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NEWS REPORT

Country:	Italy
Title:	A lawful interpretation of the ruling of parental leave
Date:	17 May 2016
Expert:	Simonetta Renga
Context	
Issue at stake:	The right to take up a period of parental leave and collective bargaining
Ground of discrimination:	Sex
Source:	Miscellaneous ("Interpello" n. 13 of 11 April 2016)
Field:	Employment
Applicable law:	Decree No. 151 of 26 March 2001 on the Sustain of Motherhood and Fatherhood, published in OJ N. 96 of 26 April 2001, as amended by Decree No. 80 of 15 June 2015, published in OJ N. 144 of 24 June 2015, o.s. N. 34

Content

Law development: The Ministry of Labour recently issued a lawful interpretation (under Article 9 of Decree No. 124/2004, a so-called "interpello") of Article 32 of Decree No. 151/2001. As regards the amendment provided by Decree No. 80/2015, which cut the notice to take up parental leave from fifteen to five days, it stated that clauses of collective agreements signed before the issue of the amendment and providing for a longer period of notice of fifteen days (by reference to the previous text of the Decree) are still enforceable. Moreover, as regards the possibility for the employer to postpone parental leave, it reminded that the workers' interest has priority, although monthly agreements with the worker or union representatives aimed at reconciling this right with the needs of the enterprise are possible.

Key points of analysis: The interpretation issued by the Ministry of Labour allows a different ruling on the period of notice depending on the enforceable collective agreement. Moreover, although it clarifies that the use of this right does not require the employer's consent, it also seems to prepare for lawful postponements of the parental leave, on condition they are ruled by collective agreements.

Internet link source:

Interpello n. 13/2016 of the Minister of Labour
<http://www.lavoro.gov.it/notizie/Documents/13-2016.pdf>, accessed 28 April 2016.