



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

FLASH REPORT

Country:	Italy
Title:	The recent Decree 'Re-launching' strengthens the support to families to address the increasing need of care due to lockdown measures implemented to tackle the spread of COVID-19
Date:	16 June 2020
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Update of flash reports:	Italy - A first intervention aimed at providing economic support to families to address the increasing need of care due to lockdown measures implemented to tackle the spread of COVID-19 (92 KB) and Italy - Amendments to first measures aimed at providing economic support to families to address the increasing need of care due to lockdown measures implemented to tackle the spread of COVID-19 (84 KB)
<u>Context</u>	
Issue at stake:	Parental leave – smart-working
Grounds of discrimination:	Gender
Field of application:	Family related leave
Source:	National legislation
Applicable law:	Decree No. 34 of 19 May 2020

Content

Decree No. 34 of 19 May 2020, the so-called 'Re-launching' Decree, has been issued to enhance 360° measures aimed at tackling the serious crisis caused by the COVID-19 pandemic. It includes a further strengthening of provisions aimed at supporting workers with family care duties.

Key points of analysis: Article 72 of the Decree extends the period of parental leave from 15 to 30 days, as provided by Article 23, para 1, of Decree No. 18/2020 for workers of the private sector. This leave can either be taken continuously or split (between 5 March and 31 July) by parents of children up to 12 years old and is covered by an allowance of 50 % of the remuneration and by figurative contributions.¹ No age limit applies in case the assisted child suffers from a certified serious disability and they were attending school or were under the care of a daytime centre of assistance before the suspension of these activities.

The amendment of Article 23 is also enforceable for workers of the public sector and for self-employed and quasi-subordinated workers, as these categories are entitled to take up the leave, as provided by para 1 of Article 23 of Decree No. 18/2020.

¹ The National Institute for Social Security (INPS) credits these contributions to the worker's pension scheme although a corresponding amount has not been actually paid.

Article 72 increases the maximum amount of the subsidies for babysitting services (from EUR 600 to EUR 1 200) provided by Decree No. 81/2020 as an alternative to parental leave. Working parents (employed, self-employed or quasi-subordinated) of children aged 12 years or younger can benefit from this subsidy. The amount of the maximum allowance has been raised from EUR 1 000 up to EUR 2 000 for workers of health services, including doctors, nurses, technicians of medical laboratories or radiology, social health operators, personnel of the defence and public rescue sector assigned to operations enhanced to face the COVID-19 emergency.

A further improvement also regards unpaid leave which can be taken by parents for the whole period during which school activities are suspended under Article 23 of Decree No. 18/2020. In fact, the new text provided by Article 72 clarifies this is an additional right and extends it to parents of children aged 16 or younger (and not only from 12 years old up to 16 as previously ruled by Article 23).

Article 73 of Decree No. 34/2020, amending Article 24 of Decree No. 18/2020, extends the right to take up an additional 12 days of leave during the months of May and June, to be added to the ordinary 3 days a month time off which are provided by Article 33 of Act No. 104/1990 to workers of both the private and the public sector to assist a relative with a certified serious disability. This leave is fully paid and covered by figurative contributions.

In the private sector, Article 90 extends the workers' right to smart-working² (provided that the job can be performed in this way) to parents of children aged 14 or younger. Parents are entitled to this right until the end of the COVID-19 emergency period, safe in case one of them does not work, is unemployed or receives unemployment benefits.

As regards the public sector, Article 87 of Decree No. 18/2020 already ruled smart-working as the standard way to work (provided the job could be performed in this way) until the end of the emergency period. Article 263 of Decree No. 34/2020 states that the latter provision will be gradually adapted to the organisational needs and citizens' needs, considering the progressive reopening of both public offices and business. Changes in the working schedule as well as in the working organisation of different public offices, including the improvement of Information Technology in the Public Administration, should be enhanced due to Article 263. Yet these changes are still too unclear to comment on as regards gender issues.

Article 80 extends the ban on redundancy procedures and individual dismissals for organisational reasons from 60 days to 5 months. Although this is a gender neutral provision, it is aimed at preventing unfair behaviour from employers, which are very likely to impact weaker categories of workers in particular, such as working women. Additionally, Article 85 is a gender neutral provision but it regards family housekeepers and care workers, who are mainly women and have been strongly hit by the crisis. Article 85 entitles them to a EUR 500 allowance a month for April and May paid by the National Institute for Social Security (INPS) on the condition they had a contract of at least 11 hours a week and they did not live with their employers.

Internet link source: Decree No. 34 of 19 May 2020, on urgent measures regarding health, support for job and economy, and other social policies for the COVID-19 emergency period, published on Official Journal, No. 128 of 19 May 2020, ordinary supplement No. 21, at:

https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.d_ataPubblicazioneGazzetta=2020-05-19&atto.codiceRedazionale=20G00052&elenco30giorni=true;

² Smart-working introduced by Act No. 81/2017, which involves the introduction of more flexible working arrangements in terms of both location and working hours.

Decree No. 18 of 17 March 2020, on measures aimed at strengthening the Health National System, giving economical support to families, workers and enterprises in the struggle against COVID-19, published on Official Journal, extraordinary edition No. 70 of 17 March 2020, at: <https://www.gazzettaufficiale.it/eli/id/2020/03/17/20G00034/sq>.