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NEWS REPORT

Country:	Italy
Title:	Budget Act for 2018
Date:	2 March 2018
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<u>Context</u>	
Issue at stake:	Victims of gender based violence, protection of victims of harassment and sexual harassment, maternity, support for family caregivers
Ground of discrimination:	Sex
Source:	Law
Field:	Employment, maternity
Applicable law:	Act N. 205 of 27 December 2017, Budget Act for 2018

Content

The Budget Act for 2018, which consists of one article and 1181 paragraphs, contained several provisions affecting working women, directly or indirectly.

Paragraph 217 of the act extended the period of leave awarded to female victims of gender-based violence who are under a protection programme certified by local social services (Art. 24 of Decree N. 80/2015) for domestic workers. Paragraph 220 also provided for a cut in welfare contribution up to 36 months (financed with EURO 1 million for each year from 2018 to 2020) for social cooperatives hiring female victims of gender-based violence up to 31 December 2018.

Paragraph 218 of the Budget Act partially amended Art. 26 paragraph 3 of Act N. 198/2006 on Equal Opportunities. It states that any acts, pacts or provisions regarding working conditions offered to women subjected to less favourable treatment after they have become victims of harassment on the ground of sex or sexual harassment are null and void. The same paragraph also specified that all less favourable treatments, including dismissal, transfer and change of job or any organizational measure which has a direct or indirect negative effect on the working condition of the worker who brings a case to court for harassment or sexual harassment are null and void. This protection is not enforceable only in cases where the plaintiff's criminal liability for libel or slander has been ascertained.

Paragraph 254 allocated EURO 20 million per year for the period 2018-2020 to sustain legislative interventions aimed at recognizing the social and economic value of the activity of family caregivers. Following paragraph 255 the latter are persons who take care of seriously disabled partners or relatives who need a permanent, overall and continuous assistance.

Paragraph 465 and 466 provide for amendments respectively to the civil and criminal procedural law. The first states that, in cases where the defendant certifies her pregnancy or an adoption/fostering procedure, the judge must rule the continuation of the trial taking into consideration the period of two months before and three months after the birth/adoption/fostering. The amendment also states that this provision cannot be seriously detrimental for the parties' where an urgent treatment is necessary. Paragraph 466 provides that in the period mentioned above the defender is allowed not to appear before the court.

Under paragraph 635 the expiry of fixed term contracts of university researchers is postponed with 5 months corresponding to the length of the compulsory maternity leave.

Key points of analysis: The provisions of the Budget Act mentioned above are very heterogeneous. Some changes are aimed at improving the protection of motherhood (such as those regarding lawyers and university researchers, para 465, 466, 635) by detailing provisions linked to the specific demands of the sector. Some others actually extend the personal scope of the ruling for the victims of gender violence (such as paragraph 217 for domestic workers), while the strengthening of the protection against harassment and sexual harassment (paragraph 218) can probably be considered already provided by the Code of Equal Opportunities although by means of interpretation.

No debate or comments at all are to be recorded yet regarding the provisions mentioned above.

On the contrary, the allocation of a Fund to support legislative interventions aimed at recognizing the family caregiver's activity, already raised some critical remarks especially from the point of view of female workers. In fact, the Fund is quite scanty and seems to express the tendency of the legislator to burden families, and consequently mainly women, with assistance, boosting them to stay at home rather than investing in social and health structures which would also create jobs. Nevertheless, the evaluation of this intervention must be postponed to the enforcement of the legislative interventions it is aimed to support, as they have not been fixed yet.

Internet link source: Act N. 205 of 27 December 2017, Budget Act for 2018, published in OJ N. 302 of 29 December 2017, o.s. N. 62, http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2017-12-29&atto.codiceRedazionale=17G00222&queryString=%3FmeseProvvedimento%3D%26formType%3Dricerca_semplice%26numeroArticolo%3D%26numeroProvvedimento%3D205%26testo%3D%26annoProvvedimento%3D2017%26giornoProvvedimento%3D¤tPage=1, accessed on 8 January 2018;

Caregivers e bonus bébé, non ci siamo, <http://www.ingenere.it/news/caregiver-bonus-bebe-non-ci-siamo>, accessed 8 January 2018.