



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Italy
Title:	The protection of motherhood and fatherhood
Date:	04 May 2015
Expert:	Simonetta Renga
<u>Context</u>	
Issue at stake:	Protection of motherhood and fatherhood, promotion of reconciliation measures, protection against gender violence, resignation
Ground of discrimination:	Sex
Source:	Act
Field:	Pregnancy and maternity; parental leave; self-employment; working conditions
Applicable law:	Act 10 December 2014, n. 183

Content

Legislative development: The Delegation Act N. 183 of 10 December 2014 provided for the umpteenth time a wide reform of the labour market. The Delegation Act, which is approved by the Parliament, states the criteria for the reform which will be implemented by a series of decrees issued by the Government.

The Act includes one Article. Paragraph 8 of this article includes the support of both parenthood and conciliation between working life and family care duties.. A preliminary analysis of the protection of maternity assured to different categories of workers has been provided, with the aim of extending it to all female workers. Also, an examination of the protection of motherhood and fatherhood has also been provided, with the aim of assuring more flexibility and further opportunities for conciliation, while at the same time taking into account the needs of the enterprise. Another criterion regards the possibility of allowing people working for the same employer to transfer the additional days of rest provided by collective agreements to the parent of children who need continuous care and the parent's presence for health reasons. The extension of new types of incentives for conciliation measures to the public sector is also an objective of the reform, although it is to be achieved without any further costs.

The reform will also strengthen the right to maternity allowance of workers who work on a project-basis. The so called principle of automaticity will be enforceable to them, so they will receive the allowance even if the employer does not pay the contribution.

A tax credit to boost working mothers' participation in the labour market will be recognized to both subordinate and autonomous female workers with under-age or seriously disabled children, on certain revenue conditions. Also an harmonization of the spouses' tax allowances will be provided. Further measures to improve conciliation regard incentives for collective agreements including schedule flexibility and the use of production bonuses in this field, and telework, as well as the improvement of the integration of different care-services.

A totally new measure regards the support for women victims of gender-based violence where a period of leave will be awarded to those who are under a protection programme certified by local social services.

Finally, the Government will also have to provide for the simplification and rationalization of different Equal Opportunities bodies in the field of labour and their respective jurisdictional competences, including the procedure for the promotion of positive actions.

A different chapter of the reform could also affect, although indirectly, the issue of care. Art. 1 para 5 of the Delegation Act, which regards the objectives of simplification and rationalization of the procedures for hiring and staff management, includes the validation of resignation. Simplified procedures should be provided to guarantee both the certainty of the date of the resignation and the workers' free will.

Key points of analysis: The delegation act is to be welcomed as regards the protection of fatherhood and motherhood and the promotion of conciliation, although it is obviously quite generic. The main problem will probably be the financing of these measures. In fact, the draft Decree which will implement a large part of Art. 1 para 8, recently approved on 20th February 2015, only provides for a temporary intervention (safe incentives for collective agreements promoting conciliation measures). The possible extension of the new ruling to the Public Administration is also provided with no costs, which can raise some doubts about its effectiveness.

As regards the reform of the resignation procedure, which is aimed at simplifying staff management, it risks missing the specific and stronger protection of parents, where the validation of the resignation is required in front of an officer of the State to assure the real will of the worker.

Internet link source: Act N. 183 of 10 December 2014 on the reform of measures to cushion the effects of unemployment, placement services, ruling of the working relationship, labour inspection, protection of parenthood and promotion of conciliation of work and family life, published on OJ N.290 of 15 December 2014, available via: <http://www.normattiva.it/ricerca/semplice>.