree 505/2007, of 20 April,⁸⁸ which sets forth the basic conditions of accessibility and non-discrimination of people with disabilities for accessing and using developed public spaces and buildings (2) Royal Decree 366/2007, of 16 March,⁸⁹ which sets forth the conditions of accessibility and non-discrimination of people with disabilities in their relations with

⁸⁴ Downloadable at: http://www.fundaciononce.es/sites/default/files/obsau_vivienda.pdf.

⁸⁵ Downloadable at: <http://www.ine.es/dynt3/inebase/es/index.htm?type=pcaxis&path=/t15/p418/a2008/hogares/p01/modulo5&file=pcaxis>.

⁸⁶ See: http://www.dependencia.imserso.es/InterPresent2/groups/imserso/documents/binario/leydependencia_ingles.pdf.

⁸⁷ See: <https://www.boe.es/boe/dias/2003/12/03/pdfs/A43187-43195.pdf>.

⁸⁸ See: <http://sid.usal.es/idocs/F3/LYN13770/LIONDAUbuildings.pdf>.

⁸⁹ See: <http://sid.usal.es/idocs/F3/LYN13771/LIONDAUadministracion.pdf>.

the General State Administration. (3) Royal Decree 1417/2006, of 1 December,⁹⁰ which establishes the arbitral system for the resolution of complaints and claims with respect to matters of equal opportunity, non-discrimination and equal access for disabled people.

Several specific laws in areas such as the arbitration system, the relationship with the general administration of the state, access to and use of public spaces, transportation, technology, etc., have also been developed. The rules or standards mostly consist of the adoption of European standards.

- Royal Decree 233/2013, of April 5,⁹¹ regulates the State Plan for the promotion of housing rental, building rehabilitation, and regeneration and urban renewal, 2013-2016. This plan indicates that subsidies will be recognized for actions of different programs. Actions are subsidized in buildings that meet certain conditions and that are directed to their conservation, quality improvement and sustainability, make reasonable adjustments in terms of accessibility. Actions to make reasonable accommodation adjustments are considered: (1) the installation of elevators, escalators, ramps or other accessibility devices, including those adapted to the needs of persons with sensory disabilities. (2) The installation or endowment of support products such as cranes or similar devices that allow access and use by persons with disabilities to common elements of the building, such as gardens, sports areas, swimming pools. (3) The installation of information or warning elements such as light or sound signals that allow orientation in the use of stairs and lifts. (4) The installation of electronic communication elements or devices between the homes and the exterior, such as video door phones and the like. These rules / requirements apply to the private sector and to social housing as well.

4.2 Housing in multiple occupation (communal areas)

In multi-occupied housing (e.g. apartment buildings) is there an obligation to make accessible the communal part of buildings (e.g. entrances and other communal areas)?

- *Who does this obligation fall on? How is it triggered? Is there funding to support such adaptations?*

Most of Spaniards live in multi-unit housing or apartment buildings, so the previously mentioned laws are applicable to these living arrangements, given that they are applicable to both public and private properties. These apartments may be owned by those who live in them, or maybe rented by someone else. In any case, the owner or the landlord is responsible for meeting the requirements for an accessible building. As mentioned earlier, there is funding support for different adaptations and removal of barriers that can be request by disabled people to adapt their houses, or by a Community of owners if additional adaptations (e.g. elevators, ramps, etc.) are required.

⁹⁰ See: <http://sid.usal.es/leyes/discapacidad/13772/3-1-5/royal-decree-1417/2006-of-1-december-which-establishes-the-arbitral-system-for-the-resolution-of-comiscrimination-and-equal-access-for-disabled-people.aspx>.

⁹¹ See: <https://www.boe.es/boe/dias/2013/04/10/pdfs/BOE-A-2013-3780.pdf>.

4.3 Examples of promising practice in making accessible housing available

Can you identify one or more examples of promising practice in your country that might help other countries to increase the accessibility of housing stock to persons with disabilities?

The most promising practices relate to written documents (Manuals), and audiovisual documents dealing with accessibility issues, as in our opinion, the best way to increase the accessibility of housing to persons with disabilities is to offer information and training in accessible formats that help raise awareness about the issue and create positive actions to defend and claim the right to accessibility. Some examples are included below:

- Manual on good practices in universal accessibility (Government of the Autonomous Community of Castilla La Mancha)⁹²
- Guide to best practices in business accessibility published by AESPLA, Spanish Association of Labour Prevention Services:⁹³
- Manual of building accessibility (published by the Autonomous Community of Andalucía). Audiovisual, with an approximate duration of 35 minutes, along which are shown the different accessibility conditions that buildings must meet to enable their use by all people regardless of their functional capabilities. In particular, in addition to including virtual recreations on the characteristics of accessible routes in buildings (accesses, doors, corridors, stairs, ramps, elevators ... signalling conditions and pavements), specific spaces or spaces such as toilets, showers, locker rooms, cinemas, swimming pools, homes for people with reduced mobility or accessible accommodations:⁹⁴
- The Handbook of Accessibility for Municipal Technicians.⁹⁵ The ONCE Foundation and the ACS Foundation offer a useful tool for technicians and professionals of the Municipalities, and by extension to all technicians who work in universal accessibility
- Handbook on cognitive accessibility,⁹⁶ which offers a model to design accessible spaces for people with intellectual disabilities.

Additional promising practices consist on dissemination activities by means of Congresses and conferences on specific issues such as:

- evacuation systems in buildings for persons with disabilities or with reduced mobility⁹⁷

⁹² See: <http://www.castillalamancha.es/sites/default/files/documentos/20120511/librobuenaspracticascacesibilidaduniversal.pdf>.

⁹³ See: http://www.fundacionseres.org/Repositorio%20Archivos/Guia_buenas_practicas_empresariales_accesibilidad.pdf.

⁹⁴ See: <https://www.youtube.com/watch?v=m1ISGleEXI8&feature=youtu.be>.

⁹⁵ See: http://www.fundaciononce.es/sites/default/files/docs/ManualAccesibilidad_2.pdf.

⁹⁶ See: http://sid.usal.es/idocs/F8/FDO27112/Accesibilidad_cognitiva.pdf.

⁹⁷ See: <http://ecodiario.economista.es/sociedad/noticias/8241596/03/17/Discapacidad-famma-celebra-hoy-una-jornada-sobre-sistemas-de-evacuacion-para-personas-con-discapacidad.html>.

Likewise, the claim by the Spanish Committee of Representatives of Persons with Disabilities (CERMI) is also an example of good practice, in terms of raising awareness on accessibility issues and rights. The President of CERMI recently⁹⁸ stated that "there is not enough time to ensure that all architectural, urban, telecommunications, digital society, transport, infrastructure, relations with administrations, goods and services available to the public and the electoral processes are accessible before the end of 2017 ". The president of the CERMI indicates that the area of urbanism and building may be in "worse" readiness to comply with regulations, since around 60 or 70 percent of the park is still not accessible. Therefore, he considers the reform of the Horizontal Property Law is more necessary than ever to ensure that the communities of owners take charge of the reforms to remove architectural barriers that prevent elderly or disabled people from entering and leaving freely of home.

⁹⁸ See: http://www.eldiario.es/sociedad/Ven-imposible-accesibilidad-universal-discapitados_0_601240127.html.