

MINISTRY OF LABOR AND SOCIAL SECURITY
[*MINISTERIO DE TRABAJO Y SEGURIDAD SOCIAL*]

ROYAL DECREE 1451/1983 OF MAY 11, WHICH, IN COMPLIANCE WITH THE PROVISIONS OF LAW 13/1982 OF APRIL 7, REGULATES SELECTIVE EMPLOYMENT AND THE GOVERNMENTAL MEASURES UNDERTAKEN TO PROMOTE THE HIRING OF THE DISABLED.

ROYAL DECREE

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The government recognizes that it is necessary to make efforts with funding and in social solidarity to implement the right to work of the disabled, which is recognized and guaranteed by article 35 of the Spanish Constitution for all Spaniards without discrimination.

On the other hand the Government, in accordance with the spirit of Law 13/1982 of April 7, on the social integration of the disabled, considers that the workforce integration of these persons should be implemented fundamentally through the mainstream labor system, and announces that, in line with this, it will take the course of developing an employment policy for the disabled.

To be sure, promoting the incorporation of those who are disabled, whether from birth or from later causes, into work positions in mainstream enterprises is what is aimed at in the measures contemplated in the present Royal Decree, which is drafted as much to comply with the legislative mandate, as specified in article 40 of the *Ley de Integración Social de los Minusválidos* [Law of Social Integration of the Disabled] regarding selective employment, as to introduce certain modifications in the measures for promoting employment for the disabled which heretofore were in effect, and at the same time, taking advantage of these circumstances, to proceed to the unification of both types of measures into a single enactment.

Two kinds of clearly differentiated measures thus appear in the present Royal Decree. On the one hand those relating to selective employment establish the conditions which would lead to the reincorporation or readmission of workers who are affected by a permanent partial disability, whether recognized from the beginning or as a consequence of a reassessment of their status by the enterprises in which they had previously worked before the recognition of the permanent handicap. As well, certain measures relating to the staffing reserve quota are specified in the *Ley de Integración Social de los Minusválidos* [Law of Social Integration of the Disabled], which applies to companies with more than

50 permanent workers, in the end opens up the possibility that, through collective bargaining, a quota of positions to employ the disabled can be established. On the other hand, as has already been stated, measures will be incorporated for creating jobs for the disabled which process previously had been regulated by Royal Decree 1445/1982 of June 25. With respect to this kind of measure, there are basically two kinds of important modifications being introduced: one, the amount of the subsidy to be granted for hiring disabled workers will be increased in order to clearly differentiate this subsidy from that which is granted for hiring workers with no functional impairment for an indefinite time period; and the other, the possibility that, without setting any age limit, contracts can be drawn up which will undoubtedly serve the purpose of improving the job skills of the disabled workers who participate by training or retraining for positions in stable workplaces.

By virtue of this capacity, at the proposal of the Ministry of Labor and Social Security, in accordance with the judgment of the Council of State, and with prior deliberation of the Council of Ministers in its meeting on the 11th of May, 1983, I decree:

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