

The expected path of definition of reasonable accommodation from the Guidelines on Targeted Placement in Legislative Decree 62/24

Lilli Corallo (INAPP)

The increase in inequalities (and fragilities), also following the pandemic, requires us to undertake an in-depth study of the subject of anti-discrimination law responsible for the protection of workers with disabilities. The Research looks at the important and now essential principle of the centrality of the person. Foremost, the PNRR (M5, C2) asked to reach a "new" disability definition (based both on a basic assessment and on a multidimensional approach in a biopsychosocial perspective). So the Italian legal system is proceeding by way of decrees aimed at the reorganization and innovation of the issue, to overcome the stratification of multiple regulatory sources which over time have led to a fragmented reading of the same; so, having established the basis of investigation by definitional categories (what we talk about when we talk about "Disability"?), the study will focus on the analysis of anti-discrimination protection for this part of population: the "reasonable accommodation". The relative definitions will be analyzed (2000/78/EC and CRPD of 2006) as interpreted by the CJEU, including the collection of the defining elements that make up this case within the Guidelines on Targeted Placement in Italy. The interventions, indications and methods presented in the Guidelines are aimed at: 1) promote, throughout the national territory, the presence and usability of adequate services, tools and resources, according to the principles of equal opportunities and non-discrimination, for the benefit of citizens with disabilities and businesses affected by the targeted placement rule; 2) support the standardization of the implementation processes of the rules throughout the national territory, by the competent services, to reduce the territorial gaps that penalize large areas of the country; 3) orient the system's actions with a view to continuously improving the effectiveness of performance, favored by monitoring activities and the sharing of valid practices between the different local realities. Then the analysis of the topic on the supranational system and jurisprudential side, both European and domestic, will allow us to analyse the legislative decree n. 62/2024 which provides for a notion (and proceduralisation) of reasonable accommodation. All of these topics will allow to investigate the analytical perspectives that take into account the discriminatory case in point and the simultaneous potential expansion of the hypotheses of protection, with particular regard to the effectiveness of the law to protect the individual, especially focusing on the "disproportionate burden", as interpreted by the Courts.