

## Questionnaire on Rehabilitation scheme that Social Insurance gives for victims of accidents at work and occupational diseases in Portugal



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**Author:** Directorate for Employment Promotion Services –  
Employment Department  
**Institution:** Institute for Employment and Vocational Training,  
I.P. (Public Institute)

### 1. General regulation of rehabilitation in the Social Insurance

**Do(es) the Accident Insurance carrier(s) of your country provide this?  
Precise the name of the organization(s) responsible for it.**

The Autoridade de Supervisão de Seguros e Fundos de Pensões (ASF) (Insurance and Pension Funds Supervisory Authority) is the responsible body for regulating and supervising of insurance, reinsurance and pension funds' activities and their management entities, as well as insurance mediation.

### **2. What does “Rehabilitation” mean in your country:**

**Does it involve: health care? Social, vocational, medical measures? Reintegration? Reeducation of people? Other...**

As regards the operationalisation of this concept – Rehabilitation is currently referred to as an integrated set of measures that support the qualification and employment of people with disabilities who have difficulties in accessing, maintaining and progressing in employment. In these terms, the public employment service promotes:

- Technical support for an informed decision making that is suitable for the professional (re)integration and support to the active job search and the possibility of self-employment.
- Assessment for qualification and employment to determine the working capacity and to identify the adaptations needed for the environment and the most appropriate products and devices, with a view to overcoming any activity limitations and restrictions at work;
- Financial support, complementary to health systems, aimed at people with disabilities and incapacities for the purchase, adaptation or repair of products, devices, equipment, or technical specialised production systems required for preventing, compensating, mitigating or neutralising activity limitations that hinder or render impossible access or difficult participation in vocational training and the access to job, its maintenance and respective career development.

### **3. Does the term “rehabilitation” refer to specialized centers dedicated to victims of accidents at work and occupational illnesses? Is it shared with the health insurance scheme?**

For the implementation of employment policies and vocational training and vocational rehabilitation of people with disabilities, IEFP undertakes the accreditation of legal people governed by public law which are not part of the direct administration of the State and legal people governed by private non-profit law, preferably who have experience in the field of professional rehabilitation of people with disabilities and incapacities, as resource centres. They are the support structures for employment centres or employment and vocational training centres for a specialised intervention in the field of vocational rehabilitation.

The creation of a network of resource centres is supported by the submission of applications by the entities and the respective assessment and approval are the IEFP’s responsibility.

Currently, the public employment service has a national network with 62 accredited resource centres.

#### **4. How is it financed? (Within the general contribution for occupational injuries? Special contributions?..)**

By the state budget designated annually to the IEFP.

#### **5. Which cash benefits and benefits in kind are included in the process of rehabilitation?**

##### **Benefits in cash:**

Social support is always granted to unemployed people registered in the public employment service, in particular, for taking part in vocational training and other policies that might bring them closer to the labour market (e.g. internships) in order to enhance their personal and socio-occupational development.

##### **Benefits in kind:**

IEFP does not provide this type of support. They are awarded only by the Social Security Institute through the distribution of food to families.

#### **6. What do you think is special about rehabilitation in your country? (e.g. support in returning to work? Home improvements? Special programs? Case manager? D-Artz as in Germany?..)**

IEFP, through the policies foreseen in the Programme for Employment and Support to the Qualification of People with Disabilities and Incapacities (PEAQPDI), in accordance with Decree-Law No 290/2009 of 12 October 2009, in its current wording, provides technical measures and services, namely through the figure of a specialised technician in the area of professional rehabilitation, thus providing more individualised care and support whenever necessary to people with disabilities, registered in the public employment service.

It is worth noting that, in the Support for Integration, Maintenance and Reintegration in the Labour Market policy, there is also the possibility of granting financial support to employers who need to adapt the equipments or the workplace to the functional difficulties of the worker with disabilities, as well as to eliminate physical obstacles that prevent or hinder the worker's access to the workplace or the mobility within the premises.

### 6.

In addition to the specific programme (PEAQPDI), the other IEFP active employment policies, namely the recruitment support, also targets people with disabilities, facilitating their integration as regards the necessary requirements and conditions for access and more favourable financial support for employers.

It is also worth highlighting the Employment Supported in the Open Market policy that foresees the development of a professional activity by people with disabilities and reduced work capacity, in supported employment, on the production or service provision units of employers under special conditions (enclaves), through the support of promoters in the creation of one or more jobs under a supported employment contract.

Associated with this policy, procedures were designed and developed for monitoring people with disabilities throughout their professional life, and a possibility was foreseen for a technical action for the follow-up of the placement and the post-placement in the labour market. In this way, the development of these specialised interventions ensures the career maintenance and progression and the right to employment for all, always in a logic of positive discrimination.

The monitoring carried out by the public employment service aims, above all, to promote the socio-occupational integration into the labour market of people with disabilities, or their maintenance when they acquire disabilities during their employment contract, namely through the support to employers for the costs arising from their recruitment or their maintenance in employment.

In view of the need to improve and facilitate widespread access to the information and services provided by IEFP, a focus was made on diversifying its access and service delivery channels, providing remote services to citizens and entities through a variety of communication channels, namely the iefponline Portal; Contact Centre; SMS; Telephone; E-mail.

We highlight the iefponline portal for being the one-stop-shop for interactive employment and training services of the IEFP, for citizens and employers. Totally free and available every day and every hour.

With regards to support structures, the IEFP also has a network of Offices for Professional Insertion (GIP) promoted by public and private non-profit entities accredited to provide support to unemployed young people and adults in their path to integration or reintegration into the labour market. We highlight the Inclusive GIP Network – a network promoted by entities with conditions and experience in the field of vocational rehabilitation aimed at supporting the integration of people with disabilities and incapacities. This network has 5 Inclusive GIPs.

### **7. What are the latest developments in your country in the field of rehabilitation?**

In order to boost the support system for the occupational integration of people with disabilities, the employment quota system for people with disabilities (Law No 4/2019 of 10 January 2019), with a degree of disability equal to or greater than 60%, was established for the hiring of this target group by private sector employers and public sector bodies, not falling within the scope of Decree-Law No 29/2001 of 3 February 2001 (for hiring people with disabilities in all departments and bodies of the central, regional autonomous and local administration).

The confirmation of eligibility in the framework of the Law is made by the Medical Certificate of Multipurpose Disability or similar document, containing a degree of incapacity equal to or greater than 60%.

According to the legislation in force, the following are covered by the Quota:

Medium-sized enterprises or other private-law employers, with a number of employees between 75 and 249, for which a share of workers with disabilities of not less than 1 % has been defined;

Large enterprises, or other private-law employers, with 250 or more employees, for which a share of workers with disabilities of not less than 2% has been defined;

Public sector entities not covered by Decree-Law No 29/2001 of 3 February 2001 (establishing the system of quotas within the public administration), which for this purpose are treated as undertakings.

Compliance with the quota has become mandatory from the following dates:

- Private and public undertakings/employers treated as such with a number of employees between 75 and 100 employees, as of 1 February 2024;
- Private and public undertakings/employers treated as such with more than 100 employees as of 1 February 2023.

The percentage of employees to which companies are obliged under the Act is as follows:

- Medium-sized enterprises and employers governed by private or public law treated as such, employing between 75 and 249 employees, must employ workers with disabilities not less than 1% of the total staff employed;
- Large undertakings and employers governed by private or public law treated as such, employing 250 or more employees, must employ workers with disabilities not less than 2% of the total staff employed.

Employers can use IEFP to meet their workers' needs, always communicating available job vacancies and indicating whether they want technical support for the purpose of hiring people with disabilities. In this context, the IEFP

## Rehabilitation

### 7.

has been promoting, since 2017, the submission of applications to the Inclusive Employer Brand, which aims to raise awareness and mobilize public or private employers for the adoption of inclusive policies and practices, in the fields of employability, accessibility, equality and community relations, thus promoting a culture based on principles of equality, justice, dignity and mutual respect.

Based on the Regulations of the Inclusive Employer Brand, published in annex to Order No 8376-B/2015 in the 2nd series of Diário da República No 147 of 30 July 2015, the 4th Edition of the Inclusive Employer Brand was held this year, culminating with a public recognition ceremony of the distinguished entities.

Under the Regulation, the trademark is awarded every two years in the odd years.

Throughout the various editions, Inclusive Employer Brand has shown considerable results, demonstrated by the best practices presented, as well as by the increasing number of applications and the significant growth in the number of integrated people with disabilities in the labour market.

### **8.1. What could be improved in the communication of the provision of rehabilitation measures between the countries?**

Measures pertaining the rehabilitation of health condition of victims of labor accidents or occupational disease are related to the issue of the DA002 form by the responsible country.

Every time this form is issued by a responsible country, this triggers an administrative procedure that informs the insured person/worker with occupational disease about the conditions for expense reimbursement (entitlement to benefits in kind) in Portugal.

Although this correlation is not new, and has already been duly established, in many situations the forms are still poorly filled in or contain very little information about the type of treatment to be provided.

Regarding to this matter, there is still a lot to be done, which could/should involve all stakeholders due to the need to raise the awareness about the necessity of restoring the injured person/worker with occupational disease to their previous active and social life.

**8.2. How does it work if a worker insured in a foreign country (EU, EWR, Switzerland) has to be rehabilitated in your country? Competent Institution sends DA002 (Declaration of cost coverage). You are the institution of the place of residence or stay. What can you do?**

The Portuguese Social Security defines a posted worker as a person who is temporarily sent by a foreign company to work in Portugal.

As such, the Community Regulations for the Coordination of Social Security Systems establishes equal treatment for foreign citizens in situations where they have been posted.

Regardless of the type of treatment required, be it rehabilitation or otherwise, and as long as it is duly justified, hospital expenses resulting from the care provided to the posted worker are covered by the A1 form. ●

### IMPRINT:

The European Forum of Insurance against Accident at Work and Occupational Diseases:  
Working Group Communication

Permanent office of the EUROPEAN FORUM:  
Maison Européenne de la Protection Sociale | Rue d'Arlon 50 | 1000 Brussels  
e-mail: [info@europeanforum.org](mailto:info@europeanforum.org)