

Italy (ratification: 2001)

The Committee notes the information provided by the Government in its report and, in particular, the replies to its previous comments concerning *Article 2(1), and Articles 5 and 6(5), of the Convention*.

Article 3 (read in conjunction with Article 11). Health protection measures. Legislative Decree No. 151 of 2001 issuing the consolidated text on maternity and paternity protection provides for a series of measures designed to protect the health of women workers during pregnancy and following childbirth. In its report, the Government confirms that the social partners are consulted with regard to any update to the list of dangerous jobs and professions and that employers are responsible for carrying out a risk assessment within the enterprise and informing workers and their representatives of the results of that assessment and the health protection measures taken. It also points out the adoption of Legislative Decree No. 81 of 9 April 2008 amending Legislative Decree No. 626/94 on occupational safety and health, which also contains provisions on the methods of assessing occupational health risks.

The Committee notes that, in its observations on the application of the Convention, the Italian Labour Union (UIL) considers that the existing measures are not sufficient to ensure full protection of the health and safety of women workers in the event of pregnancy and maternity and hopes that, eight years after the ratification of the Convention, the social partners will be convened to assess the situation and discuss possible improvements. ***Given that the Convention provides that health protection measures related to maternity shall be adopted after consulting the social partners, the Committee requests the Government to discuss the organization of consultations on this matter with the social partners in order to assess the implementation of existing measures and, if necessary, to consider how these measures could be improved.***

Article 8, paragraph 1. Dismissal relating to pregnancy or maternity. Section 54 of Legislative Decree No. 151 prohibits the dismissal of women workers during pregnancy and until the child reaches the age of one year. However, under section 62 of the above Legislative Decree, this provision was not applicable to women domestic workers. In its report, the Government indicates that section 62 of Legislative Decree No. 151 does indeed provide for the application of section 54 to women domestic workers. It also refers to the existence of a new collective agreement of 2007, which is applicable to women domestic workers and which prohibits the dismissal of a woman worker without just cause during pregnancy and up to the end of her maternity leave. ***The Committee requests the Government to provide a copy of the amended text of section 62 of Legislative Decree No. 151.*** It draws the Government's attention to the fact that the protection against dismissal provided for under section 24 of the above collective agreement does not extend to a period following the woman's return to work. ***Finally, the Committee notes that section 1 of the collective agreement provides that women domestic workers who are not covered under that agreement shall remain subject to Agreement No. 68 of 24 November 1969,***

ratified under Act No. 304 of 18 May 1973, and requests the Government to indicate the number of women domestic workers not covered under the above collective agreement and to provide a copy of Agreement No. 68 mentioned above.

Furthermore, the Committee notes the information provided by the UIL, mentioning the adoption, on 17 October 2007, of an Act designed to put an end to the practice of making newly recruited women workers sign undated resignation letters which their employers can use at any time. ***The Committee understands, however, that this text has since been repealed by Act No. 133 of 6 August 2008, and would be grateful if the Government would specify the reasons for the repeal of the Act of 2007 and the measures that exist to ensure that this practice no longer takes place.***

Article 9. Discrimination on the basis of maternity. The Committee notes the information provided by the Government concerning the provisions prohibiting discrimination on the basis of maternity, as well as the adoption of Legislative Decree No. 198 of 11 April 2006 issuing the Code on equal opportunities for men and women. Section 41 of this Code provides for a fine of €103 to €516 in the event of the violation of the provisions concerning equal access to employment or equal remuneration. The Government indicates that, according to the General Inspection Directorate of the Ministry of Employment, 181 administrative violations have been reported and 271 other cases have been brought before the courts. ***The Committee requests the Government to request the General Inspection Directorate to carry out a thorough analysis of these cases in order to determine: (i) whether the fines provided for are sufficiently dissuasive for employers committing these violations; (ii) whether the nature of the violations requires the introduction of other types of redress for victims of discrimination relating to maternity; and (iii) whether the violations reported included cases relating to the requirement of a pregnancy test or a certificate of such a test at the time of recruitment.***