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E RICERCHE  
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# Supporting care: an analysis of Italian legislation

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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**



# CAREER CARE for womEn work



*For caregiver, not caregiving*

# Policies and measures to support caregivers



In Italy, there are some policies and measures that offer specific support to caregivers.

1. Employees are entitled to **'care leave'** to take care of sick or dependent family members. This leave may last up to 3 years and may be taken full or part time. During care leave, workers may receive a daily assistance allowance (INDAS) of 100 per cent of their daily salary. It is also possible to apply for care leave for minor children with severe disabilities (Law No. 151/2001, 'Biagi Law')
2. **Care allowance**, a financial support paid to persons who take care of dependent family members. It can be claimed for family members over 3 years of age with severe limitations in the ability to carry out normal daily activities. The amount of the allowance depends on the degree of non-self-sufficiency and the family income (law no. 104/1992, 'Framework law for assistance, social integration and the rights of disabled persons')
3. **Flexible working** for caregivers. Workers can request reduced working hours for care reasons or request flexibility in the organisation of their working hours. This allows them to better reconcile work with care responsibilities. (Consolidated Text of Employment Laws and Collective Labour Agreements)
4. **Home care services** for elderly or sick people. These services can support caregivers in caring for family members at home, allowing a better reconciliation of work and care responsibilities (Law 328/2000)
5. Caregivers may benefit from **tax benefits**. For example, tax deductions may be available for medical expenses or for the purchase of assistive devices for family members with disabilities.

**RQ:** what is the role and influence of leave legislation?

**Aims of this presentation:**

- ✓ illustrate the path made in recent years by Italian leave policies
- ✓ analyze these policies through the FamILens® model



# 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

the “Fornero Reform” (Law No. 92/2012)



# The Jobs Act (Law n.183/2014)

This Law introduced:

- ✓ An extended duration and modalities for taking paid parental leave
- ✓ A 'mandatory parental leave' of 10 months, reserved for the father and mother in equal measure
- ✓ A paternity leave
- ✓ A care leave for workers caring for dependent family members
- ✓ Measures to encourage the creation of new childcare facilities, such as crèches
- ✓ The regulation of 'agile working'
- ✓ A promotion of flexibility of part-time work, allowing workers to agree on reduced working hours for care and family responsibilities.





# Italian Legislation on Leave Taking



The 2016 Budget Law (Law No. 208/2015)

The 2017 Budget Law (Law No. 232/2016)

The 2018 Budget Law (Law No. 205/2017)

The 2020 Budget Law (Law No. 160/2019)

The 2021 Budget Law (Law No. 178/2020)

The Legislative Decree No. 105 of 30 June 2022

The 2023 Budget Law (Law No. 197, 29 December 2022)



# The Budget Laws

## The 2016 Budget Law (Law No. 208/2015):

- ✓ extended the duration of **paid parental leave** and introduced optional parental leave
- ✓ instituted the '**Baby Bonus**' for low-income families
- ✓ introduced the '**Birth Allowance**' for low- and middle-income families
- ✓ instituted an extraordinary **leave for the care** of minor children with severe disabilities

## The 2017 Budget Law (Law No. 232/2016):

- ✓ extended mandatory **paternity leave** from 5 to 7 consecutive days
- ✓ provided for an additional period of **parental leave** for parents of twins
- ✓ introduced a '**Bonus for caring for disabled children**'
- ✓ expanded the '**Bonus bebè**' introduced in the 2016 Budget Law
- ✓ provided a number of **tax breaks** for families with children

# The Budget Laws



## **The 2018 Budget Law (Law No. 205/2017):**

- ✓ Extended compulsory **maternity leave** from 5 to 6 months paid at 100%
- ✓ introduced an optional **parental leave** of 4 months paid at 30% of salary
- ✓ extended the '**Bonus Bebè**' (baby bonus)
- ✓ introduced deductions to **reduce income** tax for families with dependent children
- ✓ introduced the **possibility of deducting school and university expenses** from the tax return (expenses for teaching materials, school fees and tuition fees)
- ✓ introduced **measures to support large families**, including increasing tax deductions for dependent children and facilitating access to public services

# The Budget Laws

## The 2020 Budget Law (Law No. 160/2019):

- ✓ A **compulsory paternity leave** of 5 consecutive days has been introduced, with a daily allowance of 100% of the salary; it which can be taken within the first 5 months after the birth/adoption of the child.
- ✓ An **optional paternity** leave of 5 consecutive days has been established, with a daily allowance of 80% of the salary
- ✓ The '**Bonus bebè**' has also been extended to families with ISEE (Equivalent Economic Situation Indicator) income up to €40,000
- ✓ The '**Single child allowance**' was introduced, replacing and simplifying the previous family allowances. It is a monthly economic support for families with dependent children. The amount varies according to family income and the age of the children
- ✓ A **bonus** has been introduced for the purchase of children's goods
- ✓ **Tax deductions** were introduced for expenses incurred for children (medical, school and university expenses), and expenses for caring for disabled children

## The 2021 Budget Law (Law No. 178/2020):

- ✓ The '**Bonus bebè**' was extended to families with ISEE income up to €50,000.
- ✓ An **optional parental leave** has been introduced, paid at 50% of salary for a maximum of 6 months for each parent. This leave can be requested after maternity or paternity leave.

# The Legislative Decree No. 105 of 30 June 2022



## **Compulsory paternity leave**

3 important novelties have been introduced:

- ✓ the possibility for biological, foster/adoptive fathers to be able to take leave even before the birth of the child
- ✓ civil servants, excluded from this benefit, will also be able to take leave
- ✓ doubled duration of leave in the case of multiple births

## **Parental leave for parents**

the total duration of the entitlement is extended both with regard to the duration of the leave and the age of the child for whom the leave is taken

## **Permits granted for assistance to disabled persons**

(3days per month/ L. 104/1992) may be taken, upon request, to more than one person among those entitled

## **Extension of parental leave for disability**

Parents of a child with a serious disability may take 2hours of paid daily leave until the child turns 3years old, or alternatively, they may take extended parental leave for a maximum of 3years (including the period of ordinary parental leave) until the child with a serious disability turns 12 years old.

# The Legislative Decree No. 105 of 30 June 2022



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## **Extraordinary leave to care for the disabled**

- ✓ the leave is extended to 'de facto couples' who were previously not granted this type of protection
- ✓ a prohibition on the employer, or the public administration, not to postpone the start of the leave after 30 days from the request
- ✓ the right to leave even where cohabitation is established after the request for leave

## **Prohibition of discrimination (or less favourable treatment)**

to the detriment of workers who enjoy the benefits (or apply for them) provided for by Law 104/92 or other provisions (LD n.151/2001, Law n.81/2017 and LD n.81/2015) in relation to their own disability condition or that of those for whom they provide care and assistance

## **Priority access to agile work** for

- ✓ employees who benefit from the 2hours of daily leave up to the 3year of life of the child with a serious disability or monthly leave for the care of another person with a serious disability
- ✓ employees with an ascertained serious disability (Art. 3(3), Law 104/1992)
- ✓ employees who fall within the notion of family caregiver (Art.1, par.255, Law n.205/2017)
- ✓ female employees with child/ren up to 12years of age

## **Extension of protections for self-employed workers :**

Maternity of self-employed women workers

Parental leave for members of the Separate Account

Parental leave for self-employed parents

# The 2023 Budget Law (Law No. 197, 29 December 2022)

## Family and Work Package

### **Single allowance for families with 3 or more children (610 million)**

For 2023 it will be increased by 50 per cent for the first year of the child's life, and by a further 50 per cent up to the age of 3 for families with three or more children. Additional amount also increased for large families Disability allowance confirmed.

### **Smart working only for the frail**

It is extended until 31 March 2023 only for fragile workers, i.e. those with particular pathologies or disabilities, both in the public and private sector.

### **Parental leave**

Paid parental leave at 80% instead of 30% for one month, usable up to the child's 6 birthday, chosen by one of the parents.

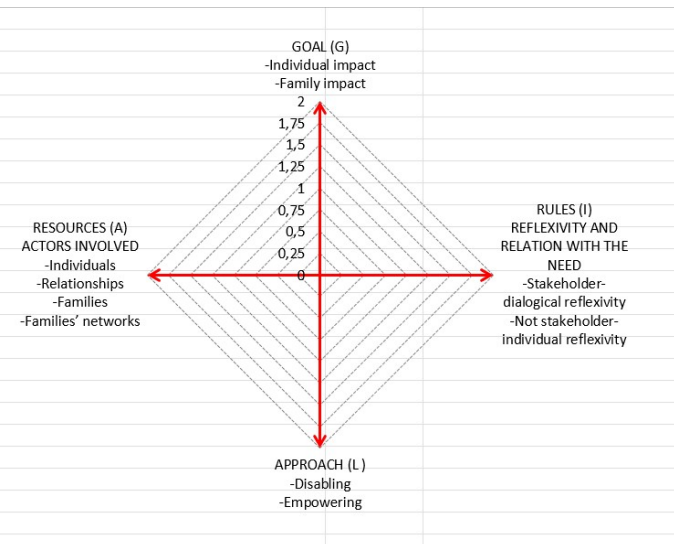
# Compulsory Paternity Leave

## Change in time:

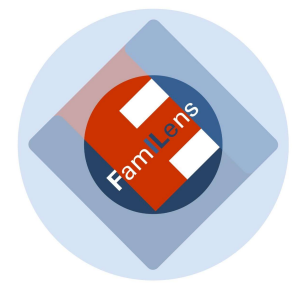
- Fornero Law (art. 24, c. 24, lett. a), L. 92/2012): employees can abstain from work, enjoying a daily allowance equal to 100% of their salary paid by INPS (national social security institute).
  - Stability Law (2015): the days of leave are increased to two
  - Budget Law (2019): the days of leave are increased to five
  - **Today working fathers are entitled to 10 working days of leave, which can be taken between two months before and five months after childbirth** (non divisible into hours, double days with multiple births, autonomous and additional to the maternity leave)
- If the employer refuses it, the sanctions range from 516 € to 2582 €
- The sanctions can negatively impact on the organization: denial of gender equality certification and benefits from the Law 162/2021
- Art. 27 and 28 of L. D. No. 151/2001: impossibility to be dismissed for the duration of the leave and until the child turns one







# The **FAMILY IMPACT** lens<sup>®</sup>



analysis of policies  
 from a structural (resources, norms, relations)  
 & cultural (objectives, culture of law)  
 point of view



- 1) Family responsibility
- 2) Family stability
- 3) Family relationships
- 4) Diversity of families
- 5) Involvement of families

# Main results



The existing levers are:

- ✓ leave
- ✓ bonuses/vouchers
- ✓ flexibility
- ✓ tax breaks/deductions
- ✓ services

## FROM A STRUCTURAL POINT OF VIEW

- ✓ Increasing attention to difficult situations
- ✓ Bureaucratic simplification



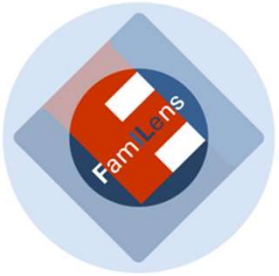
## FROM A CULTURAL POINT OF VIEW

- ✓ Attempt to shift from an individual to a family perspective
- ✓ The policy moves towards greater gender equality

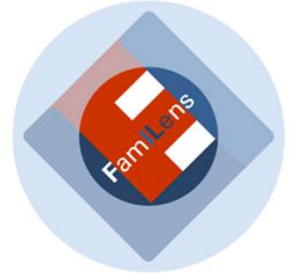


- ✓ The underlying culture of care is not clear
- ✓ The short leave male breadwinner model still exists in the care culture of Italians and in the company perspective
- ✓ The involvement of fathers in paternity leave has not yet led to a cultural change in care: the centrality of women to domestic and care work is confirmed, as well as their scarce presence in the labour market
- ✓ Existing data are scarce and not up-to-date so it is difficult to confirm what the impact is in concrete terms

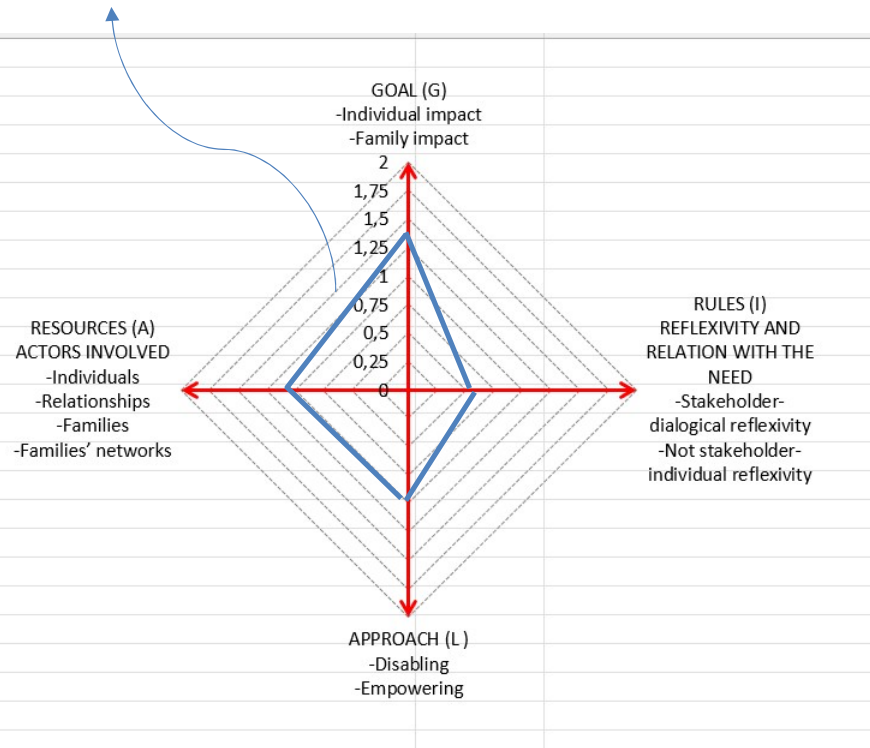




# The **FAMILY IMPACT** lens<sup>®</sup>



the level of *familiness* of policies



- 1) Family responsibility
- 2) Family stability
- 3) Family relationships
- 4) Diversity of families
- 5) Involvement of families



# Points of attention for future interventions or research

## for research

- ✓ Need to look more closely at how design of leave policies, impact on parenting practices and the gendering of care
- ✓ Need to analyse how role prescriptions or gender threat act both in the corporate and in the domestic sphere
- ✓ Need to investigate parents' satisfaction and wellbeing
- ✓ Lack of good comparative data on take-up rates (differentiated by parents' education, employment condition)

## for interventions/policies

- ✓ need to promote a cultural change in the company that acts from a perspective of reinforcement/empowerment of virtuous behaviour and not only in an anti-discriminatory sense
- ✓ the effectiveness of these policies in promoting gender and social equality depends on their concrete implementation and the level of support provided. It is important that these policies are accompanied by adequate funding, monitoring and awareness-raising to ensure a positive impact on the lives of caregivers and care recipients, as well as to promote gender and social equality more broadly
- ✓ intervene only on maternity protection, without adequate measures to rebalance gender in loads of care, can hardly be a driving force for the rise in female employment rates and permanence of women in the labour market also acting on the phenomena of vertical and horizontal segregation. Does paternity leave help in this?

# Thank you for your attention!



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