

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

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 to these communications received on 7 November 2011.

Articles 1 and 2 of the Convention. Discrimination on the basis of sex. Pregnancy and maternity. The Committee notes the observations made by the CGIL that with the repeal of Act No. 188 of 17 October 2007 by Act No. 112 of 25 June 2008, workers are no longer offered protection against resignations without cause (*licenziamento in bianco*), that is the practice of having the worker sign an undated letter of resignation at the time of hiring for future use by the employer at his or her convenience. According to the CGIL, such practice affects more specifically pregnant women who are de facto dismissed due to their pregnancy. The Committee also notes the UIL's observations that discrimination against women on the basis of pregnancy and maternity is still widespread. In its reply, the Government indicates that Act No. 188/2007, which provided for the compulsory use of a resignation form approved by the administration, proved incomplete and difficult to implement. It also points out that a study group composed of labour inspectors and equality counsellors was set up by Directorial Decree No. 241 of 12 January 2009 to develop more appropriate procedures for the resignation of working mothers and that pursuant to the Ministerial Circular of 26 February 2009, a procedure for such resignations was finalized where labour inspectors are required to verify the reality of the intention to resign in order to validate the resignation, and to collect relevant data, to be included in an annual report for statistical purposes. The Government adds that in 2010, the labour inspectorate validated 19,017 resignations for maternity reasons (17,676 in 2009) and rejected 30 (29 in 2009). Infringements of the legal provisions protecting working mothers rose from 306 in 2009 to 1,280 in 2010 (an increase of 215 per cent). The Government also indicates that motives for resignation refer mostly to the impossibility to reconcile family responsibilities and working obligations due to the lack of available childcare or parental support. ***The Committee asks the Government to provide***

information on any further action taken to assess and address the issue of resignations without cause of pregnant women and working mothers.

Considering the significant increase in infringements of the legislation on the protection of pregnancy and maternity at the workplace, the Committee asks the Government to examine whether there is a need for further action to prevent and eliminate such types of discrimination.

Equality of opportunity and treatment between men and women in access to employment and occupation. Family responsibilities.

Further to the above, the Committee recalls that measures assisting workers with family responsibilities are essential to promote gender equality in employment and occupation. The Committee notes from the Government's report the various measures taken to address work-life balance issues and strengthen childcare services, including the "National Strategic Framework for the Supplementary Regional Policy 2007-13", the "Programme of Action for the inclusion of women in the labour market – Italia 2020" and the "Third Plan of Action and Intervention to safeguard the rights and development of children", approved by the Presidential Decree of 21 January 2011. It also notes the Mutual Agreement on actions to support work-life balance policies, concluded on 7 March 2011 by the Ministry of Labour and Social Policies and the social partners, which contains a commitment of the social partners to address work-life conciliation issues in collective bargaining at regional and national level. The Committee, however, notes the observations of the UIL concerning the wide regional disparities in the development of childcare facilities and the high fees for child day care, forcing women to quit their jobs to take care of their child or children. The CGIL also questions the impact of the results achieved under some of the programmes. While acknowledging the marked differences between North and South in childcare coverage, the Government indicates that there has been some impact under the Third Plan and that results will be assessed in full in the next few years. ***Recalling that in 2009, the employment rate of women stood at 46.3 per cent overall and 30.7 per cent in the southern part of the country, and noting the measures to facilitate the reconciliation of work and family life, such as the plan "Italia 2020", the Committee requests the Government to monitor the impact of these measures on the number of women that are resigning from work or face obstacles in accessing employment due to difficulties in combining work and family responsibilities, and provide information on the results achieved. The Government is also requested to provide information on any measures taken or envisaged, and results***

achieved, with a view to addressing more specifically the sustainable integration of women in the labour market, including measures to promote a more equal balancing of family responsibilities between men and women workers as well as a greater awareness of the subject at enterprise level.

Non-discrimination and equality of opportunity and treatment irrespective of race, colour or national extraction.

The Committee previously noted a number of measures taken by the Government to address racial and ethnic discrimination, including against foreign workers, and had requested information on the specific impact of these measures, as well as any results achieved to promote a diverse workplace free from discrimination. The Committee notes that assistance and support service to victims of racial discrimination of the Office for the Promotion of Equality of Treatment and Elimination of Discrimination based on Race and Ethnic Origin (UNAR) has been fundamentally restructured through the launching of an online access point and that activities to provide advice, training and technical assistance to persons involved in combating discrimination, including local networks organized by regional administrations, have continued. The Government indicates that the number of cases of discrimination reported increased from 243 in 2009 to 540 in 2010, of which 11.3 per cent concerned workplace discrimination (16.6 per cent in 2009); the large majority of the complaints registered were lodged by foreigners (63.4 per cent). In this regard, the Committee notes that the UIL, while acknowledging the initiatives by UNAR, draws attention to the fact that immigrants very often continue to be victims of discrimination with respect to access to employment and in the workplace, which they rarely report. Those most affected are persons of African and Asian origin, ethnic minorities and especially women belonging to these categories returning to work. The UIL, while acknowledging that the situation in Italy is complex, considers that effective intervention increasingly requires regulatory and enforcement measures, institutions equipped with sufficient resources and greater awareness of the problem, especially in times of economic recession during which a tendency may exist to attach lower priority to policies aimed at combating discrimination and promoting greater awareness of workers' rights. With regard to other observations made by the CGIL and the UIL regarding the situation of migrant workers, the Committee will address these issues in the context of the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). ***The Committee asks the Government to provide specific information on the concrete impact of all measures taken to promote equality irrespective of race, colour and national***

extraction, and to promote a diverse workplace free from racial and ethnic discrimination, as well as to provide information, including statistics, concerning the activities of UNAR. The Committee hopes that the Government will make every effort to ensure that the action taken and progress achieved to address racial and ethnic discrimination against certain minorities, including migrant workers, will not be adversely affected, and asks the Government to monitor carefully the impact of the austerity measures on the employment situation of these groups who are particularly vulnerable to the impact of the economic crisis, and to indicate the specific measures taken in this regard.

Roma, Sinti and Travellers. The Committee notes the information provided by the Government that UNAR has pursued its activities aimed at eliminating stereotypes against the Roma, Sinti and Travellers' communities, at promoting their cultural heritage and at fostering mutual understanding, including through the further implementation of the Dosta Campaign. A project for the "Promotion of the governance of policies and tools for social inclusion and fight against discrimination of Roma, Sinti and Travellers' communities" is also envisaged under the European Social Fund, and particularly aims at supporting southern region authorities in this area. Furthermore, the Third Biennial Plan of Action and Interventions for the Protection of Rights and Development of Children aims at preventing educational segregation of minors, including Roma, Sinti and Travellers' children, through specialized courses and vocational training, sensitizing the teaching profession to intercultural and equality issues and strengthening the role of descendants as cultural mediators. The Committee notes in this regard that the CGIL and the UIL, while acknowledging the action taken by the Government to raise awareness of Roma culture and address stereotyping and prejudice against Roma, consider that stereotypes and xenophobic and racist prejudices vis-à-vis the Roma and Sinti populations still prevail, and that further action is needed. The UIL, referring to the "Final report of the survey of conditions of Roma, Sinti and Travellers in Italy" by the Special Commission for the protection and promotion of human rights of the Senate of the Republic (9 February 2011), also draws attention to the difficulties in implementing plans to support education and employment for these populations due to the lack of accurate data on their numbers. The Committee further notes that the High Commissioner for Human Rights of the Council of Europe once again reiterated its call for the adoption and implementation of a national strategy for the integration of Roma and Sinti, focusing much more on social inclusion, non-discrimination and combating "anti-gypsyism" and less on coercive measures, that

would provide coherence with and support efforts at regional and local level (CommDH (2011) 26, paragraphs 40–43, 7 September 2011). Furthermore, the Committee notes that, in its concluding observations, the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW), expressed concern about the high dropout rates of Roma and Sinti girls from school and women and girls being subject to multiple forms of discrimination with respect to accessing education, health and employment (CEDAW/C/ITA/CO/6, 2 August 2011, paragraphs 24 and 52). ***The Committee requests the Government to intensify its action towards addressing discrimination and promoting social inclusion of Roma, Sinti and Travellers' communities, with a view to improving their access to employment and occupation, and their participation in education and training programmes, and to consider adopting an appropriate legal and policy framework addressing fully the obstacles to the integration of such minorities. The Committee also asks the Government to take the necessary steps to collect and analyse accurate data, disaggregated by sex, on the employment and education situation of the Roma, Sinti and Travellers' communities in the country, and report on the results achieved.***

The Committee is raising other points in a request addressed directly to the Government.