



To contract with public administrations, companies must comply with the mandatory employment quota of 2% for people with disabilities

Law 40/2015, of 1 October, on the Legal System governing the Public Sector

Background

In October, the new law on the Legal System governing the Public Sector was published in the Official State Gazette.

As usual, the legislator took advantage of the enactment of a new law to amend other legal texts in force by including a wide range of final provisions.

Thus, Final Provision Nine of Law 40/2015 amends a number of articles in the consolidated text of the Public Sector Contract Law. Among these amendments, we believe that those affecting Articles 60 and 61, concerning prohibitions on contracting, are worth particular mention.

Mandatory employment quota of 2% for people with disabilities

The new wording of Article 60 of the Public Sector Contract Law prohibits any company employing 50 or more individuals that fails to meet the aforementioned mandatory employment quota of 2% for people with disabilities from entering into a contract with Public Administrations.

Said prohibition on contracting shall be applied directly by the contracting authority and will remain in place whilst the company employing 50 individuals or more fails to meet the mandatory employment quota of 2% for people with disabilities.

Entry into force

The new prohibition on contracting will not come into force until the corresponding regulations are enacted and definitions are set out in terms of adhering with the requirement and how to demonstrate compliance therewith; in any case, evidence may take the form of a certificate issued by the corresponding administrative body, effective for a six-month period, or a certificate issued by the corresponding Tenderers Registry, in the event that the company is registered therewith.

By linking the entry into force of the new prohibition on contracting to the enactment of regulations, the legislator is granting companies time to embark upon the corresponding recruitment initiatives in order to comply with the mandatory employment quota of 2% for people with disabilities.