

Direct Request (CEACR) - adopted 2012, published th ILC session ()

[Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\)](#) - C111 - *Discrimination (Employment and Occupation) Convention, 1958 (No. 111) Italy (Ratification: 1963)*

The Committee notes the observations of the Italian General Confederation of Labour (CGIL) received on 30 September 2011 and of the Italian Union of Labour (UIL) received on 5 October 2011, as well as the Government's reply received on 7 November 2011.

Articles 1 and 2 of the Convention. Equality of opportunity and treatment for men and women. Legislative developments.

The Committee notes with **interest** the adoption of various legislative measures to promote gender equality: 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 (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). Furthermore, the legal protection granted to victims of discrimination is extended to those subject to prejudice or reprisals from the employer for having defended a victim of gender discrimination (section 41bis). Furthermore section 46 of Act No. 183 of 4 November 2010 on the delegation of powers to the Government concerning a number of areas requires the Government to adopt one or more legislative decrees to reform the legislation on women's employment, including the provision of incentives and tax relief aimed at increasing the female employment rate and at achieving a work-life balance (section 46(b)) and the establishment of systems for the collection and processing of data so as to assess gender discrimination including remuneration (section 46(g)). In addition, Legislative Decree No. 70 of 13 May 2011, amended and converted into Act No. 106 of 12 July 2011, provides for incentives to employers recruiting "disadvantaged" workers in the southern regions of the country, including workers without regular employment for the previous six months and workers employed in highly gender-segregated sectors or professions. These measures target, inter alia, the re-entry of women into the labour market and their access to sectors employing a predominantly male

workforce. ***The Committee asks the Government to provide information on the practical application of these legislative measures, including their impact on promoting equality of opportunity and treatment between men and women in employment and occupation, and addressing gender segregation in certain economic sectors and occupations.***

Sexual harassment. The Committee notes the observations by UIL, referring to section 21 of Act No. 183/2010, that sexual harassment continues to affect women more than men, both Italian and foreign, especially in certain geographical areas. According to ISTAT data collected in a survey of 2008–09, those most exposed to sexual harassment at work were women who live in the centre of metropolitan areas (64.9 per cent) and in neighbouring municipalities (58 per cent). The phenomenon is more widespread in the southern regions. ***The Committee asks the Government to indicate the specific measures taken or envisaged to address and prevent sexual harassment in the workplace, especially in the south of Italy, and to indicate the results achieved.***

Article 1(1)(b). Non-discrimination and equality of opportunity and treatment irrespective of sexual orientation and gender identity. The Committee notes from the Government's report that pursuant to the Directorial Order of 16 November 2010, a "working group on equality of treatment and non discrimination against transsexual and transgender persons in the workplace" was set up to provide advice and make proposals defining targeted measures and action programmes. The Committee also notes that the working group's tasks include the drafting of a report on the situation of transsexual persons in access to work and conditions of work. In this regard, the Committee notes the observations by UIL referring to research undertaken by ISTAT and UNAR, and a national survey "I am, I work" by Arcigay on discrimination at work against homosexuals, lesbians and transsexuals. ***The Committee asks the Government to provide information on the findings of the report of the working group, as well as any other research undertaken in this area, and on any follow-up action taken.***

Disability. The Committee notes that UIL considers that the provisions in Act No. 183/2010 prohibiting direct and indirect discrimination should be improved to include disability. ***The Committee asks the Government to provide information on any steps taken to prevent and prohibit discrimination based on disability in employment and occupation.***

Public administration. The Committee notes that Act No. 183/2010 provides for measures to guarantee equal opportunities in the workplace, the well-being of workers and the absence of discrimination in public administrations (section 21). The Act also provides for the establishment within each administration of a “Single Committee to Guarantee equal opportunities in the achievement of the well-being of workers and the prevention of discrimination” (CUG), composed jointly of representatives of workers’ organizations and representatives of the administration concerned, with powers of recommendation, consultation and verification. The CUG is to work in close collaboration with the National Equality Counsellor. The Committee further notes from the Government’s report that in 2009, in central public administrations, women represented 41.6 per cent of the public employees while they accounted for 63 per cent of the staff employed in regional or local administrations. In central administrations, women represented 57.3 per cent of the university staff and 56 per cent of the staff in social security institutions, while in the regional and local public services, women were found to predominate in local health authorities (66.5 per cent of the staff) and in municipalities of more than 100,000 inhabitants (65.9 per cent). Women are still under-represented in managerial positions (23 per cent of level I executive positions in central administrations). With respect to triennial plans of action promoting the access of women in sectors where they are under-represented, the Government indicates that in 2009, plans had been prepared by 32 out of 65 central administrations and 101 out of 104 local or regional public administrations. ***The Committee asks the Government to provide information on the specific impact of triennial plans and affirmative action measures on promoting the access of women to sectors and job positions in the public administration in which they are under-represented, and on the distribution of men and women in the various positions in the public administration. Please also provide information on the activities of the CUG, including the manner in which these committees cooperate with the National Equality Counsellor.***

Workers with family responsibilities. Further to its observation, and with respect to the funding of company projects adopting measures to meet the needs of workers with family responsibilities, in accordance with section 9 of Act No. 53/2000, the Committee notes that women remain the principal beneficiaries of such projects, accounting for 83 per cent of the beneficiaries between 2007 and 2009. The Committee further notes that based on the mixed results of such projects in impacting positively work–life balance, “Italia 2020” calls for the revamping of the legal framework of the projects through the revision of the qualifying criteria and the modalities of financing. ***The***

Committee asks the Government to provide information on the practical application of “Italia 2020” and to continue to provide information on the company projects implemented pursuant to section 9 of Act No. 53/2000.

Affirmative action. With respect to affirmative action within the meaning of section 43 of Legislative Decree No. 198/2006, the Committee notes that in 2010, 212 demands for financing of such projects were submitted, 21 of which were approved. Based on the annual objective formulated by the National Committee for the Implementation of the Principle of Equality of Opportunity and Treatment between Men and Women (National Equality Committee), affirmative action projects for 2010 focused on stimulating the entry or re-entry of women into the labour market, promoting their access to senior positions, strengthening support to female entrepreneurship and adopting new practices as regards performance evaluation and work–life balance. ***The Committee asks the Government to continue to provide information on the implementation of such projects, and their impact on promoting substantive gender equality in the labour market.***