

REPORT ON THE COMPARISON OF THE AVAILABLE STRATEGIES FOR PROFESSIONAL INTEGRATION AND REINTEGRATION OF PERSONS WITH CHRONIC DISEASES AND MENTAL HEALTH ISSUES

BASED ON FIVE CATEGORIES OF SOCIAL WELFARE MODELS IN EUROPE

Italy: country report

Main legislative frameworks on chronic diseases, mental health and employment

In Italy, there is no legal definition of chronic diseases. In some cases, upon meeting requirements provided by different disability laws, persons with chronic diseases are covered by policies with regard to professional integration for persons with disabilities. For some diseases, in particular cancer, specific dispositions exist: Legislative Decree 276/2003, Article 46 gives the right to switch from full time to part time, until the improvement of health conditions, for full-time employees with cancer. Ministerial circular 1, April 30, 2009 provides a possibility of teleworking to persons with cancer in the public sector. Law 247/2007 recognizes the priority to switch from full time to part time to caregivers.

Also for diabetes a law guarantees the right of not discrimination in the workplace: the Law 115/87 on Rules for the prevention and treatment of diabetes mellitus, Articles 1 and 2 refer to the responsibility of the authorities of autonomous provinces of Trento and Bolzano to facilitate the integration of people with diabetes in school activities, sports and labour. Article 8 -1 of the same law states that diabetes without disabling complications should not impede the issuance of the physical aptitude certificate that allows access to public and private places of work.

A recent law decree extends the dispositions for cancer to all the chronic degenerative diseases: the Legislative Decree 81/2015¹ takes into consideration the needs of persons with chronic diseases and in particular serious chronic degenerative diseases. Article 8 of the Decree gives the right to persons with above-mentioned diseases to transform their full-time job to part-time if their conditions cause

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http://www.unive.it/pag/fileadmin/user_upload/ateneo/job/documenti/Stage_e_placement/D.Lgs. n.81_2015.pdf

a reduced work capacity, and recognizes also to caregivers the priority to switch from full time to part time. At employees' request, the part-time can be transformed back to full-time.

The Decree of 11 January 2016 contains specific provisions with regard to “availability times” in case of serious illnesses that require life-saving therapies, or in favour of workers suffering from diseases related to an invalidity recognised.

Main legislative frameworks on disability and employment

- Legislative Decree 509/1988 regarding the recognition of civil invalidity.
- Law 104/92 on the assistance, social integration and the rights of persons with disabilities includes general rules on socio-economic inclusion of persons with disabilities, including provisions for reasonable accommodation.
- Law 68/1999 provides a framework for employment and job integration of people with disabilities.
- Legislative Decree 216/2003, Implementation of Directive 2000/78/EC on equal treatment in employment and occupation. (The Legislative Decree 76/2013 (Art. 4. b) added a paragraph to art. 3 of Legislative Decree 216/2003 regulating the reasonable accommodation).
- Partnership Agreement 2014-2020 with the European Commission sets the strategy for the optimal use of European Structural and Investment Funds. The agreement includes a set of actions for increasing the participation of the most vulnerable groups in the labour market.
- Legislative Decree 151/2015 is part of Italy's reform of the labour laws. Adopted on September 14, 2015, Article 1 of the Decree states that guidelines should be developed on targeted employment of persons with disabilities on the basis of principles such as reasonable accommodation and identification of good practices.
- Ratified the UNCRPD on 15 May 2009.

Policy provisions on mainstream and specialist employment programmes

In Italy, employment services to persons with reduced working capacity are provided at regional, provincial and local levels. There are differences between localities and there is no universal approach throughout the country.

Regional employment agencies, which provide help and advice about work-related problems and self-employment, are operated by the Ministry of Labour and Social Welfare and there are also local

employment centres in municipalities. For persons with certified disabilities of over 45%, provincial authorities are responsible for their work placement. For the province of Milan, it is the Service for the employment of people with disabilities (Servizio Occupazione Disabili) that handles the list of people who may benefit from mandatory work placement.

For each registered person, a technical committee from the employment services creates a file where relevant information, such as qualifications, skills, personal preferences, and the nature and degree of disability, are noted down. The committee, which consists of experts from social, healthcare and employment services, also analyzes the tasks that can be performed and workplace adaptations that may be required. The targeted employment services are responsible for matching job requests with offers available in the market.

In the Lombardy Region, regional authorities have established a register of organizations that can provide job placement and integration support and also interact between candidates and companies. These service providers create personalized services such as counselling, guidance, help in creating CVs, interview preparation, etc. The provinces support the integration of persons with reduced work capacity through various projects and cooperation with third parties.

Policy provisions on access to employment support

The Law 68/1999 includes a provision on targeted placement, which proposes an assessment of the ability of persons with disabilities in work placement.

The Partnership Agreement 2014-2020 signed between Italy and the European Commission includes an action to promote the dissemination and the customization of the ICF model at local level.

The Decree 151/2015, which aims to modify the Law 68/1999, states that a bio-psycho-social approach is needed in evaluating disability and that targeted employment services should also take into account barriers and enabling factors found in the working environment while defining criteria for employment projects.

In practice, however, the evaluation of the degree of disability is often based on a medical approach with a focus on impairments. In fact, in order to access the benefits, the person must be recognized a certain percentage of disability.

Policy provisions promoting stakeholder cooperation and integration of services

Article 1 of Legislative Decree 151/2015 states that guidelines should be developed on targeted employment of persons with disabilities on the basis of various principles, including the following two:

- Integration of social, health, education and vocational rehabilitation services as well as the services of the National Institute for insurance against accidents at work (INAIL);
- Territorial agreements among trade unions, employers, the social cooperatives, associations of persons with disabilities and their families, as well as with organizations from other sectors.

The Partnership Agreement 2014-2020 signed between Italy and the European Commission includes an action that calls for multi-disciplinary and personalised interventions encouraging the inclusion of persons with disabilities in the labour market (Action 9.2.1).

Policy provisions promoting persons-centred approach and individualised service provision

Individualisation of the employment support for persons with disabilities in Italy is emphasized through the targeted employment approach. One of the principles of targeted employment mentioned in Article 1 of the Decree 151/2015 is individualisation of employment projects for persons with disabilities.

According to modifications made by the Decree 151/2015 to Article 8 of the Law 68/1999, unemployed persons with disabilities can register with targeted employment services, which are coordinated by local authorities. For each registered person, a technical committee from the employment services creates a file where relevant information, such as qualifications, skills, personal preferences, and the nature and degree of disability, are noted down. The committee, which consists of experts from social, healthcare and employment services, also analyzes the tasks that can be performed and workplace adaptations that may be required. The targeted employment services are responsible for matching job requests with offers available in the market.

Policy provisions on localised and accessible employment service provision

In Italy, there is a national law that provides a general legislative framework for the employment reintegration of persons with disabilities (Law 68/1999). However, Italian regions then issue their own regulations to implement the law. They decide on how these provisions are implemented and coordinate all related activities. The law encourages cooperation among stakeholders at local level.

Local job centres work in close cooperation with municipalities, for example, CELAV (Centre for Job Coaching) and the Milan Town Council.

Provision of professional (re-)integration policies in Italy is handled and funded by provincial authorities. The authorities, however, do not provide the services directly. They regularly launch calls for tenders among service providers who can contribute to the implementation of active labour policies. These service providers can be non-profit agencies (e.g. social cooperatives), for-profit labour agencies (e.g. private human resource consultancy firms such as Adecco or Man Power), or local public employment agencies. In the Lombardy Region, for example, regional authorities have established a register of organizations that can provide job placement and integration, support of people in their workplace and also interact between people concerned and companies.

Employment support in the open labour market

At national level, there are no supported employment programmes; however there are regional and provincial level initiatives that can relate to the definition of supported employment (e.g. support in accessing and maintaining to employment in open labour market, support to employee before, during and after obtaining a job, job coaching, support to employers, focus on abilities). The targeted employment services that are present in Italy at local levels do pursue active labour market policies.

All local authorities are responsible for developing their own programmes facilitating the employment of persons with disabilities. There are differences between various provinces and municipalities in the way these programmes work. Therefore, it is hard to give a generalized national overview of employment support programmes. In Milan, for example, municipal authorities have introduced the EMERGO Plan, a program for persons with disabilities aimed at facilitating their labour market participation and maintenance of work through support services and activities. The Plan provides funding for different tools enhancing the employment of disabled persons. The following two forms of tools exist:

- DOTE - a funding scheme, which is in fact a package of services formally awarded to individuals with disabilities to support their training or other labour market (re-)integration activities. DOTE is used to support job placement (Dote inserimento), but it can be also used to help employed persons maintain their jobs (Dote sostegno). DOTE is technically an allowance in a form of services for individuals in need of employment support. The funding goes directly to service providers that apply for DOTE on behalf of individuals.

- Funding of projects that envisage the involvement of companies rather than individuals and that target (re-)integration activities of general nature. The projects may be aimed at awareness raising, workplace adaptation, guidance, advice, training for staff, counselling for managers working with persons with disabilities, etc. For example, a blind persons' institute may offer to develop specialised practical guidelines or tools for a company that employs persons with visual impairments.

The EMERGO Plan publishes different calls on yearly basis, targeting different categories of persons, different types of disabilities, different measures, etc. Various service providers apply for these calls, either with an aim to provide personalised job placement or maintenance support through DOTE schemes to persons in disadvantaged employment situation or to provide support to employers through various projects. Both employers and employees can choose service providers to support them in workplace integration.

Another regional initiative from the province of Verona is the 'SIL 22' job integration service, which aims to promote the employment of people with disabilities through encouraging cooperation between health and social (employment) services. The services offered are information provision, vocational training, career planning, case management and advocacy, preparation of users for jobs, job matching and placement, and post-placement support.

The employment plan of Milan covers employment supports at different stages of integration (before, during, and after recruitment). The focus is, however, the highest on job placement, rather than on job maintenance. Indeed, Italian companies are subject to quotas, an obligatory recruitment of persons with disabilities. Thus there is a strong system in place for targeted employment, according to which persons with disabilities are included in a list from which employers are obliged to recruit workers. There are also measures intended to keeping persons with disabilities or ill-health at work, but they are not too extensive. They are mainly aimed at making work arrangements more flexible. For example, under the Law 68/99, persons with disabilities are entitled to a change of duties in cases when they can no longer to perform their tasks. There are also provisions that persons with disabilities can choose the nearest office or avoid night shifts.

In general, rules for recruitment and dismissal of persons with chronic diseases are the same as for the rest of the labour force. In this sense, there are no additional protections granted by the legislation. Instead for workers with disability specific rules exist: unjustified dismissal of a disabled worker is considered discriminatory and the employee is entitled to reinstatement in the workplace. (Chronic diseases are not included among the prohibited causes of discrimination set out in Article.

15 of the Workers Statute). Article 41 (paragraph 2) of Legislative Decree 81/2008 (Law on safety at work) states in case of an absence due to ill health lasting more than sixty consecutive days, it is necessary to check the suitability of the worker to perform her/his task by a medical examination. Following the medical check, a physician may deliver a written opinion about the fitness of a worker to a specific job. In case of a temporary unfitness, a timeframe needs to be provided to the employer and the employee.

According to paragraph 42 of the Decree 81/08, when the physician determines the unfitness to a specific task, the employer must assign the worker, where possible, to an equivalent task or, if it is not possible, to lower tasks, ensuring the previous level of income.

A dismissal of an employee due to a reduced ability to work as a result of a chronic illness requires a proof that the employer was not able to assign the employee to other tasks compatible with her/his health condition and with the good performance of company (This practice has been defined by law as an "obligation to repechage" (See. Cass. Civ, n. 7755, August 7, 1998).

There are no specific programmes targeted at the reintegration after long term absence. However, there are some local level projects that may provide such services.

In terms of measures supporting employers, the Partnership Agreement 2014-2020 signed between Italy and the European Commission includes Action 9.2.4, which calls for supporting enterprises in recruitment of persons with disabilities, adaptation of the workplace, promotion of diversity in the workplace [awareness raising about diversity management and career path management of workers with disabilities, etc.], and development and dissemination of assistive technologies facilitating the employment for persons with disabilities.

Employment support through Social enterprises or social cooperatives

Social cooperatives have been legally recognized in Italy in 1991 through the Law 381/91² and defined as entities intended to pursue the general interest of the community to promote the social integration of citizens by engaging in employment integration activities for disadvantaged groups and by providing social, healthcare or educational services. Social cooperatives are governed by the members of the cooperatives consisting of providers and users of social services.

² <http://www.handylex.org/stato/l081191.shtml>

In Italy, there are two types of social cooperative:

- Type A cooperative that engage in the provision of social, health and educational services. In particular, the services provided are:
 - Integrated social health home care,
 - Management and service provision for the elderly, psychiatric patients and persons with disabilities,
 - Management of summer camps and after-school care for children.
- Type B cooperatives that carry out various activities, including agricultural, industrial, commercial or other activities, aimed at the employment of disadvantaged groups of population and at development of their professional skills. In particular, the activities are:
 - Cleaning,
 - Environmental cleaning,
 - Maintenance of green construction and maintenance paths,
 - Forestry work,
 - Nursery,
 - Building maintenance, electrical and hydraulic,
 - Bell boy,
 - Housing buildings.

Generally (within type B social cooperatives), there is no specialist staff to support employees with disabilities in the workplace. This task is normally carried out by non-disabled colleagues or volunteers.

Employment support through sheltered work

Sheltered type of work in Italy is particularly spread among persons with psychiatric disorders. Following types of sheltered work exists in the country: sheltered internships, sheltered workshops, occupational therapy centres.

Incentives for persons with NCDs to participate in activation programmes

In case of a partial or a total reduction in work capacity, Italian employed or independent workers can claim the following two benefits:

- Ordinary disability allowance (assegno ordinario di invalidità) - covers insured workers whose working capacity is reduced to less than a third due to a physical or mental

impairment. Beneficiaries of this allowance can combine this benefit with their income from work.

- Disability pension (pensione di inabilità) - covers insured workers with a permanent and total disability and is not compatible with any kind of income. Beneficiaries of this benefit are acknowledged to be totally and permanently incapable of carrying out any kind of work activity.

The possibility to keep the ordinary disability allowance while working can be seen as an activation incentive for persons with chronic conditions.

Financial incentives for employers to recruit/retain persons with NCDs

Article 13 of the Law 68/1999 on economic incentives to hiring persons with disabilities has been modified in 2015 by Article 10 of the Decree 151/2015 to define the following incentives for private and public employers in hiring:

- 70% off the monthly gross taxable income for social security purposes for a thirty-six month period for each permanent contract offered to a person with reduced work capacity exceeding 79% or with physical impairments as per lists attached to the legislation on war pensions.
- 35% off the monthly gross taxable income for social security purposes for a thirty-six month period for each permanent contract offered to a person with a reduced work capacity exceeding 79% or with physical impairments as per lists attached to the legislation on war pensions.
- A 70% off the monthly gross taxable income for social security purposes for a period of 60 months for each permanent or temporary contract (of at least 12 months) offered to a person with a learning or mental disability resulting in a reduced work capacity superior to 45%.

Non-financial incentives for employers to recruit/retain persons with NCDs

In one example of such incentivising, the Italian Multiple Sclerosis Society has been working with national trade unions, Confindustria (representative organisation of manufacturing companies) and AIDP (Italian Association for Human Resources Management), on raising awareness among enterprises about the benefits of having a diverse labour force. The aim is to explain that management of chronic disease is not a financial burden, but, on the contrary, it has an added value

for the companies: if well handled, job reintegration programmes can help organisations retain exiting workers, in particular, senior employees who have valuable experiences and qualifications that could be of great value.

Under the Law 68/1999, companies in Italy are obliged to hire persons with disabilities; however, they can be also incentivised to engage in work integration programmes as part of their corporate policy on social responsibility. For example, in Milan, companies are offered an opportunity to be included in the list of ethical companies if they participate in the Regional Innovative Programme for Mental Health (Programma Innovativo Regionale per la salute mentale - PIR), which supports the integration of persons with mental health conditions in employment.

Duties of persons with NCDs

In Italy, the issuance of disability benefits is not conditional on participation in employment rehabilitation programs. Thus, there is no obligation from the side of individuals to undergo vocational rehabilitation before qualifying for benefits.

Duties of employers

According to the Law 68/1999, every company with more than 15 employees is obliged to hire at least one person with a certified disability; companies with 30-50 employees are obliged to hire two persons with a certified; companies with over 50 employees are obliged to ensure that at least 7% of their workforce consists of persons with certified disability. This law is implemented in each region of Italy with different regulations according to local experiences.

Companies sign an agreement with the province where they are located. This is especially useful for large companies that must hire a great number of people with disability. Every year the province concerned verifies the percentage of staff of a company; in January companies have to produce a report with the number of their staff and that of persons with disabilities. They draw a plan to achieve the mandatory number of people with disability (e.g. a company with 1000 employees has to hire 70 people, and they can do so in a number of years, in agreement with the province authorities).

Provinces monitor the application of the law and can impose financial penalties to companies that don't comply with it. Several interventions of labour policy supporting integration in Lombardy Region are funded through the penalties collected. Companies operating in some fields can be exempted from complying with the law, but they still have to contribute to these funds.

Law 68/1999 covers all forms of disabilities and is not specific for chronic conditions. It establishes that people with a certified disability of over 45% can be included in the social security lists of hiring quota at province level.

According to the Legislative Decree 76/2013 (Article 4 B), employers should provide reasonable accommodations at workplace, as defined in the UNCRPD, in order to guarantee equal treatment for persons with disabilities.

Under the Decree 81/08, employers are obliged to assign the employer, where possible, to an equivalent task or, if it is not possible, to lower tasks, ensuring the previous level of income.

General and specialised employment services for persons with NCDs

In Italy, services are implemented at local level; therefore a wide range of employment services exists throughout the Italian territory. Some examples are listed below:

- CELAV (Centre for Job Coaching) (specific for the Milan municipality) provides job placement services for disadvantaged categories of people, such as people with mental or other disabilities, persons at risk of poverty, refugees, persons with drug addiction problems, etc. The services of CELAV include orientation, training, career counselling and guidance. The centre is focused at active labour policies and does not provide financial benefits; instead, it develops individual projects with the persons concerned and with the participation of local social services that point out critical situations in need of intervention. CELAV is co-managed by the Milan Town Council and the cooperative A&I Onlus (Accoglienza e Integrazione).
- Another example is the Regional Innovative Programme for Mental Health (Programma Innovativo Regionale per la salute mentale - PIR). The programme is part of a project involving the region of Lombardy that works on developing a network system that addresses the needs of mental health patients in their integration path to work, as well as the needs of their families and the needs of employers. The objective of the programme is to improve the accessibility and usability of services provided in Milan through the implementation of an organizational model that facilitates interactions between entities. These connections between entities are supported by a professional, called multi-membership coach (Coach Multi appartenenza), through inter-institutional agreements. The programme run the website Inter@lavoro (<http://www.integralavoro.net/joomla/>) which includes various services to employers and candidates through the analysis of business needs and the work

environment, job matching, interviewing of candidates, and constant monitoring of the candidates professional career.

The project involves the following services to employers:

- Selection, training and placement of a candidate
- Advice and technical support to facilitate the fulfilment of the quota obligation to employ persons with disabilities.
- Permanent support to the company in the mediation with the worker,

Services offered to candidates include:

- enhancement of personal resources in relation to the work context;
- career coaching aimed at work integration;
- Ongoing dialogue with organizations, associations, foundations and companies dealing with health and work.

The programme includes specific Labour Training Groups, which are designed to help mental health patients acquire specific skills to better integrate at work. Some of such groups include:

- “Vediamoci Chiaro” – a training to develop and strengthen the capacities of candidates by meeting with industry professionals.
- “Pensa lavoro” – training to develop and strengthen social skills and to promote the reflection on work experience and motivation.
- “Laboratorio teatrale” – is a theatre workshop to develop and strengthen adaptability to environmental changes and in changes in the way candidates see themselves.
- The Italian Multiple Sclerosis Society (AISM) carries out work on empowering persons with multiple sclerosis by providing information about supports and measures that can help them in their career paths. Informed patients can in turn demand directly from their doctors the provision of guidelines on employment and insist on an adequate evaluation of their skills and ability to work. Thus, educating persons with ill health about possible employment support strategies enables them to request such support.
- The Italian Multiple Sclerosis Society also collaborates with professionals working in employment services in order to help them develop new competences. In particular, it

worked with the employment service of Genova and provided training on how to manage and follow up on the inclusion of persons with ill-health at the workplace as well as on how to be a mediator between employers and jobseekers.