



HOW TO HIRE A PERSON WITH DISABILITIES?

Guide for employers

Italy

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INTRODUCTION

The purpose of this guide is to provide a valuable reference for employers who intend to hire a person with a disability in their activities. Starting from the assumption that their hiring must be conceived in terms of social inclusion and autonomy of the person, as well as au pair with any other employee, through an initial analysis of the regulatory context governing protected categories we will try to build a comprehensive overview of the rights and duties of entrepreneurs in this process.

This will be followed by an examination of the concept of "disability" and aspects relating to the adaptation of the workplace to the psycho-physical needs of the disabled employee.



CURRENT LEGISLATION

The Italian legal system has gone through several stages before reaching the current regulations governing the hiring of protected categories - the latter definition, reached in 1999.

To date, after the entry into force of Legislative Decree no. 151/2015, the incentives from which employers who hire disabled workers can benefit are as follows:

- **70% of the gross monthly wage taxable for social security purposes, with an incentive period of 36 months**, in the case of permanent employment of disabled workers with a reduction in working capacity of more than 79%;

- **35% of the gross monthly wage taxable for social security purposes, with an incentive period of 36 months**, in the case of permanent employment of disabled workers with a reduction in working capacity of between 67% and 79%;

- **70% of the gross monthly salary taxable for social security purposes, with a duration of the incentive of 60 months**, in the case of permanent employment of workers with mental and intellectual disabilities with a reduction in working capacity of more than 45%;

- a facilitation is also recognized for temporary hiring, for a period of not less than 12 months, of people suffering from mental and intellectual disabilities with a reduction in working capacity of more than 45%. In this case **the incentive is granted for the entire duration of the contract**.

These are the milestones that have led to the current legal situation set out above.

2.1 | Law no. 482 of 2 April 1968 - General regulations on compulsory recruitment in public administrations and private companies

This law defines the compulsory employment of people who are in a disadvantaged living condition by private and public companies. It therefore provides an initial definition of the persons entitled to mandatory hiring, classifying them and defining the incentive rate for entrepreneurs as follows:

- Invalids of war and civilian invalids of war - those who during actual military service have become incapacitated or find themselves impaired in their ability to work. **Rate of 25% and 10% respectively;**

- Invalid by service - those who, during military or civil service, employed by the State

or local, territorial and institutional authorities, have become incapable of profitable work.

Rate 15%;

- Work-related invalids - those who, as a result of an accident at work or occupational disease, have suffered a reduction in their ability to work of not less than one third. **Rate 15%;**
- Civilian invalids - those suffering from physical impairments that reduce their ability to work by no less than one third, including those discharged from treatment sites for clinical recovery from tubercular disease. **Rate 15%;**
- Sightless - those who are affected by absolute blindness or have a visual residual of not more than one-tenth in both eyes with possible correction. **The rate is defined according to the causes of blindness** (work, war, natural causes, etc.);
- Deaf-mutes - those who are deaf from birth or contracted before language learning.

Rate 5%;

- Orphans and widows - of those who have died, or have died as a result of the worsening of mutilation or infirmity, which gave rise to the payment of war pension, ordinary privileged pension or accident pension, due to the fact of war or service or work; orphans and widows are equated with the children and the wife of those who have become permanently incapacitated for any work due to the fact of war or service or work. **Rate 15%.**

Then this law lists the persons who are required to be employed, such as private individuals, state administrations, autonomous administrations, regional, provincial and municipal administrations, state and municipal enterprises, administrations of public bodies and institutions subject to government supervision. In particular, this subdivision is made:

- Private companies - Private employers with more than 35 regularly hired employees. They are required to hire workers in the above categories for an overall rate of 15%. The law also indicates the places that can be assigned, such as caretakers, doormen, warehouse keepers, lift drivers, ticket sellers in public entertainment venues (cinemas, theatres, concert halls, etc.), car park keepers, warehouse keepers or those with similar duties.
- Public bodies - Administrations, companies and public bodies with a total of more than 35 employees. They are required to hire, without competition and subject to the occurrence of holidays, workers belonging to the above categories according to the following percentages:

- 15% of the workforce on permanent or contract staff under private law;
- 15% of staff in executive or equivalent careers;
- 40% of auxiliary or equivalent personnel.

As far as the State's public transport and rail transport services are concerned, the recruitment obligation is limited to:

- labourers, cantonal workers and labourers, in the total percentage of 15%;
- guards, in general, of the stations, in the total percentage of 20%;
- doormen and janitors, in the total percentage of 40%.

On the other hand, there is an exemption from the obligation to employ sea and air transport companies, state railways and companies operating public transport services under concession for seafarers and train crews only.

Special employment bodies are set up such as Provincial Employment and Maximum Employment Offices and Provincial Commissions.

With regard to the health assessment, the employer may request that it be ascertained that the nature and grade of disability of the disabled worker *cannot be detrimental to the health or safety of other workers or to the safety of the installations*.

Finally, private employers who are under an obligation to employ, if they do not comply with the obligation, are punished, after a warning to regularise, with an economic penalty.

2.2 | Law no. 13 of 9 January 1989 - Provisions to encourage the overcoming and elimination of architectural barriers in private buildings

With Law no. 13/89 specific provisions are given for the first time on the elimination of architectural barriers. In particular, the design of new structures must provide for:

- technical precautions suitable for the installation of mechanisms for access to the upper floors, including the staircase;
- suitable access to the common parts of the buildings and the individual units;
- at least one level access, ramps without steps or suitable lifting gear;
- the installation, in the case of buildings with more than three levels above ground, of an elevator for each main staircase accessible by ramps without steps.

In the case of adaptations to pre-existing structures, these are financed through the granting of grants.

A Special Fund for the elimination and overcoming of architectural barriers in private buildings is also set up at the Ministry of Public Works, the amount of which is distributed among the regions.

2.2.1 | Ministerial Decree - Ministry of Public Works 14 June 1989, n. 236

In the same year, a few months later, the ministerial decree "Technical prescriptions necessary to guarantee the accessibility, adaptability and visitability of private buildings and public housing, in order to overcome and eliminate architectural barriers" was issued, through which specific provisions are also defined for companies.

Accessibility must be guaranteed for outdoor spaces and common parts of:

- at least 5% of the housing provided in subsidised housing interventions, with a minimum of 1 building unit per intervention;
- environments intended for social activities, such as school, health, welfare, cultural, sports;
- company headquarters buildings or businesses subject to mandatory placement regulations, for which the requirement of accessibility is deemed to be met if all production sectors, administrative offices and at least one toilet for each planned toilet nucleus are accessible. In addition, the accessibility of canteens, changing rooms, leisure facilities and all relevant services must always be guaranteed.

For more detailed information on the internal architecture of buildings, please refer to art. 4 "Design criteria for accessibility" and art. 8 "Functional and dimensional specifications" of this law . (<http://www.handylex.org/stato/d140689.shtml#a41>)

2.3 | Law no. 104 of 5 February 1992 - *Framework law for the assistance, social integration and rights of disabled people*

This measure represents an important point of arrival as an affirmation, in its contents, of a new way of conceiving disabled people - also in terms of terminology - and their needs within society, while at the same time constituting a fundamental starting point for the implementa-

tion of policies better suited to meet the new requirements of full citizenship and integration of the disabled population.

In particular, among the interventions recognised as aimed at encouraging the integration and social integration of the disabled person there are specific measures to encourage *full integration into the world of work, either individually or in partnership, and the protection of the job also through diversified incentives*.

Following the entry into force of Law no. 104/92, a regional register of bodies, institutions, social cooperatives, work cooperatives, services, guided work centres, associations and voluntary organizations that carry out suitable activities to promote the integration and employment of disabled people has been established.

The requirements for registration in the register - reviewed and updated every two years - are:

- have legal personality under public or private law or the nature of an association, with the requirements of Chapter II of Title II of Book I of the Civil Code;
- ensure appropriate levels of performance, staff qualification and operational efficiency.

Enrolment in the register is a necessary condition for companies to access the conventions. While those entitled to mandatory placement refer to the list specified in the paragraph dedicated to Law no. 482/68 of April 2.

For the purposes of recruitment to public and private employment, certification of sound and robust physical constitution is not required.

In addition, the regions can provide:

- enact laws aimed at regulating the facilities for handicapped individuals to go to the workplace and to start and carry out self-employment activities;
- enact laws to regulate incentives, facilities and contributions to employers also for the adaptation of the workplace for the recruitment of handicapped persons;
- to carry out periodic checks on the companies benefiting from incentives and contributions to ensure that they are effectively aimed at the employment integration of people

with disabilities;

- promote training programmes for voluntary staff to be carried out by voluntary organisations.

The elimination of architectural barriers is also further regulated, without however setting any additional specifications for the company structures.

2.4 | Law no. 68 of 12 March 1999 - *Rules for the right to work of disabled people*

Law no. 68/99 of 12 March 1999 aims to promote the integration of disabled people into the world of work through targeted support and placement services. It applies to the subjects previously defined by Law no. 482/68 of 2 April.

In order to incrementally promote full social inclusion and personal autonomy of people with disabilities, the definition of targeted employment is conceptualized for the first time, meaning *that set of technical and support tools that allow to properly assess people with disabilities in their work skills and to put them in the right place, through analysis of jobs, forms of support, positive actions and solutions to problems related to environments, tools and interpersonal relationships in everyday workplaces and relationships.*

The reserve quota within the companies is structured as follows:

- 7% of workers employed, if they employ more than 50 employees;
- 2 workers, if they employ from 36 to 50 employees;
- 1 worker, if they employ from 15 to 35 employees;
- for private employers employing between 15 and 35 employees, the obligation to recruit applies only in the event of new recruitment.

New recruits, on the other hand, should only be assigned to technical, executive and administrative tasks in the event of employment:

- political parties
- unions
- non-profit organisations working in the field of social solidarity, care and rehabilitation

They are to be devoted exclusively to administrative activities in case of recruitment to the police and civil protection services. Public economic bodies are subject to the same provisions as private employers.

Private employers and public economic bodies hire workers by means of a registered application to the competent offices or by concluding agreements; the application must be submitted to the competent offices within 60 days from the moment in which they are obliged to hire disabled workers.

Those who are subject to the employment obligation are required to send electronically to the competent offices a prospectus showing: total number of employees, number and names of workers included in the reserve quota, jobs and tasks available for disabled workers.

As far as the conventions are concerned, they establish the timing and modalities of the recruitment that the employer undertakes to carry out. Among the modalities that can be implemented there are:

- nominative choice of the worker;
- the carrying out of internships for training or orientation purposes;
- employment on a fixed-term contract;
- carrying out trial periods longer than those provided for in the collective agreement, (provided that the negative outcome of the trial, if it is due to the disability of the person, does not constitute grounds for termination of the employment relationship).

The agreement can also be entered into by employers who are not obliged to hire; similarly, the tax incentives and benefits granted to employers who fall under the obligation are also granted to those who, although exempt from this provision, hire a disabled worker.

These incentives are so structured:

Nature disability	Percentage disability	Type of contract	Incentive measure	Duration of the incentive
Physics	Greater than 79%	Permanent employment relationship	70% of the gross monthly salary taxable for social security purposes	36 months
	Between 67% and 79%.	Permanent employment relationship	35% of the gross monthly salary taxable for social security purposes	36 months
Intellective or psychic	Greater than 45%	Permanent employment relationship	70% of the gross monthly salary taxable for social security purposes	60 months
		Fixed-term employment for a period of not less than 12 months	70% of the gross monthly salary taxable for social security purposes	For the entire duration of the contract

2.5 | Legislative Decree No 216 of 9 July 2003 - Implementation of Directive 2000/78/EC on equal treatment in employment and occupation

This decree lays down provisions relating to the implementation of equal treatment between persons independently from religion, belief, disability, age or sexual orientation, in relation to working conditions and employment, so that these factors do not constitute a cause of discrimination.

The principle of equal treatment applies to all persons in the public and private sectors in the following areas:

- access to employment and to self-employment and occupation, including selection criteria and recruitment conditions;
- employment and working conditions, including career advancement, pay and conditions of dismissal;
- access to all types and levels of vocational guidance and training, further training and retraining, including work placements;
- membership and activities within workers', employers' or other professional organi-

sations and services provided by those organisations.

Differences in treatment due to the characteristics listed above do not constitute discriminatory acts if, due to the nature of the work or the context in which it is carried out, they constitute an essential and determining requirement for the correct and efficient performance of the activity itself. Consequently, the assessment of the characteristics is not considered an act of discrimination when it is aimed at determining the suitability for the performance of the required functions.



WHAT IS MEANT BY DISABILITY

In Italy there is a legal division between the terms and definitions of civil invalidity, handicap and disability:

- civil invalidity - refers to the assessment that gives rise to a percentage according to the type and severity of the disease ranging from a minimum of 33% to a maximum of 100%;
- handicap - refers to the difficulty of social integration due to the pathology or disability of the person concerned;
- disability - examines the employability according to the pathology found.

The definition of "disability" has been much debated over the years, and has undergone several changes in order to try to structure a sense that would explain its complexity and dynamics in an absolute and totalizing way.

The change of course took place during the sixty-first session of the UN General Assembly, with resolution A/RES/61/106, when the Convention on the Rights of Persons with Disabilities was approved on 13 December 2006, which defines "disability" as an "evolving" concept because *"disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others"*. Consequently, people with disabilities are *"who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."*

The Italian Parliament ratified the Convention on 24 February 2009.

3.1 | Classification of disability

The main classifier reference used in Italy to understand and disambiguate the types of disabilities is the International Classification of Functioning, Disability and Health (ICF) which does not classify pathologies, but rather the components of health, considered as fundamental and constitutive factors of health and well-being. The aetiological aspects of diseases are not considered, but useful qualitative indications are given with respect to functioning.

A macro classification is provided for the purposes of this guide:

- **motor disability** - refers to the reduction or absence of the motility and efficiency of the organs of the parts of the body that are responsible for movement;

- **sensory disability** - concerns the 5 senses and is the type of disability experienced by those with visual and hearing impairments (including low vision, blindness, colour blindness, deafness);

- **intellectual disability** - according to DSM5 (Diagnostic and Statistical Manual of Mental Disorders), intellectual disability is a developmental disorder that includes both intellectual and adaptive functioning deficits in conceptual, social and practical areas. In particular, it exists in the presence of:

- o **deficit of intellectual functions**, such as reasoning, problem solving, planning, abstract thinking, judgment, school learning and learning from experience [...];

- o **Deficiency in adaptive functioning**, which leads to the failure to achieve standards of development and socio-cultural autonomy and social responsibility within environments such as home, school, work, community;

- **Psychic disability** - concerns psychic and relational problems and psychological problems that make the affected person unable, partially or totally, to play the social role required by the family and in general by the context in which he lives. We are talking about disabilities:

- o **primary**, to define the damage that the pathology has caused in terms of conflicts with the family and the social environment;

- o **secondary**, to define problems related to adverse personal reactions, such as total loss of self-esteem or denial of the disorder itself;

- o **tertiary**, to define social problems resulting from the disease, such as poverty, loneliness, lack of work and housing, which amplify its effects, leading the individual to a condition of insecurity and isolation.

3.2 | Certificate of disability

The status of a person with disabilities is acquired only with the certification or clinical diagnosis of the disability by the medical-legal commission of the ASL (Local Health Office) provided for by art. 4 of the above mentioned Law no. 104/92, supplemented by a doctor of the INPS.

This commission was regulated by DPCM n. 185/06.

The outcome of the visit becomes final when, after sending it to INPS (National Institute for Social Security), the latter confirms it or not. From the moment the certification becomes definitive, the interested party acquires all the rights resulting from the visit.



THE EMPLOYERS WHO HIRES PEOPLE WITH DISABILITIES

4.1 | Financial support for the entrepreneur

The State recognises a series of tax benefits and accessory services for entrepreneurs who hire people with disabilities, aimed at encouraging their inclusion and development of personal autonomy.

4.1.1 | National Fund for the right to work of people with disabilities

This Fund is established by art. 13 of Law no. 68/99 at the Ministry of Labour to finance incentives for employers who hire people with disabilities. Legislative Decree no. 151/2015, issued in implementation of Law no. 183/2014 (the so-called Jobs Act), amended this article establishing that the amount of the Fund's resources is defined annually and that, as from 2016, these are transferred to INPS for the payment of incentives to eligible employers within the available resources.

The same decree also establishes the amount of resources allocated to the Ministry of Welfare for experimental projects of employment inclusion of people with disabilities that can be financed within the limits of 5% of total resources.

4.1.2 | Regional Fund for the employment of people with disabilities

Art. 14 of Law no. 68/99 provided for the establishment, by the Regions, of a Fund for the employment of the disabled to which funds can be allocated for the implementation of regional employment programmes and related services.

Through the above mentioned Legislative Decree no. 151 of 14 September 2015, art. 14 of Law no. 68/99 was amended, providing that all contributions due from employers except those paid to the National Fund for the right to work of the disabled pursuant to art. 13 of Law no. 68/99 shall be paid to the Regional Fund.

Consequently, they flow into the Regional Fund:

- the amounts of all administrative sanctions provided for by law;
- exemption contributions with the exception of those paid to the National Fund pursuant to art. 13 of Law no. 68/99;
- contributions from foundations, private bodies and other interested parties.

The Regional Fund provides:

- contributions to bodies carrying out activities aimed at supporting and integrating disabled people into employment;
- contributions for the adoption of reasonable accommodation in favour of workers with a reduction in work capacity of more than 50%, including the provision of teleworking technologies or the removal of architectural barriers, and for the establishment of the person responsible for job placement in the workplace;
- any other provision in implementation of Law no. 68/99.

The application for partial reimbursement of the costs incurred is no longer a matter for the National Fund for the Right to Work of People with Disabilities, but for the individual Regional Funds for the Employment of People with Disabilities.

Therefore, the application for this type of incentive should be addressed to the service for the targeted employment of people with disabilities in the Province or Metropolitan City where the company is based.

4.1.3 | "Guarantee IN (INsertion, INclusion, INtegration)"

"Guarantee IN (INserimento, INclusione, INtegrazione)" represents a new active policy approved by the Campania Region with DD n. 1 of 7 January 2020.

These are measures aimed to people with disabilities registered in the lists defined by Law no. 68/99, resident in Campania, with the aim of starting their own business, entering the world of work, through extracurricular traineeships, or improving their professional training.

As far as employers are concerned, through this notice, the Campania Region finances interventions for the acquisition of specialist skills after hiring, which complete the professional profiles and fill the training gaps linked to the activities to be carried out and the company's needs. The employer can plan and manage these training courses in full autonomy or decide to turn to an accredited training agency in the Region.

Co-financing from the Region is planned, defined according to the size of the holding:

- Small enterprises - co-financing up to 70% of the total amount;
- Medium-sized enterprises - co-financing up to 60% of the total amount;

- Large enterprises - co-financing up to 50% of the total amount.

Depending on the case, it is possible to obtain a 10% increase in the above percentages.

4.2 | Managing the workload of the disabled worker

The Italian legislation does not provide specific benefits for the working time of the disabled person nor particular forms of exemption from work shifts - for example in night shifts - except in the cases provided for the generality of workers. This happens in case of judgement of unfitness to work or to carry out the above mentioned shifts, which is issued by bodies controlling the workers' health conditions (Health Authority, Medical Commissions) or by the competent doctor.

In addition, exemption from night work or shift work may already be required or provided for at the time of recruitment or in the agreement between the employer and the employment service that acted as an intermediary in the recruitment process.

As regards working time, it is composed of 40 hours per week; any different duration or different arrangements may be laid down in national collective agreements (CCNL).

With regard to work flexibility, it is important that the personal, social and family disadvantage of the person hired is taken into account during the contract phase, compatibly with the organisation of work.

With regard to working days permits, art. 33 of Law no. 104/92 provides that a disabled worker, with a public or private employment relationship, in a serious situation, can alternatively take advantage of permits of 3 days per month or daily hourly permits as follows:

- 2 hours a day for a daily schedule of 6 hours;
- 1 hour a day for a daily schedule of less than 6 hours.

In addition, pursuant to art. 9 of Law no. 53/2000, it provides for the granting of contributions from the Regional Employment Fund, *in favour of private employers, local health care companies, hospitals and university hospitals that apply contractual agreements aimed at implementing projects that provide for forms of flexibility in working hours and work organization,*

including reversible part time, teleworking and home working, flexible incoming and outgoing hours, time bank, shift flexibility, concentrated working hours .

(<https://www.superabile.it/cs/superabile/lavoro/altre-agevolazioni/agevolazioni-lavorative/orario-di-lavoro-della-persona-disabile.html>)

4.3. | Creating a favourable environment for communication and relationship with the worker with disability

In the realization of working relationships an essential aspect is the creation of an environment that is aware of the peculiarities of each individual who animates it, without them being highlighted and stigmatized. In the specific case of workers with disability, this translates into an adequate awareness, on the part of colleagues in the work structure as well as the employer, of the limits and needs that disability has put in place for the worker, as well as the strengths he has developed over time.

Therefore, it is important to standardize colleagues and all those in charge of the structure to adopt appropriate modes of relationship according to the specific disability of the newly hired employee, thus fostering a corporate culture of interaction with the aforementioned aimed at its full integration.

4.3.1 | Promoting a corporate culture of integration of disabled people

In order to facilitate the integration process of the disabled worker in the workplace, the employer, colleagues and staff of the facility must guarantee dignity, respect and courtesy and avoid:

- the use of terms such as "the disabled", "the invalid", "the blind", etc.;
- the use of a language that highlights concepts of "normality" and "diversity";
- attitudes that demonstrate pietism, stigmatization, excessive attention and indifference;
- attitudes that take for granted that certain activities/mansions may or may not be carried out by the newly hired person.

While it has a positive value:

- behave as one would in interacting with any other person in the workplace, respec-

ting seniority, hierarchies and the principles of good manners;

- Ask questions when you are not sure what to do in a given circumstance involving the worker with disability;
- to be relaxed and easy on the hand, without being afraid to use common expressions that would apparently highlight a deficit of the disabled worker (e.g. "See you later" with a blind person);
- offer assistance without insisting excessively, nor take offence if refused.

4.3.2 | Modalities of relationship with the disabled worker related to the specific disability

It should be specified that, depending on the type of disability possessed by the individual, the shrewdness that good education and professional ethics require in social interactions changes. Therefore we will list the main good practices that it is advisable to adopt when interacting with a colleague with a disability according to the specific disability possessed . (The breakdown of disabilities is approximate.)

Suggestions for interaction with workers with cognitive disabilities

- Be prepared for the possibility of having to repeat an information or explanation of a task several times, both orally and in writing;
- make sure the disabled worker has understood everything;
- be patient and flexible, offering constant assistance in case of need and allowing time to assimilate, for example, procedures, information, tasks.

Suggestions for interaction with blind or visually impaired workers

- Warn the person when you're moving away;
- talk to the person when you're approaching, so you can warn them of your arrival;
- declare who you are and speak in a calm, calm tone of voice;
- when you are conversing in a group it is good practice to identify yourself and the people present;
- verbally provide information that is visible to sighted people.

For example, if the blind or visually impaired person arrives at a meeting that has already begun, accompany the blind or visually impaired person to his or her place, present those

present, the point at which the meeting has arrived, and, if slides or other explanatory materials are scrolled through, point this out as well.

If the room is a new environment for the disabled worker, it is also necessary to explain the structure of the room by specifying where the main elements are (table, chairs, computer, projector, etc.);

- if a guide dog is present, never touch it or distract it without first asking the owner's permission, as it is not a pet dog, but a support that is "at work" at that moment for the person entrusted to it;
- if you are offering a place to sit, gently place the individual's hand on the back or arm of the chair so that the person can locate it;
- Always ask if you need to guide him in one direction or action and if he needs to lean on your arm. All without ever insisting.

Suggestions for interaction with workers with language problems

- Be focused on what the person is saying;
- to be patient, giving it all the time it needs to express itself fully;
- don't speak for him or try to finish his sentences;
- try asking questions that mostly require short answers or a nod of the head;
- if something is not clear, one should not pretend the opposite, rather it is good to ask the person to repeat what he said and then, if necessary, repeat it for confirmation;
- With your approval, if the difficulty of understanding persists, a solution may be to have you write down what you are trying to communicate.

Suggestions for interaction with deaf or other hearing impaired workers

- If the individual uses a sign language interpreter, always speak to the worker and never to the interpreter;
- attract the person's attention before starting a conversation (e.g. by gently touching them on the shoulder or arm);
- during a conversation look directly at the person, trying to be clearly visible, without hands or anything else covering the face and especially the mouth, speak clearly in a normal tone of voice (do not shout) and spell the words with the lips without exaggeration, so that the

worker can read them if he has the ability;

- during a meeting in which the worker with hearing disabilities also participates, follow the indications of the previous point, except for looking directly at him/her because, since it is a multiple conversation, the gaze must be equally addressed to all participants;
- use short, simple sentences;
- avoid smoking or chewing while you're talking.

Suggestions for interaction with workers with motor disabilities

- When presented to a person with motor disabilities related to a single arm (including the presence of an artificial limb), it is good practice to shake the hand of the normalized limb (even if it is the left one). In the case of people wearing two artificial arms it is possible to shake the tip of the artificial limb. In these cases it is important that this is done quickly and without embarrassment;
- if possible, place yourself at eye level with the wheelchair user, unless there is any discomfort to this attention. However, it is good to ask from the outset what their personal perception of this is;
- never lean on a wheelchair or other assistive device;
- don't assume the person wants to be pushed, always ask first;
- offer assistance if it appears that the worker has difficulty in a particular action (e.g. opening a door).

4.4 | Adaptation of workplaces: reasonable adjustments

Legislative Decree No. 216 of 9 July 2003 provides the following obligation for employers: *"In order to ensure compliance with the principle of equal treatment of persons with disabilities, public and private employers are required to adopt reasonable accommodation, as defined by the United Nations Convention on the Rights of Persons with Disabilities, ratified under Law No. 18 of 3 March 2009 in the workplace, to ensure full equality with other workers. Public employers shall ensure the implementation of this paragraph without new or increased burdens on public finance and with the human, financial and instrumental resources available under existing legislation".*

It is specified that "reasonable adjustments ", according to a ruling of the Civil Court of Cassation in 2018, means common sense solutions, not particularly expensive, such as the positioning of light strips in the windows and/or anti-slip strips in the marble steps, the use of specific hardware and/or software, the application of ergonomic aspects of the workstation, tools, psycho-social aspects.

Therefore, the entrepreneur, as well as the public body that hires a disabled worker, must provide for the adaptation of the workstation that will be assigned to him and the common areas that he will attend during his stay at the headquarters.

Adjustments to the workplace of the person with a disability with a reduction in working capacity of more than 50% must refer to:

- adjustments that have been made to allow hiring for an indefinite period of time in accordance with Law no. 68/99 or other special regulations recognised by the same for the fulfilment of hiring obligations for the disabled;
- adjustments aimed at maintaining employment for workers already in place (disabled people with a worsening functional deficit or people for whom a percentage disability has occurred that allows them to be recognised pursuant to art. 4 paragraph 3-bis and paragraph 4 of Law no. 68/99);
- adjustments aimed at maintaining the job for workers already in place (disabled people with a worsening functional deficit or people for whom a percentage disability has occurred that allows them to be recognised pursuant to Article 4, paragraph 3-bis and paragraph 4 of Law 68/99) in the planning stage;
- adjustments aimed at hiring (for an indefinite or fixed-term period of at least 12 months) workers enrolled in the targeted placement pursuant to Law no. 68/99 (including transformations of a fixed-term relationship).

In addition, applications may be submitted for interventions for no more than two workers with disabilities and one application must be submitted for each worker.

The adaptations may concern:

- purchase, rental, leasing of capital goods, machinery, equipment, furnishings;

- purchase or development of management software, professional and other business applications;
- direct performance or acquisition of control and management services for the adaptation project;
- purchase or technical adaptation of the switchboards according to the type of disability of the worker;
- acquisition of consultancy services for the definition of the adaptation project and its implementation (maximum 15 % of the total contribution requested);
- carrying out building works for the construction or adaptation of the systems, including the removal of architectural barriers and interventions aimed at promoting independent mobility in the working environment that is the subject of the contribution.

To send the application it is necessary to use only the forms attached to the Public Notice, which can be downloaded from the website of the Regional Employment Agency in the "Calls and Notices" area, using the certified e-mail service (PEC).



CASE STUDIES

5.1 | Barilla

Barilla has established a **Diversity & Inclusion Board** composed of independent external experts. The aim is to help the company itself in defining concrete objectives and strategies to improve the state of equality among its staff and to enhance respect for the rights of disabled workers in the company culture, as well as different sexual orientations, gender equality and multicultural and intergenerational issues.

Among the board members Alex Zanardi, gold medalist at the Paralympics.

Barilla has also joined the Jobmetoo.com portal, which collects job search ads from both disabled workers and companies.

5.2 | L'Oreal

In 2014 L'Oreal receives the "Io Lavoro H" award, which attests to how much a company has distinguished itself in the employment of people with disabilities, having hired 23 workers, including autistic and deaf people.

Renzo Mercato of L'Oreal Italia says: *"When you hire a worker of this type - he explains - you need to prepare a fertile ground for his insertion. This is done primarily with training and information, not only for the disabled but also for the rest of the company, which needs to know how best to relate with new colleagues. [...] For this reason we have drawn up a protocol for their integration into the company, which we will now also export to our European plants. This model operates on the parallel training of new recruits and the surrounding environment".*

5.3 | Amazon

Amazon has established the **Alternative Workforce Supplier Program (AWSP)**, a program specifically designed to meet the needs of those who have faced obstacles in seeking employment and career advancement due to their disabilities.

The recruiting team follows the candidate throughout the whole learning process, assessing his/her skills and abilities together with his/her interests and supporting him/her in the transition in the workplace. Depending on the needs, specific training services are also provided.

An emblematic case of the effectiveness of the project is the experience of Kevin Blackburn, a worker who lost both arms in an accident with an electric cable in 2015. Through AWSP and

the partnership between Amazon and the non-profit JVS Human Services, which owns a warehouse with simulators capable of imitating the spaces and work activities that people will find themselves doing in Amazon, he was able to follow a training course to identify the task most congenial to his needs and interests.

Following this route, he was employed as a seasonal worker in Amazon's sorting warehouses, where parcels are prepared to be shipped to customers for \$15 per hour. After 5 months, thanks in part to his desire to advance in the field, Amazon offered him an open-ended employment contract with medical benefits and paid time off, in addition to his initial salary. The programme is operational in North America, but the regulatory principle of the initiative is also valid in Italy. In 2019 Amazon hired 25 warehouse operators with a 1-year fixed-term contract, employing them full-time in receiving, storing and packaging products.

5.4 | Cooperative Il Portico

Founded in 1984, the Cooperative Il Portico di Rho (MI) represents a Lombard reality that has come from the world of associations to entrepreneurship, representing a small great point of reference in the field of inclusion and disability.

Thanks to the collaboration between doctors, nurses, family members and volunteers of the Psychiatry Operative Unit of the Rho Hospital Presidium, Il Portico has begun to welcome people with psychological distress, helping them to (re)integrate into the world of work and society. Over time, the results have been such as to give rise to an entrepreneurial and social reality that today, almost 40 years of history, has a little more than 200 employees and a continuously growing turnover.

The services offered by Il Portico include: cleaning, environmental hygiene, catering, pest control, storage, moving, portage and whitewashing. The work teams are made up of regular staff with disabilities.

In addition to employment services, the Cooperative informs the companies subject to the obligations of hiring people with disabilities of the most suitable personnel for the required

tasks; in fact, thanks to the stipulation of conventions pursuant to art. 14 D. Legislative Decree no. 276/03, companies can entrust Il Portico with relevant work orders.

This entrepreneurial reality, as a social cooperative whose aim is the occupational integration of people with disabilities, on the one hand directly employs disabled workers, directly counted in the company's compulsory quota, and on the other hand acts as a meeting point between labour supply and demand between companies and workers.

5.5 | Da.Dif. Consulting srl

The Da.Dif. Consulting srl is a company that deals with training, active labor policies, finance and safety in the workplace, and supports companies and professionals ensuring the achievement of the most important growth objectives. He joined the PLUS project (Per un Lavoro Utile e Sociale - For Useful and Social Work), through which he hired Giovanni, a 38-year-old boy suffering from Limb Girdle Muscular Dystrophy. He moves thanks to the help of the triride, (an electronic aid, which can be connected to a manual wheelchair to transform it into a motorized wheelchair).

They say about him:

"He has demonstrated adaptation and flexibility in a new context for him, the corporate one, with different schedules and dynamics and activities compared to previous experiences. He is always curious and interested in the tasks entrusted to him that he is carrying out in a careful and punctual manner. He has integrated well into the office context, his presence is always enriching. »

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Epralima - Escola Profissional do Alto Lima, C.I.P.R.L.



CESUR - Centro Superior de Formação Europa Sur



Unione Italiana Lotta alla Distrofia Muscolare
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MUNI - Masaryk University



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