



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

NEWS REPORT

Country:	Italy
Title:	Incentives for collective agreements on work-life balance, paternity leave and smart working
Date:	26 January 2018
Expert:	Simonetta Renga
Context	
Issue at stake:	Promotion of measures for a better work-life balance
Ground of discrimination:	Sex
Source:	Legislation
Field:	Employment
Applicable law:	Decree of 12 September 2017 on the enforcement of Art. 25 of Decree N. 80 of 15 June 2015 allocating funds for the promotion of work-life balance measures (<i>Misure per la conciliazione delle esigenze di cura, di vita e di lavoro, in attuazione dell'articolo 1, commi 8 e 9, della legge 10 dicembre 2014, n. 183</i>)

Legislative Development: The Minister of Labour and Social Policies, together with the Minister of Economics and Finance, issued a Decree on 12 September 2017 to implement Art. 25 of Decree No. 80/2015 on the allocation of resources for experimental measures facilitating a better work-life balance in the private sector. The Decree stipulates the criteria which entitle employers who facilitate a better work-life balance through a collective agreement, to apply for a cut in contributions to the INPS (National Institute for Social Security). The measures taken by companies must involve the following:

- measures regarding parenthood (extension of paternity leave and/or integration of the respective allowance, facilitation in crèches, e-learning, sustaining employees coming back to work after a period of maternity leave, vouchers for baby-sitting services) and/or;
- organizational facilitation to combine work and private life (smart working, flexible working hours, facilitate part-time working and transferability of holidays) and/or;
- measures regarding enterprise welfare (providing aid to employees in outsourcing tasks allowing to reach a better work-life balance, providing aid/ vouchers for care services).

In order to receive a benefit, the collective agreement must include at least two of the measures mentioned above from which at least one measure listed in the first two bullet points. Moreover, the intervention must be innovative and grant better conditions compared to previous agreements and apply to at least 70% of the work force employed the year before the application.

Funds have been allocated to sustain the experimental measures in the period covering 2016-2018 (EUR 55.200.000,00 for 2017 and EUR 54.600.000,00 for 2018). 20% of the Fund will be shared equally among all employers, while 80% will be shared proportionally among the working force employed the year before the application. Employers can participate only once, considering the measures are experimental.

Key points of analysis: Signing a collective agreement at the enterprise level is a requirement to receive the benefit, which on the one hand can stimulate the introduction of more suitable solutions for workers, but on the other hand could discourage employers who are worried to let unions “enter” the enterprise. A selection of representatives of different Ministers will monitor the effectiveness of the trial. Some negative observations have already been made on the fact that under Decree No. 80/2015 no union representation is assured in this monitoring function.

On the whole the decree seems to pay special attention to the work-life balance as the list of measures is quite detailed and at least one measure chosen should be in the area of care or flexibility in working organization. The legislator took two years to implement Art. 25 of Decree N. 80/2015 (regarding the period 2016-2018) and due to this delay had to add the resources for 2016 to those for 2017 by Decree No. 193/2016. In the first year of enforcement, some doubts on the effectiveness of the experimental intervention could be raised concerning the short-term notice for the application for the benefit (15 November 2017) whilst the INPS Circular has yet to set up operative instructions.

Internet link source:

1. Decree of the Minister of Labour and Social Policies together with the Minister of Economics and Finance of 12 September 2017, 12 september 2017, available at: <http://www.lavoro.gov.it/documenti-e-norme/normative/Documents/2017/Decreto-Misure-di-Conciliazione.pdf>, accessed 16 October 2017.
2. Decree No. 80 of 15 June 2015, modifying Decree No. 151 of 26 March 2001 on the Protection of Motherhood and Fatherhood (*Misure per la conciliazione delle esigenze di cura, di vita e di lavoro, in attuazione dell'articolo 1, commi 8 e 9, della legge 10 dicembre 2014, n. 183*), 15 June 2015, available at, http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2015-06-24&atto.codiceRedazionale=15G00094&elenco30giorni=true
3. Decree No. 193 of 22 October 2016 (*Disposizioni urgenti in materia fiscale e per il finanziamento di esigenze indifferibili*), 22 October 2016, available at: http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2016-10-24&atto.codiceRedazionale=16G00209&queryString=%3FmeseProvvedimento%3D%26formType%3Dricerca_semplice%26numeroArticolo%3D%26numeroProvvedimento%3D193%26testo%3D%26annoProvvedimento%3D2016%26giornoProvvedimento%3D¤tPage=1