
Employment Law

Legal Flash | Portugal

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- > **Law no. 4/2019 of January 10 establishing employment quotas for people with disabilities with an incapacity equal to or higher than 60%**



Law that establishes employment quotas for people with disabilities with an incapacity equal to or higher than 60%

Law no. 4/2019 was approved on January 10 with the aim of promoting the hiring by private and public employers of people with disabilities with an invalidity equal to or higher than 60%.

Scope

- > This legal regime applies exclusively to medium sized companies with 75 or more employees and big companies.
- > For the purposes of application of this legal regime a person with disabilities is the person who is able to perform without functional limitations the activity that is applying for or that has functional limitations that can be overcome by job adjustment or adaptation and or support means;
- > Cerebral, organic, motor, visual, hearing and intellectual disabilities are the relevant disabilities for these purposes.

Employment quota

- > The imposed employment quota depends on the size of the company, as follows:
 - Medium sized companies with 75 or more employees - must hire employees with disabilities in a number non-inferior to 1% of the staff;
 - Big sized companies - must hire employees with disabilities in a number non-inferior to 2% of the staff.

Exceptions

- > Employers may be exempt from the application of this new regime in the following situations:
 - Impossibility of applying the legal regime with effectiveness for a certain job position.
 - Nonexistence of enough eligible candidates with disabilities, registered in the employment center that fulfill the requirements of the jobs offers presented in the year before.
- > To benefit from an exception, employers must present their request to the Labor Conditions Authority together required declarations and opinions of the INR,I.P and IEPF,I.P, suitable for each situation.



Breaches

- Breaches of the obligations established by this legal regime constitute serious or soft infractions.

Transitional period

- Companies with a number of employees between 75 to 100 have a five year transitional period and the companies with more than 100 employers have a four year transitional period, counting from the entering into force of this law, to meet the employment quotas for people with disabilities ;
- In order to achieve the employment quotas , 1% of the annual hiring's must be destined to people with disabilities, this obligation takes effect from the first civil year after the coming to force of the law under analysis ;
- Companies that achieve a number equal or superior to 75 employees or that turn into big companies are given an additional two years period for adaptation to this new regime.

Entry into force

- This law will enter into force on February 1, 2019.



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