



DECENT WORK CHECK ITALY 2023

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WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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Bibliographical information

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INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 12 more countries, thus taking the number of countries with a Decent Work Check to 125!

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Constitution of the Italian Republic 1948, last amended in 2012 / Costituzione della Repubblica Italiana 1948, last amended in 2012
2. Civil Code (Royal Decree of 16th March 1942, n. 262, revised in 2016) / Codice civile (Regio Decreto 16 marzo 1942, n. 262, aggiornato nel 2016)
3. Metal Workers collective agreement / CCNL Metalmeccanici
4. Legislative Decree No. 72 of 2018 / Decreto Legislativo n. 72 del 2018
5. Royal Decree of 15th March 1923, n. 692 / Regio Decreto Legge 15 marzo 1923, n. 692
6. Law of 27th May 1949, n. 260, as modified by the Law of 31th March 1954, n. 90 / Legge 27 maggio 1949, n. 260, modificata dalla Legge 31 marzo 1954, n. 90
7. Legislative Decree of 8th April 2003, n. 66, as modified by the Decree of 19th July 2004, n. 213 / Decreto Legislativo 8 aprile 2003, n. 66, integrato e modificato dal Decreto Legislativo 19 luglio 2004, n. 213
8. Legislative Decree of 4th August 1999, n. 345 / Decreto Legislativo 4 agosto 1999, n. 345
9. Legislative Decree of 26th May 1997, n. 152 / Decreto Legislativo 26 maggio 1997, n. 152
10. Decree of 6th September 2001, n. 368 / Decreto Legislativo 6 settembre 2001, n. 368
11. Law of 28th June 2012, n. 92 - Fornero labour reform / Legge 28 giugno 2012, n. 92 - Riforma del lavoro Fornero
12. Law of 15th July 1966, n. 604 - Norms on individual terminations / Legge 15 luglio 1966, n. 604 - Norme sui licenziamenti individuali
13. Decree of 20th March 2014, n. 34 / Decreto Legge 20 marzo 2014, n. 34
14. Law of 20th May 1970, n. 300 - Workers' Statute / Legge 20 maggio 1970 - Statuto dei lavoratori
15. Law No. 81/2017 / Legge n.81/2017
16. Decree of 12th July 2018, n.87 (The Dignity Decree) / Decreto Legge 12 luglio 2018, n. 87 (Decreto Dignità)
17. Legislative Decree of 26th March 2001, n. 151 - Consolidated text of the laws on the protection and support of motherhood and paternity / Decreto Legislativo 26 marzo 2001, n. 151 - Testo unico delle disposizioni legislative in materia di tutela e sostegno della maternità e della paternità
18. Ministerial Decree of 10th September 1998 / Decreto Ministeriale del 10 settembre 1998
19. Legislative Decree of 9th April 2008, n. 81 - Law on health and safety at work / Decreto Legislativo 9 aprile 2008, n. 81 - Testo unico in materia di salute e sicurezza sul lavoro
20. Royal Decree of 13th November 1924, n. 1825 / R.D.L. 13 novembre 1924, n. 1825
21. Decree of 29th November 2001 /

The text in this document was last updated in December 2023. For the most recent and updated text on Employment & Labour Legislation in Italy in Italian, please refer to: <https://iltuosalario.it/>

- Decreto Presidente Consiglio Ministri
29 novembre 2001
22. Legislative Decree of 23rd February 2000, n. 38 / Decreto legislativo 23 febbraio 2000, n. 38
23. Decree of 30th June 1965, n. 1124 / Decreto 30 giugno 1965, n. 1124
24. Law of 8th August 1995, n. 335 / Legge 8 agosto 1995, n. 335
25. Law Decree of 6th December 2011, n. 201 / Decreto Legge 6 dicembre 2011, n. 201
26. Legislative Decree of 23rd November 1988, n. 509 / Decreto Legislativo 23 novembre 1988, n. 509
27. Legislative Decree n. 22/2015 / Decreto Legislativo n. 22/2015
28. Law of 28th June 2012, n. 92 / Legge 28 giugno 2012, n. 92
29. Decree of 5 December 2017 regarding adjustment of retirement access requirements due to increases in life expectancy / Decreto del 5 dicembre 2017 sull'adeguamento dei requisiti di accesso al pensionamento agli incrementi della speranza di vita.
30. Legislative Decree of 11th April 2006, n. 198 - Code of Equal Opportunities / Decreto legislativo 11 aprile 2006, n. 198 - Codice delle pari opportunità tra uomo e donna
31. Legislative Decree of 9th July 2003, n. 215 / Decreto Legislativo 9 luglio 2003, n. 215
32. Legislative Decree of 9th July 2003, n. 216 / Decreto Legislativo 9 luglio 2003, n. 216
33. Penal Code (Royal Decree of 19th October 1930, n. 1398, revised in 2013) / Codice penale (Regio Decreto 19 ottobre 1930, n. 1398, aggiornato al 2013)
34. Law of 6th August 2008, n. 133 / Legge del 6 agosto 2008, n. 133
35. Budget Law of 2007 / Legge Finanziaria 2007
36. Law of 17th October 1967, n. 977, as modified by the Legislative Decree of 4th August 1999, n. 345 / Legge 17 ottobre 1967, n. 977, modificata dal Decreto Legislativo 4 agosto 1999, n. 345
37. Law of the 29th January 1934, n. 274 / Legge 29 gennaio 1934, n. 274
38. Law No. 179 of 2017 on Whistleblower Protection / Legge n. 179 del 2017 sulla tutela degli informatori
39. Law of 12th June, 1990, n. 146, as modified by the Law of 11th April 2000, n. 83 / Legge 12 giugno 1990, n. 146, modificata dalla Legge 11 aprile 2000, n. 83

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Italy has ratified the Convention 95 and 117only.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Constitution of the Italian Republic 1948, last amended in 2012 / Costituzione della Repubblica Italiana 1948, last amended in 2012
- Civil Code (Royal Decree of 16th March 1942, n. 262, revised in 2016) / Codice civile (Regio Decreto 16 marzo 1942, n. 262, aggiornato nel 2016)
- Metal Workers collective agreement / CCNL Metalmeccanici
- Legislative Decree No. 72 of 2018 / Decreto Legislativo n. 72 del 2018

Minimum Wage

Although according to article 36 of the Constitution, the wages must be proportionate to the quality and quantity of work done and also high enough to provide a minimum subsistence for the worker and his family, in Italy there is no minimum wage by law, and hence there is no separate legislation for that. Around half of the employees in the country are covered by a collective bargaining agreement, where wages are always set through collective negotiation. These are signed by employers / employers' organisations and trade unions / confederations of trade unions. The Government can also sign collective agreements with public sector workers. Minimum wages vary by sectors as wages are determined under the sectoral collective bargaining agreements. In a sector, minimum wage rates also vary in accordance with a worker's skill level.

Since minimum wages are determined through collective bargaining, compliance with these is ensured by the agreement signing parties, i.e., the employer and union. In the case of violation of collective agreement, trade union can take necessary

legal action.

Source: Constitution of the Italian Republic, art. 36

Regular Pay

Collective agreements usually provide for monthly payment, although a different interval (weekly or fortnightly) can be agreed. In accordance with article 1277 of the Civil Code, employers are under the obligation to pay the workers in legal tender. Payment can be made in cash or, if the employee agrees, in checks or by transfer to a bank or postal account.

Under a newly enacted law on income protection for workers of seized and confiscated companies, there are provisions for protecting the salaries of workers of those companies which have been placed under judicial administration as a result of having been seized or confiscated due to mafia-related activities. The law allows a Judge, with jurisdiction over the seizure and confiscation measures at the request of judicial administrator, to allocate a salary subsidy for workers to maintain their previous income levels for 12 months within a three-year period. The benefit is also granted to dependent workers whose employer has failed to comply with employment and social security obligations.

Source: Civil Code, art. 1277; Legislative Decree No. 72 of 2018

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Italy has ratified the Convention 01 only.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Legislative Decree of 8th April 2003, n. 66 / Decreto Legislativo 8 aprile 2003, n. 66
- Metal Workers collective agreement / CCNL Metalmeccanici
- Royal Decree of 15th March 1923, n. 692 / Regio Decreto Legge 15 marzo 1923, n. 692
- Law of 27th May 1949, n. 260, as modified by the Law of 31th March 1954, n. 90 / Legge 27 maggio 1949, n. 260, modificata dalla Legge 31 marzo 1954, n. 90

Overtime Compensation

The statutory working hours are 40 hours per calendar week (art. 3 of the Decree of 8th April 2003, n. 66). Employees can, however, work more than the statutory working hours and agree on overtime with their employer: the maximum number of overtime hours is 8 per week on average, calculated on a period set in the collective agreement (4 months maximum) (art. 4). The total amount of overtime hours can't exceed 250 hours per year.

According to article 5, overtime work leads to increase in wages: the percentage is set by collective agreements. Collective agreements can also provide for the replacement of all or part of the overtime payment by an equivalent rest period/time-off.

Royal Decree-Law No. 692/1923 and legislative decree of April 08, 2003 No. 66 permit overtime work only if it is occasional or due to exceptional technical or production requirements which cannot be met by taking on other workers; in cases of force majeure or where prevention of

overtime performance can result in serious and imminent danger to persons or a damage of production; and special events such as exhibitions, fairs and events related to production, development of prototypes, models or the like, prepared for the same and on condition that it is authorized by the Labour Inspectorate. The employer is required to pay into a Special Unemployment Fund 15-20% of the total wages paid out for overtime, and pay the employee an overtime premium of not less than 10% of normal rate of work. Collective bargaining agreements lay down in detail the conditions for the use of overtime, fixing rates of pay higher than the overtime premium provided in law but also making overtime compulsory for employees.

The Metal Workers collective agreement, for example, sets the overtime premium at 25% for the first two hours and 30% for the following hours. If overtime work is performed during a festive day it is paid 55% more than normal rate and if it is performed at night, it is paid 50% more. Night overtime work in a festive day is paid 75% more.

Source: Legislative Decree of 8th April 2003, n. 66; Royal Decree of 15th March 1923, n. 692)

Night Work Compensation

Night period is defined as the period of at least seven consecutive hours between midnight and 05:00 in the morning. (Decree of 8th April 2003, n. 66, article 1). Night worker is a worker who works at least 3 hours on a daily basis during the above interval. Night worker is any employee who carries out during night time at least some of his/her working hours in accordance with

the standards established by collective bargaining agreements. In the absence of collective bargaining agreements, night worker is an employee who performs night work for a minimum of eighty working days per year. For part-time workers, a proportionate period of time is considered. Night workers can't work more than 8 hours in 24 hours. According to article 13, compensatory rest period or wage compensation for night work are set in collective agreements.

Metal workers, for example, are entitled to 20% extra pay for night work until 10pm and to 30% extra pay for night work after 10pm. If night work is performed in a festive day, then premium pay is 60% (but if compensative rest is given, extra pay is only 35%).

Source: Legislative Decree of 8th April 2003, n. 66

Compensatory Holidays / Rest Days

Any worker deprived from his/her weekly rest period for work – which means that he/she has to work for more than 6 consecutive days - is entitled to premium pay and shall be also given an additional rest period. Percentage is set by collective agreements. Metal workers, for example, are entitled to the same extra pay as provided in case of work on festive day, i.e. 10%, plus compensatory rest day.

Source: Article 5 of Law 260 as modified by Law 1954 and article 5 of Decree of 8th April 2003, n. 66

Weekend / Public Holiday Work Compensation

If a worker works on public holiday, he/she is entitled to premium pay. Percentage is set by collective labour agreements, which can also provide for an additional rest period. The collective agreement for metal workers, for example, provides for extra pay for work on public holidays. The amount is 50% of usual wage (10% if compensatory rest day is given).

Source: Article 5 of Law 260 as modified by Law 1954 and article 5 of Decree of 8th April 2003, n. 66

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

Italy has ratified the Conventions 14, 106 and 132 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

Regulations on annual leave and holidays:

- Legislative Decree of 8th April 2003, n. 66, as modified by the Decree of 19th July 2004, n. 213 / Decreto Legislativo 8 aprile 2003, n. 66, integrato e modificato dal Decreto Legislativo 19 luglio 2004, n. 213
- Civil Code (Royal Decree of 16th March 1942, n. 262, revised in 2016) / Codice civile (Regio Decreto 16 marzo 1942, n. 262, aggiornato nel 2016)
- Law of 27th May 1949, n. 260, as modified by the Law of 31st March 1954, n. 90 / Legge 27 maggio 1949, n. 260, modificata dalla Legge 31 marzo 1954, n. 90
- Legislative Decree of 4th August 1999, n. 345 / Decreto Legislativo 4 agosto 1999, n. 345
- Metal Workers collective agreement / CCNL Metalmeccanici

Paid Vacation / Annual Leave

Workers have the right to paid annual holidays under the Constitution and they cannot waive this right in lieu of payment (Art. 36). Every worker is entitled to at least four working weeks of paid annual leave; collective labour agreements can provide for more time. Metal workers, for example, are entitled to an extra day when they reach 10 years of service, and to an extra week when they reach 18 years of service. Annual leave days can never be exchanged for pay. At least two weeks of leave have to be taken in the year of accumulation and, if required by the employee, they can be consecutive. The other two weeks have to be taken within 18 months after the end of the year of accumulation. (Art. 10 of Decree number 66 of 8th April 2003 as modified by the Decree 213/2004).

Article 2109 of the Civil Code defines leave as a possibly continuative period of time and provides that the decision on the days has to be taken according to the needs of the company and the interests of the employee. It is possible for the employer to pay the indemnity in lieu of paid holidays only with regard to the annual holidays exceeding the minimum period of four weeks.

Pay on Public Holidays

Workers are entitled to paid holidays during public holidays. These include memorial holidays and religious holidays of Christian and Jewish origin. Public holidays may not result in any loss of pay to employees. (Article 5 of Law 260 as modified by Law 1954)

Public holidays as stated by the Law:

New Year's Day (1st January), Epiphany (6th January), Easter Monday (day after Easter), Liberation Day (25th April), May Day / Labour's Day (1st May), Republic Day (2nd June), Feast of the Assumption (15th August), All Saints' Day (1st November), Immaculate Conception (8th December), Christmas Day (25th December), Saint Stephen's Day (26th December), Patron Saint's Festival (different in every city).

Source: Laws n. 260/1949; n. 90/1954; n. 54/1977; D.P.R. n. 792/1985; law n. 336/2000

Weekly Rest Days

Weekly rest period is provided under the Decree n.66 of 2003: the workers are entitled to a rest day of at least 24 consecutive hours in a week. Usually the

rest day is on Sunday, but it can be set on a different day. (Article 9)

modified by the Legislative Decree of 4th August 1999, n. 345

Minors must be provided with a weekly rest period of at least two days, if possible, consecutive, and including Sunday. Where justified by technical and organizational problems, the minimum rest period can be reduced, but cannot still be less than 36 consecutive hours. Such periods may be interrupted in the case of activities involving periods of work split or of brief duration in the day. Minors employed in activities' work of cultural, artistic, sports or advertising or in the entertainment industry as well, with exclusive reference to teenagers, in the tourism, hospitality or catering, weekly rest may also be permitted in a day other than Sunday.

A Legislative Decree from 2003 determines the daily rest breaks for both adult and adolescent workers. If the working time exceeds 6 hours per day, adult workers are entitled to a rest break. The length and conditions of daily rest break are determined by collective agreements. If no such provision is found in a collective agreement, workers are entitled to a rest break of at least 10 minutes. As for adolescent and child workers, their working hours should not exceed four and a half hours per day without taking a rest break of one hour. Collective agreement (or authorization from provincial labour inspectorate) may reduce the daily rest break for adolescents and children to 30 minutes.

The daily rest period is required to be 11 consecutive hours in every 24 hours.

Source: Art. 13 of Legislative Decree of 4 August 1999 n. 345; Art. 8 of Legislative Decree of 8 April 2003 n. 66; Art. 20 of the Law of 17th October 1967, n. 977, as

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Italy has not ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Civil Code (Royal Decree of 16th March 1942, n. 262, revised in 2016) / Codice civile (Regio Decreto 16 marzo 1942, n. 262, aggiornato nel 2016)
- Legislative Decree of 26th May 1997, n. 152 / Decreto Legislativo 26 maggio 1997, n. 152
- Decree of 6th September 2001, n. 368 / Decreto Legislativo 6 settembre 2001, n. 368
- Law of 28th June 2012, n. 92 - Fornero labour reform / Legge 28 giugno 2012, n. 92 - Riforma del lavoro Fornero
- Law of 15th July 1966, n. 604 - Norms on individual terminations / Legge 15 luglio 1966, n. 604 - Norme sui licenziamenti individuali
- Decree of 20th March 2014, n. 34 / Decreto Legge 20 marzo 2014, n. 34
- Metal Workers collective agreement / CCNL Metalmeccanici
- Law of 20th May 1970, n. 300 - Workers' Statute / Legge 20 maggio 1970 - Statuto dei lavoratori
- Law No. 81/2017 / Legge n.81/2017
- Decree of 12th July 2018, n.87 (The Dignity Decree) / Decreto Legge 12 luglio 2018, n. 87 (Decreto Dignità)

Written Employment Particulars

Both the Civil Code (Art. 2095) and National Collective Labour Agreements (CCNL) classify employees in the four categories of blue-collar, white collar, cadres (quadri) and executives (dirigenti). Quadri are the intermediary category between white collar and dirigenti. CCNL divides blue collar and white-collar workers into different professional levels depending on the skills and related responsibilities. An employment contract can be reached between the parties for an indeterminate

period of time or for a fixed term. There is no specific requirement for a written employment contract. However, certain conditions of employment must be in writing for a contract to be valid. The conditions that must be in writing include probationary period, fixed term period and non-competition clauses. Within 30 days of the start of employment, the employer must inform the work in writing the following information: identity of the parties; place of work as well as the seat or domicile of employer; date on which the contract begins; duration of the contract (specifying whether it is fixed-term or permanent/indefinite term); probationary period (if applicable); job title or category and brief job description; initial salary and the payment period; duration of paid holidays and the mode of determining and taking annual leave/paid holidays; working hours; and length of the notice period due when terminating the contract.

If a worker is fired before completion of first 30 days, he/she should be provided with a statement containing above mentioned information. If a collective agreement is applicable to the employees, employer may refer only to the rules of collective agreement applicable to the employee with regard to “duration of trial period, initial amount of itemized pay, duration of paid leave, working hours and the terms of notice in the event of contract termination”.

Law No. 81 of 2017, referred to as the ‘Jobs Act for Self-employed Workers’ introduces certain guarantees for independent contractors in relation to the management of their service contracts with their clients, and extending social security rights to such workers in the event of illness, accident and maternity.

The law defines certain acts by the client as abusive and thus treat such contract as void:

- a) Client having the unilateral power to amend contractual conditions or the right to withdraw from a contract of successive performance without prior notice;
- b) Agreement specifying the wage payment period exceeding 60 days;
- c) Refusal by the client to conclude the contract in writing;

The new law provides for increased parental leave (up to 6 months in total) for those self-employed workers who lost their jobs involuntarily. Female workers are also entitled to receive maternity benefits even if they continue to work. In the case of pregnancy, illness, and accidents, the work relationship may be suspended for a maximum annual period of 150 days at the worker's request, except where the interests of the employer are contrary to such work suspension. Female workers can also provide a substitute to carry out their duties, subject to the client's prior consent. In the event of serious illness or an accident that impedes the performance of activities for more than 60 days, the payment of social security contributions and insurance premiums is suspended for a period of up to two years. During such period, the self-employed worker may pay the contributions and premiums under certain conditions as established under the new law.

Source: Art. 1-2 of Decree of 26th May 1997, n. 152; Art. 1-17 of the Law No. 81/2017

Fixed Term Contracts

Full-time open-ended (permanent) salaried employment is the standard form of employment, however employment contracts may be entered into for a fixed-

term provided that this is based on technical, production, organizational or substitutive (like replacing a worker on maternity leave) reasons and if they are expressly specified and referred to in written employment contract.

A fixed term employment contract has to be concluded in writing and its duration/term must be expressly indicated. If a contract is not executed in writing, it is considered a contract of employment for indefinite duration (permanent contract). However, the fixed term contracts are not allowed in the following cases: replacing employees on strike; in businesses where, in the previous 6 months, employees carrying out the same duties as the ones newly hired with fixed term contracts have been collectively dismissed (unless otherwise agreed with trade unions); employees are entitled to redundancy pay, have been suspended or had their working times reduced, and where the tasks set out in the fixed-term contract are the same as those that the suspended carried out; where the employer fails to comply with health and safety regulations; and in the production units in which employees carrying out the same duties as the ones hired with fixed term contracts are suspended from work.

Under the Decree of 20th March 2014, there is no need to explicitly specify the reasons for the fixed term contract between the parties. The law sets a limit to use of fixed term contracts: the number of fixed term workers hired by one employer cannot exceed the 20% of the workers with permanent contract employed in the same company. Employers with up to five employees can always stipulate fixed terms contracts. In the case of successive fixed term contracts for similar duties, the total duration of employment relationship can't exceed 36 months (including the five

extensions provided by the law, the renewals and the temporary contracts stipulated through an agency). If the employment relationship exceeds the maximum of 36 months, it is considered a permanent employment contract. If the initial term of contract was less than 3 years, the contract may be extended once, for carrying out the same tasks with the employee's consent and only if there are objective reasons for extension. The reasons for extension must be clearly specified. If these conditions are not met, a fixed term contract is converted into an open-ended contract.

If the employment relationship continues for a certain period after expiry of its initial term or extension (for more than 30 days if the initial term is less than 6 months or for more than 50 days in other cases), the employment contract becomes a contract for indefinite duration.

A fixed term employment contract may be renewed between the parties, for the same duties and for limited time period of 36 months in total, provided that the 60 days have elapsed since the expiry of first contract if this contract was for a period of less than 6 months (90 days in other cases). If this condition is not fulfilled, employment contract is considered as an open-ended contract. The fixed term contracts for executives are for a maximum period of 5 years. There is no need to justify a fixed term executive contract and these contracts can be concluded with specifying such reasons in their contracts.

Under the Dignity Decree (Decreto Dignità), approved by the Parliament in August 2018, many changes have been included with regard to fixed term contracts. All fixed term contracts which are renewed from now on must specify the "justifying reason"

irrespective of the term of contract. In the event of extension of contract, the grounds for extension must be included only where the total employment period exceeds 12 months. All new contracts with a term exceeding 12 months must clearly specify the justifying reasons for fixed term contract. The maximum length of fixed term contracts has been reduced from 36 to 24 months. The number of times a fixed term contract can be extended has also changed from 5 times to 4 times.

On renewal of fixed term contracts, employers are required to pay additional 0.5% as social security contribution which is on top of 1.4% which is already paid by the employers on fixed term contracts.

Similarly, the Dignity Decree changes rules on temporary agency work. The temporary agency employment cannot exceed 24 months and is subject to the requirement of specific justification as required for fixed term contracts.

Without prejudice to the more favourable provisions already provided for by the legislation in force, the worker who has completed a seniority of at least six months with the same employer or client and who has completed any probationary period, may ask for a form of work with more predictable, safe and stable conditions, if available. The worker who has received a negative response can submit a new request after at least six months have passed since the previous one. The right referred to above can be exercised on condition that the worker expresses his wishes in writing to the employer or client. Within one month of the worker's request, the employer or the client will provide a reasoned written response. In the event of a repeated request from the worker of similar content, natural persons as employers or

companies employing up to fifty employees may respond orally if the reason for the response remains unchanged compared to the previous one.

Source: Decree of 6th September 2001, n. 368; Art. 9 of Law of 28th June 2012, n. 92 - Fornero labour reform; Art. 1 of Decree of 20th March 2014, n. 34; Decree of 12th July 2018, n.87 (The Dignity Decree); Art. 10 of DECRETO LEGISLATIVO 27 giugno 2022, n. 104. Attuazione della direttiva (UE) 2019/1152 del Parlamento europeo e del Consiglio del 20 giugno 2019, relativa a condizioni di lavoro trasparenti e prevedibili nell'Unione europea.

<https://www.gazzettaufficiale.it/eli/gu/2022/07/29/176/sg/pdf>

Probation Period

Employment contracts can provide for a trial period. During the trial period, parties are free to terminate the contract without notice or any indemnity in lieu of notice. The duration of notice period is set by the applicable agreement however the maximum duration is 6 months for all categories of workers. The collective agreement for Metal workers sets 1 month of trial period for workers of category 1a, 1.5 months for categories 2a and 3a, 3 months for categories 4a, 5a and superior level, 6 months for categories 6a and 7a (trial period is reduced if the worker has at least 2 years of experience in the same job or has completed the apprenticeship in some other company). The Civil Code further requires that the trial period must be clearly indicated in the written employment contract and must be entered into on the first day of employment. If these requirements are not fulfilled, the trial period is null and void and employment contract is considered an indefinite

contract. On the successful completion of trial period, employee becomes permanent and the service rendered during the period is computed towards seniority of employee.

Source: Art. 10 of Law of 15th July 1966, n. 604 - Norms on individual terminations; Art. 2096 of Civil Code

Notice Requirement

In accordance with Art. 2118 of the Civil Code, either party may terminate an indefinite contract of employment by giving the other party required notice or paying in lieu of notice. The duration of trial period varies according to the employees' length of service, seniority, qualifications and professional level and is established in the applicable collective agreement (CCNL). Notice for metal workers, for example, goes from the 7 days for the category 1a with 5 years of service or less, to the 4 months for workers of categories 6a and 7a with more than 10 years of service. Notice is not required for dismissals during fixed term contracts and probationary periods. Notice must be served in the written form.

An employer has the right to unilaterally terminate the employment contract if there is a just cause (a gross misconduct), a justified reason (relating to employee or employer), or when an employee exceeds the period of sick leave to which he or she is entitled.

If a worker is terminated for just cause, no notice period is required. Just cause is a serious misbehavior, on the part of worker or employer, which prevents the employment contract from continuing, even on a temporary basis (Art. 2119 of the Civil Code). Examples of just cause include stealing, rioting in the office and willful

damage to the employer's property. It is also referred to as the summary dismissal. An employee can also terminate the employment contract with just cause without having to serve notice. Employee is entitled to payment in lieu of notice. Examples of such serious breach of contract by the employer include delay in payment of wages or failure to provide a safe working environment.

Employer is required to serve a notice if a contract is terminated for justified reason, whether subjective or objective. A dismissal based on subjective reasons is a serious breach of contractual obligations but not serious enough to justify a summary dismissal. Examples include negligence and poor performance of the worker. A dismissal based on objective grounds is related to economic reasons and is linked to reorganization of a business including production and business management reasons. The objective reason occurs when employee position is no longer required and no other suitable positions are available with the organization.

Source: Art. 18 of Law of 20th May 1970, n. 300 - Workers' Statute; Art. 40-42 of Law of 28th June 2012, n. 92 - Fornero labour reform

Severance Pay

The Civil Code (art. 2120) provides for a deferred form of remuneration as an end of employment contract indemnity (TFR: *Trattamento di fine rapporto*). TFR is paid to the worker at the end of employment irrespective of the cause of termination of employment contract (dismissal or resignation). The amount of TFR depends on an employee's salary and length of service. Annual TFR for each year of service

is equal to annual salary divided by 13.5 (corresponding to 7.4 % of the annual wage). All previous year's TFR accruals are annually revaluated by an interest rate of 1.5% plus 75% of the cost of living index to compensate for inflation. Employee may obtain advance payments of a portion of TFR (up to the maximum of 70% of the accrued amount) in the case of extraordinary medical expenses for an employee or a family member or for the purchase of a first house, either for employee's use or for the use of employee's children. Since the reform of TFR scheme in 2005, an employee can choose between leaving the TFR accruals within the enterprise or transferring them to either a state pension fund or private complementary pension funds. Other than TFR, there are minor termination indemnities including notice or payment in lieu of notice, payment in lieu of unused annual holidays, accrued pro-rata 13th or 14th monthly salary.

In the case of unjustified/unfair dismissals, the law earlier provided for 2 months' salary for every year of service, with a minimum of 4 months and maximum of 24 months of wages.

Under the Dignity Decree (*Decreto Dignità*), approved by the Parliament in August 2018, the minimum payment for unjustified dismissals has been raised to 6 months while the maximum payment has been increased to 36 months.

Sources: Law 29th May 1982, n. 297 / Legge 29 maggio 1982, n. 297; Decree of 12th July 2018, n.87 (The Dignity Decree)

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

Italy has not ratified the Conventions 156 and 165.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Legislative Decree of 26th March 2001, n. 151 - Consolidated text of the laws on the protection and support of motherhood and paternity / Decreto Legislativo 26 marzo 2001, n. 151 - Testo unico delle disposizioni legislative in materia di tutela e sostegno della maternità e della paternità
- Law of 28th June 2012, n. 92 - Fornero labour reform / Legge 28 giugno 2012, n. 92 - Riforma del lavoro Fornero

Paternity Leave

The paternity leave in Italy has been set at 10 working days which can be taken by a working father within 2 months preceding the presumed date of birth and during the 5 months following the birth of a child. In the event of multiple births, the leave is increased to 20 working days. The paternity leave does not have to be continuous and can be divided into days. The leave can be used, within the same time frame, even in the event of the stillbirth and neonatal death of the child. The paternity leave is also available to an adoptive or foster father. The leave can also be taken by a father during the maternity leave of the working mother.

Earlier Information

In article 2 of the Decree number 151, paternity leave is defined as the leave taken by the male worker as an alternative to all or part of the maternity leave (5 months in total). A father can ask for paternity leave for the maximum duration of maternity leave in case of death or grave sickness of mother, or if the custody of child is given to

the father. The Law number 92 of 28th June 2012 introduced one day of compulsory fully paid paternity leave, which has to be taken within five months after the child's birth in order to promote the culture of sharing the tasks of child care within the couple and to facilitate the reconciliation of work and life. Male workers are also entitled to two more days of fully paid paternity leave within the 5 months, but these are counted as part of the maternity leave. In total, paternity leave can be considered as 3 days.

In 2019, compulsory paternity leave was extended from the previous four days to five days. With effect from 1 January 2020, compulsory paternity leave in Italy has been extended from 5 to 7 days. The father must take the leave within five months of the child's birth (or from the time the child has entered Italy in the event of local or foreign adoption).

The Budget Law for 2021 has extended paternity leave from 7 to 10 days. Additionally, the law introduced allowance for dependent children up to the age of 18 years

The government has announced one day compulsory leave for working father not only at the time child birth but also in case of perinatal death. These changes are effective from 1 January 2021. The leave is payable at full wages by the government through the Istituto Nazionale della Previdenza Sociale (INPS).

Source: Art. 4, paragraph 24a; Art. 27bis of <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2001-03-26;151>

Parental Leave

The Decree number 151 (as modified by the decree of 11th June 2015, valid only for year 2015) provides for the parental leave to care for children after maternity or paternity leave. Either the mother or the father can take parental leave when needed until the child is 12 years old. Parental leave for each parent can't be more than 6 months in total (the father is entitled to 7 months if he takes at least 3 months). The parental leave taken jointly by the two parents can't be more than 10 months in total (11 months if the father has taken 7). If there is only one parent, the limit is 10 months in total.

Parents are entitled to 30% of the wage for the first 6 months of total parental leave taken by both if the child is under 6 years of age. If parental leave is taken when the child is between 6 and 12 years old, parental leave is unpaid leave and no cash benefits are provided.

Source: Article 24 & 32 of Law No. 104/1992

Flexible Work Option for Parents / Work-Life Balance

The decree of 11th June 2015 provides - only for the year 2015 - the possibility to transform the six months of optional parental leave into part-time work.

To incentivize work from home for parents, same decree provides for some advantages for employers who decide to give this opportunity to their employees.

Under Law No. 81 of 2017, a regulatory framework on flexible (smart) work has been adopted in Italy. Flexible work is not a different kind of employment contract rather it is a way of carrying out duties

under an employment relationship without constraints on time and place of work. The work is carried out partly at the employer's premises and partly "outside". Since no workplace is fixed outside the employer's premises, smart working is differentiated from teleworking where employee has to specify a fixed workplace away from the employer-maintained office.

The law defines smart working as an agreement between the parties "with no precise constraints in terms of working hours or workplace and with the possible use of technology to enable the work to be performed. The work is carried out partly on the company's premises and partly outside, without any fixed location - provided this is done in accordance with the law and collective agreements concerning the maximum daily and weekly working hours."

Smart work is established by individual written agreement with a worker in an enterprise. The agreement must specify the manner in which the work outside the employer's premises will be performed and the procedures for exercising management power over the smart worker. The law further requires the agreement to indicate the technologies to be used and the "the worker's right to disconnect". The smart working agreement must provide for the work-life balance.

The Smart Working Law protects workers against accidents and illnesses even for the activity that is performed off the employer's premises. There is also provision for protection against accidents occurring on the way to and from the place where the employee is working. Under the Budget Law for 2019 (Law No. 145/2018), smart working agreements must be prioritized for parents with disabled children and mothers within

the three years following completion of maternity leave.

The Act No. 32 of 7 April 2022 authorises the government to elaborate legislative decrees with the aim of reorganising and strengthening the regulations on family benefits, to promote work-life balance and women's employment.

Under the law, the government plans to modify the rules on maternity, paternity and parental leave within 12 months. The new rules to provide for:

- Use of parental leave until a child is 14;
- permission for the husband, partner or other second-degree relative to assist the pregnant woman during doctor's visits and maternity-related examinations; and

increase in the length of mandatory leave for fathers

Source: Art. 18-23 of the Law No. 81/2017

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Italy has not ratified the Conventions 103 and 183.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Legislative Decree of 26th March 2001, n. 151 - Consolidated text of the laws on the protection and support of motherhood and paternity / Decreto Legislativo 26 marzo 2001, n. 151 - Testo unico delle disposizioni legislative in materia di tutela e sostegno della maternità e della paternità
- Legislative Decree of 8th April 2003, n. 66, as modified by the Decree of 19th July 2004, n. 213 / Decreto Legislativo 8 aprile 2003, n. 66, integrato e modificato dal Decreto Legislativo 19 luglio 2004, n. 213
- Ministerial Decree of 10th September 1998 / Decreto Ministeriale del 10 settembre 1998

Free Medical Care

No maternity related statutory benefits are provided under labour laws, but the National Health System provides for free services to pregnant women:

- Periodical medical obstetric-gynecologic examinations;
- Analysis, to be performed before conception, to exclude the presence of factors that might affect the pregnancy;
- Diagnostic tests during pregnancy for the control of physiological pregnancy and of risks of abortion;
- All services necessary and appropriate for prenatal diagnosis during pregnancy;
- All services necessary and appropriate for the treatment of diseases (existing or arising during pregnancy) which involve a risk to the woman or the foetus.

Source: Ministerial Decree of 10th September 1998

No Harmful Work

Pregnant women and women who have given birth to a baby (or have adopted one), who is less than 7 months old, should inform their employer about their state (article 6 of Decree n. 151).

Decree number 151 provides for the duties of the employer for the protection and safety of the pregnant worker or the female worker with a child who is less than 7 months old. It is prohibited to assign her to transport and lifting of loads, as well as all other dangerous, tiring or unhealthy works. The employer must propose another job, which is compatible with her state, without any change in her wages. Failure to comply with these provisions is punished with imprisonment of up to six months. (Article 7)

During pregnancy and until the child is one year old, the worker should not work in night shifts. The Decree number 66/2003 extended the definition of night shift for this specific case to midnight - 6am.

Sources: Article 11 of the Decree number 66/2003; Article 7; article 6 of Decree n. 151

Maternity Leave

In general, workers are entitled to 5 months (usually 2 months before and 3 months after birth) of maternity leave. A worker may choose to take a one-month leave before confinement and 4 months after the confinement. The flexible period can go from one day to one month, it can be reduced later and is anyway subdued to a medical certificate attesting the good

conditions of the woman and of the unborn. (Articles 16 and 20)

The interruption of pregnancy, spontaneous or voluntary, is considered in all respects as an illness. (Article 19)
Adoption/custody leave is 5 months. (Article 26)

The Jobs Act 2015 provides that in the event of premature birth, (before 7th month of pregnancy), the amount of leave not yet used before birth is added to the postpartum leave. If the infant is hospitalized, the mother has the right to suspend the maternity leave, taking up the leave again after the child is discharged.

Pregnant workers may stay at work until the ninth month of pregnancy with the prior authorisation of their gynaecologist and the competent doctor. Prior to this legislative change, pregnant employees had to refrain from working two months before the birth (or at least one month before the birth, if authorised). This also means that now they can take full maternity leave of five months after childbirth.

Source: Legislative Decree of 26th March 2001, n. 151

Income

During the term of maternity leave, workers are paid a maternity allowance that is equal to the 80% of the monthly wage, paid by Social Security (INPS). (Article 22 of the Decree 151/2001). Some collective agreements provide that the employer integrates the allowance paid by INPS to reach 100% of the worker's wage.

Allowance is in every case paid by the employer, who will then be refunded by INPS.

Protection from Dismissals

Dismissal is prohibited during pregnancy, where this has been medically certified, during maternity leave, as well as until the child is one year old (in case of adoption or custody, for the first one year after the child enters the family).

Dismissal is nonetheless permitted in case of a serious fault of the worker unrelated to pregnancy, cessation of the company, end of employment contract, negative outcome of the probation period.

Source: Article 54 of the Decree 151/2001

Right to Return to Same Position

After availing maternity/paternity/adoption/parental leave, workers are entitled to return to their previous job and tasks, and to be placed in the same workplace (or in another workplace, but in the same town) where they were employed at the beginning of pregnancy. This right is guaranteed until the child reaches one year of age. Employee is also entitled to wage adjustments or better working conditions granted during the period of his/her leave.

Source: Article 56 of the Decree 151/2001

Breastfeeding/ Nursing Breaks

During one year following the date of birth, breastfeeding mothers (or fathers, if the mother is not taking advantage of them) are entitled to nursing breaks of two hours per day if the usual working hours are 6 or more, and of one hour per day if the working hours

are less than 6. During nursing breaks, the worker is allowed to leave the workplace.

Source: Articles 39 and 40 of the Decree 151/2001

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

Italy has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Civil Code (Royal Decree of 16th March 1942, n. 262, revised in 2016) / Codice civile (Regio Decreto 16 marzo 1942, n. 262, aggiornato nel 2016)
- Legislative Decree of 9th April 2008, n. 81 - Law on health and safety at work / Decreto Legislativo 9 aprile 2008, n. 81 - Testo unico in materia di salute e sicurezza sul lavoro

Employer Cares

An employer is required to take all the necessary measures to ensure the safety and protect the physical and mental health of his employees, according to the specific nature of their job and to their experience and technical ability (article 2087 of the Civil Code). The Law on health and safety at work lists the responsibilities and duties of the employer, which include the assessment of the risks to health and safety, prevention programming, elimination/minimization of risks, compliance with ergonomic principles, replacement of dangerous tools/machinery/equipment, limitation of the number of workers exposed to risks, priority of collective protective measures. All this has to be provided to the workers free of charge.

Source: Art. 15 of the Law on health and safety at work

Free Protection

The measures of health and safety at work should not involve any financial burden for workers. (Law on health and safety at work, Art. 15). Employers are required to provide workers, as necessary, with appropriate personal protective equipment (Art. 18).

Training

Employers are required to promote the training of staff on health and safety at work (Law on health and safety at work, art. 15 n) o) p) and art. 18 l)). The employer shall ensure that each worker receives sufficient and adequate training (to be guaranteed free of charge to all workers, must be considered as working time) with particular reference to the concepts of risk, harm, prevention, protection, organization of corporate prevention, rights and duties of the various corporate entities involved in supervision, control and assistance. Workers must be trained also on the risks related to their tasks and on the measures and procedures for prevention and protection in the sector or field to which they belong (art.37).

Source: Law on health and safety at work; Art. 11 of the Official gazette of Italy, 2022; <https://www.gazzettaufficiale.it/eli/gu/2022/07/29/176/sg/pdf>

Labour Inspection System

ISPESL, INAIL and IPSEMA are the public entities that intervene in issues related to health and safety at work. (Art. 9)

National policy on these issues is set by the Committee for the address and evaluation of active policies and for the national coordination of supervisory activities in the field of health and safety at work (art. 5); issues on the application of the laws related to health and safety at work are examined by the Standing advisory commission, which also has counselling function and makes proposal on how laws can be improved (art. 6).

Data on health and safety at work are collected and published by the SINP (National Information System for Prevention) (art. 8).

Inspection on the application of the legislation on health and safety at work is carried out by the Local Health Authority (ASL) and, as of specific expertise, by the National Fire Service (art. 12).

Source: Law on health and safety at work

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Italy has ratified the Convention 102 only.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Civil Code (Royal Decree of 16th March 1942, n. 262, revised in 2016) / Codice civile (Regio Decreto 16 marzo 1942, n. 262, aggiornato nel 2016)
- Royal Decree of 13th November 1924, n. 1825 / R.D.L. 13 novembre 1924, n. 1825
- Decree of 29th November 2001 / Decreto Presidente Consiglio Ministri 29 novembre 2001
- Legislative Decree of 23rd February 2000, n. 38 / Decreto legislativo 23 febbraio 2000, n. 38
- Decree of 30th June 1965, n. 1124 / Decreto 30 giugno 1965, n. 1124
- Metal Workers collective agreement / CCNL Metalmeccanici

Income

The sick worker has the right to maintain the job for the time required by law or by collective agreements. During his/her absence, the employee is entitled to a salary to the extent provided by law, collective agreements, usage or in equity. (Art. 2110 of the Civil Code).

The duration of paid sick leave is usually set by collective agreements and is usually of 180 days in a year maximum. Metal workers, for example, are entitled to 6 months paid sick leave for workers with 3 years of service or less, 9 months for 3-6 years of service, 12 months for more than 6 years of service.

During sick leave, worker is entitled to 100% wage. 50-66,6% of the wage is usually paid by social security (INPS) and the employer has to add a percentage to reach 100% of the worker's wage. First three days are always paid by the employer.

Medical Care

Healthcare services are provided to all Italian citizens, who are entitled to receive all the care that their state of health requires. Although medical care is free of charge for some categories (according to age or income, for pregnant women, etc), usually a contribution is required. If the treatment is not prescribed by a physician or provided through the normal hospital system or if the patient chooses the doctor other than that allocated by the healthcare system, fees imposed by the care provider are paid by the patients. Benefits include health care in living and working environment (preventive care); general and specialist care at district level; hospitalization and in-home nursing; maternity care; medical rehabilitation; ambulance services; and medical examinations.

Source: Decree of 29th November 2001

Job Security

Employment of a worker is secure during the first three months of his sickness if he/she has up to 10 years of service and for the first six months if he/she has more than 10 years of service (Royal Decree n. 1825, article 6). However, according to collective agreements, usually an employer can't serve a notice of termination to a sick worker during the first six months (180 days) of sickness. The collective agreement of metal workers provides for up to 24 months of job security.

Disability / Work Injury Benefit

Work injuries are divided into four categories: (i) permanent total incapacity (ii) permanent partial incapacity (iii)

temporary incapacity and (iv) fatal injury leading to death of a worker.

of Decree of 30th June 1965, n. 1124

There is no minimum qualifying period for access to benefits under work injuries. Accidents that occur while commuting to and from work are covered.

Workers involved in risky/dangerous activities have to be insured by their employers.

The benefit for permanent disability is set according to the percentage of disability. No benefit is given if disability is less than 5%, while a lump sum is given for 6-16% disability. A monthly benefit is provided if permanent disability is more than 16%.

Temporary disability benefit due to work accident is equal to 100% of income and is granted for six months (but collective agreements can extend this time).

In case of fatal injury leading to death of a worker, survivor's pension is paid. Widow(er) is entitled to 50% of the yearly wage of the deceased worker, each child younger than the age of 18 (age 26 for full time students, no limit if disabled) is entitled to 20% of the pension, while each full orphan is entitled to 40% of the pension. If there is neither spouse nor children, then each dependent parent or brother/sister is entitled to 20% of the pension.

Survivors may also get a lump sum from a special ministerial fund, which varies according to the number of family members and the availability of funds. This is given also to non-insured workers' survivors.

Funeral allowance is also provided.

Sources: Article 13 of the Decree of 23rd February 2000, n. 38; www.inail.it; article 85

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Italy has ratified the Convention 102 only.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- Law of 8th August 1995, n. 335 / Legge 8 agosto 1995, n. 335
- Law Decree of 6th December 2011, n. 201 / Decreto Legge 6 dicembre 2011, n. 201
- Legislative Decree of 23rd November 1988, n. 509 / Decreto Legislativo 23 novembre 1988, n. 509
- Legislative Decree n. 22/2015 / Decreto Legislativo n. 22/2015
- Law of 28th June 2012, n. 92 / Legge 28 giugno 2012, n. 92
- Decree of 5 December 2017 regarding adjustment of retirement access requirements due to increases in life expectancy / Decreto del 5 dicembre 2017 sull'adeguamento dei requisiti di accesso al pensionamento agli incrementi della speranza di vita.

Pension Rights

Pension system is based on compulsory social insurance system. Persons who have reached the statutory retirement age and have paid the necessary number of years of insurance contributions (20 years at least) are eligible for old-age pension. The current retirement age limit is 66 year and seven months for men and for women who work in the public sector. The current retirement age in the private sector 66 years and 7 months for men and 65 years and 7 months for women. From January 2019 onward, the retirement age for accessing benefits is raised by 5 months and will be 67 years for men and 66 years for women.

There is an option of early pension for workers who have fulfilled at least 42 years and three months of contributions (men) and 41 years and three months of contributions (women). Under a 2017

reform, the contribution period has been reduced for both men and women workers to 41 years. Arduous workers can benefit from a slightly more favourable system.

The amount of the pension depends on the amount of contributions paid by the worker during his/her working life, on the age at retirement and on life expectancy. Contributions are 33% of the annual wage (20% for self-employed), but workers can pay contributions even for the non-worked periods, under certain conditions.

Act No. 178 of 30 December 2020 exempted employer from payment of social security contributions for 2021 and 2022, if employer has hired an employee under 35 years for indefinite duration or if fixed term contract has transformed into permanent contract. It is applicable on enterprises in Southern Italy for four years.

Source: Decree of 6th December 2011, n. 201, art. 24); Decree of the President of the Ministerial Council No.87 of 23 May 2017/ Decreto Del Presidente Del Consiglio Dei Ministri 23 Maggio 2017, N. 87; Decree of 5 December 2017 regarding adjustment of retirement access requirements due to increases in life expectancy

Dependents' / Survivors' Benefit

The Law provides for survivors' benefit, payable provided that the deceased worker was an old-age or invalidity pensioner, had paid contributions for at least 15 years or had an insurance period of at least 5 years, 3 of which in the 5 years before death. Survivors include widow(er), divorced spouse, children, parents, siblings.

Widow(er)'s pension is 60% of the old-age or disability pension that the deceased

received or was entitled to receive at the time of death. This pension becomes of 80% if the widow(er) cares for a child, 100% if he/she cares for two children. The benefit is reduced when the age difference between the insured worker and his/her spouse is more than 20 years and the deceased person was more than 70 when he/she died.

The total amount of survivors' benefit can't exceed 100% of the deceased's pension.

Source: Law of 8th August 1995, n. 335, art. 41

Unemployment Benefits

Salaried employees (except agricultural workers and public sector workers) are entitled to an unemployment benefit (NASpl) if they lost their job involuntarily and are registered as jobseekers. A jobseeker who has worked for at least 30 days in the 12 months before becoming a jobseeker and who has paid contributions for at least 13 weeks in the last 2 years is entitled to unemployment benefit for a maximum of 24 months for those who worked in the last 4 years. From 1st January 2017, the NASpl will be paid for a maximum of 18 months.

The unemployment benefit is calculated according to the worker's wage in the four years before unemployment and to the period of contribution. If the monthly wage in 2015 was less than 1195 euros gross, unemployment benefit would be 75%, if it was more than 1195 euros gross, unemployment benefit would be 75% plus 25% of the exceeding amount of the monthly wage. The benefit cannot exceed 1300 euros gross.

The benefit is reduced by 3% every month, from the 5th month on.

In 2015, the workers with collaboration (co.co.co.) or short-term (co.pro.) contracts who lost their job involuntarily and are registered to the special separate section of INPS (Social Security) are entitled to the Dis-Coll benefit. To be eligible for this benefit, they need to have paid contributions for at least 3 months since 1st January 2014. Moreover, either at least one month of contributions must have been paid in 2015, or they worked had signed a contract of more than 30 days of duration. The amount is calculated in the same way as NASpl. This benefit is also reduced by 3% every month, from the 5th month on. The benefit is paid for a number of weeks corresponding to half of the worked weeks between 1st January 2014 and the date of dismissal. The maximum duration is 6 months.

After having benefitted from NASpl, workers in particularly difficult family and economic conditions can be entitled to an extra benefit, called Asdi.

Source: Legislative Decree n. 22/2015

Invalidity Benefits

To be entitled to disability benefit, the insured must have a permanent loss of at least 2/3 of his/her working capacity and 5 years (260 weeks) of contributions and service, at least 3 of which in the 5 years before disability benefit request was submitted.

In case of partial disability, the benefit is paid for three years and becomes definitive after the second renewal.

Benefit is calculated partly according to the worker's wage, partly to the amount of contributions. When the disabled person reaches pension age and its requisites, the invalidity benefit is turned into old-age pension.

Source: Decree of 23rd November 1988, n. 509

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Italy has ratified the Conventions 100 and 111.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Constitution of the Italian Republic 1948, last amended in 2012 / Costituzione della Repubblica Italiana 1948, last amended in 2012
- Legislative Decree of 11th April 2006, n. 198 - Code of Equal Opportunities / Decreto legislativo 11 aprile 2006, n. 198 - Codice delle pari opportunità tra uomo e donna
- Civil Code (Royal Decree of 16th March 1942, n. 262, revised in 2016) / Codice civile (Regio Decreto 16 marzo 1942, n. 262, aggiornato nel 2016)
- Legislative Decree of 9th July 2003, n. 215 / Decreto Legislativo 9 luglio 2003, n. 215
- Legislative Decree of 9th July 2003, n. 216 / Decreto Legislativo 9 luglio 2003, n. 216
- Penal Code (Royal Decree of 19th October 1930, n. 1398, revised in 2013) / Codice penale (Regio Decreto 19 ottobre 1930, n. 1398, aggiornato al 2013)

Equal Pay

“Workers have the right to remuneration commensurate with the quality and quantity of their work” and “working women are entitled to equal rights and, for comparable jobs, equal pay as men”. The right to equal pay for equal work is granted even to the work by minors. (Art. 36-37 of Italian Constitution of 1948). Art. 28 of the Code of Equal Opportunities also provide for equal pay for equal work or work of equal value between men and women workers. It must be said that there is no law in Italy which guarantees general equality of workers in matters of remuneration. Pay differences can still exist between workers

on the grounds of qualification, experience, seniority, etc.

Sources: Italian Constitution of 1948; Legislative Decree of 11th April 2006, n. 198 - Code of Equal Opportunities

Sexual Harassment

In accordance with art. 26 of the Code of Equal Opportunities, harassment is "unwanted conduct related to the sex of a worker with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment" and "is regarded as discrimination on the ground of gender". Any less favourable treatment based on a worker's rejection of or submission to harassment on ground of sex or sexual harassment, in response to a complaint requiring the employer to comply with the principle of equal treatment between men and women are all regarded as discrimination.

Other than the Code of Equal Opportunities, sexual harassment is prohibited under labour law/civil code (art. 2087) in the concept of mobbing and Penal Code in the crimes of rape (art. 609 bis of Penal Code), Stalking (art. 612 of Penal Code inserted by Law No. 38 of 23 April 2009), harassment or disturbance to other persons (art. 660 of Penal Code) and Insults (Art. 594 of Penal Code). In accordance with art 2087 of Civil Code, a worker is entitled to damages if his moral personality has been harmed by employer or other co-workers. An employer must adopt the measures necessary to preserve the physical integrity and mental health of employees. An employer is liable for the actions of its

employees in breach of the employment contract if the employer did not take all measures necessary to avoid or stop sexual harassment from occurring.

Art. 37-38 of the Code of Equal Opportunities provide for specific form of recourse for victims of discrimination including acts of sexual harassment. The articles establish an emergency procedure according to which the employee may claim for damages against the employer or alleged offender before the Court. The court can order the offender to stop discriminatory conduct (harassment or sexual harassment). If the employer or offender does not comply with the court order, it may result in a fine of approximately €50,000 and a custodial imprisonment for a term of 6 months.

Sources: Law of 20th May 1970, n. 300 - Workers' Statute; Legislative Decrees of 9th July 2003, n. 215 and n. 216; Legislative Decree of 11th April 2006, n. 198 - Code of Equal Opportunities; Civil Code; Penal Code

Non-Discrimination

In accordance with Art. 3 of the Constitution, all citizens have equal social dignity and are equal before the law with no distinction of sex, race, language, religion, and political opinion, personal and social conditions. The other prohibited grounds include colour, sexual orientation, and ethnic origin, membership of trade union, marital status, pregnancy, age, personal opinion and disability (including being HIV positive). Discrimination is prohibited at all times during the employment relationship, i.e., before recruiting the worker, during the term of employment contract and on its termination. Certain exceptions have been provided in laws. The Code of Equal

Opportunities prohibits discrimination on the basis of sex, marital status, family composition or pregnancy and forbids discrimination in hiring, orientation, training, salary, or in assignment, classification of duties and promotions. Law also prohibits indirect discrimination which is adoption of a seemingly neutral criteria or rule which is not necessary to perform a certain function but that may adversely affect certain workers leading to their less favourable treatment. In the event of compensation, a court may order the employer to stop discriminatory practice, pay compensation to the worker and develop a plan to remove the discriminatory practices. Law does not impose a ceiling on the amount of compensation. Discrimination on recruiting/hiring of workers is punishable with a fine and/or arrest up to one year.

Sources: Art. 3 of Italian Constitution of 1948; Law of 20th May 1970, n. 300 - Workers' Statute; Legislative Decrees of 9th July 2003, n. 215 and n. 216; Legislative Decree of 11th April 2006, n. 198 - Code of Equal Opportunities

Equal Choice of Profession

Art. 4 of the Constitution recognizes the right of all citizens to work and promotes those conditions which render this right effective. Every citizen has the duty, according to personal potential and individual choice, to perform an activity or a function that contributes to the material or spiritual progress of society.

Women can work in the same industries as men as no restrictive provisions could be located in the laws. Constitution however requires that working conditions must allow women to fulfil their essential role in

the family and ensure appropriate protection for the mother and child.

Source: Art. 4 and 37 of the Italian Constitution of 1948

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Italy has ratified the Conventions 138 and 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Law of 6th August 2008, n. 133 / Legge del 6 agosto 2008, n. 133
- Budget Law of 2007 / Legge Finanziaria 2007
- Law of 17th October 1967, n. 977, as modified by the Legislative Decree of 4th August 1999, n. 345 / Legge 17 ottobre 1967, n. 977, modificata dal Decreto Legislativo 4 agosto 1999, n. 345

Minimum Age for Employment

Minimum age for employment is the same as the age of completion of compulsory studies and in any case cannot be below 15 years. (Article 5 of the Legislative Decree of 4th August 1999, n. 345) The Budget Law of 2007 provides that compulsory schooling has to be of 10 years minimum, which means that minimum wage for employment is 16 (art. 1, paragraph 622).

According to the law number 133 of 2008, children in the last year of compulsory schooling (from 15 to 16 years of age) can work under an apprenticeship contract, although with some limitations.

Minimum Age for Hazardous Work

Minimum Age for hazardous work is 18 years (Articles 1, 5 and 6 of the Law of 17th October 1967, n. 977, as modified by Legislative Decree of 4th August 1999, n. 345). It is prohibited to employ young workers (under the age of 18 years) for certain categories of work exposing them to risks to their health and safety and for works beyond their strength (article 14 and Annex I). For example, minors cannot be employed in manufacture and handling of devices, fireworks or other objects

containing explosives; work involving the handling of equipment for the production, storage or use of compressed gas, liquid or in solution; work involving high-voltage electrical hazards; work in foundries; manufacture of tobacco products; manufacture, production and manipulation involving exposure to pharmaceuticals; production of metal powders, etc.

National Health Care must approve the work contract assigned to a minor (article 8). Minors cannot be employed in night work, with the exception of cultural, artistic, sports, advertising and entertainment industries, where minors cannot be employed after midnight.

Source: Articles 15-17

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Italy has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Constitution of the Italian Republic 1948, last amended in 2012 / Costituzione della Repubblica Italiana 1948, last amended in 2012
- Civil Code (Royal Decree of 16th March 1942, n. 262, revised in 2016) / Codice civile (Regio Decreto 16 marzo 1942, n. 262, aggiornato nel 2016)
- Penal Code (Royal Decree of 19th October 1930, n. 1398, revised in 2013) / Codice penale (Regio Decreto 19 ottobre 1930, n. 1398, aggiornato al 2013)
- Law of the 29th January 1934, n. 274 / Legge 29 gennaio 1934, n. 274
- Law No. 179 of 2017 on Whistleblower Protection / Legge n. 179 del 2017 sulla tutela degli informatori

Prohibition on Forced and Compulsory Labour

The ILO convention number 29 on forced labour was introduced as a whole in the Italian Law by the Law number 274 of the 29th January 1934. In accordance with the Constitution, every citizen has the duty to perform an activity or a function that concurs to the progress of society, according to his possibilities and his choice. (Art. 4).

Art. 600 of Penal Code identify enslavement as a crime. Forcing a worker to perform work is punished with an imprisonment term from eight up to twenty years. Higher penal sanctions are provided when the acts of forced labour are committed against minors.

Freedom to Change Jobs and Right to Quit

Employees with permanent contract have the right to resign after serving due notice on their employer. Notice is not needed when there is the so-called 'just cause'.

Employees with fixed-term contracts can't resign before the end of the contract (unless there is 'just cause'). If they do, the employer has the right to ask for compensation.

Law No. 179 of 2017 has introduced protection for whistleblowers (public or private sector workers who report offences committed at work that have come to their knowledge while performing their duties). The law prohibits any discriminatory or retaliatory acts against the whistleblowers. Furthermore, the law provides that a dismissal or a change in duties or any other retaliatory measure taken against the whistleblower is invalid.

For more information on resignations and dismissals, please refer to the section on Employment Security.

Source: Civil Code, articles 2118-2119; Law No. 179 of 2017 on Whistle blower Protection

Inhumane Working Conditions

Working time may be extended beyond forty hours at times of greater demand by eight average hours of overtime in any single week, and in addition by no more than 250 hours of overtime within any single calendar year. The calculation of the weekly average overtime hours is made on the basis of a number of months set in collective agreements (four maximum, that

can be extended to six). For more information on this, please refer to the section on compensation.

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

Italy has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Constitution of the Italian Republic 1948, last amended in 2012 / Costituzione della Repubblica Italiana 1948, last amended in 2012
- Law of 20th May 1970, n. 300 - Workers' Statute / Legge 20 maggio 1970 - Statuto dei lavoratori
- Law of 12th June, 1990, n. 146, as modified by the Law of 11th April 2000, n. 83 / Legge 12 giugno 1990, n. 146, modificata dalla Legge 11 aprile 2000, n. 83

Freedom to Join and Form a Union

Citizens have the right to associate freely (art. 18 of the Constitution) and, in accordance with the article 39, freedom to create and join a union is guaranteed both for individuals and at a collective level.

The right of association is recognized in all enterprises, trade unions can organize freely in all enterprises and anti-union discrimination is prohibited.

Source: Art. 14-15 of the Workers' Statute

Freedom of Collective Bargaining

Right to collective bargaining is guaranteed under the article 39 of the Constitution, although this article provides also for the registration of trade unions, which has not been put into practice yet. There is no other law regulating the trade unions' registration, so trade unions operate as simple associations. Collective agreements are then ruled by the Civil Law as simple contracts between two parties.

Italian Constitution envisages, under its article 99, the National Council for Economy

and Labour (CNEL) which is composed of experts and representatives of the economic categories, in such a proportion as to take account of their numerical and qualitative importance. It serves as a consultative body for Parliament and the Government on those matters and those functions described below. It can initiate legislation and may contribute to drafting economic and social legislation according to the principles and within the limitations laid out by law. The Council was established under Law No. 3 of 1957. Its composition is governed under Law No. 936 of 1986. The Council is composed of 64 councilors: 22 workers' representatives; 9 representatives for self-employed workers; 17 employer/entrepreneur representatives; 6 representatives of non-profit organizations and 10 experts nominated by the government. The term of the Council is 5 years and is renewable.

Right to Strike

Right to strike is guaranteed under the article 40 of the Constitution. The same article states that this right is subordinated to the law, for example the Law n. 146 of 12th June 1990, which regulates strikes in public services. Workers on strike can't be replaced by fixed term contract workers.

The exercise of the right to strike cannot give rise to any discriminatory measure as referred to in articles 15 and 28 of the Workers' Statute: dismissal, allocation of qualifications or duties, transfer or disciplinary action cannot be a consequence of the worker's affiliation to a trade union or trade union activity, or participation in a strike.

QUESTIONNAIRE

DECENTWORKCHECK.ORG

Check

DecentWorkCheck Italy is a product of WageIndicator.org
and www.iltuosalario.it



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

04/13 Employment Security





10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy
<i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |













09/13 Social Security

- | | | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



10/13 Fair Treatment

- | | | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |




* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
Age		<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
Language		<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





11/13 Minors & Youth

41. In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

12/13 Forced Labour

43. I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

13/13 Trade Union Rights

46. I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Italy scored 47 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.