

REPORT ON THE COMPARISON OF THE AVAILABLE STRATEGIES FOR PROFESSIONAL INTEGRATION AND REINTEGRATION OF PERSONS WITH CHRONIC DISEASES AND MENTAL HEALTH ISSUES

BASED ON FIVE CATEGORIES OF SOCIAL WELFARE MODELS IN EUROPE

Spain: country report

Main legislative frameworks on chronic diseases, mental health and employment

There are no legislative frameworks specifically targeting the employment activation of persons with chronic diseases. Such measures are covered by the broader legislation for persons with disabilities.

Main legislative frameworks on disability and employment

- Law 13/1982 on Social integration of persons with disabilities;
- Royal Decree No. 1451/1983 on Selective employment and measures to promote employment for disabled workers;
- Law 51/2003 on Equal opportunities, non-discrimination and universal accessibility for people with disabilities;
- Law 43/2006 on Improving growth and employment (measures to encourage hiring of disabled employees on permanent contracts);
- Royal Decree No. 870/2007 on Rules for the Supported Employment Programme, as means to achieve employment of persons with disabilities in the regular labour market;
- Law 35/2010 on Urgent measures to reform the labour market;
- Royal Legislative Decree No. 1/2013 approving the revised text of the General Law on rights of persons with disabilities and their social inclusion;
- Disability Action Plan Strategy 2014-2016. Ministry of Health, Social Services and Equality.

Policy provisions on mainstream and specialist employment programmes

Employment advice and support services to persons with disabilities in mainstream employment are regulated by the Public Service of State Employment (Servicio Público de Empleo Estatal, SEPE). Local

offices of PES are found in all provinces. Persons with disabilities can have access to special employment centres and supported employment through these services.

Policy provisions on access to employment support

Work adaption is available for persons with NCDs, depending on decisions of occupational physicians in companies. For job seekers, however, disability is a prerequisite for additional support.

The degree of disability (expressed as a percentage) both permanent and temporary, is evaluated through the medical board, in accordance with the Royal Decree 1971/1999 of 23 December on the procedure for recognition, declaration and qualification of the degree of disability. Under this law, the assessment is based both on the impairment and, where appropriate, on social and individual factors, education level, work experience and other. The implementation of the law on the evaluation of disability is a responsibility of relevant bodies of Spain's autonomous communities. For example, in Catalonia, the assessment can be conducted by the Catalan Institute of Medical Evaluation (Institut Català d'Avaluacions Mèdiques, ICAM), which issues an opinion that is further examined by the Disability Evaluation Commission (National Institute of Social Security, INSS). The Institute assesses the claimant's work ability.

Policy provisions promoting stakeholder cooperation and integration of services

In Spain, there is a relatively well-developed cooperation between healthcare and social service systems. Cooperation between these systems allows for a continuity of care. Health centres and social care workers can refer their patients who express motivation to work to vocational rehabilitation and job placement services.

Municipal job placement services, for example, can have access to clinic histories of their users. In addition, social welfare services put job placement services in contact with social security, welfare and family services, so that employment services have information about benefits. Regular meetings are held between health centres and job placement services. Such cooperation is especially strong between mental health centres and job placement services specialised in working with persons with mental health problems.

Policy provisions promoting persons-centred approach and individualised service provision

The Royal Decree No. 870/2007 establishes rules on supported employment for persons with disabilities, which hold that supported employment entails individualized guidance and support in

the workplace by specialized job coaches to facilitate the social and work integration of disabled workers in the open labour.

In mental health, the IPS programme is used by job placement intermediaries specialised on working with persons with mental health problems. IPS is based on the idea of individualised planning and attention. Individual projects are created in cooperation between employment supervisors and users. Monitoring is done before, during and after job placement.

Policy provisions on localised and accessible employment service provision

In Spain, national legislation has given authorisation for non-profit employment intermediation agencies to facilitate the integration of persons from disadvantaged groups in employment. There is a wide range of private organisation, to a large extent non-profit entities, that render specialised activation and training services. The services of entities are instrumental for political objectives related to the promotion of the employment of persons with disabilities. Therefore, they receive funding from regional and national budget. There has been a reform in Spain that introduced an outcome-based allocation of funding for employment integration projects. This reform has an objective to enforce impact-oriented competition between service providers.

The emphasis is placed on giving regional autonomy in delivering active labour market policies. There is a common national strategy for employment activation, but regions have a freedom to choose different measures and systems to achieve the common objectives. Thus, placement and activation services are decentralised to regional level. However, local level activities remain dependant on the regional level. Decentralisation gives more flexibility to regional authorities, but this means that differences exist between regions. In order to create a connection between regions, a Strategy for Employment Activation has a provision setting up a best-practice programme, which is a means for transferring good practices between regions.

Employment support in the open labour market

Royal Decree No. 870/2007 provides a framework for supported employment as well as a general financial budget from the state to autonomous communities to support this employment scheme. The definition of supported employment in legislation emphasizes the employment in the open labour market.

Regional governments are tasked to put in place measures facilitating the professional integration of persons with difficulties in entering the labour force, in line with the principles of supported employment. Such measures are different across regions.

For example, the Bureau of Employment in Diversity (Subdirecció General d'Ocupació en la Diversitat) of Catalonia is a responsible agency for the allocation of “subsidies for the realization of comprehensive services for guidance, assistance and support for the inclusion of people with disabilities and/or mental illness” (Subvencions per a la realització dels serveis integrals d'orientació, acompanyament i suport a la inserció de les persones amb discapacitat i/o malaltia mental, SIOAS). This subsidy can last for 1 year for each participant. In addition, the Barcelona Provincial Council supports the Network of Specialised Employment Offices (Oficines Tècniques Laborals, OTL), which is a network of 16 local employment offices specialised in the employment (re-)integration of persons with mental health conditions. The offices handle the job placement task. In 2014, 393 people were put in employment through the network, with approximately half of them being placed in the open labour market jobs.

When working with persons with mental health problems, some specialised employment intermediation entities follow the IPS methodology to supported employment. Catalonia, for instance, participated in the IPS programme led by the Dartmouth University in the US.

Protections and privileges:

- Greater flexibility and possibility to hire employers on temporary contracts and training contracts. In the time of economic crisis this gives more flexibility to employers. The maximum age for applying a training contract has been extended from 21 to 25 up to 31 years. Employers get a 100% deduction in their employer contributions for these types of contracts. The cost of training workers with these contracts is assumed by the state for companies with less than 50 workers.
- Under the Law 13/1982, 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;
- The Law 51/2003 imposes a duty to provide reasonable accommodation.

Employment support through Social enterprises or social cooperatives

Under the Law 44/2007, cooperatives can take up the tasks of job placement intermediaries. Companies created by patients' initiatives are, however, limited in scope and difficult to operate in Spain. This is something to be developed.

Employment support through sheltered work

Sheltered work in Spain is provided through Special Employment Centres, where the majority of workforce is made up by persons with disabilities. These centres are regulated by the Royal Decree 2273/1985 and the Royal Decree 469/2006. Some sheltered centres are subcontracted by non-sheltered businesses, who can fulfil their quota requirements by outsourcing from sheltered workshops. Such centres are known as the "work enclaves" and are intended to encourage the transition to the open labour market. These enclaves are regulated by the Royal Decree 290/2004.

Incentives for persons with NCDs to participate in activation programmes

There are no additional benefits paid for participation in vocational rehabilitation and training programmes. However, there is flexibility in combining benefits with work. In Spain, a distinction is made between temporary and permanent disability.

A temporary disability benefit is a daily allowance to cover the loss of income caused by a worker's illness, an accident or an occupational disease. The benefit can be paid for a period of 365 days (extendable by another 180 days) in a case of a non-work related illness or accident, and for a period of 6 months (renewable for another 6 months) in a case of an occupational disease.

Permanent disability benefits and rules on their compatibility with employment vary depending on the degree of disability:

- Partial permanent disability benefit is paid when the worker's normal performance is impaired by 33% or more, but she/he can carry out the basic tasks of their normal job. This benefit is a lump-sum compensation made in a single payment in an amount that equals to 24 months of the base pension used to calculate the subsidy for the temporary disability from which the permanent disability is derived. It is compatible with any type of employment activity and income level.
- Total permanent disability benefit is paid when the worker cannot carry out basic tasks of the normal profession, but can do another job. The benefit consists of a lifetime monthly

pension that, under exceptional circumstances, may be substituted for a lump-sum payment, when the beneficiary is under the age of 60. The benefit is compatible with the salary the worker may receive in the same or another company under a condition that the duties are not the same as those that led to the total permanent disability.

- Absolute permanent disability benefit is paid when a worker is completely disqualified from any profession. The benefit amounts to 100% of the base rate and is compatible with profit or non-profit activities that are in line with the individual's degree of disability and that do not represent a change in the ability to work for the purpose of reviews.
- Severe disability benefit is paid when a worker is completely disqualified from any profession and also requires assistance from another person to carry out daily basic activities. The benefit amount to 100% of the base rate and is compatible with profit or non-profit activities that are in line with the individual's degree of disability and that do not represent a change in the ability to work for the purpose of reviews.

Financial incentives for employers to recruit/retain persons with NCDs

The types of financial incentives and subsidies paid to employers with an aim of promoting the employment of persons in disadvantaged situation vary across autonomous regions.

In general, employers can receive different financial benefits depending on the type of a contract offered to a person with a disability.

Permanent contract:

- A benefit for covering the cost of social security costs per worker ranging from EUR 4,500 to EUR 6,300 per year for full-time contracts, depending on the severity of disability, age and sex. For part-time contracts the amount is based on agreed days of work;
- A subsidy of EUR 3,907 for hiring a person with a disability on full-time basis; For part-time contracts the amount is proportional to agreed days of work;
- A deduction of EUR 6,000 euros from the full amount of the corporate tax per person, under a condition that the recruitment of a person with a disability leads to an increase of the average number of persons with disabilities in the labour force.
- A grant for job adaptation up to EUR 901.52.

Temporary contracts (from 12 months to 3 years):

- A benefit for covering the cost of social security costs per worker ranging from EUR 3,500 to EUR 4,700 per year for full-time contracts, depending on the severity of disability, age and sex. For part-time contracts the amount proportional to the agreed working hours;
- A grant for job adaptation up to EUR 901.52.

Training contract (from 6 months to 2 years):

- A 50% benefit for covering the cost of social security costs for graduates under a condition that 6 years have passed since the completion of their studies.

Apart from these financial benefits, under the Law 30/2007, preference in granting public contracts is given to companies that comply with the legal quota of 2% of people with disabilities in their workforce.

Non-financial incentives for employers to recruit/retain persons with NCDs

An example of the non- financial measures encouraging employers to recruit persons at risks of social exclusion can be seen in the activities of the Incorpora programme (www.incorpora.org), supported by La Caixa Foundation. The programme offers companies the opportunity to acquire a socially active attitude through the promotion of corporate social responsibility. Incorpora works in a close partnership with businesses and provides them with business advice and full support the recruitment and integration process. The emphasis is made on the advantages of hiring persons at risk of exclusion in terms of an improved company image, reduced absenteeism, retaining of talents, and a positive societal impact.

Duties of persons with NCDs

Disability benefits are not conditional on participation in employment activation activities.

Duties of employers

The Law on Social Integration of Persons with Disabilities obliges companies with more than 50 workers to meet the 2% quota on employing people with disabilities.

General and specialised employment services for persons with NCDs

Job placement services to persons at the risk of exclusion from the labour market may be provided by non-profit organisations supporting these groups of people. For example, Parc Sanitari Sant Joan de Deu, headquartered in Sant Boi de Llobregat, provides job placement services for people of working age with a mental health condition who are motivated to join the labour market but face difficulties in the integration process. Job placement services assist job-seekers in preparing job applications, looking for vacancies, providing guidance and creating a job search strategy. Job-seekers receive individualised support but can also participate in support groups, where they can share experiences with other service users.

Another example is the Adecco Foundation, a non-profit arm of the employment agency Adecco that is focused on people who for various reasons face difficulties in finding employment. For all users, the foundation provides access to a job vacancy database, allows registering CVs, and provides assistance in vocational training. In addition to this, it participates in research and development projects aimed at creating assistive technologies facilitating the employment of persons with disabilities. The foundation has been created as result of social responsibility assumed by Adecco.

Job placement services targeted to specific needs of persons with specific health conditions may be rendered through organisations of such patients. The Spanish Association Against Cancer (AECC) has a job placement programme for persons with cancer who require employment support and are registered as jobseekers at the Employment Service of their Autonomous Community. The services are focused towards guidance, training and mediation through the development of personal aspects for the occupation, through the promotion and enhancement of individual skills, training, information and advice. In addition, awareness of entrepreneurship and society as a whole is intended to help facilitate the employment of those affected.

Various services offered to persons at the risk of exclusion from the labour market include:

- Pre-labour services (servicio prelaboral) are social care services to help people with severe mental conditions who are unable to directly access and integrate into work. For this reason they require a vocational rehabilitation process that prepares them for obtaining a job. It involves basic skills necessary for work as well as training for families. Pre-labour services are mainly offered by NGOs.
- Targeted legal, psychological, training advice and guidance – e.g. the Spanish Group of Cancer Patients (Grupo Español de Pacientes con Cáncer, GEPAC) offers its users services

such as legal advice on matters relating to access to employment, education and training; psychological counselling; help in finding jobs and getting interviews; training and empowerment for socio-professional reintegration.

Occupational rehabilitation services – e.g. Fundación Manantial's Centres for Occupational Rehabilitation develop occupational rehabilitation programmes aimed at helping persons with mental issues to acquire or regain skills needed for work integration.

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