



# **Employment of persons with disabilities: an assessment of the effectiveness of national policies**

Spain

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# **Employment of persons with disabilities: an assessment of the effectiveness of national policies**

## **Spain**

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## **1 Executive summary**

### **1.1 Analysis of the employment situation of persons with disabilities, including the disability employment gap**

Overall, the population of those without disabilities has significantly higher activity (2.2 times) and employment rates (2.5 times), and lower unemployment rates (1.5 times), in comparison with persons with disabilities. The activity rate gap between the populations of persons with a disability and without a disability is 42.7 percentage points (35.3 % as against 78 %). Only 50.8 % of persons with disabilities participate in the labour market, in comparison with 75 % of those without disabilities. In addition, 19.8 % of persons with disabilities aged 16 and over have never worked, with women (27.3 %) being three times more likely than men (8.6 %) to have never been employed. The employment rate varies by severity of the disability, with the highest employment among those with the least severe disabilities. The highest activity and employment rates are found among those with hearing disabilities, while those with mental or psychosocial disabilities have the lowest.<sup>1</sup> Most employed persons with disabilities are salaried employees, predominantly in the private sector. Significant challenges remain, including higher inactivity rates and lower wages for persons with disabilities in comparison with those without disabilities.

### **1.2 National targets for the employment of persons with disabilities, including monitoring of the targets**

The Spanish Disability Strategy (SDS) 2022-2030 sets several labour market objectives. First, it aims to increase employment and activity rates, from 34.3 % to 51 %. Secondly, it seeks to decrease the long-term unemployment rate, from 64.8 % to 52 %. Thirdly, it intends to raise the percentage of the population that has ever worked or is currently working from 88.1 % to 91 %. Lastly, it plans to enhance the identification of non-compliance with the reserve quota for employees with disabilities from 11.4 % to 12 %. In order to monitor the implementation of these objectives and measures, biennial progress reports will be conducted by a commission belonging to the National Disability Council. These reports will detail the actions taken in the previous two years, and outline the actions planned for the next two years.

### **1.3 Identification and evaluation of employment measures over the last decade**

Employment quotas have been included in Spanish legislation since the 1970s and 1980s, yet high levels of non-compliance with such quotas persist. It is necessary to monitor compliance, and to increase the percentage of positions reserved to persons with disabilities. Moreover, lowering the size threshold for companies that are required to comply with the quota system would enhance its effectiveness. Establishing specific quotas for various types of disabilities would also enable better prioritisation and support for different disability categories and intersectional identities.

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<sup>1</sup> Note: As defined in the glossary of the Spanish Disability Strategy, the term 'psychosocial disability' refers to persons who have received a mental health diagnosis and have experienced negative social factors such as stigma, discrimination and exclusion. Persons living with psychosocial disabilities are former and current users of mental health services, as well as those who identify themselves as survivors of these services or with the psychosocial disability itself.

While bonuses and incentives for hiring employees with disabilities have facilitated their employment, they have also led to the hiring of employees with less severe disabilities and their overrepresentation in low-skilled jobs. The array of subsidies regulated by different legal/regulatory instruments should be simplified.

Sheltered workshops (SWs) account for three quarters of the total employment of persons with disabilities. Ensuring the profitability and viability of these SWs has often resulted in the hiring of individuals with less severe disabilities, who might benefit from more inclusive work alternatives. Several improvements are advisable, such as distinguishing between not-for-profit and for-profit SWs and updating financial aid accordingly; removing low-performance contracts; and eliminating the probationary period of up to six months.

#### **1.4 Future plans and overall assessment**

Promoting self-employment and entrepreneurship for persons with disabilities; implementing more inclusive alternative measures than quotas; and enforcing penalties for non-compliance are essential strategies. Comprehensive subsidies should be provided to adopt reasonable accommodation, adapt workplaces, and eliminate barriers that prevent or hinder work for individuals with disabilities. With the passage of the 2022 Law on Equal Treatment and Non-discrimination, promoting supported employment and the social economy can further enhance employment rates and lead to better outcomes.

#### **1.5 Recommendations on effective target setting and monitoring**

An annual review of the progress in each of these areas will facilitate the implementation of corrective measures, thereby ensuring the achievement of the goals set for 2030.

## 2 Analysis of the employment situation of persons with disabilities, including the disability employment gap

### 2.1 Overall employment rate and trends

In Spain, employment in the first quarter of 2024<sup>2</sup> has increased by three points in comparison with the first quarter of 2023, while in the eurozone, it has increased by one point. Over the past year, the sectors with the highest employment growth have been construction, commerce and transportation, and information and communication. Conversely, employment has decreased in the finance and insurance sector and in the property sector.

As of May 2024,<sup>3</sup> the unemployment rate in the EU 27 is 6 %; in the eurozone, (20 countries) it is 6.4 %; and in Spain, it is 11.7 %, making Spain the country with the highest unemployment rate in the EU 27. In 2023,<sup>4</sup> employment in Spain increased by 3.1 %, and the unemployment rate fell to 12.2 %. Despite these positive developments, Spain's employment rate remains below the EU average and the 2030 national target, while its unemployment rate is double the EU average. According to Eurostat and EU-LFS, the employment rate of the Spanish population aged 20-64 is 69.3 %, well below the EU average of 76.32 %, ranking Spain as the country with the fourth lowest employment rate. A gender gap exists, with the women's employment rate at 63.7 % and the rate for men at 74.9 %. According to the most recent Eurostat data,<sup>5</sup> in 2023 the gender gap in Spain in employment was similar (10.3 percentage points) to the average in the European Union (10.2 percentage points). There is also a gender gap in unemployment: 10.7 % for men versus 13.9 % for women. This gender gap is wider than the gap in the EU overall: 5.8 % for men versus 6.4 % for women.

According to the National Institute of Statistics (INE) (2022), from 2014 to 2022, the average activity rate for employees without disabilities was 77.6 %; the employment rate was 64.3 %; and the unemployment rate was 17.2 %. As of 2022, the activity rate has remained nearly the same (78 %); the employment rate has increased (68.1 %); and the unemployment rate has significantly decreased (12.8 %). Since 2020, when unemployment peaked at 16.5 % due to the COVID-19 pandemic, the figures have been declining. In one year, unemployment decreased by three tenths (12 % versus 11.7 %). A wage gap also exists, with the average gross annual wage of employees with disabilities in 2021 being 17.2 % lower than that of persons without disabilities.<sup>6</sup> The average activity rate from 2014 to 2022 was 55.6 % for those with 33 %-44 % disability; 40.1 % for those with 45 %-64 % disability; 21 % for those with 65 %-74 % disability; and 12.6 % for those with disability of 75 % or higher. In comparison with

<sup>2</sup> See Eurostat, 'Unemployment by sex and age – monthly data', at: [https://ec.europa.eu/eurostat/databrowser/view/UNE\\_RT\\_M\\_custom\\_7680578/bookmark/table?lang=en&bookmarkId=2feeff57-57c9-4278-a50b-7e2279d699c2](https://ec.europa.eu/eurostat/databrowser/view/UNE_RT_M_custom_7680578/bookmark/table?lang=en&bookmarkId=2feeff57-57c9-4278-a50b-7e2279d699c2).

<sup>3</sup> See Eurostat, 'Unemployment by sex and age – monthly data'.

<sup>4</sup> European Commission, *2024 Country Report – Spain*, SWD(2024) 609 final, 19 June 2024, available at: [https://economy-finance.ec.europa.eu/document/download/c683835d-4b44-45b1-bde9-057d53a4b7f3\\_en?filename=SWD\\_2024\\_609\\_1\\_EN\\_Spain.pdf](https://economy-finance.ec.europa.eu/document/download/c683835d-4b44-45b1-bde9-057d53a4b7f3_en?filename=SWD_2024_609_1_EN_Spain.pdf).

<sup>5</sup> Last update: 13 June 2024. Eurostat, 'Gender employment gap', at: <https://ec.europa.eu/eurostat/databrowser/view/tesem060/default/table?lang=en&category=es.tese.m>.

<sup>6</sup> See National Institute of Statistics (Instituto Nacional de Estadística, INE), 'El Salario de las Personas con Discapacidad (SPD)1' (Salary of People with Disabilities), 27 September 2023, [https://www.ine.es/prensa/spd\\_2021.pdf](https://www.ine.es/prensa/spd_2021.pdf).

2014 data, the activity rate in 2022<sup>7</sup> decreased for all groups except for those with 45-64 % disability. The average employment rate from 2014 to 2022 was 42.4 % for those with 33 %-44 % disability; 28.3 % for those with 45 %-64 % disability; 13.3 % for those with a 65 %-74 % disability; and 10.3 % for those with disability of 75 % or higher. In comparison with 2014 data, the employment rate in 2022 increased for all groups except for those with a disability of 75 % or more. In more densely populated areas, there are more active people, and more employed and fewer unemployed individuals. The opposite trend is observed in areas with a dispersed population. This pattern has remained unchanged from 2014 to 2022, and is similar for populations both with and without disabilities.<sup>8</sup>

Furthermore, youth unemployment (age 15 to 24) in Spain is 26.6 % in comparison with 14.2 % in the eurozone, with unemployment disproportionately affecting young people (*2024 Country Report – Spain*).<sup>9</sup>

In Spain, there is also a high prevalence of fixed-term employment contracts. According to the *Country Report*<sup>10</sup> for Spain, the share of temporary employees in the private sector stabilised after declining by 10 percentage points following the 2021 labour market reform, reaching 14.0 % on average in 2023, while the rate remained very high, at 30.6 %, in the public sector (p. 2).

The *Joint Employment Report 2024*, adopted by the Council on 11 March 2024, notes that employment growth in Spain in 2022 exceeded the minimum annual change required to reach the 2030 national target. However, the employment rate remains in a ‘critical situation’ below 70 % (p. 33), and the unemployment rate is ‘weak but improving’ (p. 36). Gender pay gaps persist (p. 41). Although Spain has reduced the percentage of fixed-term employment contracts, it remains one of the countries with the highest rate of temporary contracts, in particular among young people, with low transition rates to permanent contracts, and a significant gap between fixed-term employment contracts for men and women (p. 70).

## 2.2 Description of the employment rate of persons with disabilities and trends

During the period 2014 to 2022, the average activity rate for employees with disabilities was 34.5 %. The employment rate was 25.6 %, and the unemployment rate was 26 %. In 2022, these figures showed slight improvements: the activity rate increased to 35.3 % and the employment rate to 27.8 %, and the unemployment rate decreased significantly, to 21.4 %.<sup>11</sup> According to EU-SILC data,<sup>12</sup> in 2022, the employment rate for persons with disabilities aged 20-64 was 57.8 %, and a gender gap persisted (a 54.1 % employment rate for women as against 62 % for men). These employment rates are, however, the highest for the period 2012-2022 and place Spain in 10th position among EU countries regarding employment rates for persons with disabilities

<sup>7</sup> See INE, ‘Activity and employment rates by degree of disability’, available at: <https://www.ine.es/jaxi/Datos.htm?tpx=29818>.

<sup>8</sup> See INE, ‘Relationship with economic activity and type of municipality’, available at: <https://www.ine.es/jaxi/Datos.htm?tpx=30026>.

<sup>9</sup> European Commission, *2024 Country Report – Spain*, SWD(2024) 609 final, 19 June 2024.

<sup>10</sup> European Commission, *2024 Country Report – Spain*, SWD(2024) 609 final, 19 June 2024.

<sup>11</sup> See INE, ‘Activity, employment and unemployment rates by sex’, available at: <https://www.ine.es/jaxi/Datos.htm?tpx=29814>.

<sup>12</sup> Source: EU-SILC data (compiled from previous EDE reports).

aged 20 to 64. In addition, the gender gap in employment for persons with disabilities is the smallest in the whole of the EU<sup>13</sup> (13.8 %).

In 2022, the highest activity rates among the population with disabilities were found among those with auditory disabilities (61.2 %), followed by those with physical disabilities (40.8 %); visual disabilities (39.5 %); intellectual disabilities (36.4 %); and mental disabilities (29.2 %). Employment rates followed a similar pattern: auditory disabilities (53 %); physical disabilities (33.7 %); visual disabilities (33.1 %); intellectual disabilities (23.8 %); and mental disabilities (18.9 %).<sup>14</sup>

According to the INE, in 2022, 538 900<sup>15</sup> persons with disabilities were employed. Of those, 84.9 % were salaried employees (16.9 % in the public sector and 68 % in the private sector), and 15 % were self-employed (4.7 % were employers and 9.9 % were self-employed without employees). From 2014 to 2022, the number of employees with disabilities in common employment (excluding those in sheltered workshops and civil servants)<sup>16</sup> increased, except in 2021, which was likely due to the COVID-19 pandemic.

The number of employees receiving disability reductions/bonuses gradually decreased over the period 2014-2022. In 2022,<sup>17</sup> 77.8 % of contracts with persons with disabilities were permanent, in comparison with 22.2 % on fixed-term employment contracts. This marks a slight increase in the level of permanent contracts since 2020, when the total number was 75 %, which is probably due to the new Employment Law limiting fixed-term employment contracts.

In 2022,<sup>18</sup> 81.9 % of contracts for employees with disabilities were full time, in comparison with 86.8 % for employees without disabilities. The gap between the two groups has widened since 2014, when 84.7 % of contracts for employees with disabilities were full time, in comparison with 84.3 % for employees without disabilities, which indicates a trend towards more precarious employment conditions for employees with disabilities.

From 2015 to 2022, there were consistently more part-time employees with disabilities than without disabilities. In 2022, 13.2 % of men with disabilities worked part-time, in comparison with 24.7 % of women with disabilities. This trend has remained unchanged since 2014 (10.3 % versus 22.5 %). A similar pattern can be seen among employees without disabilities, with a wider gender gap in part-time employment.<sup>19</sup> From 2014 to 2022, for both persons with and persons without disabilities, the 45-64

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<sup>13</sup> Source: EUROSTAT, EU-SILC. See Eurostat, 'Disability employment gap by level of activity limitation and sex', available at:

[https://ec.europa.eu/eurostat/databrowser/view/hlth\\_dlm200/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/hlth_dlm200/default/table?lang=en).

<sup>14</sup> See INE, 'Activity and employment rates by type of disability', available at:

<https://www.ine.es/jaxi/Datos.htm?tpx=29817>.

<sup>15</sup> See INE, 'Employed by professional situation', at: <https://www.ine.es/jaxi/Datos.htm?tpx=29801>.

<sup>16</sup> See INE, 'Employed persons with disabilities who make Social Security contributions, according to reductions/discounts in contributions due to disability, by sex', available at:

<https://www.ine.es/jaxi/Datos.htm?tpx=29832>.

<sup>17</sup> See INE, 'Wage-earners by type of contract and sex', available at:

<https://www.ine.es/jaxi/Datos.htm?tpx=29802>.

<sup>18</sup> See INE, 'Employed persons by type of working day and reasons for working part-time', available at: <https://www.ine.es/jaxi/Datos.htm?tpx=29804>.

age group had the highest proportion of full-time contracts, followed by the 25-44 age group and then the 16-24 age group.<sup>20</sup>

In companies with fewer than 50 employees, 1.5 % of employees have a disability, while in companies with more than 50 employees, 2.7 % of employees have a disability. These percentages are higher in the public sector (3.9 % and 3.6 % respectively), and lower in the private sector (1.4 % and 2.4 % respectively).<sup>21</sup>

From 2014 to 2022, the services sector consistently employed the highest number of persons with disabilities, followed by the industry, construction and agriculture sectors. This distribution remained stable throughout the period, and a similar pattern was observed among employees without a disability. Greater severity of disability was associated with lower activity and employment rates.<sup>22</sup>

In 2022, 61.2 % employed persons with disabilities had secondary education or vocational training; 30.6 % had higher education, and 8.3 % had primary education or were illiterate. This distribution has remained unchanged since 2014 and is similar for persons without disabilities, although the difference between those with secondary versus tertiary education is less pronounced among persons without disabilities. In other words, employability in Spain is associated with secondary education and vocational training.<sup>23</sup>

On average, from 2014 to 2022, 71.3 % of employees with disabilities stayed with the same company for more than three years, 13.5 % for one to three years, 9.5 % for less than six months and 6.2 % for six months to a year. This trend was consistent throughout the whole period and was similar for employees without a disability.<sup>24</sup> Most employees in Spain (97.4 %) held only one job, a trend seen in both employees with and those without disabilities.<sup>25</sup>

The Spanish Disability Strategy 2022-2030 (SDS) reports that the employment rate for persons with disabilities is 34.3 %, in comparison with 76.1 % for persons without disabilities. The 2030 target is to increase the employment rate for persons with disabilities to 51 %. The unemployment rate for persons with disabilities is 22.2 %, in comparison with 15.4 % for persons without disabilities, with a 2030 target to reduce it to 18 %. The long-term unemployment rate for persons with disabilities is 64.8 %, in comparison with 44.2 % for persons without disabilities, with a 2030 target of 52 %. The strategy also aims to improve compliance with job reservation laws for employees with disabilities (p. 100). The SDS also aims to improve compliance with job reservation law for employees with disabilities (p. 101).

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<sup>21</sup> See INE, 'Porcentaje de asalariados con discapacidad respecto al total de asalariados que cotizan a la Seguridad Social en organismos o empresas ordinarias' (Percentage of employees with disabilities compared to the total number of employees who contribute to Social Security in ordinary organisations or companies), available at: <https://www.ine.es/jaxi/Datos.htm?tpx=29840>.

<sup>22</sup> See INE, 'Activity and employment rates by degree of disability', available at: <https://www.ine.es/jaxi/Datos.htm?tpx=29818>.

<sup>23</sup> See INE, 'Employed persons by level of studies and age group', available at: <https://www.ine.es/jaxi/Datos.htm?tpx=29809>.

<sup>24</sup> See INE, 'Persons employed for the amount of time at the same company and sex', available at: <https://www.ine.es/jaxi/Datos.htm?tpx=29811>.

<sup>25</sup> See INE, 'Employed persons with more than one job', available at: <https://www.ine.es/jaxi/Datos.htm?tpx=29813>.

The 2024 State Report on the Labour Market for People with Disabilities highlights low participation in the labour market, with only 35.3 % of persons with disabilities being active, in comparison with 75.31 % of the general population. This is consistent with findings in the Olivenza Report (2023),<sup>26</sup> which notes that 35 % of the working-age population with disabilities are neither working nor looking for work (pp. 36 and 151).

Between 2014 and 2022, the average activity rate for employees with disabilities was 34.5 %; the employment rate was 25.6 %; and the unemployment rate was 26 %. In 2022, these figures showed a slight improvement: the activity rate increased to 35.3 %; the employment rate increased to 27.8 %; and the unemployment rate decreased significantly, to 21.4 %.

Unlike the situation for employees without disabilities, women with disabilities have higher activity, employment and unemployment rates than men with disabilities (p. 16). Most employees with disabilities (84.1 %) are employed in the service sector (p. 19). In 2023, more men than women with disabilities were hired (p. 21). By age group, in 2023, the highest number of employees with disabilities were over 44 years old, followed by the 25-44 age group; the group with the lowest number of such employees was the under 25s (pp. 22 and 31). From 2022 to 2023, there was a decrease in contracts for both employees with and without disabilities, with a smaller reduction in the former group (p. 21). These reductions are partially explained by the 2021 labour reform introduced by Royal Decree-Law 32/2021, which aimed to reduce the number of fixed-term employment contracts (p. 26).

Odismet's 2024 General Report<sup>27</sup> states that in 10 years, the activity rate of persons with disabilities has increased by only 2.1 points, highlighting the need for policies and resources to motivate this population to work (pp. 22-23). From 2013 to 2022, the activity rate increased by 8.9 points for various groups of persons with disabilities, except for those with visual impairments, the rate for whom decreased by 4.7 points (p. 25). A lower degree of disability and a higher educational level are associated with higher activity rates (p. 26 and p. 28). From 2013 to 2022, the activity rate for women with disabilities increased by more than four points (from 22.2 % to 26.9 %). For men with disabilities, the activity rate increased by more than two points (from 26 % to 28.4 %) (p. 31). From 2013 to 2022, the employment of persons with disabilities experienced the highest growth in the 25-44 age group; the 16-24 age group had the lowest employment levels in the whole series, while the 25-44 age group experienced the highest employment rates (p. 32).

From 2013 to 2022, persons with disabilities in the 16 to 24 age group experienced the largest reductions in the unemployment rate. Overall, over a decade, the unemployment rate of persons with disabilities fell by 13.6 points (p. 37). From 2013 to 2022, long-term unemployment has affected women with disabilities more than men with disabilities (p. 39). In 10 years, the percentage of contracts for persons with disabilities over the total number of contracts made has grown by only 0.6 tenths of a

<sup>26</sup> Huete García, A. (Dir.) (2023), *Informe Olivenza 2023* (Olivenza Report: The situation of persons with disabilities in Spain 2023), Observatorio Estatal de la Discapacidad (OED), available (in Spanish) at: <https://www.observatoriodeladiscapacidad.info/wp-content/uploads/INFORME-OLIVENZA-2023.pdf>.

<sup>27</sup> Odismet (Observatorio sobre discapacidad y Mercado de trabajo en España) (2024), *Informe General. Principales resultados. Informe 9* (General Report), available (in Spanish) at: [https://odismet.es/sites/default/files/2024-04/Informe\\_%209.pdf](https://odismet.es/sites/default/files/2024-04/Informe_%209.pdf).

percentage point (p. 45). Specific contracts for persons with disabilities represent between 30 % and 40 % of the total contracts made with this group. These contracts include those carried out in ordinary companies and those undertaken in special employment centres. From 2013 to 2023, these contracts have increased by 51.1 %. Of the total of these contracts, 71.1 % have been carried out in special employment centres. As a consequence of the 2021 labour reform, the percentage of specific contracts for persons with disabilities in special employment centres increased to 21.8 % in 2023 in comparison with 7.2 % in 2013 (p. 54).

Women with disabilities continue to be the recipients of part-time contracts, almost 14 points on average above men with disabilities in the past 10 years (p. 65). From 2010 to 2021, the wage gap between employees with and employees without disabilities has increased (p. 71). From 2013 to 2022, the number of persons with disabilities who are self-employed has increased, although the self-employment rate is experiencing a progressive decline among both the population with disabilities and the population without disabilities. This reveals a lack of aid and support for entrepreneurship (p. 77).

The 2023 White Paper on Employment and Disability<sup>28</sup> argues that the inactivity rate for women with disabilities in Spain is currently 76.20 %. With regard to intersectionality, additional difficulties arise when persons with disabilities have been victims of sexist violence or where they are lesbian, gay, bisexual, trans or intersex (p. 385). Those who face greater obstacles in accessing the labour market are persons with cerebral palsy; those with mental health issues, intellectual disabilities or on the autism spectrum; and those with physical or sensory disabilities, with a disability equal to or greater than 65 % (p. 385).

As the Odismet report (2024) summarises (p. 57):<sup>29</sup> since 2013, the hiring of persons with disabilities as a percentage of total contracts has grown by only 0.6 tenths of a percentage point. Gender bias remains the same 10 years later. The 2021 labour reform has encouraged the hiring of permanent employees, which has grown by 23.5 points since 2013. Hiring of persons with disabilities aged between 45 and 64 has grown by 12.5 points, while the hiring of persons with disabilities with sensory disabilities has fallen by 4.8 points. Persons with disabilities with university training saw a reduction of 0.1 % in hiring, while the rate for persons with disabilities with primary education increased by 1.8 points. The service sector and elementary or low-skilled occupations account for the largest share of recruitment.

### **2.3 Description of the disability employment gap and trends**

According to INE data corresponding to the period 2014-2022, among the population of both those with and those without disabilities, the percentage of the employed population who are illiterate or have only primary education has reduced by 2.9 points for those without disabilities and by 6.5 points for those with disabilities. This reduction has been accompanied by increases in the percentage of both those without and those with disabilities with higher education who are hired (4.3 pp and 2.8 pp, respectively).

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<sup>28</sup> Royal Board of Trustees on Disability/Ministry of Social Rights and Agenda 2030 (2023), White Paper on Employment and Disability, available (in Spanish) at: [https://www.mdsocialesa2030.gob.es/derechos-sociales/discapacidad/docs/Libro\\_blanco\\_empleo\\_discapacidad\\_2023.pdf](https://www.mdsocialesa2030.gob.es/derechos-sociales/discapacidad/docs/Libro_blanco_empleo_discapacidad_2023.pdf).

<sup>29</sup> Odismet (2024), *Informe General. Principales resultados. Informe 9* (General Report), available (in Spanish) at: [https://odismet.es/sites/default/files/2024-04/Informe\\_%209.pdf](https://odismet.es/sites/default/files/2024-04/Informe_%209.pdf).

It can therefore be said that there has been a qualitative improvement in terms of employment. On the other hand, while full-time contracts have increased by 2.5 percentage points among the population of those without disabilities, such contracts have decreased by 2.8 percentage points among the population of those with disabilities.

If one takes into account the average rates calculated for the period 2014-2022, which have been mentioned in previous sections, one can state that the activity rate for the population of those without disabilities is 2.2 times higher than the rate for the population with disabilities; the employment rate is 2.5 times higher for the population without disabilities than for the population with disabilities; and the unemployment rate is 1.5 times higher for the population with disabilities than for the population without disabilities.

Odismet's 2024 General Report<sup>30</sup> underlines that the difference between the activity rate for the groups with and without disabilities is 42.7 percentage points (i.e. 78 % versus 35.3 %). The White Paper on Employment and Disability (2023)<sup>31</sup> argues that only 50.8 % of persons with disabilities participate in the labour market, in contrast to 75 % of persons without disabilities (p. 383). The Olivenza Report (2023) states that 19.8 % of persons with disabilities aged 16 and over have never worked. The proportion of women with disabilities who have never worked (27.3 %) is three times higher than that of men with disabilities (8.6 %).

## 2.4 Employment of persons with disabilities in 'sheltered workshops'

Article 43 of the General Law on the Rights of Persons with Disabilities (LRPD)<sup>32</sup> regulates sheltered employment for persons with disabilities and defines special employment centres/sheltered workshops (SW) as those that carry out productive activity of goods or services, participating in market operations. Their purpose is to ensure gainful employment for persons with disabilities and to be a means of inclusion for the greatest number of such persons in ordinary employment. Seventy percent of the staff of SWs must be persons with disabilities. The regulations<sup>33</sup> stipulate that employees with cerebral palsy or mental health issues, persons on the autism spectrum and persons with intellectual disabilities must have a degree of disability higher than 33 %, and employees with physical or sensory disabilities must have a degree of disability of more than 65 %. Initially, SW were established as a way to offer employment to those with disabilities who experienced more difficulties, and as an

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<sup>30</sup> Odismet (2024). *Informe General. Principales resultados. Informe 9* (General Report), available (in Spanish) at: <https://odismet.es/sites/default/files/2024-04/Informe%209.pdf>.

<sup>31</sup> Royal Board of Trustees on Disability/Ministry of Social Rights and Agenda 2030 (2023), White Paper on Employment and Disability.

<sup>32</sup> Royal Legislative Decree 1/2013, of 29 November, which approves the Consolidated Text of the General Law on the rights of people with disabilities and their social inclusion (*Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social*), available (in Spanish) at: <https://www.boe.es/buscar/pdf/2013/BOE-A-2013-12632-consolidado.pdf>.

<sup>33</sup> Royal Decree 469/2006, of 21 April, which regulates the support units for professional activity within the framework of the personal and social adjustment services of the Special Employment Centres (*Real Decreto 469/2006, de 21 de abril, por el que se regulan las unidades de apoyo a la actividad profesional en el marco de los servicios de ajuste personal y social de los Centros Especiales de Empleo*), available (in Spanish) at: <https://www.boe.es/boe/dias/2006/04/22/pdfs/A15592-15596.pdf>.

alternative measure to the quota for the reservation of jobs for persons with disabilities in companies with more than 50 employees. The employment relationship of employees with disabilities who provide their services in SWs is of a 'special nature' as established in the Workers' Statute.<sup>34</sup>

The LRPD distinguishes Special Employment Centres set up as a social initiative, which are those that are non-profit-making. They can be associations, foundations, public law corporations, social initiative cooperatives or other social economy entities. They can also consist of entities whose ownership corresponds to commercial companies, in which the majority of the share capital is owned by one of the aforementioned entities, provided that they are obliged to reinvest all their profits in the creation of employment opportunities for persons with disabilities. The law goes on to indicate that 'the public administrations shall promote the creation and implementation of SW, directly or in collaboration with other bodies or entities'. A second type of SW are those that are private and for profit.

SWs are the main source of employment through specific contracts for persons with disabilities.<sup>35</sup> In the period 2013-2023, the percentage of contracts in SWs in relation to the total number of contracts with persons with disabilities was between 70 % and 76 % (p. 53). Until 2020, the proportion of permanent contracts for persons with disabilities in SWs did not exceed 10 %.<sup>36</sup> After the labour reform of 2021, permanent employment in SWs reached 24.8 % in 2022, which is still below the 31 % target for permanent employment of persons with disabilities (p. 54). According to current regulations,<sup>37</sup> an SW wishing to hire a person with a disability must apply to the public employment services (p. 433).<sup>38</sup> However, in practice, there is usually a prior contact or an association to which the future employee belongs to that intervenes, so that registering as a jobseeker becomes merely a formality, and the employment office intervenes merely to ratify the nomination of the person selected by the employer. In all cases, a report on the suitability for the job issued by a multidisciplinary team belonging to the Public Employment Service is mandatory. These teams have not yet been set up, so the reports are issued by the Disability Assessment Teams (EVis) or 'medical tribunals' operated by Social Security (p. 432).

The 2023 White Paper on Employment and Disability<sup>39</sup> indicates that since the passing of the LGDPD, the SWs have gone from being an additional option for employing persons with disabilities to becoming an end in themselves (p. 192). This is explained

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<sup>34</sup> Royal Legislative Decree 2/2015, of 23 October, which approves the consolidated text of the Workers' Statute Law (*Real Decreto Legislativo 2/2015, de 23 de octubre, por el que se aprueba el texto refundido de la Ley del Estatuto de los Trabajadores*), available (in Spanish) at: <https://www.boe.es/buscar/pdf/2015/BOE-A-2015-11430-consolidado.pdf>.

<sup>35</sup> Royal Board of Trustees on Disability/Ministry of Social Rights and Agenda 2030 (2023), White Paper on Employment and Disability.

<sup>36</sup> See, for example: <https://odismet.es/print/pdf/node/119>.

<sup>37</sup> See Royal Decree 1368/1985, of 17 July, which regulates the special employment relationship of persons with a disability who work in the Special Employment Centres (*Real Decreto 1368/1985, de 17 de julio, por el que se regula la relación laboral de carácter especial de los minusválidos que trabajen en los Centros Especiales de Empleo*), at: <https://www.boe.es/buscar/pdf/1985/BOE-A-1985-16663-consolidado.pdf>.

<sup>38</sup> Royal Board of Trustees on Disability/Ministry of Social Rights and Agenda 2030 (2023), White Paper on Employment and Disability.

<sup>39</sup> Royal Board of Trustees on Disability/Ministry of Social Rights and Agenda 2030 (2023), White Paper on Employment and Disability.

by the growing importance of SWs, both in the third sector (i.e. non-profit) in the field of disability and in the social economy<sup>40</sup> as a whole. In recent years, there has been a proliferation of commercial and for-profit SWs, which has modified the SW sector and brought about a significant change in both the characteristics and the purpose of hiring employees with disabilities.

Given the existing tax and social security benefits for the creation of SWs, in particular the 50 % rebate on the Statutory Minimum Wage (SMI) for employees with a disability to maintain their jobs, large business groups have created ad hoc SWs in order to benefit from these existing rebates and incentives. As the relevant law offers aid, subsidies and bonuses to SWs whether or not they are for profit, this has led to the hiring of persons with less severe disabilities and therefore to a reduction in the employment of persons with more severe disabilities, as well as to a lower rate of transition of employees with disabilities from SWs to ordinary employment. The White Paper notes that the Supreme Court<sup>41</sup> has endorsed the dual classification of SWs (i.e. the distinction between those set up as business initiatives and those classed as social initiatives) and the relevant collective agreements that must apply in both cases. Thus, it establishes that, in relation to for-profit SWs, wage matters must be regulated by the provisions of the collective bargaining agreement in the corresponding sector of activity, provided that the remuneration is higher. The Supreme Court considers it legitimate that social initiative SWs and for-profit SWs may be treated differently.

Continuing with the White Paper (p. 430), this document points out that most SWs belong to the service sector, offering to provide individuals and companies – usually through contracts – with auxiliary tasks relating to cleaning and laundry, gardening, surveillance, maintenance, packaging and wrapping, advertising and graphic arts, logistics and postal services, catering and food distribution, vehicle parking, construction and recycling and waste treatment, as well as managing sports facilities, call centres, service stations, etc. They are also present, albeit to a lesser extent, in the food, automotive and pharmaceutical sectors. In addition, there are other activities that are conducive to the activity of SWs which have been gaining prominence in recent years, such as those linked to the hotel and catering industry, gastronomy and tourism, social services, new technologies and renewable energies and other manifestations of the ‘green economy’, which constitute genuine sources of sustainable and environmentally friendly employment (p. 430).

Contracts in SWs can be either temporary or permanent. A probationary period of up to six months is established. There is also the possibility of an underperformance contract for employees whose performance is 25 % below the expected level. Their remuneration is also reduced by this percentage. This modality is currently applied mostly to employees with intellectual disabilities, which makes their situation more precarious.

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<sup>40</sup> Regulated by Law 5/2011, of 29 March, on Social Economy (*Ley 5/2011, de 29 de marzo, de Economía Social*), available (in Spanish) at: <https://www.boe.es/buscar/pdf/2011/BOE-A-2011-5708-consolidado.pdf>.

<sup>41</sup> Resolution of 18 May 2022, available (in Spanish) at: <https://vlex.es/vid/905981444>.

## **2.5 Additional national indicators / data regarding employment of persons with disabilities**

In the period 2014-2023,<sup>42</sup> hiring people with disabilities centred on two categories: elementary occupations, which represented 45 % on average of all employment created for people with disabilities in the past 10 years; and catering, personal and protection services, with an annual average of 21 % of contracts going to people with disabilities. These were followed by accounting, clerical and administrative and other office staff, with an average annual hiring rate of 10 %. A slight increase was identified in the 'Technicians and support professionals' category, especially in the past three years. The situation is similar to that for 'Plant and machinery operators and assemblers'. The category of 'Directors and Managers' appears to be a restricted area for the group, comprising a percentage of less than 0.3 % in the whole series (p. 55).]

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<sup>42</sup> Royal Board of Trustees on Disability/Ministry of Social Rights and Agenda 2030 (2023), White Paper on Employment and Disability.

### **3 National targets for the employment of persons with disabilities, including monitoring of the targets**

#### **3.1 National targets for employment of persons with disabilities**

The Spanish Disability Strategy 2022-2030 (SDS)<sup>43</sup> establishes several objectives relating to the labour market:

First, the employment rate for people with disabilities was 34.3 % in 2020, in comparison with 76.1 % for those without disabilities. By 2030, the goal is to have 51 % of people with disabilities in employment.

Secondly, the long-term unemployment rate was 64.8 % for people with disabilities in 2020, versus 44.2 % for those without disabilities. The target for 2030 is to reduce this rate to 52 % for people with disabilities.

Thirdly, in 2019, 88.1% of people with disabilities had worked or were working, in comparison with 96% of those without disabilities. By 2030, the aim is for 91% of people with disabilities to have worked or be working.

Fourthly, the identification of non-compliance situations with the reserve quota of employees with disabilities is expected to increase from 11.4 % to 12 %.

Closely related to employment-specific measures are the following targets:

- the percentage of young people aged 15-24 who are neither working nor studying is expected to reduce from 30.2 % to 24 %; and
- the at risk of poverty or social exclusion (AROPE) rate for the population with a disability is expected to be reduced from 48.9 % to 32 %.

#### **3.2 Indicators to monitor the targets**

To monitor the increase of activity rates, several measures have been included:

- review of the regulation of the reserve quota in ordinary companies in order to adapt it (both in terms of the percentage quota and the profile of the companies obliged to do so) to the reality of the country's business fabric and the possibilities for persons with disabilities. Responsible agency: Ministry of Labour and Social Economy. Collaborating partner: Ministry of Social Rights and Agenda 2030;
- drafting of the White Paper on Employment and Disability, which will be a lever for a new legislative and public policy framework for the employment and right to work of people with disabilities in Spain. Responsible agency: Ministry of Social Rights and Agenda 2030 and Ministry of Labour and Social Economy. It is important to note that the White Paper was published in 2023;

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<sup>43</sup> Ministry of Social Rights and Agenda 2030, *Estrategia española sobre discapacidad 2022-2030* (Spanish Disability Strategy 2022-2030), available (in Spanish) at: <https://www.mdsocialesa2030.gob.es/derechos-sociales/discapacidad/docs/estrategia-espanola-discapacidad-2022-2030-def.pdf>. Executive summary in English, available at: [https://www.mdsocialesa2030.gob.es/derechos-sociales/discapacidad/docs/EED\\_2022\\_2030\\_Executive\\_Summary\\_English.pdf](https://www.mdsocialesa2030.gob.es/derechos-sociales/discapacidad/docs/EED_2022_2030_Executive_Summary_English.pdf).

- extend the legal status of a person with a disability to pensioners with a declaration of permanent incapacity. This will allow employment promotion measures for persons with disabilities to be applied to such pensioners. Responsible agency: Ministry of Social Rights and Agenda 2030 and Ministry of Labour and Social Economy. This requires amending the Law on the Rights of Persons with Disabilities;
- strengthen the dissuasive nature of sanctioning regulations in the event of non-compliance with the legal obligation to reserve jobs for persons with disabilities. Responsible agency: Ministry of Labour and Social Economy. Collaborating partner: Ministry of Social Rights and Agenda 2030;
- carry out legislative reforms and promote effective measures for inclusion in the open labour market, such as supported employment and personalised employment<sup>44</sup>. Take into account women with disabilities and persons with disabilities with high support needs in particular when determining aid to companies for accessing and maintaining employment, ensuring individualised and flexible itineraries for them. Responsible agency: Ministry of Labour and Social Economy;
- modification of the regulations governing access to public employment for persons with disabilities, eliminating the obligation to report the appropriateness of the adaptation of the job post and the compatibility with the performance of the functions of said post. This requirement is incompatible with the right to equality in access to public employment. Responsible agency: Ministry of Finance and Public Function;
- review of the regulatory framework to update the criteria for access to employment for persons with disabilities through the social economy. This action is aligned with Component 23 of the Recovery, Transformation and Resilience Plan (RRP). Responsible agency: Ministry of Labour and Social Affairs;
- increase the reserve quota for persons with disabilities in public employment offers until the number of employees with disabilities is proportional to the percentage of the active population with disabilities. Responsible agency: Ministry of Finance and Public Administration;
- establish unified guidelines on the application of this reserve quota in public employment: extension to all positions, groups, categories and professional profiles; extension to the employment exchanges of civil servants and labour staff; and considering all aspects, elements and phases of access, maintenance and promotion in public employment (quota regulation, training, professional career, mobility, flexible working hours, conciliation measures, leaves of absence, etc.). Take into account the additional specific needs of persons on the autism spectrum . Responsible agency: Ministry of Finance and Public Administration;

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<sup>44</sup> Note: As defined in the glossary of the Spanish Disability Strategy, the term 'supported employment' refers to a set of actions involving guidance and individualised support in the workplace, provided by specialised job coaches, aimed at facilitating the social and occupational adaptation of workers with disabilities who face significant barriers to employment in ordinary labour market companies, under conditions similar to those of other workers in equivalent positions.

- improve information to employees with disabilities on the channels for reporting discrimination, both in access to employment and in their working conditions, on the grounds of disability (campaigns, guides, etc.). Responsible agency: Ministry of Labour and Social Economy. Collaborating partner: Ministry of Social Rights and Agenda 2030;
- update collective agreements and labour laws to eradicate discrimination in access to employment for persons with disabilities. Responsible agency: Ministry of Labour and Social Economy;
- review occupational health and safety regulations to incorporate the necessary modifications in order to make workplaces more accessible and workplace adaptation measures more effective. Responsible agency: Ministry of Labour and Social Economy; and
- promote the training of Labour Inspection officials for more effective monitoring of compliance with regulations on occupational risk prevention, taking disability into account. Responsible agency: Ministry of Labour and Social Economy.

In addition, the SDS sets out a series of recommendations to the Autonomous Communities and other local administrations in the field of employment, which comprises: (1) strengthening the mechanisms for inspection and control of compliance with the quota of employees with disabilities when granting public aid; (2) promoting measures to support the social inclusion of persons with disabilities in open, inclusive and accessible work environments, as well as for their promotion and labour development under equal conditions; (3) promoting supported employment and personalised employment programmes that include persons with disabilities with high support needs; and (4) promote measures to stimulate corporate social responsibility relating to persons with disabilities to facilitate their integration into the labour market.

### **3.3 Timeline of monitoring**

The SDS is monitored through a commission which is part of the National Disability Council. Furthermore, to coordinate tasks at the regional level, a delegated Social Services Commission belonging to the Territorial Council of Social Services and the Dependency Care System has been established.

As noted in the SDS,

‘In order to monitor the implementation of the objectives and measures contemplated in the Strategy, biennial progress reports will be carried out, which will report on the actions developed in the period of the two previous years, and the actions planned to be developed in the next two’.

This instrument is intended to monitor what has been done and provide a forecast of future programming. Taking into account the timeframe in which the strategy will be developed, a total of three progress reports and a final evaluation are planned. (p. 100).

In relation to employment, the objectives indicated in Section 3.1 will be subject to biennial monitoring and evaluation.

### **3.4 Evaluation of targets**

The General Directorate of Rights of Persons with Disabilities, in collaboration with all the ministries involved, is primarily responsible for the preparation of progress reports. This process will include the participation of civil society through the National Disability Council, and the autonomous communities through the technical cooperation group.

The progress report will provide information on the degree of completion of each action line and measure (see objectives indicated in Section 3.1 of this report), as well as the forecasts for completion in the coming years. Specifically: status and degree of completion for each measure; results achieved; investment or budget if applicable; and future forecasts. Reference can be made to regional actions in the report. The monitoring will therefore focus on the implementation process and will allow observation of the evolution and development of the actions and reinforcement of the continuous programming cycle.

## 4 Identification and evaluation of employment measures over the last decade

### 4.1 Evaluation of national measures

In Spain (Employment Law, Article 31),<sup>45</sup> active employment policies are understood as: ‘the set of services and programmes for guidance, intermediation, employment, on-the-job training and advice for self-employment and entrepreneurship’. These policies are aimed at ‘boosting job creation and improving the possibilities of access to decent employment, whether employed or self-employed, for people seeking employment services, maintaining and improving their employability and fostering entrepreneurship and the social economy’. Among the most long-standing measures in place in Spain, this report highlights three: employment quotas; benefits to employers who hire employees with disabilities; and sheltered workshops.

#### 4.1.1 Measure 1: Employment quotas

Employment quotas have been included in Spanish legislation since the 1970s and 1980s. This quota system, which exists in other EU countries with differences in terms of company size and percentage, and which has been rejected or abolished in other countries, has been systematically disregarded in Spain.<sup>46</sup> In 2021,<sup>47</sup> 60.2 % of companies did not meet the reserve quota (51.3 % of public companies and 64 % of private companies). In Spain, companies with more than 50 permanent employees are obliged to reserve 2 % of their jobs for persons with disabilities. In public employment, it is compulsory to reserve a quota of no less than 7 % of vacancies, of which at least 2 % must be reserved for people with an intellectual disability.

In the light of these deficiencies, the 2023 White Paper on Employment and Disability<sup>48</sup> highlights the need for greater regulatory development on adaptations and adjustments to public jobs, both in the access process and in the performance thereof (pp. 412-413). It also proposes to establish different quotas so that different types of disabilities and intersectional links can be prioritised. It posits the convenience of raising the reserve quota to 4 % and reducing the number of employees that a company is obligated to employ under the quota from 50 to 25 (pp. 406-407). In the field of public employment, the White Paper proposes an increase from the current level of 7 % of reserved positions, as is already the case in some autonomous communities such as Castilla y León,<sup>49</sup> where the reservation quota is 10 % (2 % for persons with intellectual disabilities, and 8 % for persons with other disabilities) (p. 410). The SDS also

<sup>45</sup> Law 3/2023, of 28 February, on Employment (*Ley 3/2023, de 28 de febrero, de Empleo*), available (in Spanish) at: <https://www.boe.es/buscar/pdf/2023/BOE-A-2023-5365-consolidado.pdf>.

<sup>46</sup> Note: Companies request the ‘exceptional certificate’ (which certifies the impossibility of meeting the reserved quota) and mostly opt for alternatives to directly hiring people with disabilities.

<sup>47</sup> See: <https://odismet.es/indicador-basico/408personas-asalariadas-que-cotizan-en-empresas-de-50-o-mas-trabajadores-en>.

<sup>48</sup> Royal Board of Trustees on Disability/Ministry of Social Rights and Agenda 2030 (2023), White Paper on Employment and Disability.

<sup>49</sup> See Decree 24/2022, of 16 June, which regulates the access of people with disabilities to public employment, the provision of jobs and training in the Administration of Castilla y León (*Decreto 24/2022, de 16 de junio, por el que se regula el acceso de las personas con discapacidad al empleo público, a la provisión de puestos de trabajo y a la formación en la Administración de Castilla y León*), available (in Spanish) at:

<https://empleopublico.jcyl.es/web/jcyl/EmpleoPublico/es/Plantilla100Detalle/1246947697738/Normativa/1230027091826/Redaccion>.

highlights the need to strengthen the mechanisms for compliance inspection for the reserve quota of employees with disabilities when granting aid under the RRP (p. 63).

#### **4.1.2 Measure 2: Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities**

Companies that hire persons with disabilities have several advantages (social security contribution bonuses, tax reliefs, hiring subsidies and workplace adaptation subsidies) depending on the type of employment contract.<sup>50</sup> Traditionally, all types of employment (fixed-term and permanent) in all professional categories and for all types of disability have been subsidised. This has led to a very high level of fixed-term employment contracts among employees with a disability, which is problematic, given the already high rate of fixed-term employment contracts overall in Spain. It has also led to the concentration of employees with disabilities in low-skilled jobs, and to the overrepresentation of employees with less severe disabilities, as almost half (42.4 %) of those employed are part of the group with a less severe degree of disability. All this has meant that, as a result of the 2023 labour reform<sup>51</sup> and associated regulations, priority will be given to subsidising permanent contracts. In addition, a distinction is now made with regard to the group of persons with more severe difficulties in accessing the labour market. It is suggested that monitoring be undertaken of the extent to which these measures impact workers with disabilities who have greater difficulties accessing employment. More highly qualified positions should be subsidised, given that such persons are currently concentrated in lower-qualified positions.

The White Paper also indicates that the disparate regulations at both state and regional level regarding the catalogue of subsidies should be simplified and unified. Here, it is proposed that all bonuses and subsidies be consolidated under a single text to bring together the different sources of financing, and that the amounts be updated. Specifically, it is proposed to proceed with coordinated guidelines designed by the Public Service of State Employment (p. 423). On the other hand, in order to promote the maintenance and promotion in employment of persons with disabilities, the White Paper proposes the need to establish a specific legal regime for training contracts for persons with disabilities, depending on the type and degree of disability and the level of starting qualification (non-existent, intermediate and university). The SDS also highlights the need to strengthen the mechanisms for inspection of compliance with the reserve quota for employees with disabilities when granting aid under the RRP (p. 63). The SDS stresses the need to continue making legislative and policy changes to promote the employment of persons with disabilities, especially women with disabilities, and in rural areas, through mandatory quotas.

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<sup>50</sup> See Royal Decree 1451/1983, of 11 May (*Real Decreto 1451/1983, de 11 de mayo*) on measures to promote employment for persons with disabilities, available (in Spanish) at: <https://www.boe.es/buscar/pdf/1983/BOE-A-1983-15813-consolidado.pdf>.

<sup>51</sup> See Royal Decree-Law 1/2023, of 10 January (*Real Decreto-ley 1/2023, de 10 de enero*), available (in Spanish) at: <https://www.boe.es/boe/dias/2023/01/11/pdfs/BOE-A-2023-625.pdf>.

### 4.1.3 Measure 3: Sheltered workshop

Regulated since 1985,<sup>52</sup> this type of employment accounts for three quarters of the total employment of persons with disabilities. The benefits granted to SWs have led to the consolidation of these initiatives, despite being controversial due to the fact that they are segregated alternatives. The need to ensure the profitability and viability of these SWs has led to the hiring of persons with less severe disabilities, who could benefit from more inclusive work alternatives. These SWs provide for the possibility of low-performance contracts with a proportional reduction in wages, as well as a probationary period of up to six months during which the employment relationship can be terminated without notice or cause. This leads to employees who face more difficulties in gaining employment being placed at a disadvantage and at risk of job insecurity, especially in the case of for-profit SWs.

The White Paper on Employment and Disability indicates the need to equate the collective agreements of SWs with those corresponding to the sector of the activity carried out (p. 435). It also proposes the promotion of teleworking for this population, with regulation comparable to that which exists for the general population, taking into account Law 10/2021, of July 9,<sup>53</sup> on remote work (p. 435). The White Paper continues to raise the need to update the financial aid granted to SWs, giving better treatment to 'social initiative' SWs in comparison with for-profit private initiatives. The former group accounts for about 51 % of all special employment centres, and about 60 % of persons with disabilities in protected employment. At the same time, it is advisable to equate the bonuses for hiring in for-profit SWs<sup>54</sup> with those applicable to ordinary companies, thus avoiding the attraction towards SWs for what should be ordinary employment (p. 441). With regard to the system of 'work enclaves' in relation to SWs, the document suggests the implementation of more rigid control and stabilisation systems in ordinary companies, as well as flexibility in the number of persons (three to five) necessary to form an enclave<sup>55</sup> (p. 442). Finally, the authors of this report agree with the Spanish Strategy for Safety and Health at Work, 2023-2027,<sup>56</sup> on the importance of including actions in the SWs to improve protections for employees with disabilities.

<sup>52</sup> Royal Decree 1368/1985, of 17 July, which regulates the special employment relationship of persons with a disability who work in Special Employment Centres (*Real Decreto 1368/1985, de 17 de julio, por el que se regula la relación laboral de carácter especial de los minusválidos que trabajen en los Centros Especiales de Empleo*), available (in Spanish) at: <https://www.boe.es/buscar/pdf/1985/BOE-A-1985-16663-consolidado.pdf>.

<sup>53</sup> Law 10/2021, of 9 July, on remote work (*Ley 10/2021, de 9 de julio, de trabajo a distancia*), available (in Spanish) at: <https://www.boe.es/boe/dias/2021/07/10/pdfs/BOE-A-2021-11472.pdf>.

<sup>54</sup> A permanent contract in an ordinary company includes an annual subsidy ranging from EUR 4 500 to EUR 6 300 (depending on the type and severity of the disability, age, and gender) throughout the duration of the contract. A temporary contract in an ordinary company includes an annual subsidy ranging from EUR 3 500 to EUR 5 300 (depending on the type and severity of the disability, age, and gender) throughout the duration of the contract. A contract (permanent or temporary) in a SW includes a 100 % subsidy of social security contributions throughout the duration of the contract. Additionally, in a SW, the combination of state and regional aids can result in a 75 % saving on the total wage cost of workers with disabilities (more information in Spanish).

<sup>55</sup> This figure implies the execution of a contract between, on the one hand, a company called a 'collaborating company' belonging to the ordinary labour market and, on the other hand, a special employment centre that provides a group of employees with a disability who are temporarily seconded to the former in order to carry out works or services that are directly related to the ordinary activity of the former (Article 1.2 of Royal Decree 290/2004, of 20 February).

<sup>56</sup> Resolution of 20 April 2023, of the Secretary of State for Employment and Social Economy, by which the Agreement of the Council of Ministers of 14 March 2023 is published, approving the

For all these reasons, the authors agree on the need to distinguish between private and public initiative SWs and not-for-profit and for-profit SWs. In addition, this report calls for the elimination of the ‘special employment relationship’, as it is discriminatory. Specifically, it calls for repealing the possibility of dismissing a worker for intermittent absences from work, even if justified, since this possibility has been repealed in the Employees’ Statute.<sup>57</sup>

## 4.2 Factors influencing the employment rate of persons with disabilities

From a systemic perspective, it is possible to distinguish three groups of factors that affect employment rates for persons with disabilities:

- 1) macro-social and/or structural factors;
- 2) organisational factors or those relating to public and private entities and companies; and
- 3) personal factors.

Firstly, several macro-social and structural factors merit attention. These include higher levels of unemployment in Spain in comparison with many other EU countries; a high prevalence of fixed term employment contracts; and low-paid jobs that do not lift people out of poverty. The predominance of the service sector in employment also stands out. This situation explains the high number of young persons in this sector and the high rate of early school leavers, who are lower paid and more vulnerable to crises such as the COVID-19 pandemic. In addition, there is a lack of entrepreneurship culture, and training systems do not align with current employment demands. Training programmes often fail to develop the skills and competencies necessary to tackle technological challenges and embrace new employment opportunities in areas such as digitalisation and the circular economy. Labour regulations have resulted in a high prevalence of temporary contracts, and the pension and aid systems, while protecting vulnerable individuals, can reduce motivation to work by making it difficult to combine receiving a pension with employment. These factors impact the entire population, and affect the population of those with disabilities in particular.

Secondly, regarding organisational factors, several issues are noteworthy. There is a significant lack of equity, coordination and standardisation between the measures implemented by the general state administration and those implemented by regional and local governments. This fragmentation reduces the efficiency of social, educational, health, employment and other services. Companies face challenges in managing numerous regulations affecting contracts, dismissals and promotions, which hinders market and employment dynamism. In addition, the quota system has often been applied in ways that deviate from the legislators’ original intent, focusing on employees with fewer integration challenges and in lower-skilled positions. Alternative

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Spanish Health and Safety Strategy at Work 2023-2027 (*Resolución de 20 de abril de 2023, de la Secretaría de Estado de Empleo y Economía Social, por la que se publica el Acuerdo del Consejo de Ministros de 14 de marzo de 2023, por el que se aprueba la Estrategia Española de Seguridad y Salud en el Trabajo 2023-2027*), available (in Spanish) at:

<https://www.boe.es/boe/dias/2023/04/28/pdfs/BOE-A-2023-10283.pdf>.

<sup>57</sup> See Royal Legislative Decree 2/2015, of 23 October, approving the consolidated text of the Workers’ Statute Law (*Real Decreto Legislativo 2/2015, de 23 de octubre, por el que se aprueba el texto refundido de la Ley del Estatuto de los Trabajadores*), Article 52.2, available (in Spanish) at: <https://www.boe.es/buscar/pdf/2015/BOE-A-2015-11430-consolidado.pdf>.

measures, such as the promotion of hiring enclaves or encouraging donations, have strayed from the initial legislative goals, reinforcing non-inclusive employment as a primary means of integrating employees with disabilities. Moreover, there is a notable absence of guidance teams within organisations, including employment services. These teams are essential for proper job evaluation, identification, implementation of reasonable adjustments and career development planning. This lack of support further hampers the effective integration and progression of employees, in particular those with disabilities.

Thirdly, personal factors include early exit from the education system and inadequate training to meet societal needs. A low percentage of higher education graduates among those with disabilities explains their absence in managerial or higher-level positions within companies. Additionally, there is a lack of an official certification confirming the competencies required by companies, and a persistent gender gap. Personal conditions, such as the type and severity of disability, create further disadvantages. Many individuals obtain part-time contracts that do not lift them out of poverty or provide motivation to work. There is also a notable lack of entrepreneurial spirit.

## 5 Future plans and overall assessment

### 5.1 Planned reforms

The measures outlined above are only some of those that exist in Spain. The authors of this report include below examples of more innovative and inclusive measures, for which there is data and evidence, and for which there are proposals for improvement and evaluation.

It is essential to ensure that these measures align with a rights-based approach that values the capabilities and contributions of persons with disabilities, emphasising a social perspective rather than a deficit-based or ‘assistance for’ approach. This shift is more consistent with current disability policies at both international and national levels. A significant example of this evolving perspective is the amendment of the Spanish Constitution in February 2024<sup>58</sup> which replaced the term ‘handicapped’ with ‘persons with disabilities’, reflecting a more inclusive approach. The amendment also mandates public policies to promote autonomy, inclusion, and accessible environments, while addressing the specific needs of women and minors with disabilities and ensuring the involvement of disability organisations in policymaking.

A further step in promoting the rights of workers with disabilities is the amendment of the Workers’ Statute to repeal the automatic termination of employment for workers with permanent disabilities. As of December 2024,<sup>59</sup> these changes have not yet come into effect. However, once implemented, they will grant workers one month to decide whether they wish to remain in their position. The employer will then have up to three months to adapt the role to the worker’s new needs, offer an alternative position, or terminate the contract. During this transitional period, the employee will receive Temporary Incapacity benefits, ensuring financial continuity and preventing gaps in protection.

Returning to the measures mentioned at the beginning of this section, these measures are related to: the promotion of self-employment and entrepreneurship; proposals for more inclusive alternative measures in the regulations on quotas for persons with disabilities; more and better aid for the implementation of job adaptations; the promotion of supported employment; and the promotion of the social economy.

1. Promotion of self-employment and entrepreneurship for employees with disabilities: The promotion of self-employment and entrepreneurship for employees with disabilities has been a focus since the enactment of the Law on the Rights of Persons with Disabilities. This effort continued with the 2007 Law<sup>60</sup> regulating self-employment and the National Strategy for Promoting Self-Employment 2022-2027 (ENDITA).<sup>61</sup> However, as of 2022, only 9.6 % of persons with disabilities are self-employed, in comparison with 15 % of employees without

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<sup>58</sup> See (in Spanish): <https://www.boe.es/boe/dias/2024/02/17/pdfs/BOE-A-2024-3099.pdf>.

<sup>59</sup> Available (in Spanish) at:

[https://www.boe.es/biblioteca\\_juridica/abrir\\_pdf.php?id=PUB-DT-2024-139](https://www.boe.es/biblioteca_juridica/abrir_pdf.php?id=PUB-DT-2024-139).

<sup>60</sup> Law 20/2007, of 11 July on the Statute of self-employment (*Ley 20/2007, de 11 de julio, del Estatuto del trabajo autónomo*), available (in Spanish) at:

<https://www.boe.es/buscar/pdf/2007/BOE-A-2007-13409-consolidado.pdf>.

<sup>61</sup> Ministry of Labour and Social Economy, *Estrategia Nacional de Impulso del Trabajo Autónomo 2022-2027* (National Strategy for Promoting Self-Employment 2022-2027), available at:

<https://www.mites.gob.es/trabajoautonomo/ficheros/endita/ENDITA-2022-2027.pdf>.

disabilities, which highlights a significant gap in respect of a type of employment that could be particularly suitable for individuals with certain disabilities. To address this, the 2022 White Paper on Entrepreneurship and Disability<sup>62</sup> suggests measures such as establishing a zero bonus for self-employed employees with disabilities, exempting them from paying municipal taxes and fees (p. 425). The SDS recommends promoting new entrepreneur opportunities in the care economy; traditional professions; emerging economic activities in rural areas; and opportunities in the digital economy and in ecological transformation (pp. 39-40). The National Strategy to Promote Self-Employment 2021-2027<sup>63</sup> also identifies self-employed individuals with disabilities as a target group.

2. Alternative measures to the quota and penalties for non-compliance: these have been established since 2000,<sup>64</sup> and were refined in 2005.<sup>65</sup> The White Paper highlights the low level of sanctions and their ineffectiveness, proposing that penalties collected be reinvested in measures to promote employment in ordinary companies. It also criticises the quota system for not considering professional promotion, often leading to the reservation of peripheral and lower-level jobs. The White Paper suggests replacing alternative measures with a special fund for the inclusive employment of persons with disabilities (p. 409).
3. Subsidies for reasonable accommodations and workplace adaptations: Since the enactment of the 2022 Law on Equal Treatment and Non-discrimination,<sup>66</sup> denying reasonable accommodation to persons with disabilities is considered to be direct discrimination. Reasonable accommodation includes modifications and adaptations to the physical, social and attitudinal environment in order to facilitate accessibility, participation and the exercise of rights (Article 6). The White Paper proposes including these adaptations among alternative measures to comply with the job reservation quota, and emphasises the need to adopt a gender perspective in making adaptations, ensuring that such measures do not increase

<sup>62</sup> Fundación ONCE, Inserta Empleo, ATA y UPTA (2022), 'Libro blanco sobre emprendimiento y discapacidad' (White paper on entrepreneurship and disability), Fundación ONCE-Vía Libre, available (in Spanish) at: <https://cutt.ly/XwrQJKVm>.

<sup>63</sup> Resolution of 24 May 2023, of the Secretary of State for Employment and Social Economy, by which the Agreement of the Council of Ministers of 21 June 2022, which approves the National Strategy to Promote Self-Employment (ENDITA) 2022-2027, is published (*Resolución de 24 de mayo de 2023, de la Secretaría de Estado de Empleo y Economía Social, por la que se publica el Acuerdo del Consejo de Ministros de 21 de junio de 2022, por el que se aprueba la Estrategia Nacional de Impulso del Trabajo Autónomo (ENDITA) 2022-2027*), available (in Spanish) at: <https://www.boe.es/boe/dias/2023/06/01/pdfs/BOE-A-2023-13034.pdf>.

<sup>64</sup> Royal Decree 27/2000, of 14 January, which establishes exceptional alternative measures to compliance with the 2 % reserve quota in favour of workers with a disability in companies with 50 or more workers (*Real Decreto 27/2000, de 14 de enero, por el que se establecen medidas alternativas de carácter excepcional al cumplimiento de la cuota de reserva del 2 por 100 en favor de trabajadores discapacitados en empresas de 50 o más trabajadores*), available (in Spanish) at: <https://www.boe.es/eli/es/rd/2000/01/14/27>.

<sup>65</sup> Royal Decree 364/2005, of 8 April, which regulates exceptional alternative compliance with the reserve quota in favour of workers with disabilities (*Real Decreto 364/2005, de 8 de abril, por el que se regula el cumplimiento alternativo con carácter excepcional de la cuota de reserva en favor de los trabajadores con discapacidad*), available (in Spanish) at: <https://www.boe.es/boe/dias/2005/04/20/pdfs/A13466-13469.pdf>.

<sup>66</sup> Law 15/2022, of 12 July, comprehensive for equal treatment and non-discrimination (*Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación*), available (in Spanish) at: <https://www.boe.es/buscar/pdf/2022/BOE-A-2022-11589-consolidado.pdf>.

the gender gap in the employment of persons with disabilities. The SDS stresses the importance of ensuring reasonable accommodation in the workplace, especially in cases of work-related accidents resulting in disability (p. 24).

4. Promotion of Supported Employment: Supported employment has been regulated in Spain since 2007,<sup>67</sup> targeting persons with severe disabilities who are unemployed and registered as job seekers or employed by a SW. The programme duration, during which the employee with disabilities receives support from a job coach, ranges from six months to one year and can be extended up to an additional 18 months. Persons with disabilities can be employed permanently or temporarily, on a full-time or part-time basis. The authors of this report emphasise the need for greater regulation of supported employment initiatives to ensure the qualification and stability of job coaches and the preferably permanent and full-time recruitment of persons with disabilities. This programme should become a permanent service that includes pre-hiring actions, workplace accompaniment, monitoring and evaluation and professional promotion. The White Paper suggests granting a special regime for supported employment through job coaches and necessary resources relating to reasonable adjustments and individualised training plans (p. 417). The Law on Employment,<sup>68</sup> in its Article 54, considers persons with disabilities seeking employment services as priority recipients, promoting their employability and the implementation of supported employment services.
5. Promotion of the social economy: This area is regulated by a 2011 law<sup>69</sup> that encompasses various types of social economy entities. The White Paper analyses the role of the third sector and social economy in developing active employment policies, and suggests allocating public subsidies not only to certain social economy formulas (SWs, cooperatives, insertion companies and labour societies), but also to any non-profit entity, as outlined by the Sustainable Development Strategy 2030<sup>70</sup> and the Spanish Strategy of Promotion of the Social Economy 2021-2027.<sup>71</sup> The SDS references action number 23 in the RRP, which focuses on new public policies for a dynamic, resilient and inclusive labour market, as a framework for reviewing the regulatory landscape and updating formulas for access to employment for persons with disabilities through the social

<sup>67</sup> Royal Decree 870/2007, of 2 July, which regulates the supported employment programme as a measure to promote employment of people with disabilities in the ordinary labour market (*Real Decreto 870/2007, de 2 de julio, por el que se regula el programa de empleo con apoyo como medida de fomento de empleo de personas con discapacidad en el mercado ordinario de trabajo*), available (in Spanish) at: <https://www.boe.es/boe/dias/2007/07/14/pdfs/A30618-30622.pdf>.

<sup>68</sup> Law 3/2023, of 28 February, on Employment (*Ley 3/2023, de 28 de febrero, de Empleo*), available (in Spanish) at: <https://www.boe.es/buscar/pdf/2023/BOE-A-2023-5365-consolidado.pdf>.

<sup>69</sup> Law 5/2011, of 29 March, on Social Economy (*Ley 5/2011, de 29 de marzo, de Economía Social*), available (in Spanish) at: <https://www.boe.es/buscar/pdf/2011/BOE-A-2011-5708-consolidado.pdf>.

<sup>70</sup> Ministry of Social Rights and Agenda 2030, *Estrategia de Desarrollo Sostenible 2030* (Sustainable Development Strategy 2030), available (in Spanish) at: <https://www.mdsocialesa2030.gob.es/agenda2030/documentos/eds-cast-acce.pdf>.

<sup>71</sup> Resolution of 17 May 2023, of the Secretary of State for Employment and Social Economy, by which the Agreement of the Council of Ministers of 11 April 2023 is published, approving the Spanish Social Economy Strategy 2023-2027 (*Resolución de 17 de mayo de 2023, de la Secretaría de Estado de Empleo y Economía Social, por la que se publica el Acuerdo del Consejo de Ministros de 11 de abril de 2023, por el que se aprueba la Estrategia Española de Economía Social 2023-2027*), available (in Spanish) at: <https://www.boe.es/boe/dias/2023/06/01/pdfs/BOE-A-2023-13033.pdf>.

economy (i.e. SWs) (p. 61). In April 2023, in line with the Social Economy Action Plan<sup>72</sup>, the Council of Ministers approved a draft Comprehensive Law on the Social Economy, which aims to:

- improve the existing legal ecosystem with amendments to the Law on Cooperatives, the Insertion Companies Law and the Social Economy Law;
- extend the definition of vulnerability and social exclusion; and
- extend the definition of the social economy by incorporating new entities such as social enterprises. Spain also adopted the New Social Economy Strategy 2023-2027 in April 2023 and nominated a Special Commissioner to coordinate the projects under the Strategic Investment Plan for the social and care economy (p. 44).

In addition to these measures, it is important to highlight broader initiatives that have the potential to impact persons with disabilities. An interesting development with potential employment implications, not only in the field of self-employment but also in supported employment and the social economy, is the publication of the *State Strategy for a New Model of Community Care: A Deinstitutionalisation Process (2024-2030)*.<sup>73</sup> This strategy reflects a commitment to transforming the support and care system so that all individuals, particularly those with greater support needs, can pursue their chosen life paths within the community on an equal basis with others, without being forced into a specific way of living (p. 1). One of the strategy's key objectives is to strengthen and improve the quality of employment in the care sector, ensuring that those who provide care are themselves supported and actively involved in the transformation process – an essential condition for achieving high-quality care (p. 12). This objective also presents an opportunity for persons with disabilities, who can engage not only as beneficiaries of these services, but also as potential employees within the care sector. To achieve this, it will be crucial to provide training opportunities tailored to this emerging field of employment, which has traditionally been associated with family caregiving and low-skilled work.

It is also worth highlighting a broader strategy aimed at combating poverty: the *National Strategy for the Prevention and Fight Against Poverty and Social Exclusion (2024-2030)*<sup>74</sup>. As previously mentioned, Spain faces several macro-social and structural challenges in this regard, including higher unemployment rates compared to many other EU countries, a high prevalence of fixed-term employment contracts, low-paid jobs that fail to lift people out of poverty, and a lack of digital skills. This strategy is aligned with the Spanish Disability Strategy (SDS) 2022-2030 and the State Strategy for Deinstitutionalisation (2024-2030). It includes a series of action plans aimed at promoting quality employment and continuous skills development, with a particular focus on especially vulnerable groups, such as persons with disabilities.

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<sup>72</sup> Available (in English) at: [https://social-economy-gateway.ec.europa.eu/eu-initiatives/seap\\_en](https://social-economy-gateway.ec.europa.eu/eu-initiatives/seap_en).

<sup>73</sup> Available (in Spanish) at: <https://estrategiadesinstitucionalizacion.gob.es/wp-content/uploads/2024/06/Estrategia-para-nuevo-modelo-cuidados-en-la-comunidad.pdf>.

<sup>74</sup> Available (in Spanish) at: [https://www.dsca.gob.es/sites/default/files/derechos-sociales/inclusion/docs/Estrategia\\_Prevenccion\\_Pobreza\\_FINAL\\_2312.pdf](https://www.dsca.gob.es/sites/default/files/derechos-sociales/inclusion/docs/Estrategia_Prevenccion_Pobreza_FINAL_2312.pdf).

## **5.2 Potential impact of planned reforms**

The five measures encompass more inclusive strategies to promote employment for persons with disabilities, with particular attention to those with more severe disabilities and greater challenges in securing employment.

## **5.3 Key lessons from national measures**

Active employment promotion measures should be disaggregated by type and severity of disability as well as by variables that contribute to additional disadvantages, such as gender and age. This approach will prevent the most disadvantaged individuals from being 'left behind'. Active or positive measures should be prioritised over protective measures, especially for working-age groups. Ensuring decent working conditions that address the additional economic and logistical needs associated with disability is crucial to reducing the high levels of inactivity among persons with disabilities.

## **5.4 Key lessons from evaluation and monitoring of measures**

The broad dispersion of active and passive employment measures, along with the territorial, jurisdictional, demographic and economic diversity of the country, hinders their effectiveness, efficiency, governance and evaluation. A more efficient public administration requires enhanced data collection, including disability and personal variables as key metrics. Measures should reconcile the right to personal data protection with the need for information transparency, especially for actions funded by public resources.

Proposals outlined in documents such as the SDS and the White Paper, as well as commitments relating to national and international targets, must be monitored annually. Each indicator should be clearly linked to its corresponding target and to the various proposals in strategic plans and programmes. In addition, the relationship between actions, indicators, and their supporting regulations must be explicitly established.

## 6 Recommendations

### 6.1 Recommendations for Spain

These recommendations align with the United Nations Treaty Bodies' recommendations on persons with disabilities (CRPD, and the Universal Periodic Review, UPR),<sup>75</sup> as outlined in the Spanish Disability Strategy 2022-2030, and the SDS itself. The three most important recommendations, in the opinion of the authors of this report, are as follows:

1. Continue to monitor legislative changes and policies that promote the employment of persons with disabilities in both the public and private sectors (including self-employment or entrepreneurship in emerging sectors and hiring in the social economy), with a special focus on women with disabilities and rural areas, using mandatory quotas.
2. Ensure that reasonable accommodation is applied at the workplace in order to guarantee accessibility and the full development of labour rights of employees with disabilities, especially in the case of work accidents resulting in disability. One such adjustment is to promote compatibility between employment and pensions, considering the additional costs associated with disability.
3. Increase and specify the percentages of posts reserved for persons with disabilities, taking into account differences in type and severity of disability, and ensure effective compliance with the reserve quota as a requirement for access to hiring or to public aid and subsidies.

### 6.2 Recommendations for the European Commission

1. Ensure, through state aid control, effectiveness, efficiency and transparency in the use of public resources, especially those relating to RRP, and EU cohesion funds, to guarantee that disability is considered transversally in the different actions, especially in the field of employment.
2. Ensure that applications for EU funds are based on compliance with the regulations on recruitment of persons with disabilities and that they follow the principles of inclusion and rights of persons with disabilities.

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<sup>75</sup> See United Nations Human Rights Council, Working Group on the Universal Periodic Review, Thirty-fifth session, 20–31 January 2020, *Compilation on Spain: Report of the Office of the United Nations High Commissioner for Human Rights*, available (in English) at: <https://documents.un.org/doc/undoc/gen/g19/322/54/pdf/g1932254.pdf>.

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