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NEWS REPORT

Country:	Italy
Title:	Sanctions for gender discrimination in the working relationship
Date:	17 May 2016
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<u>Context</u>	
Issue at stake:	Changes from criminal to administrative sanctions
Ground of discrimination:	Sex
Source:	Legislation
Field:	Employment and self-employment
Applicable law:	Decree No 8 of 15 January 2016, published in OJ No 17 of 22 January 2016

Content

Law development: The decriminalization provided by Decree No 8 of 15 January 2016 also involved some changes in the sanctions for the infringement of the ban on gender discrimination in the working relationship. Minor criminal sanctions (fines from EUR 250 to 1500) have been substituted by administrative monetary sanctions from EUR 5000 to 10 000. The change regards all cases of discrimination covered by the Code of Equal Opportunities (Decree No 198/2006). That is, all sectors, both public and private, and all aspects of the working relationship: access to work, equal pay, equal working conditions etc.

Key points of analysis: On the whole, the reform aims at reducing the work of the overburdened criminal courts. The new sanctions are higher than the previous ones but they have lost both the greater deterrent effect of criminal sanctions and the enforceability of the special procedure of Article 15 of Decree No 124/2004. The procedure allowed the employer to avoid criminal trial by the restoration of a lawful condition and the payment of a quarter of the maximum fine. However, all remarks can be made only on a theoretical level as no published cases of enforcement of these provisions are to be recorded.

Internet link sources:

Decree No 8 of 15 January 2016, published on OJ No 17 of 22 January 2016

<http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2016-01-22&atto.codiceRedazionale=16G00011¤tPage=1>, accessed 12 April 2016;

Decree n. 198 of 11 April 2006, The Code for Equal Opportunities between men and women, published in OJ N. 125 of 31 May 2006, o.s. n. 133,
<http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2006-05-31&atto.codiceRedazionale=006G0216¤tPage=1>, accessed 12 April 2016;
Decree No 124 of 23 April 2004, on the Reform of the Labour Inspectorate, published on OJ No. 110 of 12 May 2004,
<http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2004-05-12&atto.codiceRedazionale=004G0156¤tPage=1>, accessed 12 April 2016.