**CNOD’s Contributions**

CNOD is the national confederation of organizations of people with disability, it was created 40 years ago and currently represents 41 associations.

In addition to national legislation, the Convention on and the Rights of Persons with Disability was ratified by Portugal in 2009, in article 27 it recognizes the right of persons with disabilities to work under equal conditions and gives States the duty to safeguard and promote the exercise of the right to work and prohibits discrimination based on disability in recruitment, in the workplace and in the event of rehabilitation. This work must be freely chosen or accepted in an open and inclusive market and work environment.

Contrary to the national downward trend in the unemployment rate of 34.5%, unemployment among people with disabilities increased 24% from 2011 to 2017, being 24.2% in 2016, about ten percent more than the unemployment national rate of 14.6%.

The disabled people policies of employment in Portugal are insufficient and rarely put into practice. Decree-Law no. 29/2001 of February 3rd provides quotas for admissions to the public sector. This Decree-Law allocates a 5% quota for public administration with 10 or more places, and 1 place reserved for people with disabilities, in public tenders with 3 to 9 places and for public tenders with 1 or 2 places for people with disabilities has preference in equality of classification. With the successive limitations of public procurement, this legislation is rarely implemented, quotas being circumvented by opening more tenders with fewer vacancies. The Directives on public administration should be clearer and should be an inclusive employment policy in the various public sector organizations.

The recent publication of quotas for people with disabilities in the private sector, through Decree-Law no. 4/2019 of January 10th comes to fill a legal void but establishes very long transition periods. This decree foresees that companies with 75 to 100 workers have a transition period of 5 years to reach the quota of 1% of people with disabilities and for companies with more than 100 workers to have a 4-year transition period to reach the 2% share of disabled workers. Most employment I Portugal is in Micro, Small and medium size companies which implies that most companies aren’t included in this decree.

With the Covid-19 pandemic the unemployment increased and the social-economic situation worsened considerably. There aren’t data but probably persons with disability were among the more impacted by the pandemic in terms of employment.

States are required to:

* Safeguard and promote the exercise of the right to work,
* Take appropriate measures, including through legislation,
* Prohibit discrimination based on disability in recruitment, hiring and employment, continuity of employment, career advancement and ensuring conditions of safety and health at work;
* Protect the rights of persons with disabilities, on an equal basis with others, to fair and favorable working conditions, including equal opportunities and equal pay for work of equal value, safe and healthy working conditions, including protection against harassment and redress for injustices;
* Ensure the exercise of labor and union rights, under equal conditions;
* Enable effective access to general technical and vocational guidance programs, placement services and continuing training;
* Promote employment opportunities and career advancement for people with disabilities in the labor market, as well as assist in finding, obtaining, maintaining and returning to employment;
* Promote self-employment opportunities, entrepreneurship, the development of cooperatives and the creation of own companies;
* Employ people with disabilities in the public sector;
* Promote the employment of people with disabilities in the private sector through appropriate policies and measures, which may include positive action programs, incentives and other measures;
* Ensure that reasonable accommodations are made for people with disabilities in the workplace;
* Promote the acquisition by people with disabilities of work experience in the open labor market;
* Promote vocational and professional rehabilitation, maintenance of the job and return to work programs for people with disabilities.
* Ensure that people with disabilities are not kept in slavery or servitude and that they are protected, on equal terms with others, from forced or compulsory labor

Current situation in Portugal:

1. Hiring in Public Administration DL nº 29/2001 of February 3rd Awareness of Companies DL nº 4/2019 of 10 January.

Decree-Law number 29/2001. 29/2001, February 3rd provides for quotas for admissions to the public sector. This Decree-Law allocates a 5% quota for public tenders with 10 or more places, and 1 place reserved for people with disabilities, in public tenders with 3 to 9 places and for public tenders with 1 or 2 places for people with disabilities has preference in equality of classification. With the successive limitations of public procurement, this legislation is rarely implemented.

1. Quota system in the private sector - Decree-Law nº4 / 2019 of 10 January:

Admission of 1% of People with Disabilities in Companies with more than 75 and less than 100 workers by 2024. Admission of 2% of People with Disabilities to companies with more than 100 workers by 2023.

Support for the adaptation of the workplace

1. The [Decree-Law No. 93/2009 of 16 April](https://translate.google.com/translate?hl=pt-PT&prev=_t&sl=pt&tl=en&u=https://dre.pt/web/guest/pesquisa/-/search/603884/details/normal%3Fq%3DDecreto-Lei%2Bn.%25C2%25BA%252093%252F2009%252C%2520de%2B16%2Bde%2Babril) defines the System Assignment Support Products (SAPA)

SAPA is a system that contributes to the realization of a global, integrated and transversal response policy for people with disabilities or temporary incapacity, in order to compensate and mitigate the activity limitations and participation restrictions resulting from the temporary disability or incapacity through, namely:

a) The free and universal allocation of support products;

b) Effective management of its attribution, namely through the simplification of procedures required by the entities and the implementation of a centralized computer system;

c) Simplified financing of support products.

The National Institute for Rehabilitation, as the managing entity, is responsible for coordinating the Working Group on the Homologated List of support products that can be financed by the system, as well as preparing an annual report on the physical and financial execution of the SAPA financing elaborated with the information provided by all funding entities involved in this system.

Financing Entities:

* Central Administration of the Health System, IP (ACSS, IP) - Ministry of Health;
* Directorate-General for Education (DGE) - Ministry of Education;
* Institute of Employment and Professional Training, IP (IEFP, IP) - Ministry of Labor, Solidarity and Social Security;
* Social Security Institute, IP (ISS, IP) - Ministry of Labor, Solidarity and Social Security.

Only support products included in the approved list published in [Dispatch 7197/2016, of 1 June,](https://translate.google.com/translate?hl=pt-PT&prev=_t&sl=pt&tl=en&u=https://dre.pt/home/-/dre/74587625/details/4/maximized%3Fserie%3DII%26day%3D2016-06-01%26date%3D2016-05-01%26dreId%3D74569660/en) can be financed under SAPA.

Prescribing Entities

The prescribing entities are defined by order of the Government member who oversees each of the funding entities. The entities involved in SAPA must fill out a prescription form through the centralized computer system, within the scope of the SAPA Registration Database (BDR-SAPA) in accordance with .Ordinance No. 78/2015, of 17 March.

Assistive products financed by the Central Administration of Health Services, IP

The support products prescribed by the hospital units, indicated by the Regional Health Administrations - ARS, finance the support products prescribed in these entities after a functional medical and family member evaluation.

Assistive products financed by the Directorate-General for Education

The products support necessary to access and frequency of the education system at the pre-school and primary and secondary school education are prescribed ICT Resource Centers for Special Education which can be found at [www.dge.mec.pt](https://translate.google.com/translate?hl=pt-PT&prev=_t&sl=pt&tl=en&u=http://www.dge.mec.pt/centros-de-recursos-tic-para-educacao-especial-crtic) .

Assistive products financed by the Institute of Employment and Vocational Training

The support products essential to access and attend vocational training and / or for access, maintenance or progression are prescribed by accredited entities such as the employment services and resource centers of the IEFP, IP network

Assistive products funded by the Social Security Institute, IP

When assistive products are prescribed by health centers and specialized centers, documentation must be delivered to local services or district social security centers in the area of ​​residence of persons with disabilities for whom they are intended.

1. Different measures of supported employment

* Registration at the Employment Center - 1st Job
* Insertion stages

Development of activities in the labor context by people with disabilities in order to assess the conditions for the exercise of a professional activity, to develop their personal and professional skills, complementing and perfecting them, in order to promote and facilitate their professional insertion and enhancing their performance. The internships have duration of 12 months, not extendable.

* Employment-Inscription Contract
* Within the scope of the Supported Employment measure, through the Employment-Insertion Contract modality for people with disabilities, it is intended to encourage the exercise of a socially useful activity, with an appropriate framework and with the possibility of granting special support by the State, which allow people with disabilities to develop personal and professional skills that facilitate their transition, when possible, to the normal work regime.
* Protected Employment Center
* This consists of a set of units to provide services to the community and aims to ensure the conditions that enable people with disabilities who do not have the opportunity to integrate into the open labor market to carry out a productive activity and, whenever possible, the transition to the normal job market.
* Employment supported by an open market consists of professional activity developed by people with disabilities and reduced work capacity, in jobs under a supported employment contract, integrated into the employers' productive or service organization, under special conditions. , namely in the form of enclaves.
* The Employment Contract supported on the open market is a form of support for the Supported Employment measure of the Employment and Support Program for the Qualification of People with Disabilities and Disability.

1. Professional insertion Decree-Law nº 108/2015 of 06/17/2015
2. The professional insertion of people with disabilities is one of the objectives advocated in the framework of the new employment policy, with the publication of Decree-Law no. 13/2015, of 26 January, bearing in mind that they are provided for there, also, specific programs, aimed at groups of people in a situation of particular disadvantage in relation to the labor market.

In this context, through this decree-law, the third amendment to Decree-Law no. 290/2009, of 12 October, which created the Employment and Support Program for the Qualification of People with Disabilities, constituting an integrated set of measures aimed at supporting the qualification and employment of people with disabilities who have difficulties in integrating into the labor market.

The changes introduced by the present decree-law to Decree-Law no. 290/2009, of 12 October, continue the path of development and provision of responses capable of meeting the needs of this area, which has already started under the previous changes made through of Law no. 24/2011, of 16 June, and Decree-Law no. 131/2013, of 11 September, which had as their main objectives, respectively, to increase support for the entities promoting private law of those referred to projects, as well as allowing public entities promoting public access to the financial support provided, bearing in mind both the type of jobs in question that translate into increased costs and the additional difficulties that people with disabilities and those with capacity reduced workforce face in their insertion and professional progression.

In particular, the changes introduced by this decree-law to Decree-Law no. 290/2009, of 12 October, aim at creating the Inclusive Employing Entity Brand, as a way of raising public awareness of the employability issues of people with disabilities and incapacity, thus failing to give way to the Merit Award, in a context of reformulation and revitalization, by promoting public recognition and distinction of open and inclusive management practices, developed by employers, capturing their greater involvement, for people with disabilities, taking into account the two years prior to the application.

Some adjustments to Decree-Law no. 290/2009, of October 12, are also introduced by the present decree-law, namely, in terms of the objectives, modalities, recipients and phases of training of professional qualification, updating and training. Reinforcement of the value of support, as well as the clarification of some concepts, such as protected employment, protected employment center and supported employment in an open market, in the supported employment modality.

1. Professional Training - Adequacy to needs.

This type of vocational training aims to provide people with disabilities with the knowledge and skills necessary to obtain a qualification that will enable them to exercise a professional activity in the labor market, maintain employment and / or progress in their career.

CNOD claims:

- Compliance with quotas in the public and private sectors.

- Expansion of private sector quotas to companies below 75 workers, above 30 workers.

- Reduction of the transition period in the private sector.

- Greater diversity in vocational training and more formative options.

- Greater speed in adapting jobs.

- Greater investment in the employment of people with disabilities.