



Towards a Universal Design of Work: The Italian Approach to Reasonable Accommodation and Digital Accessibility in a Changing Work Environment*

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Digital transformation is changing the professional world, redefining not only the tools through which work is carried out, but also the conditions under which worker protection must operate. The ongoing evolution of technology, the blurring of boundaries between workspaces, and the growing centrality of digital interfaces make it clear that traditional protection models are no longer sufficient to ensure the effective participation of all workers. In a context where work performance is mediated by IT systems, platforms and digital processes, barriers are no longer merely physical or organisational, but are embedded within the technological architectures that govern access, communication and the execution of work.

It is precisely within this framework that the need arises for an adaptation of labour protection, capable of addressing a constantly changing professional environment. Disability, in this sense, provides a unique vantage point. The biopsychosocial approach introduced by the UN Convention on the Rights of Persons with Disabilities (CRPD) demonstrates how participation in the workplace depends on the interaction between individual characteristics and environmental conditions, and how the evolution of the digital environment requires a parallel update of legal protection mechanisms. Hence the need to consider digital accessibility, assistive technologies and reasonable accommodation as structural components of a process of adapting protection, necessary to address the new forms of exclusion generated by digitalisation and, at the same time, to harness its inclusive potential.

The CRPD, ratified by Italy under Law No. 18/2009, forms the foundation of this rethinking. Not only does it redefine the concept of disability, but it also requires an evolution in employment protection, which must shift from a model centred on the protection of the ‘typical’ worker to a model capable of responding to the diversity of personal circumstances and the growing complexity of digital environments. The adaptation of protection thus becomes a dynamic process, requiring both individualised and structural interventions on the conditions that prevent or limit effective inclusion. Article 9 identifies accessibility as a prerequisite for the exercise of fundamental rights,

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expressly including information and communication technologies. Article 27 requires Member States to adopt reasonable accommodation to ensure equal opportunities in employment.

The European framework moves in the same direction. Directive 2000/78/EC introduced the obligation of reasonable accommodation, transposed in Italy by Legislative Decree No 216/2003, and Directive (EU) 2019/882 has strengthened accessibility obligations for digital products and services, indirectly affecting the workplace as well.

In this multi-level scenario, Italian domestic law is called upon to translate these principles into effective means of protection, capable of influencing the practical ways in which work is carried out. It is in this direction that the evolution of Article 2087 of the Italian Civil Code is situated, the scope of which now extends to digital working conditions. The protection of the physical and moral integrity of the worker also encompasses the accessibility of IT tools and the prevention of technological barriers. Added to this are the provisions on digital accessibility contained in the Digital Administration Code and the AgID Guidelines (Agency for Digital Italy: a technical body of the Presidency of the Council of Ministers that guides the digital transformation of the Italian public administration), which define accessibility as a legal obligation for public administrations and as a quality benchmark for digital services.

However, the adaptation of protection cannot be limited to merely extending traditional categories: it requires specific measures that recognise the centrality of the interaction between the individual and the digital environment.

The introduction of Article 5-bis into Law No. 104/1992 responds to this need by providing protection that extends well beyond the workplace. Legislative Decree No. 62/2024 (implementing Delegated Law No. 227/2021 on disability), in Article 17, defines reasonable accommodation as the set of necessary and appropriate modifications and adjustments, adopted in specific cases to ensure that persons with disabilities can fully exercise their rights on an equal basis with others, provided that they do not entail a disproportionate or excessive burden. Identifying reasonable accommodation requires an individualised and contextual assessment, based on the criteria of necessity and proportionality, with the involvement of the person with a disability. In the workplace, this obligation translates into the initiation of a cooperative process between the employer and the person with a disability.

Supreme Court case law has helped to consolidate this development. Indeed, the case law has clarified that the obligation to provide reasonable accommodation constitutes a flexible clause, the content of which must be determined in concrete terms, in relation to the specific circumstances of the worker and the organisation of the business, whilst respecting the limit of disproportionate burden. In particular, it has emphasised that accommodation is not subject to legislative standardisation, but requires a case-by-case assessment of the measures that are actually suitable for ensuring the effectiveness of the right to work of the person with a disability (see, *inter alia*, Civil Court of Cassation, Labour Section, No. 6497/2021).

In line with this approach, the Court of Cassation, in its judgment of 10 January 2025, No. 605, held that flexible working arrangements may also constitute a reasonable accommodation measure, provided that they are, in practice, suitable for enabling a worker with a disability (in the present case: visual impairment) and do not impose a disproportionate burden on the employer. The decision establishes a principle of great significance: the employer's duty to accommodate does not concern only the physical environment, but may also extend to the manner in which work is performed, where this is necessary and proportionate in relation to the worker's circumstances and the organisation of the business. The identification of suitable measures may, in practice, also

include organisational or technological solutions, provided they serve to enable the effective performance of work on an equal footing. This also applies where the need for accommodation relates to the caregiving activities carried out by a family carer, a role recognised by Italian law (Article 3(3) of Law No. 104/1992; Art. 1, para. 255, Law No. 205/2017) and who, following Legislative Decree No. 105/2022, is entitled to specific safeguards regarding flexibility and priority in accessing flexible working arrangements.

Protection cannot, therefore, remain tied to static models, but must keep pace with the evolution of the workplace. In this context, assistive and adaptive technologies can also be regarded as reasonable accommodation: “they not only compensate for motor, sensory or cognitive limitations, but represent genuine enablers of social participation” (Di Carluccio, 2025b), giving concrete form to the principle of substantive equality referred to in Article 3 of the Italian Constitution. Their absence, when the service is structurally mediated by digital tools, may also be significant from an anti-discrimination perspective, where it places a worker with a disability at a disadvantage, in accordance with the provisions of Legislative Decree No. 216/2003.

Technical and organisational tools also help to shape a model of protection capable of addressing the challenges posed by digitalisation. In this regard, UNI/PdR 159:2024 provides a further building block. Although not legally binding, it proposes a systemic model of workplace inclusion that combines the removal of physical, digital and organisational barriers with an individualised assessment of needs. Its distinctive feature lies in bringing the principle of universal design – defined by the CRPD as design usable by as many people as possible without the need for adaptation – into the organisation of work. Whilst international standards such as ISO 30071-1:2019 focus on the technical design of accessible ICT products and services, UNI/PdR 159:2024 broadens the perspective and recognises that digital accessibility requires a comprehensive rethinking of work processes, internal responsibilities and the ways in which workers and technologies interact.

Focusing on the organisational dimension of accessibility allows us to take a further step: the need to move beyond a purely reactive approach and towards models of inclusive design. This approach fits coherently within the path initiated by the Italian legislature through Legislative Decree No. 222/2023, implementing Delegated Law No. 227/2021, which reinforces the obligation of public administrations to integrate accessibility and inclusion into organisational processes and performance evaluation systems. The Action Plan of the National Observatory on the Condition of Persons with Disabilities also emphasises the need for a systemic approach to universal accessibility. This confirms that inclusion cannot be left to ad hoc measures, but must become a fundamental criterion in organisational design.

In conclusion, the evolution of the professional environment requires labour law to rethink its protective measures in light of the technological transformations that are redefining the times, places and methods of work. The Italian experience shows how this adaptation can develop along two complementary lines. On the one hand, reasonable accommodation guarantees an individualised and immediate response to the needs of people with disabilities, ensuring that protection remains effective even when technologies introduce new forms of vulnerability. On the other hand, universal design in the workplace guides the design of professional environments towards inclusive and resilient models, capable of preventing the creation of barriers and absorbing change without producing new forms of exclusion. The two approaches are not mutually exclusive. Universal design does not eliminate the need for individual accommodations, but reduces their frequency and, at the same time, facilitates their implementation; reasonable accommodation ensures that, even in an environment designed to be inclusive, the specific needs of each person are fully taken into account. At the same time, accommodation can represent the first step towards the

progressive implementation of an equality policy, the beneficial effects of which can extend to the entire workforce (Bonardi, 2024). It thus takes on a structural significance, as a tool for a comprehensive rethinking of work, centred on the individual and on dialogue among all those involved: its transformative potential (Telkè, 2024) can be fully realised if we recognise that one of its fundamental aims is precisely to open the way for a critical review of the practices, assumptions and methods that have historically shaped the living and working environment (De Campos Velho Martel, 2011). This dual perspective enables the construction of a dynamic protection model, capable of adapting to changes in the professional environment and ensuring effective participation even in highly digitalised contexts.

Thanks to recent reforms and more progressive case law, Italy now occupies a particularly interesting position in the comparative landscape. The Italian approach – which combines regulatory innovation, evolving case law and technical and organisational tools such as UNI/PdR 159:2024 – represents a significant laboratory for understanding how labour law can respond to the challenges posed by digitalisation. In a constantly evolving professional environment, the legal system's ability to adapt protection becomes the criterion by which to measure the effectiveness of rights and the quality of inclusion. Universal design in the workplace thus emerges as the logical outcome of a process of evolving legal protection, necessary to ensure that digitalisation does not produce new forms of exclusion, but becomes an opportunity to strengthen participation and substantive equality in the workplace.

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