



Striving for an inclusive labour market in Italy

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

August 2022

EUROPEAN COMMISSION

Directorate-General for Employment, Social Affairs and Inclusion

Directorate D — Social Rights and Inclusion

Unit D3 — Disability & Inclusion

European Commission

B-1049 Brussels

Striving for an inclusive labour market in Italy

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

Elena Vivaldi
Paolo Addis

This report has been developed under Contract VC/2020/0273 with the European Commission.

LEGAL NOTICE

Manuscript completed in August 2022

This document has been prepared for the European Commission however it reflects the views only of the authors, and the European Commission is not liable for any consequence stemming from the reuse of this publication. More information on the European Union is available on the Internet (<http://www.europa.eu>).

Luxembourg: Publications Office of the European Union, 2023

© European Union, 2023



The reuse policy of European Commission documents is implemented based on Commission Decision 2011/833/EU of 12 December 2011 on the reuse of Commission documents (OJ L 330, 14.12.2011, p. 39). Except otherwise noted, the reuse of this document is authorised under a Creative Commons Attribution 4.0 International (CC-BY 4.0) licence (<https://creativecommons.org/licenses/by/4.0/>). This means that reuse is allowed provided appropriate credit is given and any changes are indicated.

Table of contents

| | | |
|----------|---|-------------------------------------|
| 1 | Executive summary | 6 |
| 1.1 | Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services | 6 |
| 1.2 | Support and partnerships available to employers to assist them in making reasonable accommodations | 6 |
| 1.3 | Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities | 7 |
| 1.4 | Recommendations..... | 7 |
| 2 | Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services | 8 |
| 2.1 | Employment quotas | 8 |
| 2.2 | Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities | 10 |
| 2.3 | Reasonable accommodation | 12 |
| 2.4 | Other relevant actions targeted at employers | 13 |
| 2.5 | Examples of good practice | 14 |
| 2.6 | Good practice guides, websites and advice services directed at employers | 15 |
| 3 | Support and partnerships available to employers to assist them in making reasonable accommodations..... | 16 |
| 3.1 | Support available to employers for making reasonable accommodation | Error! Bookmark not defined. |
| 3.2 | Partnerships to assist employers to make reasonable accommodations. | 17 |
| 4 | Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities | 18 |
| 4.1 | Good practice guides for employers regarding reasonable accommodation | 18 |
| 4.2 | Any other sources of information regarding good practice for employers regarding reasonable accommodation..... | 18 |
| 4.3 | Examples of individual reasonable accommodations which reveal good practice | 19 |
| 5 | Recommendations and guidance regarding good practice and reasonable accommodation..... | 20 |
| 5.1 | Recommendations regarding good practice and reasonable accommodation in recruitment and hiring | 20 |
| 5.2 | Recommendations regarding good practice and reasonable accommodation in initial employment | 20 |
| 5.3 | Recommendations regarding good practice and reasonable accommodation in promotion and career development | 21 |
| 5.4 | Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes | 21 |

1 Executive summary

1.1 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

Italy has adopted an employment quotas scheme and various types of financial incentives (Article 13, Law No. 68 of 9 March 1998).

The Italian legal framework sets out a duty of reasonable accommodation for persons with disabilities (Article 3(3-*bis*) of Legislative Decree No. 216 of 9 July 2003).

Up-to-date and detailed data on the impact of incentives for the employment of people with disabilities are not available.

Best practice guides, websites and consulting services have not yet been developed. There are some free initiatives that have been promoted by third sector entities in very recent times, but no data is available on their use by employers. The International Organization for Standardization has recently adopted rules to guarantee consultancy activity, carried out by specialised companies, to ensure diversity and inclusion in human resource management processes. These consultations are subject to a fee.

1. Good practices and services – ANFFAS (*Associazione Nazionale Famiglie di Persone con Disabilità Intellettiva e/o Relazionale* / National Association of Families of People with Intellectual and/or Relational Disabilities), <http://www.anffas.net/dld/files/Documenti%20Anffas/Buone%20Prassi%20Lavoro%20Anffas.pdf>.
2. Information desks for companies (and for people with disabilities) – ANDEL (*Agenzia Nazionale Disabilità e Lavoro* / National Agency for Disability and Work), <https://andelagenzia.it/>.
3. International Organization for Standardization, ISO 30415: 2021 – Human Resources Management – Diversity and Inclusion Standard; <https://www.iso.org/standard/71164.html>.

There is still no evidence on the effectiveness of these tools, which have been implemented very recently.

1.2 Support and partnerships available to employers to assist them in making reasonable accommodations

There are no solid and stable partnerships that support employers in making reasonable accommodations.

1.3 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

As yet, there are no specific guidelines about reasonable accommodation; the guidelines for targeted placement, included in a ministerial decree approved in 2022, envisaged the creation of an IT platform dedicated to good practices. This IT platform has not been set up yet.

No information is available regarding good practices for employers.

1.4 Recommendations

Recruitment and Hiring

Information and training must be implemented by employers through the preparation of events, websites, seminars and interdisciplinary courses aimed at improving a general understanding of the meaning of 'reasonable accommodation', which is still relatively unknown in Italy, and on how to enact accommodations in practice.

Initial Employment

The recruitment process must be adapted to the needs of persons with disabilities. The accessibility of workplaces is still an issue, and the effectiveness of accessibility measures has to be improved.

Promotion and Career Development

Create open and inclusive workplaces, guaranteeing training for staff who are already in the workforce, and provide training for new employees with disabilities.

Retention

It is necessary to act flexibly on working arrangements, simplifying, standardising and making accessible systems through which employees can request support and reasonable accommodation.

2 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

2.1 Employment quotas

Italy adopted an approach based on mandatory employment quotas. The employment quotas are provided by Law No. 68 of 12 March 1999.¹ They are related to the size of the employer: both public and private employers are required to hire a number of workers with disabilities, whereby this number is determined in proportion to the size of the company. In particular, companies with a workforce of between 15 and 30 employees have to hire at least one worker with disabilities; companies with a workforce between 36 and 50 employees shall hire at least two workers with disabilities; companies with more than 50 employees are required to meet a 7 % quota of workers with disabilities. In the case of companies working with less than 15 employees, no quota applies.

Article 1 of Law No. 68 of 12 March 1999 provides that quotas apply:

‘(a) to persons of working age suffering from physical, mental or sensory impairments and to the intellectually disabled who suffer from a reduction in working capacity of more than 45 %, ascertained by the competent commissions for the recognition of civil disability in accordance with the table indicative of the percentages of disability approved by the Ministry of Health on the basis of the international classification of impairments drawn up by the World Health Organization, following Article 2 of Legislative Decree No. 509 of 23 November 1988, as well as to persons with the conditions referred to in Art. 1, paragraph 1, of Law No. 222; (b) to disabled persons with a degree of disability higher than 33 %, ascertained by the National Institute for Insurance against Accidents at Work and Occupational Diseases (INAIL) on the basis of the provisions in force; (c) to blind or deaf people, as per Laws No. 382 of 27 May 1970, and subsequent modifications, and No. 38 of 26 May 1970, and subsequent amendments; and (d) to disabled war veterans, civilian war invalids and disabled workers belonging to the first to the eighth categories referred to in the tables annexed to the consolidated text of the rules on war pensions, approved by Presidential Decree No. 23 December 1978, and subsequent amendments’.

Employers not meeting the disability employment quota are subject to a fine, as set out in Article 15 of Law No. 68/1999. The fine is EUR 153.20 per day for every worker with disability that has not been hired. The amounts of the fines provided for by Article 15 of Law No. 68/99 were updated multiple times, through the Ministerial Decrees of 12 December 2005 and 15 December 2010, along with Legislative Decree No. 185/2016 and most recently under Ministerial Decrees No. 193 of 30 September 2021 and No. 194 of 30 September 2021. Employers may request ‘partial exemptions’ from mandatory quotas on the basis of the nature of their activity, paying a certain amount of money (EUR 39.21 per day for every worker with disability not hired).

¹ Law of 12 March 1999 No. 68, Rules on the Right to Work of Persons with Disabilities (Law No. 68/1999) (*Legge 12 marzo 1999, no. 68 ‘Norme per il diritto al lavoro dei disabili’ (Legge 68/1999)*).

The amount of money collected through the fines is transferred to the regional funds for the professional integration of persons with disabilities (Article 14, Law No. 68/1999). The above-mentioned article provides that every region and the autonomous provinces of Trento and Bolzano shall create a special fund, making resources available to provide reasonable accommodations for workers with a capacity reduced by at least 50 %. These funds cover the provision of telecommuting / home working technologies and the removal of architectural barriers that in any way restrict the integration of persons with disabilities in the workplace.

No data regarding the amount of the fines collected under Law No. 68/1999 are available.

The IX Report on the implementation of Law No. 68/1999,² presented to the Parliament in January 2021, affirms that, in 2018, 359 874 persons with disabilities were employed under quota.

| | Total | % | Women | Men |
|--|----------------|------------|--------------|-------------|
| Italy | 359 874 | *** | 41.2 | 58.8 |
| Northwest | 117 152 | 32.6 | 44.8 | 55.2 |
| Northeast | 85 460 | 23.7 | 43.7 | 56.3 |
| Central Italy | 80 193 | 22.3 | 42.6 | 57.4 |
| Southern Italy and Major Islands | 77 069 | 21.4 | 31.7 | 68.3 |

Article 13 of Law 68/1999 provides incentives for employers hiring persons with disabilities. These incentives cover a percentage of the labour cost (up to 70 % of monthly gross salary), according to the severity of the disability.

Depending on the type and severity of the disability, the employer is granted an incentive according to which 35 % to 70 % of the gross monthly salary is paid through state funds, for a maximum of 36 months. For example, if the employer hires a person with a physical disability greater than 79 %, they get an incentive equal to the payment of 70 % of the monthly salary for 36 months. If the disability falls from 67 % to 79 %, the incentive measure drops to 35 %, again for 36 months.

The executive summary of the IX Report on the implementation of Law No. 68/1999³ underlines that:

- data regarding the quota system show a very complex situation, with the Lombardy region alone employing as many people as the entire South and Islands macro area;
- infrastructural gaps remain unchanged;
- the results of the Italian quota system are linked to other relevant factors (e.g. adoption of personalised pathway for professional integration; measures to

² Available at: <https://www.lavoro.gov.it/priorita/Pagine/Stato-attuazione-Legge-68-sul-diritto-al-lavoro-dei-disabili.aspx>.

³ Available at: <https://www.lavoro.gov.it/temi-e-priorita/disabilita-e-non-autosufficienza/focus-on/norme-sul-collocamento-al-lavoro-delle-persone-disabili/Documents/Executive-summary-IX-Relazione-Legge-68-99.pdf>.

simplify recruitment mechanisms; an effective integration between services and financial incentives).

2.2 Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities

Article 38 of the Italian Constitution affirms that:

'I. Every citizen unable to work and without the necessary means of subsistence is entitled to welfare support. II. Workers have the right to be assured adequate means for their needs and necessities in the case of accidents, illness, disability, old age and involuntary unemployment. III. Disabled and handicapped persons are entitled to receive education and vocational training. IV. Responsibilities under this article are entrusted to entities and institutions established by or supported by the State. V. Private-sector assistance may be freely provided.'

On the basis of this constitutional provision, the Italian legal framework provides some incentives to employers to support the employment of persons with disabilities. Notably, the measures regarding financial incentives are very changeable, as they are linked to annual budget laws, which indicate the extent of public investments related to the professional integration of vulnerable social groups.

Article 13 of Law No. 68/1999⁴ is the main provision governing financial incentives for employers hiring persons with disabilities.

The incentives system established by Law No. 68/1999 can be set out as follows:

| Type of disability | Disability % | Type of contract | Amount of the incentive | Duration |
|-----------------------------------|-----------------------|----------------------|---|-----------|
| Physical | >79 % | Permanent employment | 70 % of the gross monthly salary taxable for social security purposes | 36 months |
| | Between 67 % and 79 % | Permanent employment | 35 % of the gross monthly salary taxable for social security purposes | 36 months |
| Intellectual/Mental/ Psychosocial | >45 % | Permanent employment | 70 % of the gross monthly | 60 months |

⁴ Available at: <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1999-03-12;68!vig=2022-04-26>.

| | | | | |
|--|--|---|---|---|
| | | | salary taxable for social security purposes | |
| | | Fixed-term employment of at least 12 months | 70 % of the gross monthly salary taxable for social security purposes | For the entire duration of the contract |

For the purposes referred to in Article 13 of Law No. 68/1999 and under the remit of the Ministry of Labour and Social Security, a Fund for the Right to Work of Persons with Disabilities has been established, for which funding has been authorised, with expenditure of EUR 20.7 million (ITL 40 billion) in 1999 and subsequent years, EUR 37 million in 2007 and EUR 42 million from 2008. Resources are allocated through the regions and the autonomous provinces of Trento and Bolzano on the basis of guidelines adopted by the Ministry of Labour and social policies.

The Fund collects donations made by private individuals; the sums are paid into the state budget to be subsequently reallocated to the same Fund. No data regarding private donations are available.

The Decree of 8 July 2021 of the Minister of Labour and Social Policies, in agreement with the Minister for Disabilities and the Minister of Economy and Finance, published in *Official Gazette* No. 208 of 31 August 2021,⁵ integrates the original allocation of EUR 20 million and the further allocation of resources for 2021 of EUR 1.9 million, ordered by the Prime Ministerial Decree of 21 November 2019, with a further EUR 55.5 million for 2021. Consequently, for 2021, the Fund came to a total of EUR 77 million.

Employers who want to obtain incentives must apply to the National Institute for Social Security (*Istituto Nazionale per la Previdenza Sociale – INPS*). The requests are funded until the funds established by the annual budget law are exhausted.

Regarding incentives for professional integration, the Italian legal system shows a certain degree of regional differentiation, in compliance with the constitutional provisions on the division of competences between the state and the regions, while respecting the general framework provided by Law No. 68/1999.

Hence, every Italian region adopts annual plans regarding actions to improve targeted public placement services and guidance, training and employment interventions. Regional laws on the rights of persons with disabilities contain measures regarding workplace inclusion; as an example, Article 5 of Piedmont Regional Law No. 3 of 12

⁵ Available at: <https://www.lavoro.gov.it/documenti-e-norme/normative/Documents/2021/DI-08072021-Fondo-diritto-lavoro-disabili.pdf>.

February 2019⁶ provides that, ‘in implementation of the provisions of Law No. 68/1999 and by Article 47 of the regional Law 8 January 2004, No. 1 (...) the Region promotes the labour integration of people with disabilities through interventions aimed at entering the world of work, including professional retraining courses’. Such provisions make it possible to adopt various further financial incentives, even for self-employment (see, as an example, Veneto Regional Assembly Deliberation No. 1125 of 6 August 2020).⁷

Data regarding the effectiveness of tax incentives for the professional integration of persons with disabilities are lacking. The periodic reports about work incentives published by the INPS do not mention data regarding incentives funded under Law No. 68/1999.⁸

The IX Report to the Italian Parliament⁹ regarding the enactment of Law No. 68/1999 does not provide a clear evaluation of the incentive schemes. It has to be noted that, from 2016 to 2018, each employer who benefited from the incentives hired an average of 1 068 workers with disabilities. In the same timeframe, most of the employers who benefited from the incentives (64 %) operated in the tertiary sector; 34 % were in the industrial sector; and just 1 % in the agricultural sector).

2.3 Reasonable accommodation

In the Italian legal framework, the duty of reasonable accommodation for persons with disabilities is set out by Article 3(3-*bis*) of Legislative Decree No. 216 of 9 July 2003. This article was introduced in 2013 in order to comply with the decision of the Court of Justice of the European Union (CJEU), which condemned Italy for the incomplete transposition of Article 5, Directive 2000/78/CE.¹⁰

The above-mentioned article affirms that:

‘In order to ensure compliance with the principle of equality treatment of people with disabilities, public and private employers are required to make reasonable arrangements, as defined by the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), ratified under the law of 3 March 2009, No. 18, to ensure people with disabilities full equality with other workers.¹¹ (...) Public employers shall apply this provision without any additional burden and with the human, financial and technical resources already available’.

⁶ Available at:

<http://arianna.cr.piemonte.it/iterlegcoordweb/dettaglioLegge.do?urnLegge=urn:nir:regione.piemonte:legge:2019-02-12;3@2021-10-21>.

⁷ Available at: https://www.regione.veneto.it/documents/60642/3164513/DGR+n.+1125+del+06-08-2020_Programma+Regionale+Disabili+2020-2021.pdf/d000ddbf-06da-4ebd-81f3-609d507d19bd.

⁸ National Institute for Social Security (*Istituto Nazionale per la Previdenza Sociale – INPS*) (March 2022), ‘*Incentivi all’occupazione, Focus sulle agevolazioni contributive per le assunzioni e le variazioni contrattuali*’ (Employment incentives: A focus on contributory benefits for recruitment and contractual changes), <https://www.inps.it/osservatoristatistici/api/getAllegato/?idAllegato=1109#:~:text=Nel%202021%2C%20nonostante%20il%20perdurare,%2B156%25%20rispetto%20al%202019>.

⁹ The Ministry of Labour and Social Policies delivered this report in January 2021; <https://www.lavoro.gov.it/priorita/Pagine/Stato-attuazione-Legge-68-sul-diritto-al-lavoro-dei-disabili.aspx>.

¹⁰ Court of Justice of the European Union (CJEU), *European Commission v. Italy*, Case C-312/11, 4 July 2013.

¹¹ Available at: <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2003-07-09;216>.

It has to be noted that the national measures do not define the concept of reasonable accommodation.

The denial of a reasonable accommodation is considered as a discrimination¹² ex Law No. 67 of 1 March 2006.¹³

2.4 Other relevant actions targeted at employers

There are various other tools to support employers in promoting the employment of people with disabilities.

The first instrument is represented by the fund for the employment of people with disabilities, which was introduced by Article 14 of Law 68/1999. This fund was aimed at the creation of 'regional programmes for job placement and related services', i.e. support entities that carry out activities aimed at supporting and integrating people with disabilities into employment. This fund provides contributions towards the removal of architectural barriers that in any way limit the integration into work of people with disabilities. The fund also supports the establishment of posts for those responsible for integrating people with disabilities into the workplace.

Article 11 of Legislative Decree 151/2015 introduced, as one of the purposes of the use of the regional fund, the obligation to adopt reasonable accommodation for workplaces to meet the specific needs of workers with disabilities, as will be further discussed in Section 3.1.

The second tool is specific to public employers. Article 17 of Law No. 124 of 7 August 2015, 'Delegations to the government regarding the reorganisation of public administrations', has established that public bodies shall designate a person who is in charge of the processes of integrating people with disabilities in public administrations. This post is mandatory for all public administrations with more than 200 employees, and it is envisaged that this will ensure the effective integration into the work environment of people with disabilities.¹⁴

The person in charge of the processes of integrating people with disabilities into a public administration:

- manages relations with the employment centre and with local services for targeted integration;
- makes organisational arrangements and, if necessary, proposes technological solutions to facilitate integration at work, including reasonable accommodations;
- monitors the implementation of the integration process, acknowledging and reporting to the competent services any situations of discomfort or integration difficulties.

¹² Available at: <https://www.equalitylaw.eu/downloads/5489-italy-country-report-non-discrimination-2021-1-07-mb>.

¹³ Available at: <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2006-03-01;67>.

¹⁴ Directive of the Minister for Public Administration No. 1/2019 concerning clarifications and guidelines on the mandatory placement of protected categories, https://www.funzionepubblica.gov.it/sites/funzionepubblica.gov.it/files/direttiva_1_2019_registraz_C_orte.pdf.

In March 2022, guidelines on the targeted placement of people with disabilities¹⁵ were adopted. These guidelines will also offer concrete support to employers because they provide for a systematic collection of good practices for professional integration, which must be recorded on an accessible IT platform that is searchable and dynamic and can be updated. Good practices have not yet been collated. Once this has been done, however, there will be the potential to disseminate good practices and raise awareness about the targeted placement system and about ensuring the availability throughout the country of replicable models of actions, procedures and planning for the benefit of people with disabilities and employers.

The guidelines also provide for the possibility (but not obligation) for private employers to appoint a disability manager.

2.5 Examples of good practice

As noted above, the guidelines on the targeted placement of people with disabilities, which were adopted in March 2022, also provide for the possibility (but not obligation) for private employers to appoint a disability manager.

Even before this was proposed, some private companies had introduced so-called diversity management mechanisms. According to data from Istat, in 2019 over a fifth of companies (20.7 %, or over 5 700 companies) had adopted at least one measure that was not mandatory under the law, but that was aimed at managing and enhancing diversity among workers, and that related to gender, age, citizenship, nationality and/or ethnicity, religious beliefs or disability. Such measures were found in 34 % of large companies (those with at least 500 employees), compared with 19.8 % of smaller companies (those with 50 to 499 employees). The greater attention given by larger companies towards non-mandatory diversity measures is concentrated precisely on disability, with such measures being implemented by, on average, 15.9 % of companies; among larger companies (those with 500 or more employees), this percentage exceeds 25 %.

Good practices also include the creation of service agencies to promote the culture of inclusion at work of people with disabilities, with the intention being to reverse the existing paradigm: 'not from the person with disabilities to the company, but from the company to the person with disabilities'. In other words, these agencies do not start by taking charge of the person who is looking for a job; they start by providing support to the company in drafting a personalised plan, which is a starting point for any inclusive action.

¹⁵ Ministerial Decree No. 43 of 11 March 2022 of the Minister of Labour and Social Policies, in implementation of Art. 1(1) of Legislative Decree No. 151/2015.

2.6 Good practice guides, websites and advice services directed at employers

ANDEL, the National Agency for Disability and Work,¹⁶ should be highlighted. It has set up information desks for companies (and for people with disabilities), which offer services¹⁷ such as:

- assessment of the company's employment potential;
- customisation of draft compliance with legal obligations;
- choice of the most appropriate tools for the fulfilment of the obligations;
- use of good practices from various territories;
- enhancement of tools for reducing costs and recovering concessions;
- training of personnel in charge of, and colleagues of, people with disabilities according to the solutions chosen for the fulfilment of obligations.

These services are supported by a series of training and information activities that aim to involve people with disabilities, the associations that represent them, trade unions and business associations, schools, universities, and public and private employment services for the promotion of professional integration.

The ANDEL website features a bulletin board on which job advertisements from companies are published, and a form through which job requests from people with disabilities are collected. Using these online tools, ANDEL's consultancy and accompanying activities have been developed for job placements.

The activities of SIDIMA (the Italian Society of Disability Managers) should be noted. SIDIMA has published a free e-book entitled *Disability Manager Manifesto*, which is a useful tool for stimulating public and private companies of all sizes, to discuss the key role that a disability manager can play in the various environments in which a person with disabilities spends time, such as the workplace. The *Manifesto* is downloadable free of charge.¹⁸

In addition to the information desk for companies managed by ANDEL, on 4 May 2021, *ISO 30415: 2021 – Human Resources Management – Diversity and Inclusion Standard (D&I)* was published.¹⁹ This document provides guidance on D&I for all types of organisations. It is designed to be adapted to the needs of all types of organisation, whether public, private, governmental or non-governmental (NGO), in different sectors and industries, and regardless of size, type or business, from the growth phase onwards, excluding country-specific influences and requirements.

¹⁶ See: <https://andelagenzia.it/>.

¹⁷ See: <https://welforum.it/punto-di-vista/disabilita-e-lavoro-una-nuova-realta-organizzativa-a-livello-nazionale/>.

¹⁸ See: <https://ilprato.com/libro/manifesto-del-disability-manager/>.

¹⁹ See: <https://www.iso.org/standard/71164.html>.

3 Support and partnerships available to employers to assist them in making reasonable accommodations

3.1 Support available to employers for making reasonable accommodation

In primis, the Italian approach to reasonable accommodations seems to rely on financial incentives.

The guidelines on the targeted employment of persons with disabilities that were adopted in March 2022 point out some relevant considerations about support measures for reasonable accommodation.

First of all, these guidelines underline that Article 14/1999 provides that every region and the autonomous provinces of Trento and Bolzano shall create a fund for the professional integration of persons with disabilities, making resources available to provide reasonable accommodations for workers with a capacity reduced by at least 50 %. These funds cover the provision of telecommuting / home working technologies and the removal of architectural barriers that in any way restrict the integration of persons with disabilities in the workplace.

Moreover, the National Institute for Insurance against Accidents at Work (*Istituto Nazionale per l'Assicurazione contro gli Infortuni sul Lavoro – INAIL*) supports employers in fulfilling the obligation to adopt reasonable accommodations, financing interventions for the professional integration of persons with disabilities.

The Regulation for the Professional Integration and Reintegration of Persons with Disabilities,²⁰ enacting Article 1(166) of Law No. 190 of 23 December 2014, provides that INAIL can reimburse the expenses incurred by employers for the implementation of professional integration interventions, up to a total maximum of EUR 150 000. Among these are interventions to overcome and remove architectural barriers in the workplace (i.e. building interventions, systems and home automation, devices aimed at allowing the accessibility and usability of the workplace), interventions for the adjustment and adaptation of workplaces (interventions for the adaptation of furnishings that are part of the workplace, technological, IT or automation aids, devices facilitating the adaptation of the workplace or equipment, special controls and vehicle adaptations), and training interventions (personalised training interventions in the use of the work equipment connected to the aforementioned adjustments and training and tutoring for effective professional integration).

As has already been highlighted²¹ with regard to public bodies with more than 200 employees, Article 17(1.z) of Law No. 124/2015 provides that entities of such a size must appoint a person in charge of integration (*Responsabile dei processi di inserimento delle persone con disabilità (RPI)*). The RPI helps the employer to identify reasonable accommodation solutions for workers with disability; at time of writing, no evaluations regarding the effectiveness of the RPIs are available.

²⁰ Available at: https://www.inail.it/cs/internet/docs/alg-reinserim-lavorativo-persone-con-disabilita-da-lavoro_6443130629157.pdf?section=attivita.

²¹ See <https://www.equalitylaw.eu/>.

3.2 Partnerships to assist employers to make reasonable accommodations

There are no solid and stable partnerships that support employers in making reasonable accommodations.

The guidelines on the targeted employment of people with disabilities that were adopted in March 2022 highlight some relevant considerations regarding the need to achieve greater coordination between employers, workers and third sector entities at local level. To this end, Article 1(b) of Legislative Decree No. 151/2015 requires territorial agreements to be drawn up with trade unions, employers, social cooperatives, associations of people with disabilities and other third sector entities, in order to promote the placement of people with disabilities in jobs.

4 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

4.1 Good practice guides for employers regarding reasonable accommodation

The PARI project (the Italian Portal of Reasonable Accommodations)²² is the main existing database aimed at providing guidance on reasonable accommodation. It has been designed and implemented by a number of civil society organisations (Abilitando Onlus, the Disability Management Federation, the Solaris Work and Environment Cooperative and the Fedora Association), and has been funded by the Social Foundation.

PARI is a logically arranged database aimed at public and private companies of all sizes (but it can also be useful for workers with disabilities and disability managers). It sets out the reasonable accommodations that can be implemented to overcome the barriers and limitations that people may encounter in accessing or returning to work, in being able to carry out work, in their career opportunities and in receiving training.

PARI is organised according to the database principle: it sets out, in alphabetical order and by condition, the possible reasonable accommodations (which may or may not be of a technological nature) existing on the Italian market that are associated with that condition, in order to help choose the most effective and appropriate solution. The 'Topics' section provides two A-Z lists: one by topics and one by limitations.

In covering technical or technological aids and solutions suggested as examples of reasonable accommodations, PARI refers to a specific portal called SIVA (<http://portale.siva.it/it-IT/home/default>). Edited by the Don Gnocchi Foundation, SIVA is the Italian portal for information and guidance on technical aids for the autonomy, quality of life and participation of people with disabilities. It also contains a systematic and updated overview of assistive technologies available in Italy and Europe.

The project started about a year ago (in March 2021), and there is currently no evidence on the extent to which the guide is used by employers.

4.2 Any other sources of information regarding good practice for employers regarding reasonable accommodation

In Italy, no sources regarding reasonable accommodations specifically targeting employers are available.

Nonetheless, the most important Italian organisation of companies (*Confindustria*)²³ has promoted initiatives in order to raise awareness about reasonable accommodations among employers.

²² See: <https://paritalia.it/>.

²³ See: <https://www.confindustria.it/en>.

4.3 Examples of individual reasonable accommodations which reveal good practice

No information about daily and real-life personalised reasonable accommodation is available.

Several informal interviews were conducted with people with disabilities to understand which reasonable accommodations could constitute good practices.

Some of the people interviewed said they were unaware of the possibility of asking their employer for a reasonable accommodation.

P.T., a university researcher with a severe physical disability, asked us during the interview to explain to her what a reasonable accommodation is. In some cases, personalised measures have been adopted, but without being qualified as reasonable accommodations.

A.M., a public servant with a severe disability, asked his executive officer whether he could have access to a car park in a different area than the one he would have been entitled to use, which is difficult to access with a wheelchair. The executive officer immediately gave him a specific pass to access an accessible parking space, but the term 'reasonable accommodation' was never used. This last case could be highlighted as a good practice; the empathy of the employer and the sensitivity regarding the dignity of the worker led to the search for a solution even at the expense of formal rules.

The term 'reasonable accommodation' recurs frequently in case law. This means that the concept of 'reasonable accommodation' emerges in the event of friction between the employer and the worker with disability. Apparently, reasonable accommodation is adopted informally in a high number of cases, without awareness of the fact that the solution adopted is in fact a reasonable accommodation.

This makes it clear that the concept of 'reasonable accommodation' is not yet rooted in Italian working culture.

5 Recommendations and guidance regarding good practice and reasonable accommodation

5.1 Recommendations regarding good practice and reasonable accommodation in recruitment and hiring

Information and training must be implemented through the preparation of events, websites, seminars and interdisciplinary courses aimed at improving a general understanding of the meaning of 'reasonable accommodation' and of how to put such solutions into practice. These courses should increase knowledge about existing legislation, the Italian Charter for Equal Opportunities and Equality at Work,²⁴ and good practice and reasonable accommodation that has been adopted by companies. They should also highlight some of the benefits of hiring people with disabilities in the open labour market (the ability to tap into a wider pool of talent, to reduce staff turnover, to reduce workplace health costs and to improve the corporate image).

The training should encourage the appointment of postholders in charge of the processes for integrating people with disabilities on a permanent basis, even in private companies (as mentioned in Section 2.4, this post is currently mandatory only for public administrations with more than 200 employees).

It is also necessary to focus on the completion of study courses for people with disabilities, and on 'bridging' tools for the transition between school and university and the transition to work. Moreover, recent Istat data show how people with disabilities who have a university degree are becoming 'attractive' resources on the market.²⁵

Consequently, it is necessary to prepare mentoring plans that include support during the last years of high school, from an individual who can follow the person with disabilities, identify their main characteristics, accompany them to work placements, facilitate relationships with colleagues and identify procedures that should be simplified to make them accessible for the person with disabilities.

5.2 Recommendations regarding good practice and reasonable accommodation in initial employment

The recruitment process must be adapted to the needs of people with disabilities (for example through the provision of a sign language interpreter and the adaptation of tests), and this can also be done through collaboration between employers (public and private) and associations for persons with disabilities, which can provide valuable help for the preparation of such adaptations.

²⁴ Available at: https://www.sodalitas.it/public/allegati/CartaPariOpportunit%C3%A0_2020_202082616530662.pdf.

²⁵ Just over 30 % of all people registered on job placement lists have an education qualification higher than a middle school diploma: 6.3 % have a university degree and 24.6 % have a high school diploma. This represents a significant obstacle to selection and subsequent job placement. See also Fondazione Studi (labour consultants) (2019), *L'inclusione lavorativa delle persone con disabilità in Italia* (The professional integration of persons with disabilities in Italy), <https://www.consulentidellavoro.it/files/PDF/2019/FS/InclusioneLavorativaPersoneDisabilitaItalia.pdf>; Istituto nazionale di statistica (Istat) (2019), *Conoscere il mondo della disabilità* (Knowing the world of disability), Rome, <https://www.istat.it/it/files/2019/12/Disabilit%C3%A0-1.pdf>.

Workplaces (both public and private) must have the characteristics of 'open' places: potential candidates, together with their families and accompanying job counsellors, should be able to access the workplace so that they can get to know it, the way in which the company is organised, the services that are offered and the methods of accessing services.

Staff awareness is essential if employees with disabilities are to be included. To this end, it is necessary to train and raise awareness among employees, on an ongoing and not just an occasional basis, to ensure that the integration of a person with disabilities takes place as smoothly as possible, in a non-discriminatory, reassuring, safe and attentive environment.

It is also necessary to give periodic training to employees with disabilities in the use of any assistive technologies present in the workplace, and to provide tutors to allow employees to overcome the obstacles they encounter at work.

5.3 Recommendations regarding good practice and reasonable accommodation in promotion and career development

The guarantee of training for staff who are already hired, the training of new employees with disabilities and the creation of open and inclusive workplaces together provide the conditions for professional growth and the promotion of people with disabilities.

In addition, clear communication about internal competitions and professional growth opportunities must be ensured, and any internal selections must be adjusted to the needs of people with disabilities (adaptation of tests, use of sign language, etc.).

5.4 Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes

It is necessary to act flexibly on working arrangements, for example guaranteeing flexible working hours, guaranteeing the option of teleworking, permitting leave, transferring the employee to a new office or reassigning him or her to another job, if the employee requests this. From this point of view, it is important to emphasise that the guidelines on the targeted integration of people with disabilities (adopted under Ministerial Decree No. 43 of 11 March 2022) have noted that smart working (*lavoro agile*) (as envisaged by Articles 18-23 of Law No. 81 of 22 May 2017) can be considered a reasonable accommodation in accordance with the provisions of the United Nations Convention on the Rights of Persons with Disabilities.

It is also necessary to simplify, standardise and make accessible the systems through which employees can request support and access the opportunities listed above.

The presence of a person in charge of the integration processes for people with disabilities can guide this process of re-adapting the work in the company with respect to the new needs of the person with disabilities, and they can interact with the management of the company.

GETTING IN TOUCH WITH THE EU

In person

All over the European Union there are hundreds of Europe Direct information centres. You can find the address of the centre nearest you at: https://europa.eu/european-union/contact_en.

On the phone or by email

Europe Direct is a service that answers your questions about the European Union. You can contact this service:

- by freephone: 00 800 6 7 8 9 10 11 (certain operators may charge for these calls),
- at the following standard number: +32 22999696, or
- by email via: https://europa.eu/european-union/contact_en.

FINDING INFORMATION ABOUT THE EU

Online

Information about the European Union in all the official languages of the EU is available on the Europa website at: https://europa.eu/european-union/index_en.

EU publications

You can download or order free and priced EU publications from: <https://publications.europa.eu/en/publications>. Multiple copies of free publications may be obtained by contacting Europe Direct or your local information centre (see https://europa.eu/european-union/contact_en).

EU law and related documents

For access to legal information from the EU, including all EU law since 1951 in all the official language versions, go to EUR-Lex at: <http://eur-lex.europa.eu>.

Open data from the EU

The EU Open Data Portal (<http://data.europa.eu/euodp/en>) provides access to datasets from the EU.

Data can be downloaded and reused for free, for both commercial and non-commercial purposes.

