

Italy¹

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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)

- Five months: at least four weeks can be taken before the birth. However, the pregnant woman also has a choice to work up to 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. Absence from work can take place two months before the childbirth if pregnancy is certified as 'at risk,' or if the Territorial Department of Labour certifies that the job is incompatible with pregnancy.
- It is obligatory to take all the leave.

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Payment and funding

- Eighty per cent of previous earnings with no upper limit for salaried workers. For home helps, self-employed workers, and temporary agricultural labourers, earnings are 80 per cent of conventional earnings determined each year by the law². 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.
- Payments are taxed.
- 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*'³, 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 place before month seven of the pregnancy, the amount of leave not used before birth is added to post-natal leave.
- Self-employed may also benefit from the allowance associated with a high-risk pregnancy. They are granted a daily allowance for leave periods within two months before childbirth in the event of pregnancy complications, ascertained by the local health authority.

² Self-employed women are entitled to an allowance of 80 per cent of their average salary for five months. Unlike employees, self-employed women are free to continue to work and issue invoices.

³ 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. The Separate Management Fund (Gestione Separata INPS) is a pension fund to which self-employed workers and freelancers without a fund must register. Some professionals (such as lawyers, notaries, doctors) have, in fact, a pension fund dedicated to their activity.

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 an additional 20 per cent.

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

Length of Leave

- Ten working days.
- It is obligatory to take all the leave.
- A further one day of optional Leave is available if the mother transfers part of her Maternity leave.

Payment and funding

- One hundred per cent of earnings with no upper limit; covered by imputed pension contributions.

Flexibility

- Leave can be used from 2 months preceding the expected date of childbirth till five months after childbirth.
- Leave can be taken as separate days, not divisible by the hour (i.e., cannot be used on an hourly basis).

- In the case of multiple births, leave can be extended up to 20 working days.
- The employee must give a written notice on the intention to use the leave to the employer, at least five days in advance.

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, non-transferable entitlement.
- Both the father and the mother may claim Parental leave benefit for three months, non-transferable to the other parent. Both, alternatively, may claim an additional 3-month indemnifiable period.
- The period of Parental leave covered by the Parental benefit is 9 months, subject to the maximum leave limits for parents: 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.
- Maximum total period (mother and/or father) is thus nine months, of which:
- the mother shall be entitled to three months of paid leave, non-transferable to the other parent, to be taken within 12 years of the child's age (or from the child's entry into the family in the case of adoption or fostering);

- the father shall be entitled to three months of paid leave, non-transferable to the other parent, to be taken up to the child's twelfth birthday or from the date of child's entry into the family in the case of adoption or fostering;
- both parents are entitled, alternatively, to an additional period of three months of paid leave.
- After nine months of paid Parental leave, Parental benefit is means-tested, that is, it is paid only if the worker's individual income is less than 2.5 times the amount of the minimum pension (in 2021 equal to €515.28 per month) or in cases when parents use extended Maternity leave for severely disabled children within 12 years of the child's life.
- Single parents are entitled to 11 months of Parental leave, out of that nine months are paid.

Payment and funding

- Thirty 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.
- Pension contributions for parents taking leave are made by the INPS.
- Funded in the same way as Maternity leave.
- Parental leave benefit is not exempt from taxation, and it is taxed in the same way as personal income.

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 a child's birth.
- The father is entitled to leave even if the mother is not employed, 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 housewife⁴; 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.

⁴ Art. 40c, Act of Law n. 151/2001: right to work reduced hours with full earnings compensation for the first 12 months after childbirth.

- Working parents registered with the separate management scheme are entitled to paid Parental leave as employees, under the following eligibility criteria:
 - parents must be enrolled in the separate management scheme as project workers, professionals and assimilated categories and must not be simultaneously receiving a pension or be enrolled in another form of compulsory social security;
 - there must be a valid professional employment relationship during the period of Parental leave;
 - a parent must have paid at least 1 month contributions in the 12 months preceding the start of the qualifying period.
- Parental leave is also provided for self-employed persons, i.e., entrepreneurs, artisans, freelancers, cooperative members, agents and sales representatives. Since there is no payroll, the 30 per cent allowance in this case is calculated on the conventional daily wage that the law establishes each year for each of these categories. Fathers are also entitled to this period of paid leave from work. For self-employed persons, however, Parental leave is shorter than for employees and subject to more constraints:
 - each parent is entitled to three months of leave for each child;
 - these three months can be requested within the first year of life or entry into the family; and not within the first 12 years;
 - women can take Parental leave after the end of Maternity leave;
 - the parent must have paid contributions in the month preceding the request;
 - only those who do not actually work (and therefore do not invoice) during the leave period can receive Parental benefit.
- Same-sex couples are eligible.
- Unemployed women are eligible for the maternity allowance granted by the National Social Security Institution for five months in place of the unemployment benefit. The maternity benefit payable is 80 per cent of the average daily global remuneration received in the last month of work.

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

- As the leave is per child, each parent is entitled to additional leave in the case of multiple births (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 types of leave and flexible working

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 earnings 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 an upper limit of €47,351 per year.

Specific provision for (breast)feeding

- 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.

Flexible working

- 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.' The law does not lay down seniority requirements for the use of these rights. Those who have been previously converted to part-time status may return to full-time status and also have precedence over new full-time recruitments for the performance of the same duties or duties of the same level as part-time employees.

Leave for female victims of gender based violence

- Victims of gender-based 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.

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

The maximum period of post-natal leave is 15 to 16 months (depending on bonus months if the father takes Parental Leave); however, there is only five months of well-paid leave entitlement. There is no entitlement to ECEC, though nearly all children attend ECEC from three years of age.

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

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.

The National Recovery and Resilience Plan (NRRP) includes a specific line (Mission 4) on investing in ECEC infrastructure that is bound to increase ECEC availability in Italy.

3. Changes in policy since April 2022 (including proposals currently under discussion)

On 29 July 2022, Legislative Decree No. 105 of 30 June 2022 was published in the Official Journal, transposing the changes introduced by EU Directive No. 2019/1158 on work-life balance for parents and carers. The measures in force since 13 August 2022 have enriched the landscape of measures aimed at improving work-life balance. The new measure affects, by making several amendments and

additions, both the text of Legislative Decree no. 151 of 26 March 2001 (Consolidated text of legislative provisions on the protection and support of maternity and paternity) and other existing provisions, such as L. No. 81/1992 (Measures for the protection of non-entrepreneurial self-employment and measures to encourage the flexible articulation of time and place of employment) and Law No. 104/1992 (Framework law for the assistance, social integration and rights of disabled persons).

Maternity Leave

The decree intervenes on paragraph 2-ter of Article 68 of Legislative Decree No. 151/2001; the provision provides self-employed with a daily Maternity allowance of 80 per cent of the minimum daily wage provided for by law for any periods of early abstention from work in the event of a high-risk pregnancy.

Paternity Leave

Legislative Decree 105 of 30 June 2022 confirms the non-experimental nature of the leave and the Paternity leave benefit at the level of 100 per cent of previous salary, which is more favourable than Maternity leave benefit (80 per cent). Sanctions are foreseen against employers who refuse, oppose, or obstruct the exercise of the employee's rights to absence, including Paternity leave, with further consequences in terms of not being able to obtain, within two years, the gender equality certificate. Unlike the Maternity leave, which includes a prohibition to work during the leave, Paternity leave is a potestative right that can be waived.

The Legislative Decree confirms the duration of compulsory Paternity leave; the working father, therefore, continues to be entitled to a leave of 10 working days, which can be taken from 2 months before to 5 months after the birth, in the event of both the birth and the perinatal death of the child. This measure must also be granted to the worker in addition to the so-called alternative Paternity leave, which is granted only in cases of death, serious illness or abandonment of the child by the mother. Moreover, heavy sanctions are foreseen against employers who prevent employees from taking the Paternity leave. In detail, in such a case, an administrative sanction of between €516 and €2,582 may be applied against the employer and, should such conduct be committed in the two years prior to the request for gender equality certification, this will result in the failure to issue the certification itself.

Parental Leave and Disability Protection

Again, intervening in the '*Testo unico delle disposizioni legislative in materia di tutela e sostegno della maternità e della paternità*', the following changes were implemented:

- increase - from 10 to 11 - months in the total duration of leave recognised in the case of a single-parent household (including the case of the death or incapacity of the other parent, or the case of non-recognition of the child);

- increase - from 6 to 9 months - in the duration of paid Parental leave (paid by INPS at the rate of 30 per cent), regardless of the length of leave taken by parents; and
- increase - 6 to 12 years – in the child's age within which parents, including adoptive and foster parents, may take paid Parental leave.

With reference to caregivers, by amending the provisions of Law no. 104/1992, the Decree provides following novelties:

- the possibility of the working mother or, alternatively, the working father (including adoptive parents) of a child with severe disabilities (pursuant to Article 4, paragraph 1) to ask their employers, as an alternative to the extension of Parental leave up to three years (pursuant to Article 33 of Legislative Decree No. 151 of 26 March 2001), to take two hours of daily paid leave until the child's third birthday;
- the right to three days' paid monthly leave covered by contributions, also on a continuous basis, to care for a disabled spouse or partner (pursuant to Article 1, paragraph 20 of Law no. 76 of 20 May 2016, a de facto cohabiting partner pursuant to Article 1, paragraph 36 of the same law) or a relative or relative-in-law up to the second degree in a situation of seriousness, if they are not hospitalized on a full-time basis.

Also here, the legislature provides that the refusal, opposition or hindrance to the exercise of the rights listed above, if detected in the two years preceding the request for the certification of gender equality pursuant to Article 46-bis of Legislative Decree No. 198 of 11 April 2006, entails the failure to obtain the certification itself.

The Decree also intervenes on Law No. 81/2017, amending paragraph 3-bis of Article 18, prescribing that in the case that public and private employers enter into agreement for the performance of agile work, the priority should be given to requests made by workers with children up to 12 years of age or without any age limit in the case of children with disabilities. The same priority is to be given by the employer to the requests of workers with disabilities in cases of ascertained seriousness or of those workers who are caregivers.

Among the changes introduced by the Budget Law 2023 is an increase of Parental leave allowance, from 30 per cent to 80 per cent for up to a maximum of one month, for employees who take leave alternatively by the child's sixth birthday. INPS Circular 45 of 16-05-2023 specifies that the month of leave paid at the level of 80 per cent only applies to parents who end (even for a single day) their maternity or, alternatively, paternity leave after 31 December 2022.

Universal allowance fund and family services

The 2020 budget law established the 'Universal allowance fund and family services', in which, from 2021, the resources dedicated to the birth allowance (so-called baby bonus) and the nursery bonus will be transferred. The additional resources of the Fund will be directed to the reorganisation and systematisation of policies supporting families with children.

Starting from 1 July 2021 and until 31 December 2021, a temporary allowance ('bridge allowance') for families with minor children who are not entitled to the current allowances has been established by the Italian Government 22nd Council of Ministries held on 4 June 2021. The 'bridging allowance' is dedicated only to families who do not meet the requirements to access family allowances already in force. The latter will continue to be paid to the families of employees and the like. A new 'bridge allowance' will guarantee support for families of self-employed, unemployed or citizenship income earners who are currently excluded from family allowances. To access the 'bridge allowance', the applicant's family unit must have an ISEE of less than €50,000 per year. In addition, the applicant must comply with one of the following requirements:

- be an Italian citizen or of a member state of the European Union, or a family member with the right of residence;
- be a citizen of a state not belonging to the European Union, in possession of an EU residence permit for long-term residents or a residence permit for work or research purposes for at least six months;
- be subject to the payment of income tax in Italy;
- be domiciled or resident in Italy and have dependent children up to the age of eighteen;
- be resident in Italy for at least two years, even if not continuous, or be the holder of an open-ended or fixed-term employment contract of at least six months.

The allowance is paid for each minor child based on the number of children and the economic situation of the family certified by the ISEE; in particular, the amount decreases as the ISEE level increases. If there are more than two children in the household, the unit amount for each minor child is increased by 30 per cent, and for each minor child with disabilities the amounts are additionally increased by €50. The average benefit referable to the period from 1 July 2021 to 31 December 2021 is equal to €1,056 per household and €674 per child.

The single family allowance, officially came into force in January 2022. It is a financial benefit allocated, on a monthly basis, for the period between March of each year and February of the following year, and is determined by INPS based on the economic condition of the household through the indicator of the equivalent economic situation (ISEE). The single-family allowance grants a maximum of 175 euro per month for each minor child (and €85 for those between 18 and 21 years old) for ISEE below €15,000. The allowance is progressively reduced by 50 cents for every additional €100 declared in the ISEE between 15 and 40 thousand Euros, and reaches a minimum of €50 (€25 for children between 18 and 21 years old) for ISEE from 40 thousand Euros upwards or not reported. The amounts for each child are increased in the case of large families (for three and more children), mothers under 21 years of age, families with four or more children, if both parents are earning income, and children with disabilities.

Incentive for working mothers

The 2022 Budget Law, has provided for a year, on an experimental basis, a 50 per cent cut in the social security contributions for working mothers in the private sector to be paid upon their return from Maternity leave to the workplace. It is a measure that provides direct payroll support to female workers as it translates into a halving of the 9.19 per cent tax rate of the taxable gross salary payable by them

(in some sectors and cases the rate rises up to 9.5 per cent and with that also the tax credit). The measure does not bring disadvantages for the employer, as the employer's tax rate remains unchanged, but the situation changes on the mother's paycheck.

4. Take-up of Leave

a. Maternity leave

Maternity leave is obligatory for employees. The most recent data (INPS, 2022a) for the private sector shows that in 2021 there were 265,375 beneficiaries, of whom 21,514 were fixed-term employees and 243,861 permanent workers⁵.

b. Paternity leave

In 2021 in the private sector, 155,845 fathers took compulsory Paternity leave (INPS, 2022a), 20,127 more than in 2020, and 2,791 an optional leave⁶. However, 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 compulsory leave.

c. Parental Leave

The most recent data (INPS, 2022) for the private sector, including agriculture, show that there were 275,570 Parental leave beneficiaries (58,177 males and 217,393 females) in 2021. However, the average number of days of leaves taken in 2021 by fathers was 25 against 61 for mothers.

There were a further 15,053 Parental leave beneficiaries among self-employed workers in 2021, of whom 2,126 were males.

The beneficiaries of specific Covid-19 leave (the special leave activated in the pandemic context, which expanded the ordinary requirements for taking Parental

⁵ INPS (2022a) *Conoscere il paese per costruire il futuro. XXI Rapporto Annuale*, Statistical Appendix, data updated on May 2022. <https://www.inps.it/it/it/dati-e-bilanci/rapporti-annuali/appendice-statistica---tavole-statistiche---xxi-rapporto-annuale.html>

⁶ INPS (2022b) *Statistiche in breve. Prestazioni a sostegno della famiglia*. Available at: <https://servizi2.inps.it/servizi/osservatoristatistici/api/getAllegato/?idAllegato=1021#:~:text=Per per cent20l'anno per cent202021 per cent20sono,lavoratori per cent20hanno per cent20goduto per cent20del per cent20congedo.>

leave and raised the daily benefit from 30 to 50 per cent) in 2021 were 20,243 (of whom 80 per cent were female).

Considering all the typologies of leave, the total amount of beneficiaries of Parental and Covid-19 leave in 2021 was 304,218 of whom 21 per cent were males.