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DG Employment, Social Affairs and Inclusion

Peer Country Comments Paper - Italy

The role of targeted employment services for people with disability

Peer Review on "Work-capacity assessment for persons with disabilities"

Riga (Latvia), 26-27 April 2018

Written by Nicola Orlando.

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Unit A1

Contact: Kim Henriksson

E-mail: EMPL-A1-UNIT@ec.europa.eu

Web site: <http://ec.europa.eu/social/mlp>

European Commission

B-1049 Brussels

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1 Introduction

This paper has been prepared for the Peer Review on 'Work-capacity assessment and employment of persons with disabilities', within the framework of the Mutual Learning Programme. It provides a comparative assessment of the policy example of the host country and the situation in Italy. For information on the host country policy example, please refer to the Host Country Discussion Paper.

2 Situation of people with disabilities in Italy

2.1 The employment conditions

According to the European Health and Social Integration Survey (EHSIS), in 2012, the share of people with disabilities over the population aged 15 and over was lower in Italy than in Latvia. In Italy, there were around 7.4 million people with disabilities aged 15 and over, equivalent to 14.5 % of the corresponding population, compared to 23.6% in Latvia.

A recent study (Istat, 2015) shows that in Italy health conditions have a strong impact on labour market participation: 46.9 % of people aged 15-64 with minor functional impairments, permanent disability and/or chronic pathologies were employed compared to 55.1% of the total population. While only 19.7% of people with severe functional limitations were employed¹.

Data on access to employment for people with disabilities are also provided by the Monitoring system on the implementation of Law 68/99 (on targeted employment of people with disabilities), which is presented every two years to the Parliament by the Ministry of Labour and Social Affairs. The latest report, referring to years 2014-2015 (INAPP, 2018), points out that the percentage of annual registrations to the targeted employment services increased in 2015 by 23.6% compared to 2012 and by 35.1% compared to 2013. A number of new registrations that reached almost 92,000 in 2015 determines these increases. Recruitment reached almost 28,000 units in 2014 and over 29,000 in 2015. Compared to 2013, in 2014 there was an increase in recruitment of more than 50%, plus a further increase of just under 6% between 2014 and 2015. The share of fixed-term contracts over the total recruitment rose from 57.7% in 2013 to 71.7% in 2014, and then decrease to over 63% in 2015. Therefore, the incidence of permanent contracts is lower.

Having a disability represents a barrier in accessing the labour market, both in Italy and Latvia. The 'disability gap', computed as the difference between people with and without disabilities for the main indicators relating to the labour market², confirms that access to and permanence in the labour market of people with disabilities is more difficult than for those without disabilities³. Despite of the lower labour market participation of people both with and without disabilities in Italy (as shown by the higher inactivity rates), the

¹ Reported results are from the survey 'Health condition and use of health services survey' which is part of the Istat Multiscopo system started in 1993. It has been repeated in 1999-2000 and 2004-2005. The survey collects data on health status and use of health services of the Italian population. The topics, in the survey 2012-2013, are health conditions (health status perception, presence of chronic diseases, etc.), the presence of disability, lifestyle (smoking habits, physical activity, etc.), prevention, use of health services, the use of drugs or non-conventional therapies and the motherhood from pregnancy to breastfeeding. In order to minimize the seasonal effect of phenomena, very important for the health's issues, the survey was conducted on a quarterly basis in March, June, September and December on the resident population in Italy.

² Computed using 'the 2011 Ad-Hoc Module (ADM) of the EU Labour force survey (EU LFS)' on the employment of persons with disabilities. The 2011 ADM adopts the following definitions of disability: Definition 1 – people having a 'basic activity difficulty' (such as sight, hearing, walking, communicating); Definition 2 – people having an 'employment disability' (limited in-work activity because of a long-standing health problem and/or a basic activity difficulty –LHPAD).

³ See Annex 3, Table 1.

'disability gap' in the main labour indicators is quite similar (in percentage points) between Italy and Latvia.

2.2 Evolution of targeted employment services, disability assessment and main actors involved in Italy

In Italy, quotas are among the major tools adopted to support the employment of people with disabilities since the end of the '60s, when the employment protection measures in favour of people with disabilities started gaining importance.

Within this framework, an important innovative change concerning employment policies for people with disabilities was introduced by Law 68/1999 'Regulation on the right to work of disabled persons' with the adoption of the principles of targeted employment (INAPP, 2018: Tindaro et al., 2012; Sulli, 2014). Law 68/1999 reformed the compulsory quota system for public and private companies. It promoted complementary measures to incentivise companies to employ people with disabilities through the following: employment support services and targeted placement interventions, hiring incentives, and financial measures to support any adaptation of work environment to the needs of workers with disabilities. In contrast to Latvia, targeted employment of people with disabilities is still linked to a compulsory employment quota system. Public and private companies with more than 14 employees must reserve a quota of their labour force to people with disabilities, as follows: 15-35 employees, one disabled worker; 36-50 employees, 2 disabled workers; more than 50 employees, 7% of the employees. The fulfilment of the obligation by public and private companies can be also accomplished through specific agreements ('convenzioni'), provided by Law 68/1999, according to different typologies. In particular, the agreements among local public employment offices, private companies (including those with no recruitment obligation) and social cooperatives aim at promoting the recruitment of people with disabilities. Companies not complying with the quota system are sanctioned, unless they can demonstrate not being able to hire disabled persons on the grounds specified by Law (e.g. the type of activity etc.). Those companies sanctioned pay the 'Regional Fund for the Employment of people with disabilities' a financial contribution indicated within the same law. Moreover, employers may be exempted from this quota obligation or from paying sanctions if they are in a difficult economic situation, as long as their situation does not improve.

The Law 68/1999 attributes a central role in its application to *Regional authorities*. Since the late nineties, Regions identify the 'competent offices' that have to provide targeted employment services for people with disabilities at provincial level. In connection with the local social, health, educational and training services, these offices have to ensure the programming, implementation, and monitoring of the interventions aimed at promoting the employment of people with disabilities. Moreover, these offices have to manage the lists of registered people with disabilities, support their placements, monitor the respect of the quota system by local public and private companies, and ensure the implementation of targeted employment services.

Access to targeted employment services by people with disabilities is linked to the assessment of their ability to work and of their skills and potential in order to identify - for each individual with disabilities -- the most suitable job. Medical Commissions carry out the disability assessment. It involves people affected by the following:

- physical, psychical and sensorial impairments;
- those with intellectual disabilities with a reduction in work capacity of over 45%;
- people who are invalid because of work with a degree of disability higher than 33%;
- people affected by absolute blindness or visual impairments, and/or
- people who have been deaf since birth or before learning a spoken language.

According to the provisions of the Law 104/92⁴, the Medical Commissions comprised a forensic physician, acting as 'president', two additional physicians, one of whom is chosen primarily among occupational physicians, a social worker, and an expert specialised in the type of disability involved. Medical Commissions formulate a functional diagnosis in a final report ('relazione conclusiva'). This report determines the whole ability of the individual, specifying the type, intensity and quality of their impairments, as well as to suggest how to facilitate their placement at work.

Medical Commissions, in cooperation with the *Technical Committee* ('Comitato Tecnico'), also provide an assessment of the social, educational and professional history of the person with disabilities. The Technical Committee comprised experts from social services, work placement services, forensic medicine, and representatives of the 'competent offices' identified by the Regions, in fact. The Committee contributes to the evaluation of the work capacities of the people with disabilities, the identification of personalised tools and services to support their placement at work⁵, and are in charge of the periodical monitoring of the permanence of the disability conditions. To this end, the Medical Commission, on request by the Technical Committee, periodically verifies whether the assessed abilities, skills and potential of the people with disabilities placed at work are still suitable to the workplace environment and/or working activities or they have changed.

Social cooperatives are another important actor in the Italian targeted employment framework. Recognised as non-profit associations since 1942, social cooperatives are classified according to type (A and B) and activity (consumer, production and employment, agriculture, construction, transport, fishing, mixed, services) (Thomas, 2004). While 'type A' social cooperatives deal with the management of social-health and educational services, 'type B' social cooperatives aim is to provide temporary employment for disabled people and subsequently to ensure their placement in profit companies. These cooperatives may also employ permanently those workers unable to find employment in the open market (Sulli, 2014; IRS, 2010). Moreover, social cooperatives have shown to be an environment particularly suited to the integration of people with psychic and intellectual disabilities, because they provide both the necessary technical skills to carry out the required tasks, and to learn to cope with the uncertainty, insecurity and stress resulting from the job (Zappella, 2014). With this regard, a further means -- by which private companies with more than 50 employees can fulfil their obligation in case of people with psychic and intellectual disabilities with a reduction in work capacity of over 45% -- consists of entering into 'trilateral' fixed term agreements with the targeted employment services and social cooperatives. This scheme supports the hiring of individuals with disabilities on a temporary basis. The individuals are seconded to social cooperatives, to which the company obliged to the quota undertakes the commission orders. Legislative Decree 151/2015 (one of the Legislative Decrees entered in force to implement the so called "Jobs Act") has recently introduced a series of innovations in the targeted employment of people with disabilities in order to simplify its operability and increase its effectiveness. The Decree introduced the revision of the incentive system and strengthened the individualised support for people with disabilities. This was done on the basis of binding agreements between the person with disabilities and the targeted employment service, according to the nature and degree of disability defined by the Technical Committee; and provided that data coming from several subjects (employers, competent offices and institutions) will have to be collected in an ad hoc Targeted Employment Database. However, it is still soon to evaluate whether these legislative changes will produce the expected improvements.

⁴ 'Framework Law on the assistance, social inclusion and rights of persons with disabilities'.

⁵ These tools and services include the analysis of available jobs, personalised support programmes and the resolution of physical and/or interpersonal problems in the workplace environments.

3 Assessment of the policy measure

3.1 Strengths of targeted employment

Law 68/1999, in force for almost two decades, is still characterised by a good regulatory framework and a set of tools allowing the enhancement of the skills and abilities of people with disabilities as well as their placement at work (IRS, 2018). Differently from the Latvian framework, in Italy:

- priority has been given to measures helping employers to comply with the obligation to hire people with disabilities: compulsory employment quotas for public and private employers have been reviewed in order to increase labour demand in some special occupations, smooth access to employment, promote the implementation of targeted services, enhance effective placement also by way of recruitment subsidies and allocate funds to have workplaces conformed to the special needs of workers with disabilities;
- the inclusion of people with disabilities in companies is based on the assessment of their actual skills and work abilities rather than the residual work-capacity as in Latvia;
- the need to verify the actual changes made in the workplace to support workers with disabilities has given a strong impulse to the relationship between the (local) targeted employment services and companies;
- the ordinary programme agreements ('convenzioni di programma')⁶ are among the most used forms of recruitment by companies, as they allow the employer to choose the workers with disabilities to be hired and even to plan when and how to hire the workers with disabilities.

Indeed in Italy, 'social cooperatives' have a long-standing tradition in the employment of people with disabilities, with successful experiences of placement at work (not only in the targeted employment framework). In this regard, the Italian model of social cooperatives could be interesting for Latvia where the Parliament has recently adopted the Social Enterprise Law to encourage the inclusion of unemployed at-risk groups in the labour market.

As for the very interesting Latvian measure related to the presence of a support person at work for the unemployed with mental health problems, no specific provisions like this are present in Italy. Although Legislative Decree 151/2015, introduced a similar measure concerning the appointment of someone responsible for the work integration of persons with disabilities in the workplace and with the specific responsibility to promote a personalised job placement. In addition, there are other mechanisms with a similar aim:

- Law 68/1999 provides for a greater protection path for people with psychic disabilities, through those kinds of agreements providing for the placement at work of people with disabilities in social cooperatives instead that in companies.
- Social cooperatives of type B in Italy are also a privileged place for supporting people with particular difficulties in adapting to work, including those with mental disabilities.
- The '2nd biennial action program for the promotion of the rights and the integration of people with disabilities in implementing national and international legislation' adopted on 12th of October 2017, supports the set-up in private

⁶ The legislators' idea in creating these agreements, signed between companies and Public employment services to meet the mandatory quota, was to facilitate the gradual integration of people with disabilities and stabilise their employment in the companies. A personalised plan of interventions to address most effectively the obstacles encountered when introducing disabled people at work, can be defined through this type of program. These tools establish times and modalities of employment that the employer agrees to respect.

companies, on a voluntary basis, of a *Corporate Observatory and of a 'Disability manager'*, with the aim of promoting the inclusion of workers with disabilities in the workplace, starting from the delicate moment of their first insertion, enhancing their autonomy and professionalism and reconciling their specific needs of life, care and work.

Other interesting measures described in the Latvian paper, like the 'motivation programme for job search and social mentor services for long-term unemployed people with disability', are not generalised in Italy, but present only in some local experiences (e.g. Genoa, Brescia, Friuli Region...).

3.2 Weaknesses of targeted employment

Among the main drawbacks in the implementation of targeted employment in Italy are the wide differences in the quality and the level of its application among regions, the complexity of coordinating all the actors involved in its implementation, and the tendency of private and public companies to avoid compliance to quotas (counting on delays in public controls) (IRS, 2018).

According to the Law 68/1999, Regions coordinate the different actors involved in the placement of people with disabilities. The establishment and operation of the wide network of involved actors is crucial to ensure the effective implementation of the targeted employment and to facilitate the placement of people with disabilities. However, this has been possible only in some territories in which the various actors have been able to network and cooperate effectively, offering services and tools customised both to people with disabilities and companies.

Furthermore, the complexity of the targeted employment framework requires a strong supervision by targeted placement services and well-trained specialised operators, in order to guarantee the correct use and operation of its instruments. The current public budget constraints and institutional changes (concerning above all the role of the Provinces⁷) have led to a reduction in the targeted employment services staff. Therefore, it is increasingly difficult for these services to continue ensuring their role of mediation between workers and companies and to supervise the inspection functions as well as the sanctioning mechanisms. People with intellectual or psychic disabilities, which have greater employment difficulties are those most penalised by these changes.

These difficulties are further aggravated by:

- the lack of the required educational level attainment and professional skills required by companies;
- the preference of companies to pay sanctions and exemption fees rather than to hire people with disabilities or to use agreements with social cooperatives because of their low knowledge of the legislation and their low awareness about disability;
- the difficulty to retain people with disabilities at work as confirmed by the fact the most of the recruitment is with fixed-terms contracts⁸.

Another issue, as in Latvia, is monitoring and data collection. In Italy, data about the type of disability are sensitive data. A Monitoring system on the implementation of Law 68/99 is in place in Italy, which provides data on access to employment by people with

⁷ Italy is carrying out major territorial and institutional reforms. These reforms initially contained two major components. First, they established the transfer of responsibilities from the provinces to regions and municipalities. The aim was to completely abolish provinces through a revision of the Constitution; in the meantime, provinces would keep some transitory functions. After many changes to the initial project of law, provinces have been transformed in inter-municipalities, not elected directly, and cannot be considered a level of government anymore; their complete suppression through a modification of the Constitution is still on the agenda. The second major aspect of the reform was the creation of metropolitan cities, which correspond to the territory of the provinces in which the city is located (OECD, 2017).

⁸ See the previous section 2.1.

disabilities every two years to the Parliament. Data are disaggregated by sex and by type of invalidity or categories of disability: physical, psychical, sensory or intellectual disorders, disabilities due to accidents at the workplace, blind and deaf-mute persons, civil and war invalids. The main drawback of the monitoring system is the delay in reporting. The latest report (the 8th), recently published, refers to the years 2014-2015.

3.3 Suggestions to improve targeted employment

As in Latvia, in Italy too to tackle the difficulties in the implementation of the targeted employment, it should be useful:

- to strengthen targeted placement services by increasing the number and quality of their staff with specific skills, for example by involving additional experts (e.g. psychologist, occupation physician) or by acquiring more specialist knowledge. To this end the Latvian experience providing a 'support person at work for those unemployed with mental health issues' is an interesting example;
- to provide more personalised tools, diversified by disability types and targets and make them more flexible in their use;
- to design training courses for people with disabilities, possibly in cooperation with the companies in order to take into account their specific skills needs;
- to train and inform the companies about the Law and the targeted employment tools as well as to increase their awareness about the skills and abilities of people with disabilities;
- to facilitate companies' access to hiring incentives and to the reimbursements of cost for workplace adaptation;
- to promote a culture change in the approach of companies to disability;
- to reinforce continuous mentoring and support services both for companies and workers within companies in order to support job maintenance for workers with disabilities, especially in case of people with intellectual and psychic disabilities. To this end the Latvian measure providing a 'support person at work for those unemployed with mental health issues' is again an interesting example;
- to strengthen controls and improve monitoring and evaluation activities.

As mentioned above, three of the Latvian policy measures are particularly interesting for Italy:

- the presence of a 'support person at work for those unemployed with mental health issues' to provide continuous mentoring and support services both for companies and workers with (intellectual and psychic) disabilities in order to support their retention;
- the 'motivation programme for job search and social mentor services for long-term unemployed people with disabilities' to support people with intellectual and psychic disabilities who stay registered with the targeted employment services for a longer time and meet more difficulties in being placed at work in companies compared with other forms of disability;
- the 'Open Doors Day' for people with disabilities to increase the awareness of the employers about disability, the working abilities and capacities of people with disabilities and the access to and the permanence in the labour market of people with disabilities.

4 Questions

- a. *How do the different actors involved in the support of people with disabilities in Latvia interact between them? What are the mechanisms ensuring the cooperation between them? Do they work as a formal or an informal partnership?*
- b. *What is the definition of mental disability adopted for the provision of a support person at work for unemployed with mental health issues? Does it include psychic and/or intellectual disorders?*
- c. *Is it possible to receive more in depth information about the 'motivation programme for job search and social mentor services for long-term unemployed people with disability'? Which results is this measure producing on long-term unemployed with intellectual or psychic disabilities?*
- d. *How the "Open Doors Days" for people with disabilities are organised? What is the contribution to the organisation of the different actors involved PES, employers' organisation, etc.)? Are the associations of people with disabilities involved in the organisation? Are the "Open Doors Days" for people with disabilities helpful in tackling some stereotypes about people with (mental, intellectual and physic) disabilities?*

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Annex 1 Summary table

The main points covered by the paper are summarised below.

Situation of people with disabilities in Italy

- In 2012, the share of people with disabilities over the population aged more than 15 years was lower in Italy (14.5%) than in Latvia (23.6%).
- Disability represents a barrier in accessing the labour market in both Italy and Latvia (as shown by the 'disability gap' in employment, unemployment and inactivity rates).
- In Italy, the share of fixed-term contracts over the total recruitment of people with disabilities is quite high, thus reflecting a high turnover of people with disabilities in the workplace.
- In Italy, the enactment of Law No. 68/1999 marked a shift from "compulsory hiring" to "targeted employment" for people with disabilities. However, the obligation placed upon the employer to hire disabled workers – alongside the administrative sanctions for non-compliance – has remained unscathed.

Assessment of the policy measures

- The main difference with the Host country is that in Italy the targeted employment is based on a compulsory employment quota system.
- Furthermore, the inclusion of people with disabilities in companies in Italy focuses on the assessment of their actual skills and work abilities rather than just the residual work-capacity as in Latvia.
- The Italian model of social cooperatives could be interesting for Latvia, because of their long-standing tradition and successful experiences in the employment of people with disabilities (not only in the targeted employment framework).
- Despite Law 68/1999 has encourage positive developments, there is still the need to support more effectively the placement at work and the retention of people with intellectual and psychic disabilities as well as to increase the awareness of public and private employers about disability.
- Three Latvian measures are particularly interesting for Italy namely: 'support person at work for those unemployed with mental health issues', 'motivation programme for job search and social mentor services for long-term unemployed people with disabilities' and 'Open Doors Day for people with disability'.

Questions

- How do the different actors involved in the support of people with disabilities in Latvia interact between them?
- What is the definition of mental disabilities adopted in case of provision of a support person at work for the unemployed with mental health issues?
- What are the results from 'motivation programme for job search and social mentor services for long-term unemployed people with disabilities' on the integration of people with intellectual and psychic disabilities?
- How the "Open Doors Days" for people with disabilities are organised in practice?

Annex 2 Example of relevant practice

Name of the practice:	Dote lavoro - persone con disabilità (Endowment programme for People with disabilities)
Year of implementation:	Programming period 2014-2016, extended also from the post 2016 programming period
Coordinating authority:	Lombardy Region
Objectives:	<i>The Endowment programme for People with disabilities is a system of vouchers, which aims at supporting the employment of people with disabilities and accompanying them in accessing/re-accessing to the labour market and in vocational retraining.</i>
Main activities:	<p>The Endowment programme for People with disabilities is financed by the 'Regional Fund for the employment of people with disabilities'. It provides accompanying services in the workplace (including the service of accompanying the people with psychic disability in social cooperatives) and the possibility of activating traineeships with attendance allowances and incentives for the company.</p> <p>Vouchers are assigned to people with disabilities directly by the target employment services through priority criteria, while the services included in the Endowment programme are provided by accredited regional operators, based on the choice of the person with disabilities.</p> <p>The access to the Endowment programme occurs according to 4 levels of aid intensity depending on some objective characteristics such as the distance from the labour market, age, educational qualifications, gender, degree and type of disability.</p> <p>The operator then accompanies the person in the choice of work placement or work maintenance, drawing from a basket of services necessary and functional to reach the occupational goals of the person with disabilities. The duration of the Endowment programme is also differentiated according to the assigned aid intensity level: for the aid level 1 the maximum duration is 6 months, for the aid level 2 band is 12 months, for the aid level 3 is 18 months and for the aid level 4 is 24 months.</p>
Results so far:	People with disabilities have received support, not only by training and employment services in order to access or re-access to the labour market, but also by services for remaining in employment.

Annex 3 - Labour market indicators for people with and without disability

Table 1 – Employment, unemployment and inactivity rates for people with and without disabilities

	Employment rate			Unemployment rate			Inactivity rate		
	a)	b)	Disability gap	a)	b)	Disability gap	a)	b)	Disability gap
EU28	47,3%	66,9%	-19,6%	12,1%	9,6%	2,5%	46,2%	25,9%	20,3%
Italy	45,6%	58,9%	-13,3%	8,1%	8,0%	0,1%	50,4%	36,0%	14,4%
Latvia	50,8%	62,6%	-11,8%	17,5%	17,4%	0,1%	38,5%	24,2%	14,3%
	Employment rate			Unemployment rate			Inactivity rate		
	c)	d)	Disability gap	c)	d)	Disability gap	c)	d)	Disability gap
EU28	38,1%	67,7%	-29,6%	17,4%	9,4%	8,0%	53,8%	25,3%	28,5%
Italy	37,0%	59,4%	-22,4%	11,4%	7,8%	3,6%	58,2%	35,6%	22,6%
Latvia	40,7%	63,1%	-22,4%	21,5%	17,1%	4,4%	48,1%	23,9%	24,2%

Note: a) Difficulty in basic activities; b) No difficulty in basic activities; c) Limitation in work caused by a health condition or difficulty in a basic activity; d) No Limitation in work caused by a health condition or difficulty in a basic activity

Source: Eurostat

