

REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

Project on behalf of the European Commission, DG EMPL



PORTUGAL

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ti **TECHINVEST**

Index

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1. Legal framework

Though the provision on equality and non-discrimination (Article 13th) of the Portuguese Constitution does not specifically mention the disabled citizens, its article 71st states that these citizens have the same rights as the other citizens and assigns to the State the obligation of pursuing policies aiming at preventing, treating, rehabilitating and integrating disabled citizens, as well as of making the whole society aware of its duties of respect and solidarity towards the disabled citizens and the obligation to contribute to the achievement of their rights. The same article consigns the State the obligation of supporting the organisations of disabled citizens.

The Code of Labour, approved in 2003, has a section devoted to “Equality and non-discrimination”. In this section it is set out that the employers are forbidden to apply any discrimination based on «(. . .) reduced work capacities and disability». The violation of this stipulation is considered to be a “very serious”¹ infringement and the employer is sanctioned with a penalty ranging from Euro 1,420 to Euro 42,600 depending on the turnover of the company (6 levels of turnover) and whether the violation was due to mere negligence (simple penalty) or to deceitful purposes (aggravated penalty).

The article 74th of the same Code of Labour, labelled “affirmative measures of the employers”, is practically a faithful translation of Article 5th of the Council Directive 2000/78/CE (Reasonable accommodation for disabled persons).

Besides the Constitution and the Code of Labour, there are many pieces of legislation² and regulations relevant to disability matters³. Two main sets of regulations have more impact on employers: the ones providing special support measures to businesses that employ disabled persons and a second one which establishes obligations as regards the manner disabled people are treated by the employer or potential employer (equal opportunities, protection of rights).

The first set of laws and regulations covers, basically, the following cases:

- in central government funded systems that provide grants and other incentives to companies that create jobs, these incentives are increased if the positions are filled by people with disabilities;
- in training programmes co-funded by the central government and carried out by employers, there is a more favourable treatment if such programmes cover people with disabilities;

¹ The most severe classification in a scale of 3: “very serious”, “serious”, “minor”

² According to CNOD, the National Confederation of Organisations of Disabled People, the Portuguese organisation affiliated to the European Disability Forum, «In Portugal there is no lack of legislation, but lack of political will to resolve the [disability] problems», Review of Operations from November 2004 to October 2007, Lisbon, 2007 (*Balanço de Actividade Novembro 2004 a Outubro 2007, Lisboa, 2007*)

³ The library of the National Institute for Rehabilitation has more than 500 pieces of legislation listed in their database, covering matters such as disability (201 records), disabled (96), employment/unemployment (193), subsidy (72), accessibility (42), integration (14).

- employers of disabled people pay lower rates for their social security contributions and may benefit from tax rebates and other fiscal benefits;
- companies in some industries may benefit from special conditions when developing programmes or adopting measures that are beneficial for disabled people; this is the case, for instance, of the public transportation operators, which are awarded governmental subsidies to part fund the acquisition of vehicles specially designed to carry disabled people.

There are two main laws in the second set of legislation: the “non-discrimination law” and the “accessibility decree-law”.

The first one, the Law 46/2006 of August 28, aims at preventing and forbidding the direct or indirect discrimination of disabled persons and sanctions the violations of that prohibition.

This act expands the typology of actions considered discriminatory by the Code of Labour and incorporates sanctions for this extended list of actions with penalties ranging from Euro 2,130 to 4,260 (individuals) and from Euro 8,250 to 12,780 (organisations)⁴.

Furthermore, this law considers the perpetrator imputable under civil responsibility law and institutes some “accessory sanctions”, such as the temporary loss of a number of rights of the responsible organisation or individual (participation in public tenders and auctions, participation in exhibitions and fairs, benefiting from grant systems and other government funded incentive programmes, practice of professions or activities requiring a public permit), the loss of property related to the violation and the temporary closure of the facilities that require public permits as well as the suspension of existing licenses, permits and other legal authorisations. Also under these accessory sanctions, the ruling of the judicial processes will be published in a nationwide circulating paper and the responsible organisation or individual may be object of a public warning or reprimand.

The Decree-law 163/2006 of August 8, improves previous legislation⁵ on accessibility and adaptation to the conditions of disabled persons of facilities which are open to the public, residential buildings (common and private areas) and outdoor spaces, such as streets and sidewalks.

The sanctions for violating the provisions of Decree-law 163/2006 are similar to ones that apply to the Law 46/2006. Penalties range from Euro 250 to 3,740 (individuals) and from Euro 500 to 44,892 (organisations). There are also similar “accessory sanctions” and perpetrators incur liability under the civil responsibility law.

Neither this latter Decree-law or the Code of Labour includes any definition or example of “reasonable accommodation”.

The definition of disabled person is produced in Law 38/2004, of August 18 (Juridical system for the prevention, capacitation, rehabilitation and participation of disabled persons), which builds on Law 9/89, of May 2 (that had already a similar definition). This definition reads as

⁴ The penalties of both the Code of Labour and Law 46/2006 are calculated as multiples of the national minimum wage, which is updated every year (and usually above the expected inflation rate).

⁵ This previous legislation (Decree-law 123/97) proved to be insufficiently effective mostly due to the modest level of sanctions that were contemplated.

follows: «(. . .) a person that, due to congenital or acquired losses or anomalies of his/her body functions or structures, including psychological functions, carries specific difficulties that, in conjunction with environmental factors, may limit or make more difficult his/her activities and his/her participation under equal terms with other persons».

In Portugal, for all practical purposes, disability is associated with incapability as defined by the legislation that deals with this subject. The most recent version (Decree-Law 352/2007, of October 23⁶) comprises 2 tables: “Incapability due to Work Accidents and Occupational Diseases” and “Permanent Incapability for Civil Law Purposes”.

Since 2001⁷, there is an obligation for central, regional and local governments to follow a quota system favouring disabled people with a functional incapability of 60% or over (according to the above mentioned national incapability tables). Thus, when recruiting new staff members, public departments, services and agencies must set aside a quota of 5% for disabled persons whenever the recruitment programme covers 10 or more jobs. In case of smaller recruitment programmes there are also rules favouring disabled persons (between 3 and 10 employees, one job must be set aside for a disabled person, and when recruiting one or two persons, if there are disabled candidates, they should be preferred when other recruitment factors are equal). Some special functions are exempted of these obligations (e.g.: police and security services).

There are no quotas for private companies.

⁶ The first incapability tables were adopted in 1932. These tables were updated in 1960, 1993 and 2007 and have been routinely used in various circumstances, including the calculation of the “disability pensions”.

⁷ Decree-law 29/2001, of February 3. According to Carlos Costa, the Chairman of the Executive Committee of CNOD, the National Confederation of Organisations of Disabled People, «in Portugal, the law that requires the fulfilment of employment quotas was never complied with, being the government the major transgressor», Joint Conference ESC-EDF “Non-discrimination in the Access of Persons with Disabilities to Employment and Training”, 26 October 2007.

2. Political framework and key players

The political responsibility for dealing with disability issues and promoting public policies in the field lies with the Ministry for Labour and Social Solidarity, specifically with the Secretary of State Assistant to the Minister and for Rehabilitation.

This Secretary of State oversees directly 2 bodies with responsibility on disability matters:

- An executive body, the National Institute for Rehabilitation⁸ (*INR – Instituto Nacional para a Reabilitação*). This Institute has responsibilities for preparing, executing and supervising the national policies aiming at promoting the rights of persons with disabilities. The Institute is managed by one director and 2 deputy directors appointed by the government.
- A consultative body, the National Council for the Rehabilitation and Integration of Persons with Disabilities (*Conselho Nacional para a Reabilitação e Integração das Pessoas com Deficiência*). This council provides opinions and recommendations on public policies affecting persons with disabilities. It is composed by a chairperson (appointed by the Minister), 3 representatives of the Ministry for Labour and Social Solidarity, 9 representatives of other ministries, 12 representatives of NGOs, 2 representatives of trade unions, 2 representatives of employer's associations, 5 representatives of national associations (Families, Town councils, Houses of mercy, Private institutions of social solidarity, Mutual organisations), 2 representatives of the autonomous regions of Madeira and Azores and 5 individuals, with recognised competence in the field, appointed by Minister of Labour and Social Solidarity.

An Observatory for the Integration of Persons with Disabilities was legally created by the Parliament in 1998. But this observatory never was really implemented, though in a governmental plan approved in 2006 it was foreseen that its actual launch could take place during 2007.

The 4 major policy initiatives adopted by the government and recently emphasized by the Ministry for Labour and Social Solidarity are the following:

1. The Action Plan for the Integration of Persons with Disabilities or Incapacities, approved in September 2006⁹, covering the period 2006-2009, which establishes the actions and programmes organized in a way that facilitates the involvement and commitment of all stakeholders, both private and public, with the purpose of increasing the quality of life of the persons with disabilities and ensure their access to

⁸ Created by Decree-Law 217/2007 of May 29, it was formerly named “National Secretariat for the Rehabilitation and Integration of Disabled Persons”. Its origins date back to 1971 when the first legal bases concerning the rehabilitation and integration of disabled people were created in the country.

⁹ Cabinet Resolution 120/2006, of September 21. According to some sources, the action plan is lagging behind schedule and its implementation failed to match the expectations of the organisations of disabled persons in Portugal. [APD, the Portuguese Association of Disabled Persons (*Associação Portuguesa de Deficientes*), “Opinion on the 1st Evaluation Report of the Action Plan for the Integration of Persons with Disabilities or Incapacities”, Lisbon, February 2008].

goods and services offered to the society in general. This plan is organized along 3 strategic thrusts:

- (1) To improve the conditions of accessibility and information
 - Decree-law 163/2006 (see section 1, above);
 - Programme of awareness, information and training directed to the local government;
 - National Plan for the Promotion of Accessibility (2006-2015). This plan, approved in 2007 and co-ordinated by the National Institute for Rehabilitation, covers several interventions (information, improvement of accessibility in buildings and outdoor spaces, improvement of accessibility in transportation systems, support to research and international co-operation, fostering the participation of stakeholders);
 - National awards for innovative projects in residential buildings.
- (2) To upgrade skills, education and employment levels
 - Extension of the “New Opportunities” initiative¹⁰ to persons with disabilities;
 - Education for all (sign language curriculum for all deaf students; Digital text books and school manuals for blind students; re-structuring of special education schools by consolidating them in resource centres; establish a new juridical system for students with special education needs of the further education system)
 - Vocational training and employment (life-long training programmes supported by local resources centres of the National Institute for Employment and Vocational Training; complementary training in entrepreneurship; traineeships in private companies)
- (3) To ensure capacitation and dignified living conditions
 - “PARES” programme (20 residential buildings for disabled persons with some autonomy; 10% increase of the capacity of the centres of occupational activities; 15% increase of home residences equipped with medical emergency facilities; 30% increase of the capacity of the residential care services)
 - Inclusion services more close to the disabled population (new system for financing and provision of technical aids, such as prostheses, wheelchairs, optical aids; reference technicians resident in all social

¹⁰ This initiative, launched in December 2005, aims to strengthen the vocational component of secondary education. The aim is to involve a further 650 000 young people in technical and vocational courses, with the aim that by 2010 half the available secondary school places correspond to this segment. At the same time, it aims to provide training for those already working but with low levels of achievement, and to give qualifications to a million working people by 2010.

security district centres; information and mediation offices in town halls)

2. Law 46/2006 aiming at preventing and forbidding the direct or indirect discrimination of disabled persons and defining sanctions for the violations of that prohibition (already discussed in section 1).
3. Decree-law 163/2006 regulating the accessibility and adaptation of facilities which are open to the public, residential buildings (common and private areas) and outdoor spaces. This regulation covers for the first time residential buildings and stipulate conditions for public, common and private areas of these buildings (already discussed in section 1).
4. Cabinet Resolution 9/2007, which approved the National Plan for the Promotion of Accessibility (2006-2015), already mentioned above in this section.

Regional government (in the autonomous regions of Madeira and Azores) have their own regional plans and policies, or regionalized versions of the central government measures and programmes. Local government (town councils) is now beginning to show more interest in helping disabled citizens, mainly in providing information and signposting services specifically set out for disabled persons.

Besides government, the major role is played by NGOs, through a vast number of private organisations active in the disability field.

Some of these private organisations are structured as individual membership associations holding either a generalist scope (as the Portuguese Association of Disabled Persons, *APD – Associação Portuguesa de Deficientes*, a founder of DPI - Disabled Peoples' International) or specialised on a specific category (as, for instance, the Portuguese Association of Parents and Friends of Citizens with Mental Disability and the Association of the Blind and Weak-Sighted). Some of these associations have a national scale, deployed on the ground through regional and local delegations, other operate at county or district level. These associations provide a range of services to their members (information, transportation, education, training, health services, advantageous conditions to purchase specialised equipment and consumables, etc.).

Many of them are also involved in lobbying and advocacy activities and are members of the National Confederation of Organisations of Disabled People (CNOD - *Confederação Nacional dos Organismos de Deficientes*), the Portuguese member of the European Disability Forum.

Other private organisations¹¹ active in the area belong to the social enterprise sector and are officially recognised as “Private Institutions of Social Solidarity” (IPSS). These may have several legal statuses: social solidarity associations, social solidarity volunteer’s associations, mutual associations, social solidarity foundations, brotherhoods of holy houses of mercy, co-operatives specialising in social work, etc.. Religious parish centres and congregations are also considered as IPSS (with a statute similar to foundations).

These organisations provide a wide range of social services, exclusively to the disabled population, or also to other groups of disadvantaged persons (elderly, chemically dependents, vulnerable children and youngsters, etc.). Some of them have health care activities running

¹¹ There is some degree of overlapping between this and the previous type of organisations.

hospitals and clinics. The National Institute for Rehabilitation lists around 1,500 local centres run by these private organisations. Their main work areas are depicted in the following Table.

Table 1

| Activity areas | Number of Centres* |
|---------------------------|--------------------|
| Health and rehabilitation | 566 |
| Employment | 333 |
| Education | 389 |
| Vocational training | 395 |
| Social solidarity | 556 |
| Other | 485 |

* Centres frequently have several activity areas.

Private businesses are important players in the area by making available jobs for disabled people on a voluntary basis (as there are no mandatory quotas), in many cases encouraged by special incentives provided by the government. Particularly large firms, under own social responsibility programmes, are directly or indirectly engaged in specific actions supporting disabled citizen groups.

Media companies and other organisations (such as banks and insurance firms) are also active, offering information services in various platforms, including the internet. Though there are no recent survey conducted in Portugal on the subject, there is a widespread belief that the awareness of the public at large on the rights and needs of the disabled citizens is steadily increasing. This trend has been recognised by some disabled persons' associations.

3. Key data on labour market integration of persons with disabilities

Statistical data on disabled persons do not abound in Portugal. The web site of the National Institute for Rehabilitation lists 2 major sources of data: “The National Survey of Incapabilities, Deficiencies and Disadvantages” (1995) [Source 1] and Census (2001) [Source 2]. Recently (December 2007), a research conducted by a rehabilitation centre (CRPG) and an university institution (ISCTE) made available data gathered in a sample of about 15,000 individuals, representative of the Portuguese population, residing in the Mainland and aged between 18 and 70 [Source 3]. The information provided hereafter in this section was extracted from these information sources.

In the age group 18-70, more than 8% of the population has some kind of disability, and the disabled persons are mostly women (68% vs. 52% in the general population) and the elderly (41% of the disabled population group lies within the 65-70 age group vs. 14% in the general population of the same age group). Disabled persons are less educated (78% attained only the 1st cycle of the mandatory education or less) than the general population (40%) and tend to have more negative conditions as regards the participation in the work force: lower activity rate and higher unemployment rate (Table 2) [Source 3].

Table 2

| Population ⇒ (age group) ⇒ | General (18-65) | Disabled (18-65) | Disabled (18-35) |
|-------------------------------|--------------------|---------------------|---------------------|
| Activity rate | 100 | 49 | 74 |
| Unemployment rate | 100 | 246 | 217 |
| Employment rate | 100 | 40 | 64 |

The other 2 sources also determined the proportion of the population considered disabled. Though, the figures of the 3 sources are inconsistent: 9% in the survey of 1996 [source 1], 6% in the 2001 census [source 2] and 8% in the 2007 survey [source 3].

Besides any real variation in the 11-years period, these inconsistencies are due to different age groups and geographic scope considered in each case (except for the 2007 survey, data refers to the overall population, including the Atlantic islands, and to all age groups), concepts and method of evaluating the disabilities (e.g.: simple self-evaluation, detailed questionnaire, etc.), the size of the sample, field work errors and other minor causes. The aging trend that is characterising the evolution of the Portuguese population in the last decades, might suggest that the prevalence of disability in the society is experiencing a growing tendency, but there are no empirical evidence that substantiates that assumption.

The above mentioned documents provide additional information, such as on the most frequent types of disabilities, their distribution by ages groups and geographical regions, their causes, the opinions of the interviewees on discrimination and other.

4. Funding Schemes

#1

| general information | |
|---|---|
| 1. country | PORTUGAL |
| 2. name of the scheme | Emprego Protegido de Pessoas com Deficiência |
| 3. name in English | Protected Employment for Persons with Disabilities |
| 4. implementing organisation/s | IEFP – Instituto de Emprego e Formação Profissional (Institute for Employment and Vocational Training, na Agency from the Ministry of Labour and Social Solidarity) |
| 5. contact details of implementing organisation/s | Mr Francisco Madelino, Chairman Av. José Malhoa, 11 1099-018 Lisbon PORTUGAL Phone: +351 218 614 100 Fax: +351 217 227 013 |
| 6. details of contact points | There are many contact points: Five regional delegations (for each NUTS II region in the mainland), 86 employment and training centres, 1 rehabilitation centre, 8 centres for supporting the creation of start-ups. [contact information is provided in Appendix I] |
| main characteristics of financial assistance | |
| 7. objective of the funding | Provide people with disabilities (with not less than 1/3 of the work capability of an average person) opportunities to carry out a remunerated and useful activity enabling their personal and professional development and facilitating as much as possible their subsequent integration into the standard labour market. |
| 8. What is funded? | Construction or adaptation of facilities (1 and 2), equipment (4) and work methods (5 and 7). Follow-up and specialised support (3 and 8) to the activities carried out by the persons with disabilities. Salaries and social security contributions of the recruited persons with disability. The programme starts with a traineeship component not longer than 9 months and is followed by an open ended work contract. |
| 9. What conditions have to be met? | Employers may be public, private and co-operative entities. They should produce a preliminary study showing how the integration will be accomplished (2 possibilities: possessing or intending to create a “Protected Employment Centre”, a production facility with the appropriate adaptations for disabled, or an “enclave”, a special adapted work group environment within a standard production facility), be recognised by IEFP as having the capability and resources to pursue the proposed activities and enjoy good standing as regards taxes and social security contributions. |
| 10. Who may apply? Who receives | All public, private and co-operative organisations that |

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| the financial support? | assemble the conditions set out in item 9, above. |
| 11. How to apply? | Formal applications should be submitted at any of the contact points mentioned in item 6, above |
| 12. form and amount of funding | Variable: Either grants or interest free loans for part fund capital and current expenses of the items mentioned under 8 above. |
| 13. Additional information | |
| additional information | |
| 14. source of funding | Central government and IEPF budget |
| 15. EU financial contribution | "yes, partly" ESF |
| 16. relation to state aid regulations | Decree-law 247/89 of 05-08 Decree-law 40/83 of 25-01 Decree-law 194/85 of 24-06 Decree-Regulation 37/85 of 24-06 |
| 17. geographical areas covered and organisation of contact points | Mainland Portugal |
| 18. promotion, visibility and transparency of the funding | The programmes are promoted by IEPF through usual means (media, internet, conferences and seminars) and locally through its network of employment and training centres (see above) |

#2

| general information | |
|---|---|
| 1. country | PORTUGAL |
| 2. name of the scheme | Apoios ao emprego de pessoas com deficiência em mercado normal de trabalho |
| 3. name in English | Employment in the standard labour market of persons with disabilities |
| 4. implementing organisation/s | IEFP – Instituto de Emprego e Formação Profissional (Institute for Employment and Vocational Training, na Agency from the Ministry of Labour and Social Solidarity) |
| 5. contact details of implementing organisation/s | Mr Francisco Madelino, Chairman Av. José Malhoa, 11 1099-018 Lisbon PORTUGAL Phone: +351 218 614 100 Fax: +351 217 227 013 |
| 6. details of contact points | There are many contact points: Five regional delegations (for each NUTS II region in the mainland), 86 employment and training centres, 1 rehabilitation centre, 8 centres for supporting the creation of start-ups. [contact information is provided in Appendix I] |
| main characteristics of financial assistance | |
| 7. objective of the funding | To foster the integration or re-integration of disabled people into the standard labour market though subsidising their employers |
| 8. What is funded? | There are 4 types of funding: (a) Compensation subsidy: a monthly grant to compensate the employer for the lower productivity of disabled workers (these must be effectively carrying out the functions for which they were recruited and have, at least, 25% of the productivity of the non-disabled average worker in the same functions). (b) Adaptation subsidy: a lump sum grant to fund the adaptation of equipment and other installations of the job bearing in mind the functional difficulties of each worker with disabilities (1, 3 and 4). (c) Elimination of architectural barriers subsidy: a lump sum grant to fund the works and adaptations needed to eliminate the physical/architectural barriers that hinder the access of the disabled worker to his/her work place and his/her mobility within the premises (2). (d) Welcome subsidy: a monthly grant aiming at funding the expenses related with the services provided by persons that ate accompanying the person with disabilities during the introductory period when the latter is adapting to the production system of the employer (8 and 9). |
| 9. What conditions have to be met? | There are no specific conditions to be met by the employer besides being in good standing as regards tax and social security contributions. |

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| 10. Who may apply? Who receives the financial support? | All employers meeting the requirements set out in item 9 may apply. All financial support components are awarded to the employer. |
| 11. How to apply? | Formal applications should be submitted at any of the contact points mentioned in item 6, above |
| 12. form and amount of funding | <p>It depends on the type of funding mentioned under 8 above:</p> <p>(a) The initial amount of the monthly grant fully off-sets employer costs with salary/wage and social security contributions. This amount is reduced after 3 (20%), 6 (40%) and 9 (75%) months and stops after 12 months. If the worker does not reach 80% or more of the average productivity after the 1st 9-month period, the grant system can be restored by successive periods up to a maximum of 3 years.</p> <p>(b) and (c) The grant is calculated on a case-by-case basis and has a cap of 12 times the national minimum wage in force in the country. This amount corresponds currently to about Euro 5,100.</p> <p>(d) The monthly amount is based on the direct expenses of the employer's staff involved in the disabled worker. It is granted for a 3-month period and can not exceed the double of the national minimum wage (ca. Euro 860, currently). This subsidy can be extended by an additional 3-month period.</p> <p>Note: All above mentioned subsidy caps are increased by 50% when the professions of the workers with disability significantly experience gender discrimination.</p> |
| 13. Additional information | |
| additional information | |
| 14. source of funding | Central government and IEFP budget |
| 15. EU financial contribution | "yes, partly" ESF |
| 16. relation to state aid regulations | Decree-law 247/89 of 05-08 Ministerial Order 99/90 of 06-09 Regulation 1212/2000 of 15-11 |
| 17. geographical areas covered and organisation of contact points | Mainland Portugal |
| 18. promotion, visibility and transparency of the funding | The programmes are promoted by IEFP through usual means (media, internet, conferences and seminars) and locally through its network of employment and training centres (see above) |

#3

| general information | |
|--|---|
| 1. country | PORTUGAL |
| 2. name of the scheme | Readaptação ao Trabalho |
| 3. name in English | Re-adaptation to work |
| 4. implementing organisation/s | IEFP – Instituto de Emprego e Formação Profissional (Institute for Employment and Vocational Training, na Agency from the Ministry of Labour and Social Solidarity) |
| 5. contact details of implementing organisation/s | Mr Francisco Madelino, Chairman Av. José Malhoa, 11 1099-018 Lisbon PORTUGAL Phone: +351 218 614 100 Fax: +351 217 227 013 |
| 6. details of contact points | There are many contact points: Five regional delegations (for each NUTS II region in the mainland), 86 employment and training centres, 1 rehabilitation centre, 8 centres for supporting the creation of start-ups. [contact information is provided in Appendix I)] |
| main characteristics of financial assistance | |
| 7. objective of the funding | To offer the workers that have acquired disabilities during their professional activities conditions, adaptation and compensation processes that enable them to carry out their professional activities and take advantage of their professional experience. |
| 8. What is funded? | Preparation and delivery of learning programmes and methods (8 and 9) Acquisition and organisation of technical and pedagogical documentation (8 and 9) Support to adaptation of workshops and other production facilities and to the acquisition of equipments (1) |
| 9. What conditions have to be met? | All employers deemed capable and enjoying good standing as regards taxes and social security contribution obligations are eligible. |
| 10. Who may apply? Who receives the financial support? | All employers, public, private and co-operative, meeting the requirements set out in item 9 may apply. All financial support components are awarded to the employer. |
| 11. How to apply? | Formal applications should be submitted at any of the contact points mentioned in item 6, above |
| 12. form and amount of funding | The programme provides grants to fund capital expenditures with the acquisition or adaptation of buildings, facilities or equipment and running expenses such as for recruitment/selection of the persons with disabilities, training and traineeships costs, travel and insurance, wages of technical administrative and auxiliary staff of the employer |
| 13. Additional information | |
| additional information | |
| 14. source of funding | Central government and IEFP budget |

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| 15. EU financial contribution | "yes, partly" ESF |
| 16. relation to state aid regulations | Decree-Law 247/89 of 05-08 |
| 17. geographical areas covered and organisation of contact points | Mainland Portugal |
| 18. promotion, visibility and transparency of the funding | The programmes are promoted by IEFP through usual means (media, internet, conferences and seminars) and locally through its network of employment and training centres (see above) |

#4

| general information | |
|--|---|
| 1. country | PORTUGAL |
| 2. name of the scheme | Teletrabalho |
| 3. name in English | Telework |
| 4. implementing organisation/s | IEFP – Instituto de Emprego e Formação Profissional (Institute for Employment and Vocational Training, na Agency from the Ministry of Labour and Social Solidarity) |
| 5. contact details of implementing organisation/s | Mr Francisco Madelino, Chairman Av. José Malhoa, 11 1099-018 Lisbon PORTUGAL Phone: +351 218 614 100 Fax: +351 217 227 013 |
| 6. details of contact points | There are many contact points: Five regional delegations (for each NUTS II region in the mainland), 86 employment and training centres, 1 rehabilitation centre, 8 centres for supporting the creation of start-ups. [contact information is provided in Appendix I)] |
| main characteristics of financial assistance | |
| 7. objective of the funding | Provide persons with disabilities possessing professional qualifications with the knowledge and skills needed to use information and telecommunication technologies needed to perform their activities at a location other than their official duty stations |
| 8. What is funded? | Training programmes for 6 months (9) Traineeship programmes for 12 months (8 and 9) Support in setting up or telework stations, either independent or as extensions of employers' facilities during a 6-month transitional period after the traineeship programme (6) |
| 9. What conditions have to be met? | Employers must enjoy good standing as regards taxes and social security contributions |
| 10. Who may apply? Who receives the financial support? | All employers meeting the requirements mentioned in item 9 above. Persons with disabilities willing to become self-employed |
| 11. How to apply? | Formal applications should be submitted at any of the contact points mentioned in item 6, above |
| 12. form and amount of funding | The programme provides grants to fund both capital expenditures (acquisition of equipment) and running expenses such as for recruitment/selection of the persons with disabilities, training and traineeships costs, travel and insurance, wages of technical administrative and auxiliary staff of the employer. |
| 13. Additional information | |
| additional information | |
| 14. source of funding | Central government and IEFP budget |
| 15. EU financial contribution | "yes, partly" ESF |

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| 16. relation to state aid regulations | Cabinet resolution 81/00 of 10-07 Decree-law 247/89 of 05-08 |
| 17. geographical areas covered and organisation of contact points | Mainland Portugal |
| 18. promotion, visibility and transparency of the funding | The programmes are promoted by IEFP through usual means (media, internet, conferences and seminars) and locally through its network of employment and training centres (see above) |

#5

| general information | |
|--|--|
| 1. country | PORTUGAL |
| 2. name of the scheme | Qualificação de Pessoas com Deficiência ou Incapacidade |
| 3. name in English | Qualification of Persons with Disabilities or Incapabilities |
| 4. implementing organisation/s | POPH – Programa Operacional Potencial Humano |
| 5. contact details of implementing organisation/s | Mr. Rui Fiolhais Avenida José Malhoa, n.º 14 - 7.º A 1070-158 Lisbon Portugal Phone: + 351 217 227 281 Fax: + 351 217 241 180 E-mail: info@poph.qren.pt |
| 6. details of contact points | See above |
| main characteristics of financial assistance | |
| 7. objective of the funding | To foster the acquisition or development of professional skills of persons with disabilities so as to increase their employability. |
| 8. What is funded? | Mostly training (9) and some work assistance (8) |
| 9. What conditions have to be met? | The programme targets persons with disabilities not employers. |
| 10. Who may apply? Who receives the financial support? | Persons with disabilities with the legal minimum age enabling them to work. These persons must be (a) listed at one Centre of Employment of the Ministry of Labour and Social Solidarity seeking for a job (they will get subsidised professional orientation); (b) not employed and not possessing the professional qualifications needed for the sought job (these will get subsidised initial training); (c) employed but willing improve their conditions (these will get subsidised continuing training). Financial support is provided to training institutions that are accredited and certified as “Resource Centres” by the National Institute for Employment and Training |
| 11. How to apply? | Call for submissions are divulged by the National Institute for Employment and Training from time to time. Submission must be delivered electronically via the internet using standardised templates |
| 12. form and amount of funding | The training and other costs are fully subsidised through a non-refundable grants calculated using unit costs pre-established by the Ministry of Labour. There are some grant ceilings that apply. |
| 13. Additional information | This programme started in 2008. So the first applications are currently being reviewed and there are no results available yet. |
| additional information | |
| 14. source of funding | National funding (government budget) and ESF |
| 15. EU financial contribution | “yes, partly” ESF |

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| 16. relation to state aid regulations | Ministerial Order of March 27 2008, Ministry of Labour and Social Solidarity Interdepartmental Order 4-A/2008, January 18 2008 (overall regulation for eligible unit costs under POPH programme which are index to a reference, the Social Support Index or IAS) |
| 17. geographical areas covered and organisation of contact points | Mainland Portugal |
| 18. promotion, visibility and transparency of the funding | The umbrella programme (National Strategic Reference Framework) and its components are promoted by the government both at central (interdepartmental offices) and regional (Regional Planning Commissions) levels through the usual means (national, regional and local media, internet, seminars, conferences, etc.). |

#6

| general information | |
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| 1. country | PORTUGAL |
| 2. name of the scheme | Sistema de Incentivos Qualificação PME |
| 3. name in English | SME Qualification Incentive System |
| 4. implementing organisation/s | POFC - Programa Operacional Factores de Competitividade. |
| 5. contact details of implementing organisation/s | Mr. Nelson de Souza Rua Rodrigues Sampaio, 13 1169-028 Lisbon – Portugal Telf. + 351 213 112 100 Fax: + 351 213 112 197 E-mail: pofc@gabprime.org http://www.pofc.qren.pt/ |
| 6. details of contact points | See above |
| main characteristics of financial assistance | |
| 7. objective of the funding | This is not a programme specifically addressing the issues of disabled persons. It is a programme directed to SMEs and aiming at improving their competitiveness through increasing their productivity, flexibility and responsiveness to foster their active presence in the global market. |
| 8. What is funded? | The programme funds capital expenses related to many action plans SMEs may develop, such as Industrial/Intellectual Property, Design/Fashion Development, Product/Service/Process Development, ITCs, Quality, Environment, Innovation, Energy Efficiency, Digital Economy, Marketing, Internationalisation, Social Responsibility & Work Safety and Health, and Equal Opportunities. Under the last theme (Equal Opportunities), SMEs may be funded for «expenses (. . .) associated to the implementation of equality plans». These may include List A types 1, 2, 3, 4 and (possibly) 6 and 8. For training there are other arrangements which are discussed elsewhere. |
| 9. What conditions have to be met? | Besides conforming with the European definition of SME, the beneficiaries should be in good standing as regards taxes and social security contributions. There are no specific requirements for the employees (who are not targets of this programme; employers are). There are also some requirements pertaining to the proposed action plan (e.g.: capital outlay above Euro 25,000, a maximum 2-years duration) |

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| 10. Who may apply? Who receives the financial support? | <p>SMEs. Most of the mining, manufacturing and service industries are included. Agriculture, construction, real estate and financial industries are not.</p> <p>There is no target group as regards disabled persons. As mentioned above, this is not a programme targeted to this category of people. Funding the expenses related to the accommodation for the disabled is only a possibility among many other applications (see above).</p> |
| 11. How to apply? | <p>Applications should be submitted electronically, over internet, using standard forms. There are national calls periodically issued (typically in half-year intervals) and disseminated via notices in newspapers and other media. These calls may include some specifics (e.g.: not all the themes mentioned in item 8 above are available in all of the 5 NUTS 2 regions for all calls).</p> <p>Some paper information, such as certificates, annual reports, budgets or proformas of expenses, must be kept by the applicant and produced when requested in a 2 week notice.</p> |
| 12. form and amount of funding | <p>Funding is provided through non-refundable grants that, depending on the size (small, medium), the type of plan and whether it's a single company or multiple-companies (collaborative) programme, range from 35 and 55% of the capital expenditure.</p> <p>There is a ceiling (typically Euro 250,000) for the grants. Above that ceiling a interest free loan may be granted.</p> |
| 13. Additional information | <p>This programme started in 2008. So the first applications are currently being reviewed and there are no results available yet.</p> |
| additional information | |
| 14. source of funding | National funding (government budget) and ERDF |
| 15. EU financial contribution | "yes, partly" ERDF |
| 16. relation to state aid regulations | Portaria1463/2007 (Nov 15), amended by Portaria 250/2008 (April 4) |
| 17. geographical areas covered and organisation of contact points | Mainland Portugal |
| 18. promotion, visibility and transparency of the funding | <p>The umbrella programme (National Strategic Reference Framework) and its components are promoted by the government both at central (interdepartmental offices) and regional (Regional Planning Commissions) levels through the usual means (national, regional and local media, internet, seminars, conferences, etc.).</p> |

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| general information | |
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| 1. country | PORTUGAL |
| 2. name of the scheme | Sistema de Incentivos Inovação |
| 3. name in English | Innovation Incentive System |
| 4. implementing organisation/s | POFC - Programa Operacional Factores de Competitividade. |
| 5. contact details of implementing organisation/s | Mr. Nelson de Souza Rua Rodrigues Sampaio, 13 1169-028 Lisbon – Portugal Telf. + 351 213 112 100 Fax: + 351 213 112 197 E-mail: pofc@gabprime.org http://www.pofc.qren.pt/ |
| 6. details of contact points | See above |
| main characteristics of financial assistance | |
| 7. objective of the funding | This is not a programme specifically addressing the issues of disabled persons. It is a programme aiming at fostering the innovation of the Portuguese economy through promoting the introduction of new products, services or processes that enhance the value chain and reinforce the positioning of Portuguese firms in the international markets. It also aims at stimulating entrepreneurship and capital investment in high growth businesses. |
| 8. What is funded? | The programme funds capital expenses related to many action plans corporations may develop, such as machinery and equipment, energy systems, industrial/intellectual property, product/service/process development, ITCs, quality, environment, energy efficiency, marketing, social responsibility and equal opportunities. Under the last theme (Equal Opportunities), companies may be funded for «expenses (. . .) associated to the implementation of equality plans». These may include List A types 1, 2, 3, 4 and (possibly) 6 and 8. For training there are other arrangements which are discussed elsewhere. |
| 9. What conditions have to be met? | Besides conforming with the European definition of SME, the beneficiaries should be in good standing as regards taxes and social security contributions. There is also required a good financial standing measured by the debt/equity ratio. There are no specific requirements for the employees (who are not targets of this programme; employers are). There are also some requirements pertaining to the proposed action plan (e.g.: capital outlay above Euro 150,000, a maximum 2-years duration) |

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| 10. Who may apply? Who receives the financial support? | <p>Companies in general. Most of the mining, manufacturing and service industries are included. Agriculture, construction, real estate and financial industries are not.</p> <p>There is no target group as regards disabled persons. As mentioned above this is not a programme targeted to this category of people. Funding the expenses related to the accommodation for the disabled is only a possibility among many other applications (see above)</p> |
| 11. How to apply? | <p>Applications should be submitted electronically, over internet, using standard forms. There are national calls periodically issued (typically in half-year intervals) and disseminated via notices in newspapers and other media. These calls may include some specifics (e.g.: not all the themes mentioned in item 8 above are available in all of the 5 NUTS 2 regions for all calls).</p> <p>Some paper information, such as certificates, annual reports, budgets or proformas of expenses, must be kept by the applicant and produced when requested in a 2 week notice.</p> |
| 12. form and amount of funding | <p>Funding is provided through free-interest loans for a period of 5 years (7 if capital expenditure is over Euro 2.5 mn.), a grace period of 2 years (3 for programmes over Euro 2.5 mn.). Depending on the performance of the programmed measured by the fulfilment of contractual targets, part of the free-interest loan may be converted into non-refundable grant. Some expenses with intangible assets may benefit from non-refundable grants.</p> <p>The amount of the loans is a percentage of the capital investment. The base rate is 35%. The rate for medium sized firms increases to 45% and for small companies to 55%. Women and youngster controlled companies benefit from a rate with an additional 10% increase.</p> |
| 13. Additional information | <p>This programme started in 2008. So the first applications are currently being reviewed and there are no results available yet.</p> |
| 14. additional information | |
| 15. source of funding | National funding (government budget) and ERDF |
| 16. EU financial contribution | “yes, partly” ERDF |
| 17. relation to state aid regulations | Portaria1464/2007 (Nov 15) |
| 18. geographical areas covered and organisation of contact points | Mainland Portugal |
| 19. promotion, visibility and transparency of the funding | <p>The umbrella programme (National Strategic Reference Framework) and its components are promoted by the government both at central (interdepartmental offices) and regional (Regional Planning Commissions) levels through the usual means (national, regional and local media, internet, seminars, conferences, etc.).</p> |