

EQUAL OPPORTUNITIES IN THE ITALIAN LABOUR MARKET

Emese Balázs-Földi

University of Debrecen, Ihrig Károly Doctoral School of Management and Business Administration, Debrecen, Hungary
balazs.foldi.emese@gmail.com

Abstract: *The integration of persons with disabilities and with reduced work capacity in the labour market represents one of the biggest challenges for labour market policies. The non-integration of disabled people in the labour market causes huge costs for the countries' economy. The European Union's aim is to transform passive social support into active support by means of labor market policy measures, to help people to obtain gainful employment and to raise employment levels of people with disabilities and with reduced work capacities. Earlier this target group has to work in the sheltered employment. But it changed from the 90's years because of the social model of disability definition. Nowadays the main goal to help this target group integrates in the open employment. The members of European Union imagine this aim on other way. The Scandinavian countries or England prefer the equal opportunities and the personalised mainstreaming programmes and services. Other European countries, as Germany, Austria or Italy prefer the rehabilitation quota system. Thus, the labor force participation and employment rates for people with disabilities and with reduced working capacities are strong differences between the European countries. But lot of other options also influence the member of countries' policy and employment system. Since the Amsterdam Treaty the European Union has devoted exceptional attention to the equal opportunities of disabled people, the enforcement of equal treatment, and the reduction of the dangers of discrimination, as it is, a significant part of persons with disabilities and reduced work capacity do not have a full-time job, they become unemployed two or three times more frequently than their abled-counterparts, and dispose of lower salary, therefore they need the help of their family and the community. This study examines the Italian situation. It bases on statistics on the Italian target group and provides comparisons with people without disabilities, Italian and international studies, researches. Applying a secondary research method, it aims at discussing the labour market and employment characteristics of target group. The research shows the people with disabilities and with reduced working capacities' labor force participation and employment rate, as well as the labor forces institutional services in Italy.*

Keywords: disability; reduced working capacity; Italian labor force services; rehabilitation; quota system; employment;

JEL classification: J79

1. Equal opportunities and protection against discrimination

In accordance with the open method of coordination, particular national traditions and the institutional system, which was developed earlier, the member states of the European Union carry out the above mentioned principles in the framework of distinct national programs. According to the data of the OECD countries, there appear to be big differences among the countries' financial expenditures compared to the GDP of the given country. In the light of the data, the Hungarian expenditures show an outstanding value, but this high volume expenditure does not manifest itself positively in the economic activity of persons with disabilities. There are countries Europe-wide, such as Italy, at the end of the rank regarding the expenditure, although their employment rate does not indicate a less favourable picture than the other member states'. Studying the international data, it is visible that the employment rate of target group in Italy is of average value Europe-wide (OECD, 2014) (Figure 1).

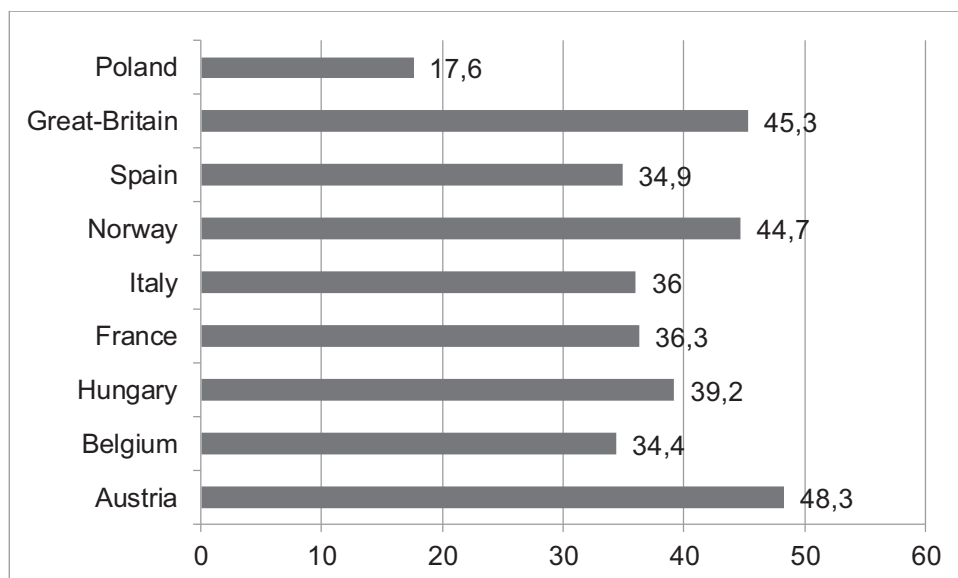


Figure 1: The employment rates of working age persons with disabilities in some selected OECD countries between 2004-2006 (%)

Source: Compiled by the author, according to OECD, 2014

According to Maschke (2010) in Italy those persons are considered disabled whose ability to work is permanently reduced due to physical, mental or sensory impairment. In accordance with this definition, the active social participation is connected with the ability to employment. This economic model of disability focuses on the ability to work. It says that the ability to work can fall under the following categories: general or limited incapability of earning and reduced work capacity (Maschke, 2010:42), therefore the incapability of earning is not qualified as reduced work capacity.

According to the study of Maschke (2010) in Europe three approaches are applied to assess whether it is the state of health or another labour market factor (e.g. low

qualification) that is in the background of unemployment of the person with health disability: procedural approach, ability profile approach, as well as, reduced ability based approach. The procedural approach examines the reasons why the employee stopped working and explores the barriers and hindrances of returning to the labour market. The ability profile approach compares the individual's abilities to the labour market requirements, which does not allow the person to start working. Assessing the remaining abilities, this model assigns those scopes of employment and fields of activity where the person would be able to work. The reduced ability based approach, in accordance with medical view, measures the reduced work capacity of a particular person with disabilities by applying a percentage table enacted by the law. Maschke (2010) claims that in Italy the ability profile approach prevails to assess the disability.

The European Commission (2002) suggests that in Italy the offices, which carry out the examination do not apply a percentage table enacted by the law to categorise the reduced work capacity, but these institutions have elaborated their own assessment and evaluation methods. This method connects the medical data, which concern to the diagnosis and ability reduction, to those particular disabilities that are present in the work and everyday life (European Commission, 2002:46). Due to the fact that the examination methods and equipment were developed by the specialists working for the institutions, instead of the rigid state standards, the committees can take the personal specifications better into account, such as the accommodation situation that may impede going to work, or the employment difficulties that derive from the economic features of the region.

The reduction in the work capacity and the degree of the disability are assessed by the Health Committees with special examinations and an interview which evaluates the remaining abilities (European Commission, 2012). The aim of the assessment is to create the detailed profiles of the applicants, as well as, to improve the match between the disabled workers in the register and the possible workplaces (European Commission, 2002:51).

This model helps to reduce the selections that are used when choosing employees. Consequently, the quota system fits better in the anti-discrimination practice. However, it does not fully insure the discrimination exemption of the persons with disabilities. On the other hand, there is a bigger emphasis from the part of the disabled persons to find a job that suits their aspirations and preferences (Könczei, 2006).

The Italian system aims to accomplish the employment integration of the target group by taking the situation of the open labour market into consideration.

As member of the European Union, Italy obeys and abides by the regulations and recommendations, which ordain a prohibition of discrimination and exclusion of target group on the labour market and other areas. In terms of the Italian law, the definition of the disability is the equivalent of the social model of disability, which says that the barriers and disadvantages experienced by the persons with disabilities derive from the peculiar functioning of the society.

Provisions against discrimination foster breaking down these social barriers and reducing the negative discrimination.

In the Italian society both high and low level legislations regulate the issue of equal treatment and the protection against discrimination, thus the Italian Constitution, Law No. 67 of 1 March 2006, Law No. 104 of 5 February 1992, as well as, Law No. 216 of 9 July

2003 (Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation). These legislations promote the implementation of the principles of equal treatment and equal opportunities in the civil, political, economic and social sphere.

In accordance with the definition of the Law against discrimination No. 104/1992, a person with disabilities and reduced work capacity is someone who has such stable or developing physical, psychological or sensory impairment that can cause problems with learning, social relationships or occupational integration which may bring about a disadvantageous and marginalising process (Internet 1).

Persons with disabilities and reduced work capacity have to apply for a disability employment status at the competent authority so that they can benefit from the protection in the labour market and employment (Law No. 68 of 12 March 1999).

Statistical data suggest that this employment status guarantees positive discrimination and equal treatment for persons with disabilities and reduced work capacity, especially in the public sector.

In 2000 the Italian government passed a national action plan, which aimed at improving the living conditions of persons with disabilities including their occupational integration and the elimination of the barriers that hinder it. The objective of this program was to raise attention on the discrimination practices against target group.

Law No. 67 of 2006 guarantees the protection against all discrimination including both direct and indirect discrimination and regulates the right to equal treatment and the issue of the victims of discrimination. In accordance with the legislation, discrimination practices are unlawful and can be brought before the courts of justice.

A survey made by Italy's National Research Institute in 2010 suggests that in the list of 'discrimination in the workplace' disability based discrimination stands in the fifth place and has had a continuously decreasing tendency since 2002 (Giaccone, 2014). It means that a positive process has started in the labour market regarding discrimination of persons with disabilities. On the other hand, this tendency is not clearly positive regarding other factors such as gender, age, ethnic background (Figure 2).

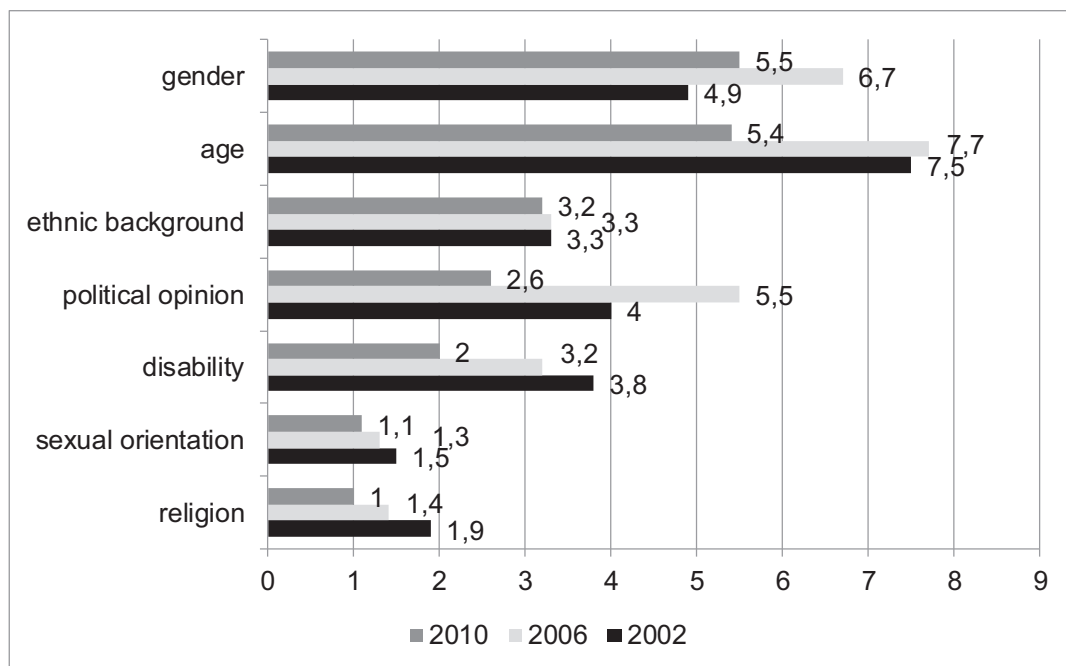


Figure 2: Forms of discrimination in the workplace, 2002, 2006, 2010 (%)

Source: Giaccone, 2014

Besides the anti-discrimination legislation of the state, the Italian trade unions, which have great traditions, play an important part in the reinforcement of the rights and economic activity of target group. As early as the 1970s, the trade union of the metal and textile workers initiated various interventions in the occupational interests of persons with disabilities and reduced work capacity. Their main objective was to create personalised schedules and eliminate the barriers which would prevent them from carrying out their tasks. This tendency continues at present as well, because there are several agreements made between the confederation of employers and the trade unions of employees to protect the interests of persons with disabilities and reduced work capacity. They also provide programs and trainings to facilitate the employment of the target group.

2. The employment situation as expressed by statistics

According to data of the Italian Statistical Office, the population of Italy is almost 58.5 million. Of these, the number of persons with disabilities is almost 2.6 million people, i.e. 5.6% of the total population. These data are remarkable considering that according to the latest WHO research 15% of the population of the Earth are affected by disabilities or reduced work capacity (WHO – World Bank, 2011). According to data recorded in 2005, the number of persons with disabilities of employment age (15-64 years) is 526 thousand (Apostolos et al., 2007).

The ratios of persons with disabilities of employment age show considerable variations according to regions: while 36.6% of the target group are constituted by people living in the southern provinces and on the islands, the corresponding ratio in the north-eastern provinces is only 16.7% (Apostolos et al., 2007).

There are significant differences as regards distribution according to age as well. The most affected age group is between 50-64 years of age. While only 6.1% of persons living with some disability are aged between 15-29, 59.5% are between 50-64 years of age. (Apostolos et al., 2007) (Figure 3).

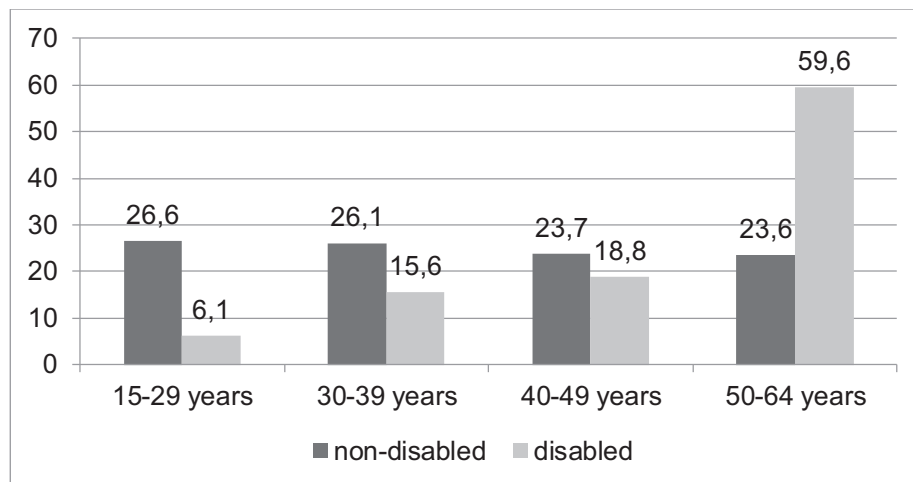


Figure 3: The distribution of the disabled and non-disabled population according to age (%)

Source: Apostolos et al., 2007:12

As regards the distribution according to gender, a difference of 14% can be discovered in the age group 25-64. The ratio of 57% of men is outstanding when compared to that of women (43%) (Addabbo and Sarti, 2014) (Figure 4).

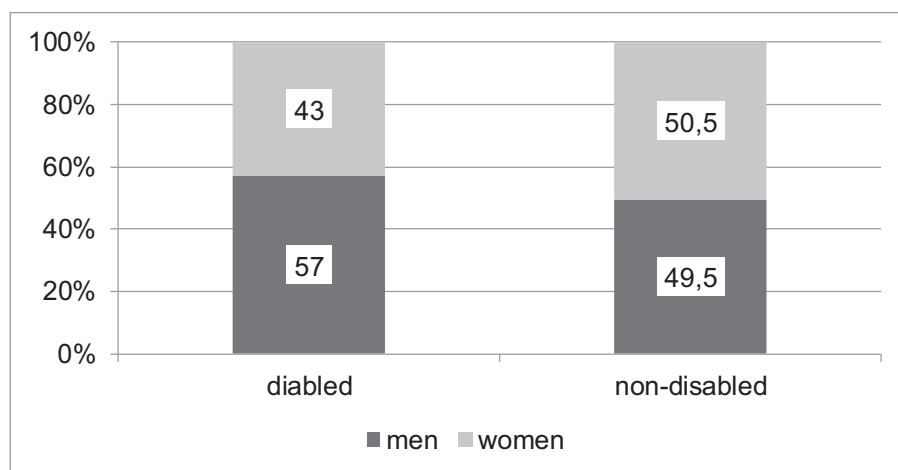


Figure 4: The distribution of the disabled and non-disabled population according to gender (25-64 years) (%)

Source: Compiled by the author, according to Addabbo and Sarti, 2014:8

As regards the distribution according to the types of disability, 73% of disabled persons suffer from physical and sensory disabilities while 27% from mental disabilities. In this

respect there are no significant differences between the genders (Addabbo and Sarti, 2014) (Figure 5).

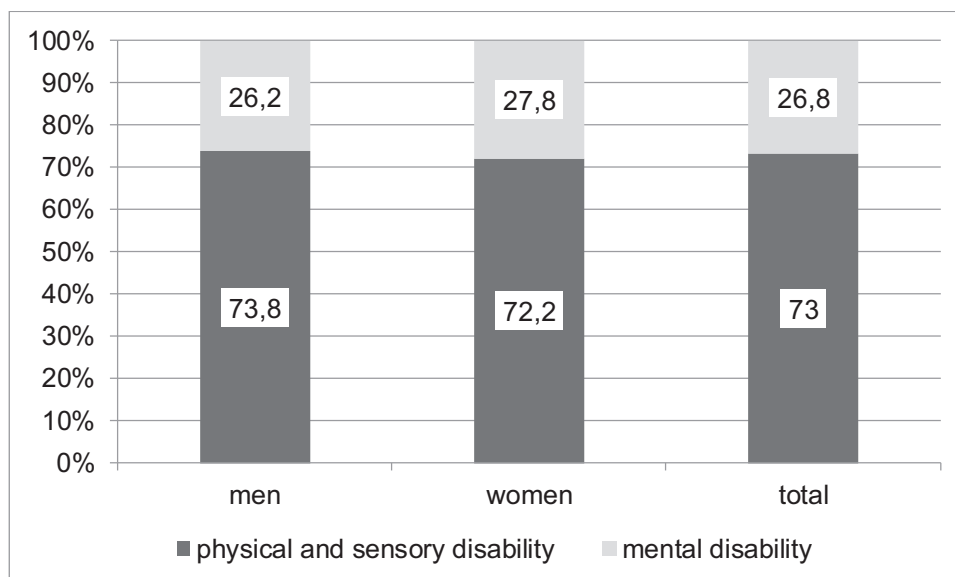


Figure 5: The distribution of the disabled population according to types of disability and gender (%)

Source: Compiled by the author, according to Addabbo and Sarti, 2014:8

Examining the level of qualifications we can see that the most remarkable difference between persons with and without disabilities is as regards educational attainment. While 28% of persons with disabilities have a higher education degree, the corresponding ratio among non-disabled persons is 51%. Among persons with secondary education there is no considerable difference between the disabled and non-disabled population. As regards the ratio of disabled and non-disabled persons among persons with low qualifications, disabled persons are overrepresented. The ratio of persons with low educational attainment is especially high among people with mental or intellectual disabilities (Addabbo and Sarti, 2014) (Figure 6).

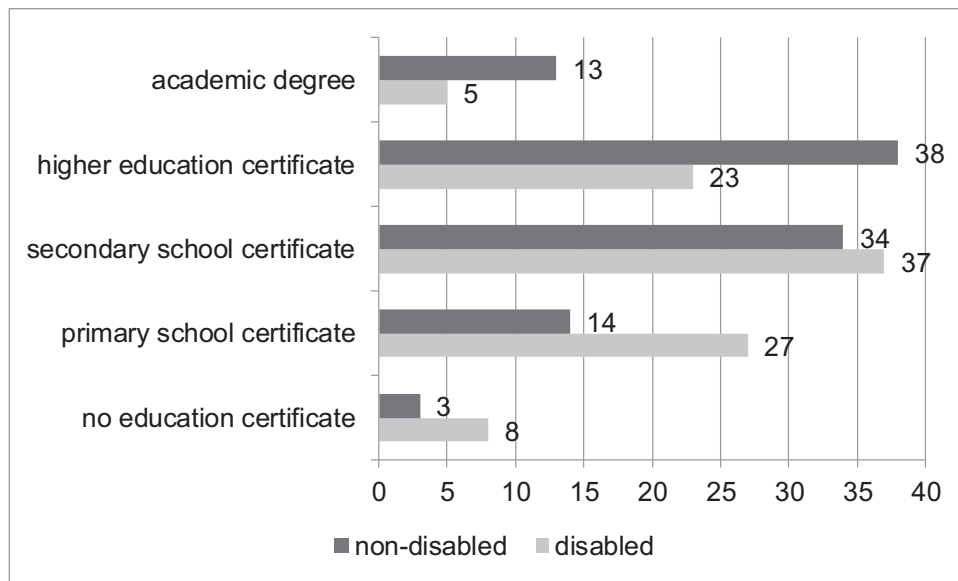


Figure 6: Educational attainment of the disabled and non-disabled population (%)
Source: Compiled by the author, according to Addabbo and Sarti, 2014:9

The situation of Italian disabled persons is apparently made more difficult by low schooling, which adds to the difficulty at successfully finding a job and permanently staying at the employment market.

Examining the positions that disabled and non-disabled persons have at the employment market we can see that the employment rate of the disabled population is 35%, while that of non-disabled persons is 66%. As regards the entry to the labour market, there is a significant difference (20%) between disabled women and men, although this difference reflects the same tendency among the non-disabled population as well and can thus probably be attributed to Italy's national cultural characteristics (Addabbo and Sarti, 2014) (Figure 7).

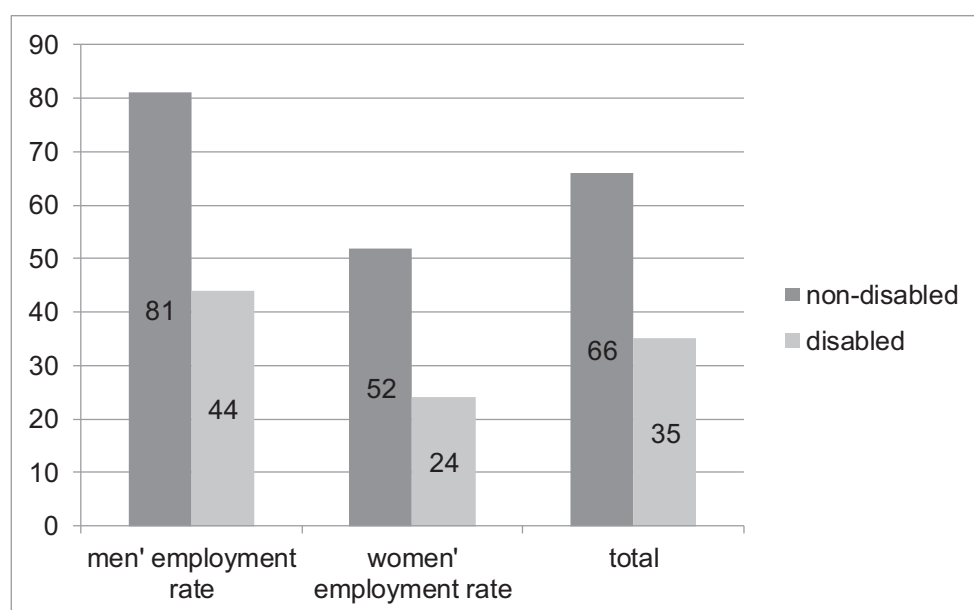


Figure 7: The employment rates of disabled and non-disabled persons according to genders (25-64 years) (%)

Source: Compiled by the author, according to Addabbo and Sarti, 2014:10

When examining the data of the following table it is apparent that parallel with the increase in age, the ratio of employed persons and jobseekers sharply falls, while the ratio of retired persons is outstanding above the age of 45 (Micangeli et. al, 2012). While a higher age does not necessarily involve increased unfitness for work, employment data reflect a falling trend nevertheless.

Characteristically the chance for becoming disabled rises with age, and persons above 45 have decreasing motivation and chance for employment. Even bigger differences can be discovered as regards the genders. The number of the employed or jobseekers is especially low among women and the rate of inactivity is higher since, probably due to the Italian traditions, many of them are active as homemakers (Micangeli et. al, 2012) (Table 1).

Table 1: The economic activity of disabled persons according to age (%)

	15-44 years	45-64 years	more than 65	total
occupied	18,4	17	0,5	3,5
women	13,9	10,4	0,3	0,4
men	22,3	24,6	0,9	6,8
seeking employment	8,1	2,6	0	0,9
women	5,9	0,8	0	0,4
men	10	4,8	0	1,9
retirements	0,3	20,9	50,5	43,9
unable to work	50,9	39	17,1	21,8
housewife	10,3	18,3	21,4	20,3

Source: Compiled by the author, according to Micangeli et. al, 2012:5.

Significant differences are revealed in the employment of disabled persons according to sectors. The highest employment rate is in the fields of education, health care and public offices. This is probably due to the legislative environment protecting the interests and rights of disabled employees (Apostolos et al., 2007:14.) (Figure 8).

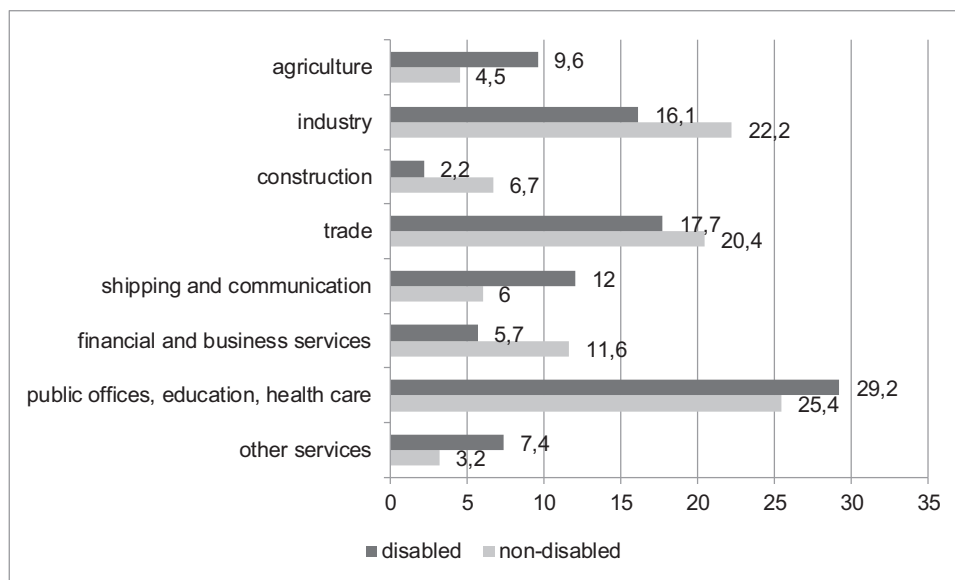


Figure 8: The employment rates of the disabled and non-disabled population according to sectors (%)

Source: Apostolos et al., 2007:14

Persons with disabilities and reduced work capacity characteristically join the labour market by applying to newspaper advertisements, sending off ad hoc CV applications or attending state assessment examinations (50%) on the one hand and through informal personal relations (35.6%) on the other hand. The number three alternative is work opportunity attained through public employment services (11%) and the last one is (3.4%) work found with the help of private employment services (Apostolos et al., 2007). This indicates that labour market services do not offer efficient methods or solutions to jobseekers through which they could successfully join the world of employment.

3. The employment of persons with disabilities or reduced work capacity

In compliance with the EU directives, the main state objective in Italy is to increase opportunities of employment for persons with disabilities or reduced work capacity at the open labour market. There are several employment services helping persons with disabilities or reduced work capacity to find a job.

A programme similar to supported employment is targeted employment, which you can join with the help of the employment service. Targeted employment helps finding a job at the open labour market. There are significant differences between provinces as regards the success and efficiency of the operation of the targeted employment programme. There are provinces (primarily in the northern regions) where good practices are characteristic, while

in other provinces (in the southern regions) no efficient set of tools have been put in place (European Commission, 2012).

The Italian government stimulates the employment of people with disabilities or reduced work capacity by broad-scale and active employment policy tools. Such tools are: transport subsidy, support for the purchase of technical equipment, special tax allowances and exemptions, personal assistants, eligibility for disability pensions also in the case of part-time employment, incapacity support, positive discrimination when filling vacancies in the public sector as well as an employment quota system (European Commission, 2012).

With reference to the labour market programmes the legislation provides for the principle of person orientedness as well as for the need to target workplace adaptation and the efficient elimination of potential obstacles. The application of tailored programmes and methods is especially important in the case of targeted programmes designed for disabled persons where workplace integration is made more difficult by serious and complex health restrictions (Apostolos et. al., 2007). In the case of severe disability consultation and mentoring opportunities must be ensured as well.

When employing persons with disabilities or reduced work capacity, employers are eligible for financial subsidies for e.g. designing the workplace environment or flexible work schedule (European Commission, 2012). When employing persons with disabilities, employers are granted tax exemption and tax allowances. Employers may be relieved of all taxation for a period of up to 8 years if the employees concerned have 79% disability or a combination of physical and mental disability. If the employee has 67-79% disability, the employer may be granted partial tax exemption for up to 5 years. The employer is eligible for support for the adaptation of the work environment or the purchase of special communication tools (the amount of the subsidy being determined by the severity rate of the employee's disability and the extent of the adaptation required).

After the abilities of the disabled person are assessed, a personalised plan is developed. This plan may lay down requirements of professional experience, the necessity to acquire certain competences or participate in certain retraining. In the case of the lack of professional experience or competence, an organisation specialising in the employment of the disabled person ensures the acquisition of the required professional practice. If the employee's retraining is required, the related expenses are borne by the state (Apostolos et. al., 2007).

Persons with disabilities and reduced work capacity are granted special employment law protection in the world of labour. Employers must not have expectations of disabled employees that they are unable to meet due to their disabilities. In case the health condition of a disabled employee worsens, s/he may ask to be transferred to a position that better suits their work performance capacity. Persons with disabilities or reduced work capacity also have the right to go on unpaid leave until they regain their work performance capacity. In the course of this period the employer must not dismiss the employee (Apostolos et. al., 2007).

The main tool of the Italian employment policy is the quota system. Opinions vary as to how efficient a tool obligatory employment quotas are for enhancing the employment of persons with disabilities or reduced work capacity. It is characteristically widely used in several European countries (Austria, France, Spain or Germany) as an active labour market tool which nevertheless has adverse effects on the employment of the disadvantaged group concerned in many respects. For one reason because employers typically employ persons with disabilities or reduced work capacity only to the extent required by the relevant provisions, without considering further employment opportunities at the organisation (European Commission, 2012) and, on the other hand, because the directives do not foster the elimination of but, on the contrary, may worsen the prevalence

of discrimination at the employers'. In Scandinavian and Anglo-Saxon countries, antidiscrimination legislation, the methods of monitoring and mentoring as well as corporate responsibility are regarded as efficient tools, while obligatory employment quotas have much more of a coercive or punishment nature than antidiscrimination legislation and therefore fail to have the required permanent effect (OECD, 2010:135).

Up to the 1990's, the legislation on the quota system in Italy made it possible for employers to use selectivity (Könczei, 2006). This meant that employers could choose from the disabled persons seeking employment on the basis of their work performance capacity. As a consequence, employers chose to employ less "problematic" persons, i.e. those who were likely to take on more workload and were in a better health condition. The enforcement of Act 68 of 1999 was meant to improve this employment practice in Italy.

The restriction of selection could be implemented through the control of Employment Services, too, but as suggested in the statistical data on employment assistance tools it can be assumed that the offices fall short in terms of efficiency and effectiveness.

According to the current legislation employers active in the public and private sectors are obliged to employ persons with disabilities and reduced work capacity of the following categories:

- Persons with bodily, sensory, intellectual or mental disabilities, of employment age whose work capacity is reduced by over 45%.
- Persons with restricted vision or hearing.
- Persons disabled as a consequence of war, civil war or accident at work.
- Persons disabled as a consequence of accident at work whose disability is over 33%.

Pursuant to this act organisations operating both in the private and the public sectors are obliged to employ employees with disabilities or reduced work capacity of a certain percentage, depending on the number of their employees. There are 3 categories differentiated in the legislation as regards obligatory employment:

- employers with more than 50 employees must employ persons with disabilities and reduced work capacity to make up 7% of their employees,
- work places with 36-50 employees must employ at least 2 employees with disabilities;
- organisations with 15-35 employees must employ at least 1 person with disabilities in case they recruit one more person.

Employers meet their statutory obligations only if they hire persons with disabilities or reduced work capacity for the longer run. The target group hired with a temporary contract for less than 9 months are not to be considered here.

If employers fail to meet the obligator employment requirements, they have to pay a compensation fee to a special fund. This fund coordinates and helps the labour market integration of employees with disabilities or reduced work capacity at the regional level (Internet 1).

Despite the statutory obligations, companies of smaller sizes typically either do not employ more than 1 or 2 persons with disabilities and only for shorter periods merely so as to meet statutory obligations, or prefer paying the fine. For these reasons, persons with disabilities are unable to work for the long run and are permanently excluded from the labour market (Saroglia, 2009).

The principle of positive discrimination is reflected in measures that help certain types of disabled persons find a job. Blind or impaired vision people are granted preferential treatment in the following jobs: phone operators, rehabilitation specialists and

physiotherapists, computer programmers, teachers, musicians, jurists, journalists, psychologists and public employees.

In the public sector, certain ratios of both advertised and directly recruited positions must be made available to employees with disabilities and reduced work capacity. For instance, 2% of teachers' positions must be reserved for impaired vision people. Private and public hospitals must employ at least one therapist with impaired vision and must reserve 5% of all positions for this category (Internet 1).

Conclusions

As a way of summary we can establish that the Italian employment policy system orientates people with disabilities and reduced work capacity towards the open labour market instead of protected employment. It typically applies the method of rehabilitation quotas for realising this goal. In addition they put great emphasis on the implementation of equal opportunity and non-discriminatory attitude, which mean a legally imposed protection of people with disabilities and reduced work capacity at the labour market. All these comply with the spirit of EU regulations and directives.

The effects of the protection and positive discrimination granted at the labour market are especially apparent in public health care and education as well as in the public sectors. In these fields, the economic activity of the target group is higher compared to other sectors. As a good example it is to be noted that a wide range of protected positions are specified where, when filling certain positions, persons with disabilities or reduced work capacity must be granted preferential treatment or these protected positions are reserved for them up to a certain percentage.

It is another characteristic feature of Italy that, thanks to the interest representation efforts of persons with disabilities and reduced work capacity and the solidarity between employees working in the same sectors, Italian trade unions paid special attention to the increased protection of their colleagues with disabilities and reduced work capacity from the 1970's already, much preceding the attitude of our time. This attitude can, in my opinion, serve as a good basis for a successful implementation of workplace integration and inclusion.

Another typical feature of Italy comprises reasons underlying employment differences between the genders, which reflect the traditional attitude of the Italian people. As regards the perception of distinct gender roles there are no differences between the disabled and non-disabled population.

The legislative environment in Italy makes eligibility for subsidies and allowances possible and allows for participation in various labour market services. There are significant differences as regards the efficiency of the employment services offered to jobseekers with disabilities or reduced work capacity considering the various provinces. This implies that provincial employment services have their own competence to decide on the priority of labour market tools. This autonomy enables the services to design and implement a set of tools adjusted to the economic and labour market features characteristic for the respective provinces.

In the Italian employment system it is primarily the method of the rehabilitation quota system by which the economic activity of persons with disabilities and reduced work

capacity and the inclusive attitude of employers are to be enhanced and fostered. These are complemented by tailored labour market services that develop employees' competencies and skills according to employers' expectations. It is thus the duty of employment services to coordinate employer demands and employee abilities. At the same time employers do have the opportunity to select jobseekers and choose employees in the best health condition.

On the whole it can thus be concluded that the employment quota system in itself is an insufficient tool for enhancing employment unless it is complemented by efficient labour market services or by enhancing the educational attainment of people with disabilities or reduced work capacity.

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