

Italy¹

Tindara Addabbo (University of Modena and Reggio Emilia), **Valentina Cardinali** (INAPP – National Institute for Public Policy analysis), **Dino Giovannini** (University of Modena and Reggio Emilia), and **Sara Mazzucchelli** (Catholic University of Milan)

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For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members page](#) on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*Congedo di Maternità*) (responsibility of the Ministry of Labour and Social Policies and, for public employees, Ministry of Economy and Finance)

Length of leave (before and after birth)

- 20 weeks (five months): at least four weeks can be taken before the birth. However, since 2018 the pregnant woman also has a choice to work up to the childbirth, as long as a specialist doctor certifies that this option does not damage the health of the pregnant woman and the child. Those who choose this option are able to benefit from the five months of mandatory Maternity leave after the birth of the child. It is obligatory to take this leave. Absence from work can take place two months before the childbirth if pregnancy is certified as 'at risk,' or if the Territorial

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Department of Labour certifies that the job is incompatible with pregnancy.

Payment and funding

- 80 per cent of previous earnings with no upper limit for salaried workers. For home helps, self-employed workers, and agricultural temporary labourers, earnings are 80 per cent of conventional earnings determined each year by the law. For non-fixed term workers, Maternity leave depends on accredited contributions, though each professional sector has the potential to determine, with approval by the Ministry of Labour, Health and Social Policies, a higher limit, taking into account income and contribution potential of the professional sector and compatibility with financial availability of the professional fund.
- Funded by the INPS (National Institute for Social Security), financed by contributions from employers and employees at a rate that is related to the sector and to the type of employment contract (for example, in manufacturing it is 0.46 per cent of earnings for employers and 0.28 per cent for employees). Workers on Maternity leave may be paid directly by INPS or by their employer, who is recompensed by the INPS. These contributions maintain pension rights.
- Pension contributions for women taking leave are made by the INPS. Maternity leave periods outside an employment relationship are counted as social security contributions for retirement pensions, provided that the claimant has at least five years of employment and has paid social security contribution at the time of her application.

Flexibility

- For employees and workers enrolled in the Separate Social Security Fund '*Gestione separata*,² the 20-week period is compulsory, but there are two options for taking this leave: four weeks before the birth and 16 weeks after (upon presentation of a medical certificate); or eight weeks before the birth and 12 weeks after. The allowance is accorded to autonomous female workers from eight weeks before the birth to 12 weeks after. Maternity leave, however, is not compulsory for this category. The Jobs Act provides that, in the case of premature birth, which takes

² By Law 335/1995, workers must contribute to a separate Italian National Institute of Social Security (INPS) fund for co-workers in order to obtain the right to a pension. They work on the basis of 'contracts of continuous and co-ordinated collaboration' or under contract for a project 'co.pro.,' that lay between employed and self-employed individuals' contracts.

place before month seven of the pregnancy, the amount of leave not used before birth is added to post-natal leave.

Eligibility (e.g. related to employment or family circumstances)

- All employees and self-employed women with social security membership, including workers enrolled in *Gestione separata*.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother

- In the case of multiple or premature births, the length of leave increases by 12 weeks.
- In the case of a premature birth, the mother may take unused pre-natal leave after the birth; and if the infant is hospitalised, the mother has the right to suspend her Maternity leave, taking up the leave again once the child is discharged.
- The mother can transfer one day of Maternity leave to the father, or a longer period if certain conditions prevent the mother from using the leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Public sector employees receive 100 per cent of earnings.
- In general, national collective agreements guarantee 100 per cent of earnings, with employers paying the additional 20 per cent.

b. Paternity leave (*congedo di paternità*) (Ministry of Labour, Health and Social Policies)

Length of leave

- Five days which are obligatory. A further one day of optional leave is available if the mother transfers part of her Maternity leave. Both types of leave are not yet permanent and are still experimental, depending on budgetary approval (e.g. the optional part of the leave was not funded in 2017).

Payment and funding

- 100 per cent of earnings with no upper limit.

Flexibility

- Leave can be used until five months after childbirth.

- Leave can be taken as separate days.

Eligibility

- All employees.
- Same-sex couples are not eligible.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Employed fathers, including those who are self-employed and enrolled in *Gestione separata*, may take three months' paid leave after the birth in the following circumstances: the mother's death or severe illness; the child being left by the mother; or the child being in the sole care of the father. An important verdict by the Tribunal of Florence extends the possibility of obtaining Paternity leave, paid at 80 per cent of earnings, to two months before childbirth. This means that the father can take the whole period of Maternity leave in certain circumstances, i.e. if the mother is a housewife, ill or, alternatively, if she is a self-employed worker who cannot take the leave. The Tribunal is a civil court and its decision acts as an important precedent for other Tribunals, but is not automatically binding. Conditions are the same as for Maternity leave.

c. Parental leave (*Congedo Parentale*) (responsibility of the Ministry of Labour, Health and Social Policies and, for public employees, the Ministry of Economy and Finance)

Length of leave (before and after child's birth)

- Six months per parent. Leave is an individual entitlement and is non-transferable.
- The maximum total length of leave per family is ten months, unless the father takes at least three months of leave; in which case, the total length of leave can be extended to 11 months, and the father can extend his leave to seven months. During this period, parents receive pension credits, so that they do not suffer a reduced pension because of taking leave.

Payment and funding

- 30 per cent of earnings when leave is taken for a child under six years of age; the leave is unpaid if taken when a child is six to twelve years of age.
- Funded in the same way as Maternity leave.
- Pension contributions for parents taking leave are made by the INPS.

Flexibility in use

- Leave can be taken at any time until a child is 12 years old.
- Leave can be taken as a single leave period up to a maximum of six months; or as shorter periods amounting to a maximum of six months.
- Leave can be taken on an hourly basis, up to half of the daily hours worked during the month immediately preceding the start of Parental leave; but this 'hourly-based leave' cannot be combined with another kind of permitted absence from work on the same day.
- Parents can take leave at the same time.

Eligibility (e.g. related to employment or family circumstances)

- All employed parents, except domestic workers and home helps. Self-employed workers are generally entitled to three months, which can be taken only during the first year after child's birth.
- The father is entitled to leave even if the mother is not, for example, if she is a housewife. Circular letter B/12-5-2009 from the Department of Labour, Health, and Social Policies extends the right to fathers to make use of the leave indicated in the act if the mother is a housewife³; previously this right was limited to fathers where the mother was self-employed. This change gives equal financial value to domestic work as labour outside of the home.
- Parental leave of three months, to be taken within the first year of the child's life, is available to workers enrolled with *Gestione separata* by the INPS.
- Same-sex couples are eligible.
- Unemployed women are eligible to the maternity allowance granted by the National Social Security Institution for five months in place of the unemployment benefit.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

³ Art. 40c, Act of Law n. 151/2001: right to work reduced hours with full earnings compensation for the first 12 months after childbirth.

- As the leave is per child, each parent is entitled to additional leave in the case of a multiple birth (e.g. the length is doubled for twins, and tripled for triplets).
- A single parent may take ten months of leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Public sector employees receive 100 per cent of earnings during the first 30 days of leave.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- For adoptive and foster parents, the same regulations for Maternity, Paternity and Parental leave apply as for other parents. The period of Maternity leave does not depend on the age of the child adopted and must start within five months of them entering the family; in the case of international adoption, the leave can also be taken for overseas visits in connection with adoption. Paternity leave can be taken within five months of a child's entry into the family or into Italy, in the case of national or international adoption. The Parental leave for adoptive and foster parents can be taken within eight years of the child entering the family but not after their eighteenth birthday; payment, generally, is 100 per cent of earnings for the first 30 days and 30 per cent of earning for the subsequent five months, if taken within three years of the entry of the child into the family.

Time off for the care of dependents

- No limit for a child under three years of age; five days per year per parent for a child aged three to eight years. This leave is unpaid.
- Employees are entitled to two years' leave over the course of their entire working life in the case of a serious need in their family: for example, the disability of a child or other relative, even if not co-resident. The order of priority for taking leave is: spouse, parents, children, then siblings of the person who needs care. During the period of leave, the applicant is entitled to receive an allowance of 100 per cent of their previous earnings, up to a ceiling of €47,351 per year.

Flexible working

- Until a child is 12 months old, female employees are entitled to work reduced hours for breastfeeding, with full earnings compensation (one hour less per day if working six hours per day or less; two hours less per day if working longer than six hours). Fathers are entitled to use this benefit in certain conditions, for example: if the mother is self-employed or a freelancer; if the mother opts not to use it; if the mother is not employed; or if the father has sole custody of the child. Home helps, domestic workers, and autonomous workers are not entitled to reduced hours, but in this case too the father can work reduced hours.
- Employees of any gender who have parental responsibility for a child under six years of age or a disabled child under 18 years of age have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours). Employers have a legal duty to consider these requests and may refuse them only 'where there is a clear business ground for doing so [... and must give] a written explanation explaining why.'

Leave for female victims of sexualised violence

- Victims of sexualised violence (as certified by municipal social services or anti-violence centres) employed in the public or private sectors, and who have care responsibilities, may request leave from work for three months, with a right to full pay. For the same period, they are also entitled to switch from full-time to part-time employment. The Italian National Institute of Social Security (INPS) produced an explanatory implementation statement on leave for female victims of gender-based violence in April 2016.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Italy is 14 to 15 months (depending on bonus months if the father takes Parental leave); however, there is only around four months of well-paid leave entitlement. There is no entitlement to ECEC, though nearly all children attend ECEC from three years of age. However, despite being recognised as a social right for children and working mothers by Law 1044/1971, provision of ECEC for children under three years of age is much lower and very variable between different regions. Levels of attendance at formal services for children under three years of age are below the average both for the countries included in this review and for OECD countries, but above average for children over the age of three years.

For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2018 (including proposals currently under discussion)

Following the Budget Law 2019, employed fathers are entitled to five days of compulsory Paternity leave, which is an individual right and independent of the mother's right to Maternity leave. In addition, the mother can transfer one day of Maternity leave to the father (reduced from two days previously): this optional leave is conditional on the choice of the mother to not take the same number of days of Maternity leave.

The 485 Law 145/2018 changed the obligation to use at least four weeks of Maternity leave before the birth, and allowed pregnant women the choice to work up to the birth, as long as a specialist doctor certified that this option did not damage the health of the pregnant woman and the child. Those who choose this option will then be able to benefit from the five months of mandatory Maternity leave after the birth of the child. It is obligatory to take this leave.

Baby-sitting and kindergarten voucher

€600 per month and could be used instead of mothers' Parental leave to cover baby-sitting or kindergarten costs. The voucher expired at the end of 2018, and it was not renewed.

Kindergarten BONUS

BONUS to cover the costs of kindergarten or home care (in the case of serious disease) for children up to the age of three. It increased from €1,000 to €1,500 per year and this programme will last for three years. The parent does not need to give up Parental leave to receive the BONUS. In 2019 it will be funded with 300 million Euros.

'Baby Bonus'

Birth allowance (also known as the 'Baby Bonus') is a monthly allowance for families for each child born, adopted, or in pre-adoptive foster care between 1 January 2018 and 31 December 2019, with an ISEE (Indicatore della Situazione Economica Equivalente - Indicator of the Equivalent Economic Situation) not exceeding €25,000. The allowance is means-tested according to the ISEE of the family of the minor for which the check is requested. With the ISEE under €7,000 per year, the yearly allowance is €1,920 (€160 each month). With the ISEE between €7,000 and €25,000 per year, the yearly allowance is €960 (€80 per month). It has been increased by 20 per cent for the second child.

Bonus 'mum tomorrow'

The Financial Law 2019 confirmed the €800 'mum tomorrow' bonus for women in the seventh month of their pregnancy. The bonus is paid by the INPS for the birth or adoption of a minor (from January 1 2017) at the request of the mother to-be, at the beginning of the eighth month of pregnancy, or pre-adoptive birth, adoption, or foster care.

An important debate in Italy is the location and funding of work-life balance policies, and the link between them and industrial relations. Second-tier, corporate, or territorial bargaining is seen as the place where, with the use of special tax incentives, it is possible to apply work-life reconciliation measures.

4. Take-up of leave

a. Maternity leave

Maternity leave is obligatory for employees. The most recent data (INPS, 2017) for the private sector shows that there were 192,973 beneficiaries, of whom 13,343 were fixed-term employees; 178,432 permanent workers; and 1,198 seasonal workers.

b. Paternity leave

In 2016 in the private sector, 107,530 fathers took compulsory Paternity leave and 867 took optional leave (INPS). There has been a five per cent increase overall in their use: an increase in the compulsory leave beneficiaries and a sharp decrease in those who take the optional leave. However, as the figures show, the majority of fathers do not take advantage of this leave. Monitoring, as well as more information about the right to take Paternity leave, is needed in order to increase the number of fathers taking the compulsory leave.

c. Parental leave

In 2016, Parental leave was used by 308,682 employees (256,115 women and 52,567 men). Over 90 per cent of leave is taken by permanent workers.

The most recent data (INPS, 2017) for the private sector, including agriculture, show that there were 321,593 Parental leave beneficiaries, out of whom 21,685 were fixed-term employees; 299,743 were permanent workers; and 165 were seasonal workers. Amongst them, only 59,255 (18 per cent) were fathers: 7,850 with fixed-term contracts; 51,377 with permanent contracts; and 28 seasonal workers.⁴ Regarding

⁴ <https://www.inps.it/webidentity/banchedatistatistiche/congdipe/index01.jsp>

self-employed workers, there were 1,675 Parental leave beneficiaries in 2017.