

Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)

Equal Remuneration Convention, 1951 (No. 100) - Italy
(Ratification: 1956)

Legislative developments. The Committee notes that Legislative Decree No. 5 of 25 January 2010 regarding the “Implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)”, which modifies and supplements Legislative Decree No. 198 of 11 April 2006 (Equal Opportunities Code), redefines direct and indirect discrimination and wage discrimination (sections 25 and 28), and provides for new penalties on employers for non-compliance (section 41(2)) and for specific forms of protection, both of a conciliation and judicial character, entrusted to the National Equality Counsellor (section 37). The Committee further notes that Act No. 183 of 4 November 2010, regarding the delegation of powers to government in a number of areas, requires the Government to adopt one or more legislative decrees to reform the legislation on women’s employment, including with respect to the establishment of systems for the collection and processing of data so as to assess gender discrimination, including gender wage differentials (section 46(g)). ***The Committee asks the Government to provide information on the practical application of Legislative Decree No. 5 of 25 January 2010. With regard to Act No. 183/2010, please also provide specific information on the activities of “Single Committees to Guarantee equal opportunities in the achievement of the well-being of workers and the prevention of discrimination” (CUG) in public administrations to promote the principle of the Convention, as well as on any legislative decree adopted by the Government pursuant to section 46 of the Act, with a view to collecting and processing statistical data on gender wage differentials. Please also provide information on the impact of the anti-discrimination legislation to reduce pay differentials between men and women, and on any cases dealt with by the National Equality Counsellor.***

Gender pay gap. The Committee notes the statistical data provided by the Government including the findings of the surveys carried out by the Institute for the Development of Workers’ Training (ISFOL) on gender pay differentials in 2009–10. The

data indicate that the level of the unadjusted gender pay gap registered in 2010 was highest for the public, social and personal services (16.5 per cent), followed by the monetary and financial intermediation sector (14.9 per cent), agriculture, hunting and fishing (14.4 per cent), education, health and social sciences sector (13.3 per cent), services to business (11.1 per cent), energy and mining (10.2 per cent), transformation industry (9.2 per cent) and public administration (8.9 per cent). The gender pay gap was the lowest in the construction industry (-16.1 per cent), hotel and catering industry (0.8 per cent) and trade (4.7 per cent). The Committee further notes that the unexplained component of the gender pay gap was 7.1 per cent in 2009 and 6.8 per cent in 2010. Regarding economic sectors, the unexplained component of the gender pay gap was highest in the transformation industry sector (7.5 per cent), followed by the hotel and catering sector (7.2 per cent), public, social and personal services (7.1 per cent) and trade (7 per cent). With respect to the education level, the most recent ISFOL survey revealed that women with an intermediary certificate were the most disadvantaged (approximately ten per cent in 2010), while the gender pay gap amounted to 5.8 per cent for those with an elementary certificate and 6.7 per cent for workers with a higher degree or university diploma. ***The Committee asks the Government to continue to provide statistical information indicating the evolution of the gender pay gap in the various economic sectors and occupations, including in higher level occupations, in the public and private sectors.***

Practical measures to address the gender pay gap. With respect to measures to reduce the unexplained component of the gender pay gap, the Committee notes that the Government refers to the 2007–13 action programme launched by the Department for Equal Opportunities to guarantee the application of the principle of equal opportunities and of gender mainstreaming in the development, implementation and assessment of all policies. The Government also indicates that as part of the European Social Fund (ESF) funded framework project supporting the implementation of equal opportunities for men and women in the workplace, the Department of Equal Opportunities conducted and presented, in December 2010, a study on the possible role of the ESF in promoting initiatives to combat gender wage differentials in certain regions, in line with the EU Convergence Objective. The study provides recommendations and guidelines for the implementation of policies to reduce gender wage differentials in the regions of Calabria, Campania, Apulia and Sicily, notably through the promotion of actions aimed at overcoming gender stereotypes in vocational choices, and developing family friendly services. ***The Committee asks the Government to provide information***

on the measures taken in the context of the 2007–13 action programme to specifically address the gender pay gap, in particular the unexplained component of the gender pay gap, as well as on any follow up action given to the recommendations made in the study of the Department of Equal Opportunities, and the results achieved.

Public administration. With respect to the implementation of affirmative action in public administration pursuant to section 48 of Legislative Decree No. 198/2006, the Committee notes from the Government's report that, so far, 32 administrations have drawn up a triennial affirmative action plan and 282 affirmative action measures have been reported, of which 72 in 2009 and 160 in 2010, the remaining action relating to earlier years. Half of the affirmative action measures were included in triennial affirmative action plans. The Government also indicates that only 14 per cent of the central administrations have adopted such plans. The Committee also notes that while the proportion of measures relating to work–life balance rose (12 per cent), only 1 per cent of the total of affirmative action taken concerned wage differentials. **The Committee asks the Government to indicate the specific reasons behind the low number of interventions addressing wage differentials in the context of affirmative action in public administration. Recalling the important role of the State in implementing the principle of the Convention, including in the public sector, the Committee asks the Government to take additional measures to increase action in public administration so as to promote and ensure equal remuneration for men and women for work of equal value and to reduce the gender pay gap, and to report on the results achieved.**

Objective job evaluation. In its previous comment, the Committee noted the ISFOL's recommendation that further action be taken to address "evaluation processes, methods and contents" so as to reduce the gender pay gap. The Committee notes the Government's indication that under Act No. 15 of 4 March 2009, instruments for performance assessment, methods to incentivize productivity and quality of work and the implementation of the principle of selectivity and competitiveness in career development were introduced in the public sector. The Committee considers that such measures do not specifically address the need to develop objective job evaluation methods free from gender bias, revealed by the ISFOL research study, but rather concern economic considerations of efficiency and transparency in public services. The Committee however notes that under section 28(2) of Legislative Decree No. 5/2010 "systems of job classification determining remuneration shall adopt common criteria for men and women and be developed with a

view to eliminating discrimination". ***The Committee asks the Government to provide information on the implementation of section 28(2) of Legislative Decree No. 5/2010, as well as on any action taken or envisaged to promote, in cooperation with the social partners, the development and use of objective job evaluation methods in both the private and the public sectors.***

General appreciation of the application of the Convention. The Committee notes the statistical data annexed to the Government's report on the annual earnings of men and women in the private sector for 2006 and on the evolution of earning levels in public administrations from 2005 to 2010, which are not disaggregated by sex. It also notes the information contained in the recapitulating table on labour inspection visits carried out and infringements of the legislation on the protection of pregnant women and working mothers, gender equality and discrimination, reported in 2010. ***The Committee asks the Government to provide the most recent statistical information on the earnings of men and women, by economic sector and occupational groups, in the public and the private sectors. The Committee also asks the Government to provide information on labour inspection activities relevant to assessing the application of the principle of equal remuneration for men and women for work of equal value, including infringements detected and penalties imposed, as well as the relevant case law applying the principle of the Convention.***

