



Catholic University of Milan  
University of Modena and Reggio Emilia  
Isfol (Institute for the Development of Vocational Training of Workers)

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# Italian leave policies changes since April 2014

Sara Mazzucchelli  
Tindara Addabbo  
Valentina Cardinali  
Dino Giovannini

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# Some features of the Italian context

- the lowest birth rates in Europe
- low employment rates for women
- small number of people working part-time
- increase in female employment restricted to low-skilled and low-paid jobs
- childcare, especially in the early months of a baby's life (5-9 months) is typically the mother's task
- normative Italian pattern: *family care model* (grandparents until the baby is 12-18 months old)
- This choice depends on a variety of factors:
  - insufficient levels of maternity leave pay
  - high costs of services (in the 0-3 year-old band)
  - incompatibility of school and work timetables
  - absence of pre-and post-school services (in the 3-14 year-old band)
- Reconciliation policies are inadequate at company level

**The *male breadwinner* family model has long been the dominant factor and the hegemonic cultural model in Italy**



# Italian Legislation on Leave Taking

- law No. 1204 of 1971 - *Protection of Working Mothers*
- law No. 903 of 1977 - *Equal Treatment for Men and Women in Matters of Work*
- Act No. 53 of 8 March 2000 - *Provisions on Maternity and Paternity Safeguard and Support, the Right to Care and Time Coordination in the Cities*
- Act No. 151 of 26 March 2001 - *Consolidated Law on the protection and support of maternity and paternity, according to art. 15 of Act No. 53/2000*
- Decree Law No. 115/2003 - *Amendments and supplements to Law Decree No. 151 of 26 March 2001, carrying the Consolidated Law on the protection and support of maternity and paternity, according to art. 15 of Act No. 53/2000*
- law No. 296/2006 - *Financial law for 2007*
- law No. 244/2007 - *Financial law for 2008*
- Decree Law No. 221/2012 (article 7 comma 3) [streamlines the processing of medical certificates justifying an employee's absence from work due to the illness of a child]
- Decree law 216/2012 [hourly fruition of parental leaves]
- the "Fornero Reform" (Law No. 92/2012) [paternity leave + childcare voucher for working mothers]



# Relationship between leave policy & Early Childhood Education and Care policy

- Maximum post-natal leave period available: 14-17 months (depending on bonus months if the father takes Parental Leave)
- Only 4 months of well-paid leave entitlement
- No entitlement to ECEC
- ECEC provision is too low by EU standards and varies from region to region
- Use of formal services by children is above average for children over 3







# Changes in policy since April 2014: Jobs Act





# Jobs Act

## Index of official measures adopted by the Government

1. The Decree on increasing protection (Legislative Decree 23/2015) in force since 07.03.2015
2. The Decree on Social Shock Absorbers (Decree No. 22/2015), in force since 07.03.2015
3. The Decree on the Contracts Reorganisation (Decree No. 81/2015) in force since 25.06. 2015
4. The decree on work-life balance (Decree No. 80/2015), in force since 25.06.2015

**Entered  
into  
force**





5. The draft of the decree on the reform of unemployment benefits (11/06/2015)
6. The draft decree on the reorganization of inspections (CDM 06/11/2015)
7. The draft of the decree on the reform of the active politics (CDM 06/11/2015)
8. The draft decree on simplification of employment relationship (06/11/2015)




**Will be  
formally  
adopted in  
the coming  
months**







# Decree 15 June 2015, n. 80


## *Measures for the reconciliation of the demands of care, life and work*


	Reference Laws	New Regulation	Former Regulations	Discussion
Maternity Leave	Art. 2, Legislative Decree no. 80/2015- Art. 16bis, Legislative Decree no. 151/2001	If the baby is hospitalised during the time of the so-called mandatory leave, the mother can ask for the leave to be suspended on the child returning home.		However, if a mother has a sick child at home, is she not expected to care for it? This form of care will be different from that provided in normal conditions but it is given anyway.
	Art. 3, Legislative Decree no. 80/2015- Art. 24, Legislative Decree no. 151/2001	The right to receive maternity leave (directly from INPS) is extended to the case when employment is terminated for a good reason.		
	Art. 2, Legislative Decree no. 80/2015- Art. 16, Legislative Decree no. 151/2001	The days of unavailed mandatory leave prior to the birth (because of an earlier delivery than expected) are added to the post-natal mandatory leave where entitlement to mandatory maternity leave covers more than 5 months.	Unavailed pre-natal mandatory leave days could not be recovered.	


	Reference Laws	New Regulation	Former Regulations	Discussion
Parental Leave	Art. 7, Legislative Decree no. 80/2015- Art. 32, Legislative Decree no. 151/2001	The time during which a working parent can use the leave covers the child's first 12 years.	Parental leave covered the child's first 8 years	
	Art. 7, Legislative Decree no. 80/2015- Art. 32, Legislative Decree no. 151/2001	Parental leave can be used on an hourly basis, according to collective bargaining (also at company level); otherwise, each working parent can opt for leave on an hourly basis, provided this does not exceed the average number of (monthly) paid hours preceding the beginning of the leave.	Parental leave could be used on an hourly basis, according to collective bargaining.	
	Art. 7, Legislative Decree no. 80/2015- Art. 32, Legislative Decree no. 151/2001	The minimum notice for entitlement to parental leave is 5 days; if on an hourly basis, it is 2 days.	Minimum notice: 15 days.	



	Reference Laws	New Regulation	Former Regulations	Discussion
Parental Leave	Art. 8, Legislative Decree no. 80/2015- Art. 33, Legislative Decree no. 151/2001	In the case of severe disability of the child, the period during which one working parent is entitled to extend parental leave covers the child's first 12 years.	It covered the child's first 8 years.	
	Art. 9, Legislative Decree no. 80/2015- Art. 34, Legislative Decree no. 151/2001	The limit within which parental leave entitles to 30% of the pay covers the child's first 6 years.	It covered the child's first 3 years.	
	Art. 10, Legislative Decree no. 80/2015 Art. 36, Legislative Decree no. 151/2001	A working parent can use parental leave in the case of adoption or fostering until the first 12 years of the child's life within the family.	Only until the first 8 years of the child's life within the family.	
	Art. 10, Legislative Decree no. 80/2015- Art. 36, Legislative Decree no. 151/2001	The maximum period for using parental leave allowance covers the first 6 years of the child's life within the family.	Until the first 3 years of the child's life within the family.	

	Reference Laws	New Regulation	Former Regulations	Discussion
Paternity Leave	Art. 5, Legislative Decree no. 80/2015- Art. 28, Legislative Decree no. 151/2001	Paternity leave is extended to all types of workers when the mother cannot use the leave for natural or contingent reasons.	Only employees can avail of paternity leave.	This fact is positive in principle but it is likely to assume gender indifferentiation; in fact, paternal and maternal care, both necessary for the child, are very different: especially during the early months, (physical) contact with the mother (not the father) is crucial to a child.
Disabled Child Care	Art. 8, Legislative Decree no. 80/2015- Art. 33, Legislative Decree no. 151/2001	The mother or father of a seriously disabled child is entitled to extend parental leave up to 3 years within the child's first 12 years.	Entitlement to parental leave can be extended up to 3 years to be taken within the child's first 8 years.	

	Reference Laws	New Regulation	Former Regulations	Discussion
Night Shifts	Art. 11, Legislative Decree no. 80/2015- Art. 53, Legislative Decree no. 151/2001	Adoptive/foster mothers are exempted from working night shifts during the first 3 years of the child's life within the family, and in any case until the child is 12; alternatively, the exemption applies to adoptive/foster fathers living with the mothers.		
Telework	Art. 23, Legislative Decree no. 80/2015	Private employers can allow an unlimited number of employees to work from home, due to parental care needs and on the basis of collective agreements.		<p>A positive factor but perhaps not a very significant one.</p> <p>Instead of narrowly referring to teleworking, there could have been a reference to flexibility measures in the organisation, thus fostering the application of innovative solutions of a subsidiary type.</p>

	Reference Laws	New Regulation	Former Regulations	Discussion
Resignation Without Notice	Art. 12, Legislative Decree no. 80/2015- Art. 55, Legislative Decree no. 151/2001	A working mother, as well as working father availing himself of paternity leave until the child's first birthday, are entitled to resign without notice.		
Victims of Violence	Art. 24, Legislative Decree no. 80/2015	<p>Victims of gender violence (employees and contractors in the public or private sector) involved in care programs certified by the social services of the Municipality or the anti-violence centres (article 5-bis of Legislative Decree 93/2013) may request a 3-month leave from work, with a right to full pay.</p> <p>For the same period they are also entitled to switch from full-time to part-time employment.</p>		Focus on gender policies.



# Discussion



experimentation and transience of the introduced provisions



fosters a “short-leave male breadwinner” model



maternity protection/rise in female employment rates



despite the title, work-family reconciliation is a *surplus*







**Thank you  
for your attention!**

Sara Mazzucchelli, PhD  
Assistant Professor  
[sara.mazzucchelli@unicatt.it](mailto:sara.mazzucchelli@unicatt.it)

