

FIRST SEMINAR OF THE MIRELADISO PROJECT • NOVEMBER, 13th 2018. MADRID

Public policies for the return to employment of people with acquired disabilities

The objective of this seminar has been to address the development of public policies for the return to ordinary employment of persons with acquired disabilities. The seminar is part of the activities of the ongoing research project "Innovative Measures for the Reincorporation of the Work of Persons with Acquired Disabilities (MIRELADISO)". This project is being carried out by the *Fundación 1º de Mayo* for the *Fundación ONCE*, within the framework of the operational program for inclusion and social economy 2014-2020, co-financed by the European Social Fund. The seminar was held in Madrid, on November 13th 2018, and it had numerous participants from the fields of public administration, labour and social organizations.

The opening of the seminar was carried by Fernando Rocha Sánchez (*Fundación 1º de Mayo*), who highlighted the importance of the objective of the seminar and the research project within the framework of public policies for the return to employment of people with acquired disabilities.

The first table -moderated by **Jesús Cruces Aguilera (Fundación 1º de Mayo)**- was attended by **Pilar Pallero Soto (Intersocial)**. Her speech focused on "The reincorporation to ordinary employment of people with disabilities coming into adulthood, barriers and alternatives." For the analysis of their situation, she started on the research carried out in 2015 on the vital and professional reorientation of the people who have had a disability. Among the most significant data, with an important gender bias, she highlighted the one million women with acquired disabilities that have emerged, out of a total of one and a half million people with this type of disability. The main cause of the acquired disability is the labour accident (in the case of men), and the domestic accident in the case of women. In terms of activity, there is a clear predominance of men over women in the activity rate, reversing the situation in the case of the unemployment rate.

After identifying the main barriers faced by people with disabilities that have come to their reintegration into employment (mainly the lack of sufficient support and information), she pointed out the main strengths and weaknesses of public intervention in this area. The legal framework, considered as a Strength as a weakness, represents an important element. Pilar Pallero concluded her presentation by suggesting a series of recommendations on public policies, such as the revision of active employment policies, accompanied by social policies with special attention to awareness, particularly directed at business, and visibility of the phenomenon of acquired disability.



Then, from a markedly international perspective, the second table addressed the analysis of the processes of employment re-entry. This table counted with the participation of **David Gutiérrez Colominas (University of Barcelona)** and **Marina Mónaco (European Union Confederation of Trade Unions)** and was moderated by **Rubén Herranz González (Secretary of Social Policy and Social Movements of the CCOO CS)**.

David Gutiérrez Colominas (University of Barcelona) began his presentation highlighting the increment of people with acquired disabilities in the workplace, as well as the change from a medical model about disability to a social model based on the International Convention on the Rights of Persons People with Disabilities (CRPD). Here, public bodies and other actors, have co-responsibility in terms of adapting structures and society to people with disabilities. David Gutiérrez focused on the analysis of legal instruments to support the return of workers with disabilities, particularly in the form of reasonable adjustments. This figure was introduced in Spain as a result of the ratification of the CRPD, and enshrined in Royal Decree 1/2013 of the General Law on the Rights of Persons with Disabilities. He highlighted that this figure has a long tradition in countries such as the United States or Canada. His communication underscored the universal nature of this measure, its multi-level nature and reactive configuration. After the analysis of the main issues around this figure, he concluded that its implementation depends to a great extent on social partners as well as the courts, and that “reasonable adjustments” require a regulatory development that delimits the figure and puts an end to gaps and diverse interpretations of the standard.



Marina Monaco (European Trade Union Confederation) stressed the need to take into account the Pillar of Social Rights, which marks the first anniversary. This Pillar addresses a series of principles that are especially relevant for people with disabilities (being also relevant for everybody): the right to education and training; right to health; right to employment; to social protection; as well as the right to receive support and resources. In this regard, he stated that the Pillar of Social Rights constitutes a political tool that can be used to improve the living and working conditions of

people with disabilities. He also recalled that it includes principles of non-discrimination, as well as a specific chapter on fair working conditions. He also pointed out the need to put in place practical tools to implement measures at the national level to favour employment of people with disabilities. Finally, she mentioned the role of social dialogue and collective bargaining for the development of rights, a crucial way to improve the working and living conditions of people with disabilities that still needs to be covered.

The last table, which was moderated by **Ofelia de Felipe Vila (Fundación 1º de Mayo)**, was attended by representatives of the regional administrations of *Navarra, Comunidad Valenciana and Castilla y León*.



Josune Legal (Director of the Primary Care and Social Inclusion Service of the Government in Navarra) started by addressing the regional regulatory framework, and highlighting the Strategic Plan for Social Inclusion of Navarra 2018-2021, the Foral Law 12/2018 on accessibility, as well as the measures of employment promotion. Within the social inclusion plan, she mentioned several measures / projects adopted by this administration: a) Access to employment for people who receives guaranteed income, with the obligation to offer training or employment; b) Dissemination and information of incentive mechanisms for employment; c) ERSISI Project, a project based on the joint work of social services and employment, which is financed by the ESF; d) Adaptation of the training offers to the territorial needs; e) Promotion of priority lines in territories with greater risk of exclusion.

Several issues of special interest on policy implementation were also addressed: the interdepartmental coordination, the participation of social actors and the transversal approach. In this regard, she placed special emphasis on the joint work carried out by the Employment and Social Services departments, as well as on the involvement of the various agents, as trade unions and social organizations.

Next, **Elena Ferrando Calatayud (Secretary of Social Services and Personal Autonomy of the Generalitat**

Valenciana) started her speech by raising the conceptual debate on functional diversity and its importance within public policies and social participation. Secondly, she addressed the contents of the Plan for Inclusion and Social Cohesion, stressing the need to differentiate between measures and programs that have a structural nature, affecting people with disabilities but also more targeted groups, from other measures and programs which are specified designed for people with disabilities. Regarding the objectives, she highlighted three priority lines of action: line 1, inclusion and decent employment; line 2, guarantee of benefits; and line 3, guarantee of protection of rights to access public services.

In addition, she made a review of existing programs and measures in the *Comunidad Valenciana*, from minimum income to special employment centres. In particular, she focused his attention on the supported employment program and, above all, the operational interregional program, which has achieved a greater capacity for intervention from her point of view. Finally, she pointed out the need to continue making prospects and analysis of the situations of people with disabilities and their realities.

This table was closed with the intervention of **Jesús Rodríguez Rodríguez (General Director of Social Economy and Autonomous of the Junta de Castilla y León)**, who started exploring the situation of people with disabilities, by addressing ten premises: 1) Everybody could have a potential acquired disability; 2) There is a increasing number of people who have an accident throughout their lives; 3)

Difference between organic disability vs. potential acquired disability; 4) Acquired disability is not expected, it entails a shock, and therefore, it has consequences for the person and their environment; 5) The acquired disability more having more relevance than the congenital ones; 7) People with acquired disabilities are forced out of the labour market; 8) The legislation is focused preferentially on the congenital disability rather than the acquired disability; 9) There is greater support and resources for people with congenital disabilities; and 10) It is necessary to improve the permanence in the workplace. Regarding the return to work, Law 2/2013 was highlighted as a concrete measure aimed for facilitating the re-entry to employment.

He also reviewed the existing policies and programs in Castilla y León, such as the PIRI Program (home adaptation and return to work for people with neuronal damage or sclerosis), or personalized itineraries of socio-labour insertion, which have had 4 thousand people attended, of which 17% had a disability. Finally, he detailed the set of programs carried out by the Regional Employment Department in the promotion of employment of people with disabilities (from subsidies to permanent contracts, special employment centres to the local employment plan and supported employment schemes).

The seminar, which had an extensive debate by the participants, was closed by **Fernando Rocha Sánchez (Fundación 1º de Mayo)**, who presented the next steps of the project, thanking speakers and participants for attending the seminar.

