

Convention No. 111: Discrimination (Employment and Occupation), 1958**Direct request 2004/75**

Italy (ratification: 1963)

1. *Article 1 of the Convention. Sexual harassment.* The Committee notes that sexual harassment is implicitly covered by existing legislation concerning sex discrimination. It also notes that draft Law No. 4817 on sexual harassment has not been adopted but that a number of other relevant legislative initiatives remain under review in Parliament. The Committee invites the Government to continue to provide information on the progress made in adopting specific legislation on sexual harassment and on the application in practice of existing relevant legislation, including court decisions and information on cases brought by or with the assistance of the equality adviser in accordance with Legislative Decree No. 196/2000. Please also provide information on the application of the codes of conduct on sexual harassment applicable to the employees of the Ministry of Labour and the Ministry of the Interior.

2. *Prohibition of discrimination.* The Committee notes that on 9 July 2003 the Government adopted Legislative Decree No. 215 concerning equal treatment regardless of race and ethnicity and Legislative Decree No. 216 concerning equal treatment of persons regardless of religion or belief, disability, age and sexual orientation. These two Decrees are intended to transpose European Community Directives Nos. 2000/43 and 2000/78, respectively, in accordance with the 2001 European Community Act (Act. No. 39 of 1 March 2002). The Committee notes that both Decrees aim to eliminate discrimination in employment and occupation in accordance with the Convention, both in the private and public sectors. In addition, Decree No. 215 covers areas such as social protection, health care, welfare benefits and education more generally. The Decrees contain definitions of direct and indirect discrimination and harassment as well as exception clauses. The Committee also notes that both Decrees require that action to promote equality should take into account the different impact discrimination has on men and women. The Government is requested to provide information in its future reports on the implementation in practice of Legislative Decrees Nos. 215 and 216, including information on the work and achievements of the new equality office established under section 7 of Decree No. 217, as well as information on the nature and outcome of discrimination cases concerning the grounds covered by the Decrees brought before the courts or settled by way of conciliation.

3. *Article 2. Equality of opportunity and treatment on the grounds of race and national extraction.* The Committee notes the Government's statement that there was no discrimination in law against the Roma and that the principle of equal treatment on the basis of race and ethnic origin was being given full effect in line with Legislative Decree No. 215/2003. Further, the Government appears to suggest that the real difficulty with regard to this ethnic minority is related to their integration into the economic and social life of the country as a whole. In response, the Committee would like to emphasize that the absence of discriminatory provisions in law and even the existence of specific anti-discrimination legislation does not mean the absence of discrimination in practice in accordance with the Convention. While measures in the areas of education, health and housing, as reported by the Government, may contribute to the realization of equality of opportunity and treatment in employment and occupation, it will still be necessary for the

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Government to take more specific and proactive measures to ensure equal access to employment and equal terms and conditions of employment. The Committee encourages the Government to consult and cooperate with workers' and employers organizations, as well as representatives of the Roma themselves, in order to develop a policy and implement strategies and programmes promoting equal employment opportunities for Roma men and women, including through building mutual tolerance and understanding. The Committee also requests the Government to provide information on the measures taken to promote the access to employment of other ethnic minorities, such as Moroccans, as well as statistical information of the position of ethnic minorities in the labour market.

4. *Equality of opportunity and treatment of men and women.* The Committee notes from the statistical information provided by the Government that women's overall participation rate continued to increase between 1999 and 2002. With regard to management positions female participation increased from 31.5 to 33.3 per cent during that period. However, the Committee notes that women remain markedly underrepresented in upper management positions in the public service with no progress made since 2000. The Government is also requested to continue to provide information on any other measures taken to further strengthen women's position in the labour market and to continue to provide statistical information on women's participation in private and public employment, including statistical data disaggregated by level of responsibility, and occupation. Noting that in 2003 the Network of Equality Advisers adopted a programme to promote women's access to positions of responsibility, the Committee would appreciate receiving more detailed information on this programme and on the nature, content and results of the affirmative action projects, which have emerged within this framework.

5. The Committee notes that recent labour market reforms are aimed at making employment more flexible by introducing new forms of contracts, such as job sharing or project contracts, and by making it easier to resort to part-time work. The Government expects that these reforms would increase women's possibilities to join the labour market, because these new forms of contracts would make it easier to reconcile work and family responsibilities. The Committee requests the Government to supply information on the measures taken to assess the impact of these reforms on women's and men's equality of opportunity and treatment in employment and occupation and to ensure that women are not disadvantaged on the basis of sex in the terms and conditions of their contracts. Noting the measures being taken to promote a more equal sharing of family responsibilities between men and women, the Committee would like to recommend that the Government consider the ratification of the Workers with Family Responsibilities Convention, 1981 (No. 156).