



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

### FLASH REPORT

<b>Country:</b>	Italy
<b>Title:</b>	The protection of motherhood and fatherhood
<b>Date:</b>	7 March 2016
<b>Expert:</b>	Simonetta Renga
<b><u>Context</u></b>	
<b>Issue at stake:</b>	The funding of care expenses, paternity leave, and the remuneration of compulsory maternity leave
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	Law
<b>Field:</b>	Parental leave
<b>Applicable law:</b>	Act No. 208 of 28 December 2015, published in Official Journal No. 302 of 30 December 2015, ordinary supplement No. 70

### Content

**Law Development:** The Budget Act for 2016 allocated the fund to sustain some experimental measures enforceable from 2012 to 2015 for a further year.

In 2016, under Article 1 paragraph 205 of the Budget Act, fathers will still be entitled to take up to two days of leave in alternative to the mother within the first five months after the child's birth, as well as a compulsory leave, which has been extended from one to two days. The latter can also be used at the same time as the mother's compulsory leave and is added to the paternity leave the father is entitled to in case of the mother's death or serious illness. These leaves are also granted in the case of national and international adoption or fostering.

Under Article 1 paragraph 285, the introduction of paid vouchers for babysitting services has been extended to 2016: these will be made available to mothers from the end of compulsory maternity leave for the following eleven months as an alternative to parental leave. The Budget Act provided for the extension of this temporary measure to professionals and autonomous workers. A Decree is to be issued to fix criteria to accede and to use this benefit for the latter categories.

The Budget Act finally clarified that the compulsory maternity leave is to be reckoned at the aim of productivity bonus, that is the suspension of the working relationship in this period cannot jeopardise the mother's income as regards wage incentives (Article 1 paragraph 183).

**Key points of analysis:** The temporary measures mentioned above have been scarcely used in the first two years of implementation, both for an insufficient information and a red tape procedure. Their extension to 2016, and to autonomous workers as regards babysitting expenses, is likely to enable the government to value their efficiency.

The amendment on productivity bonus avoids a cut in pay as a consequence of the compulsory suspension of the working relationship.

**Internet link source:**

<http://www.gazzettaufficiale.it/eli/id/2015/12/30/15G00222/sg>, accessed 9 January 2016.