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NEWS REPORT

Country:	Italy
Title:	The re-organisation of equality bodies and equality advisors
Date:	2 October 2015
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<u>Context</u>	
Issue at stake:	Territorial and substantive competence of equality advisors, composition and functioning of the National Equality Committee, appointment procedures and allocations
Ground of discrimination:	Sex
Source:	Legislation
Field:	Equality Bodies
Applicable law:	Decree No. 198 of 11 April 2006 on The Code for Equal Opportunities between men and women, published in OJ No. 125 of 31 May 2006, o.s. No. 133

Content

Law development: On 11 June 2015, the Council of Ministers examined one of the draft decrees implementing the Delegation Act No. 183/2014 (providing for a wide reform of the labour market). This draft decree also includes a part that amends the Code for Equal Opportunities with regard to the equality bodies under the competence of the Minister of Labour. The draft decree is also aimed at the revision of the territorial competence of the provincial equality advisors; under Act No. 56 of 7 July 2015, provinces are substituted by metropolitan cities and local governmental bodies of wide areas (*enti locali di area vasta*).

Following the amendments, each local body (region, or the bodies mentioned above) that appoints an equality advisor will allocate the resources for the equality advisor's functioning, and will have to decide (within its spending power) the possible remuneration for time off work, to which equality advisors is entitled. Local bodies will also pay a monthly allowance to which local equality advisors could be entitled. It is not fully clear whether the fund for the activities of equality advisors (provided by the amended Article 18 of Decree No. 198/2006) would cover these costs if local bodies were not able to cope with them. On the contrary, the activity of the National Equality Advisor and the allowance for which he/she can ask for the entire mandated period are covered by the fund, and ruled by a Decree of the Minister of Labour. This also establishes the amount to be awarded, including expenses.

In 2015, the allocations mentioned above (limited to EUR 140 000) will be paid by the fund for conciliation measures between working and family life, provided by Article 25 of Decree No. 80 of 15 June 2015.

The appointment procedure, facilitated by a comparative evaluation, has been simplified and the mandate of both national and local equality advisors lasts three years, renewable only once. They are also excluded from the so-called 'spoils system' provided by Article 6(1) of Act No. 145 of 15 July 2002, which means that they cannot be removed from office exclusively on the ground of a change in Government.

The competences of equality advisors in relation to the substance of their work have been slightly modified. Matters that concern more general issues (such as the promotion of the coherence of the policies of territorial development with the EU, and national and regional policies on equal opportunities) have been given to the National Committee (see below). Also, under the re-organisation the collaboration of equality advisors with the Labour Inspectorate has been strengthened.

The National Committee, which operates within the Ministry of Labour and promotes equal opportunities, has also been reformed: the number of its members, who are mainly representatives of social parties, associations working in the field, and the Ministry of Labour, has been cut. In addition, its functioning has been simplified. In terms of the role of the Committee in matters concerning positive action; the National Committee keeps a more political role in fixing the objectives of projects to be financed. The Committee's more technical role, which includes responsibilities such as the evaluation of projects and their respective results, will be facilitated through the participation of some of National Committee members in a specific commission. A decree from the Minister of Labour is expected to mandate this. Other technical bodies that had previously been set to support the National Committee will be abolished.

The Net of the Equality Advisors, in which all local equality advisors participate and which is coordinated by the National Equality Advisor, has been replaced by the Conference of Equality Advisors. The Conference of Equality Advisors has the same composition and functions: predominantly strengthening the activities of equality advisors, and exchanging information and good practices. The Office of the Prime Minister and the Ministry of Labour will promote initiatives aimed at ensuring the effectiveness of the promotion of equal opportunities; one of the competences of equality advisors. However, the Conference will not be supported by the technical bodies, as they have been abolished. In addition, it is likely that the Conference will no longer be able to use experts; no specific allocations for its functioning have been provided, and the existence of the Conference must not give rise to further costs.

Key points of analysis: The draft decree simplifies the composition and organisation of equality bodies at national level, and allocates more political functions to the National Committee. It also improves the appointment procedures for equality advisors, amending them so that they conform to EU requirements on the independence of such bodies. This intervention was particularly necessary, as evidenced by the State Council judgment no. 5031 of 29 July 2010 (confirming the Administrative Tribunal decision of 19 July 2009). This stated that the National Equality Adviser can be removed under the spoils system if she or he is not 'tuned in' with the Government's policies, as the National Equality Adviser is not an independent body (despite her/his wide autonomy over internal organisation).

The main problem is the financing. In fact, although a more rational distribution of the expenses between the local and the national level is commendable; the new text does not expressly guarantee the remuneration of either time off, or of a monthly allowance for local equality advisors. A lack of funding could weaken their role in fighting discrimination and promoting equal opportunities.

Internet link source:

Draft Decree of 11 June 2015 on the Reorganisation and simplification of procedures for citizens and enterprises, and other provisions on labour and equal opportunities, <http://www.jobsact.lavoro.gov.it/documentazione/Documents/Semplificazione.pdf>, accessed 24 August 2015.