



EMPLOYMENT & LABOUR LAW

EMPLOYMENT QUOTAS FOR PEOPLE WITH DISABILITIES

IMPACT ON COMPANIES

Large companies (those with more than 250 employees) must hire workers with disabilities in a number not less than 2 % of the staff in their service.

From **1 February 2019**, with the entry into force of Law no. 4/2019 of 10 January, quotas are established for employers in the private and the public sectors (excluded from Decree-Law no. 29/2001 of 3 February). These quotas mean that employers **with more than 75 workers** will be required to hire people with disabilities, with a **degree of incapacity of 60% or more**.

This law applies to people who, by reason of loss or anomaly, whether congenital or acquired, have disabilities in the areas of cerebral palsy, organic, motor, visual, hearing and intellectual but can do the work for which they are applying. The law also applies to people whose functional limitations can be overcome by adjusting or adapting the work station and support products.

The process of recruitment and selection of candidates with disabilities should be appropriate and, at the request of the interested parties, adapted evaluation tests may be used.

The quotas established in the new law are the following:

- **Medium-size companies** (those with 75 employees or more) must hire workers with disabilities **in a number not less than 1 % of the staff in their service;**
- **Large companies** (those with more than 250 employees) must hire workers with disabilities **in a number not less than 2 % of the staff in their service;**
- For the purposes of calculating this percentage, the number of workers should be considered as the average of the previous calendar year and, if the result is a not a whole number, it will be rounded up to the next unit.

Failure to meet the quotas is serious administrative offence.

Employing companies with between 75 and 100 employees have a transition period of five years and those with more than 100 employees have a transition period of four years. These periods run from the date of entry into force of this law.

The annual information of companies on the number of employees with disabilities in their service must be provided in the Single Report and the violation of this provision constitutes a minor administrative offence.

From 1 January 2020, companies must ensure that, in each calendar year at least 1 % of their annual hiring targets people with disabilities.

There may be exceptions to the application of these new rules:

■ Upon an application made to the Working Conditions Authority (ACT), **accompanied by a reasoned opinion issued by the National Institute for Rehabilitation, (INR)**, in cooperation with the IEFP, I.P., which proves it is impossible of to implement the new rules effectively in the work station in question.

■ By proving to the ACT, by a statement issued by the IEFP, I. P. attesting to the non-existence of a sufficient number of candidates with disabilities who meet the requirements needed to fill the positions with offers of employment presented in the previous year.

The annual information of companies on the number of employees with disabilities in their service must be provided in the Single Report and the violation of this provision constitutes a minor administrative offence.

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