



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

NEWS REPORT

Country: Italy
Title: Discrimination in pay at Casino
Date: 22 December 2016
Expert: Simonetta Renga
Context
Issue at stake: Discrimination in pay
Ground of discrimination: Sex
Source: National court decision
Field: Equal pay
Applicable law:

Content

Development: Judgment n. 65 of 13 April 2016 of the Tribunal of Aosta ascertained gender discrimination in pay where a female manager, head office of the account sector of the local casino, had been paid about EUR 92 000 per year whereas her male colleagues had been paid about EUR 140 000 per year on average. In addition, some other male employees of a lower level earned a remuneration higher than hers. The female manager also objected to discriminatory dismissal. However, this was unsuccessful. The judge deemed the dismissal to be justified by objective reasons of reorganization rising from the crisis and observed that the evidence of discrimination in pay cannot automatically give evidence of the discriminatory nature of the dismissal.

Key points of analysis: This case has to be recorded as gender discrimination and is important as gender discrimination in pay is very rarely taken to court in Italy. Moreover, the judgement shows a rigorous interpretation of Art. 28 of Decree No 198/2006 on Equal Opportunities, which provides the principle of equal pay for equal work. In fact, it states that the intention to discriminate as well as the possible fairness of the remuneration considering the job and the minimum wages provided by collective agreements are useless: the discrimination is proved by the mere fact that the female worker received a lower wage comparing to male colleagues while she, as a manager, had higher responsibilities and weaker protection against dismissal. The judgement recognized a refund of damages to the worker of about 41 % of her remuneration, considering a fair remuneration could amount to EUR 130 000 per year (that is a little higher than the one of the best paid employee).

Internet link source:

<https://www.file-pdf.it/2016/07/05/aosta-65-2016/> last accessed 22 December 2016.