



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

FLASH REPORT

Country:	Italy
Title:	Measures to promote work-life balance and gender equality for working mothers
Date:	18 September 2020
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<u>Context</u>	
Issue at stake:	Conciliation measures and promotion of gender equality for working mothers
Grounds of discrimination:	Gender
Field of application:	Employment, Family related leave
Source:	National legislation
Applicable law:	Draft on measures aimed at sustaining and enhancing the value of the family

Content

Law: On 11 June 2020, the Government approved the so-called 'Family Act'. This proposal for a delegated act is aimed at reorganising and improving different measures to support families and promote work life balance (especially for women), and includes the following measures:

- The reorganisation and unification of economic support of families in a single allowance to be applied according to their annual income and to the number of children.
- The promotion of gender equality within the family, supporting women's participation in the labour market (also through smart working and more flexible scheduling) and incentives for the second earner in the family (which is more often the mother).
- Measures and cuts in taxes regarding the expenses for children's education.
- Reorganised and simplified procedures aimed at easing access to the services offered by the reform.

Specifically, the draft envisages the Government issuing different Decrees to reform the regulation of parental leave, in order to strengthen and harmonise it within two years of the delegated act coming into force. The new regulation will have to respect certain criteria, including:

- More flexible use of parental leave, compatibly with the employer's organisational needs and following the provisions of collective agreements, will have to be provided.
- Parents will have to be entitled to a five-hour remunerated time off to talk with the child's teachers during the school year.
- At least two months of parental leave will have to be assured to each parent as non-transferrable ones.

Moreover, the implementation of the reform will provide ten days of compulsory leave for each child to be used by the working father, regardless of his marital status, in accordance with Directive No. 2019/1158. No minimum contribution or length of service will be required. Only a notice to the employer will be required according to the provisions of the collective agreements. The paternity leave will also be extended to the public sector and to different forms of self-employment.

As regards working mothers' participation in the labour market, Article 5 delegates the Government to issue Decrees, within one year from when the delegated act will come into force, to reorganise and strengthen different measures aimed at promoting it. The latter will have to assure, for instance, an allowance paid by the INPS (the National Institute for Social Security) to supplement women's remuneration when going back to work after the compulsory maternity leave as well as a cut in taxes for expenses for babysitting and housework services. Finally, the Decrees will also have to provide for a priority in access to smart work for parents of children younger than 14 and incentives for employers who will assure reversible flexible working conditions to working parents according to national collective agreements. Further economic support will have to be allocated as an incentive for female entrepreneurship.

Key points of analysis: The Family Act is an important first step in an ambitious project of strengthening and re-orienting policies to support families with children, sustaining both the cost of children and the reconciliation of family and work with a view to gender equality. Nevertheless it shows several critical points, which have already been undelined by gender equality experts and unions, but could be hopefully overpassed in its procedure of approval.

In fact, the resources that will be allocated are still uncertain as well as the concrete implementation of the principles stated by the draft. Actually most of the critics raised by the draft specifically regards the part on the promotion of gender equality.

In particular, the reform of parental leave risks marking a step backwards. In fact, the current ruling is already very flexible (they can be taken also hourly), while the new reference to the organisational needs could hamper the use of this right. Moreover, at present each parent is entitled to 6 months of parental leave covered by an allowance of 30 % of the remuneration paid by the INPS with a maximum of 10 months for each child, which can be increased to 11 months in case the father takes up at least 3 months of leave. The implementation of the principles provided by the draft, where only two months of leave are to be assured as non transferrable ones, could paradoxically have an impact contrary to the declared objectives of the reform. Moreover, no increase of the allowance has been provided and the latter is one of the main reasons of the scarce use of parental leave by fathers together with cultural reasons.

An appreciable improvement is to be recorded as regards the paternity leave which is planned to be increased from 7 to 10 days and to become a stable right, although a braver choice could be taken overpassing the mere statement of EU Directive and providing for more days of leave and measures assuring fathers' really take it up. In fact, this period is not long enough to help changing the traditional distribution of roles within the family. In particular, it has to be noted that no sanctions are provided in case the father does not take the leave and data show a very low use of this right, even if slowly increasing year by year (about 11 % of the fathers in the 2013 up to 33 % in 2018, see Villa, P., 'Parliamo di paternità e facciamolo subito', *Ingenere* on 22 June 2020).

As regards incentives to the second earning in the family, the text of the draft is too vague to comment on. The same can be observed as regards flexibility, adding that the draft does not provide for the right to reversible flexible working conditions, but generically refers to incentives for employers who will assure it according to national collective agreements.

In the end, considering all measures mentioned above, we can notice that one of the main issues of the draft regards the fact that it does not abandon the traditional pattern. In particular, the promotion of conciliation measures is planned as a help which is mainly addressed to women, who are 'normally' the caregivers and normally suffer with the indirect negative effect of this role. No accent is put on the promotion of sharing the task of parental care by incentivising the father's role so that the mother can accede and maintain paid work. If no remarkable changes will intervene in the parliamentary discussion, an important chance of enacting a real change of pace in gender equality policies would be missed.

Internet link source:

Draft on measures aimed at sustaining and enhancing the value of the family, published at: <http://www.flclatina.it/documenti/normativa-generale/5823-testo-del-family-act/file>;
Villa, P., 'Parliamo di paternità e facciamolo subito', *Ingenere* on 22 June 2020, <https://www.ingenere.it/articoli/parliamo-paternita-facciamolo-subito>;
Saraceno, C., 'Family Act, un punto di partenza', *Lavoceinfo*, 15 June 2020, <https://www.lavoce.info/archives/67867/family-act-un-punto-di-partenza/>;
Scarponi, S., 'Alla gender equality serve più del family act', *Ingenere* on 17 June 2020, <https://www.ingenere.it/articoli/gender-equality-serve-piu-del-family-act>.