

EDITORIAL

LABOUR

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MANDATORY EMPLOYMENT OF DISABLED PERSONS, NEW EMPLOYMENT OBLIGATIONS AND RELATED INCENTIVES

As known, 31 January 2017 was the deadline for companies staffed with at least 15 employees to notify the relevant departments of their employment situation, by means of the so-called information prospectus.

The rules on mandatory employment require companies, depending on their size, to promote the employment of people who – because of a duly certified physical and/or mental condition – would not easily find a job, informing the relative actions taken by the provincial offices.

The legislator's sensitivity on this theme, which has been present in our system since 1968, has gradually increased over time and various regulatory measures have been introduced to facilitate entry of the disadvantaged into the job market, also through economic incentives and contribution concessions.

In essence, targeted placement in 2017 is no longer a simple "regulatory enforcement" but a real path where the employer is accompanied by a regulatory consequence aimed at meeting a legal requirement, while

also focusing on the business needs, as seen by the adaptation to a more and more evolved and diversified human context.

In this sense, the regulatory change intended for "small-sized" companies becomes more understandable, where the so-called Jobs Act has imposed – from 2017 and now postponed to 2018 by the recent "Milleproroghe" decree – the inclusion into the organisation of disabled workers no longer "in the case of new recruitments" but "immediately."

In this regard, it is useful to remember who the "new mandatorily placed workers" are today with respect to a not so long ago past when they were seen and considered to be simple "numeric goodwill" with little prospect of business productivity and therefore a "full-time equivalent" that was difficult to manage:

(i) civil invalids with a definite reduction in the capacity to work deriving from ever-increasing pathologies whose medical-legal recognition remains also in the case of subsequent recovery (for example, tumours that in almost all cases cause a disability with complete inability to work);

(ii) workers disabled at work due to occupational injury or disease with a specific degree of disability defined by INAIL and that in the most serious cases allows the employer to obtain additional economic incentives;

(iii) blind or deaf and dumb people who due to new learning techniques are able

to be more easily inserted into the social and working environment; in this regard, it should be noted that the employment of these types of workers provides incentives for investments in the adaptation of infrastructures;

(iv) war invalids and disabled servicemen who have become invalid due to acts of war or while in service for the Government or local authorities.

The Jobs Act implemented through Leg. Decree no. 151/2015 – aimed at promoting the inclusion and integration of persons with disabilities in the workplace – has completely revised the procedure of granting economic incentives for the employment of persons with disabilities as defined in art. 13 of Law no. 68/1999, greatly streamlining the procedure of payment to the employer by INPS. In fact, this can now be done directly and immediately by means of a dedicated electronic request, which can then be managed by adjustments made in the monthly contribution statements.

For the purposes of recognising the existence of an incentive, the hiring of a disabled worker involves a net employment increase with respect to the average of workers employed in the previous twelve months, to be calculated as an increase in the average number of Annual Work Units (AWU) relating to the employer's entire organisation and not to the single production units where the working relationship is established and performed.



NEW CHANGES IN 2017 FOR EMPLOYERS WITH 15 TO 35 EMPLOYEES (SMALL COMPANIES)

Immediate obligation to hire a disabled person from 1 January 2018.

EMPLOYMENT OBLIGATIONS

1 DISABLED PERSON » from 15 up to 35 employees
2 DISABLED PERSONS » from 36 up to 50 employees
7% » more than 50 employees

SYSTEM OF SANCTIONS

Administrative sanction of € 153.20 for each day of delay in the recruitment, with notice to pay the sanction reduced by one quarter.

In this respect, the extent of the incentive in question is not at all negligible and can arrive – depending on the degree and type of reduced working capacity of the disabled person, as well as the type of employment relationship established with said worker – at 70% of the monthly gross taxable pay for a period of 60 months, albeit within the limits of resources that have been allocated specifically for this purpose.

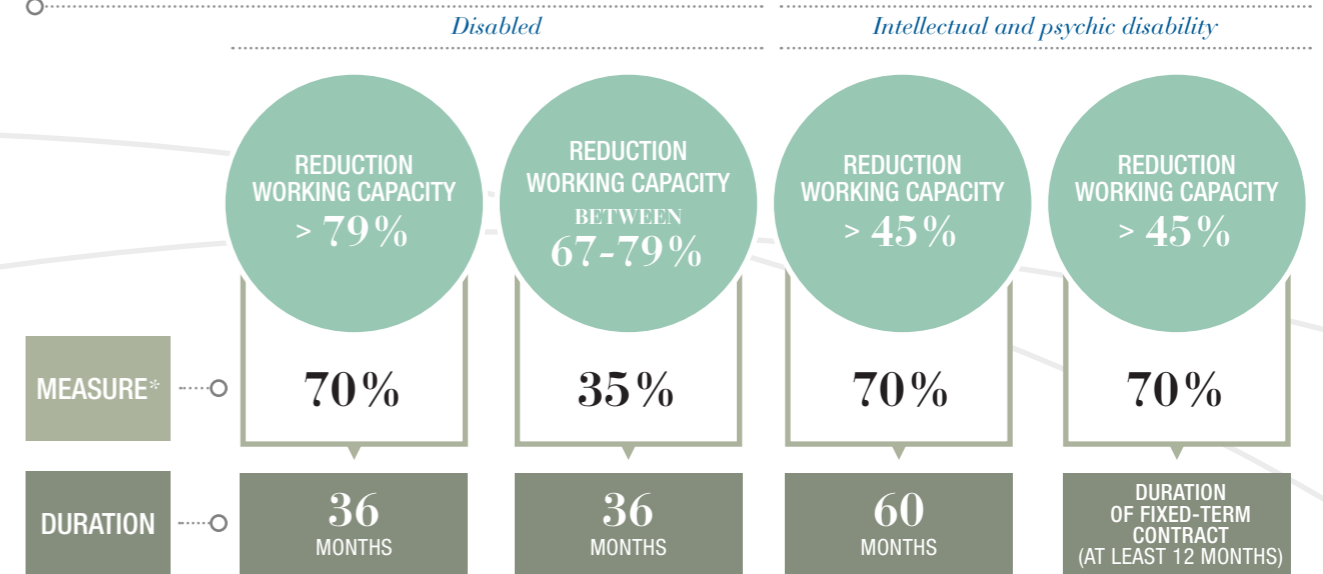
To lessen the impact of inclusion of disadvantaged persons into the labour market, and taking into due consideration the specific nature of the territory, it is expected that Regions can set aside, independently or within their spending limits, additional economic in-

centives to employers. In this sense, Regions with the highest employment density have recently introduced or are planning to introduce specific rules that can intervene with discrete capillary action in order to finance inclusion projects.

For example, the Lombardy Region – which in the past has promoted the inclusion and re-inclusion of people with disabilities through a specific measure called "Enterprise Dowry – Incentives for the hiring of people with disabilities" – has recently defined a new Regional Resolution on employment incentives (resolution no. X/5964 of 12 December 2016), now being considered by the individual Provinces and that hopefully will be made available to employers in the

coming months. This leads to a wider consideration on the need to manage targeted placement with resources proportional to and integrated with those that companies have dedicated to their own development and consolidation in 2017. To achieve this, there is a more evident need to make the inclusion more structural by inserting it into the individual business procedures that range from "recruiting marketing" to the management of replacements, passing through a careful examination of the conditions of the company and of the workers which may be useful to meet the regulatory requirements.

FOCUS ON INCENTIVES FOR THE DISABLED



* percentage of the gross monthly taxable pay