

Observation (CEACR) - adopted 2017, published 107th ILC session (2018)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Italy (Ratification: 1963)

Italy (ratification: 1963)

Article 1 of the Convention. Discrimination on the basis of sex. Pregnancy and maternity. The Committee refers to its previous comments on the practice of having the worker sign an undated letter of resignation at the time of hiring for future use by the employer at their convenience (*licenziamento in bianco*), which affects in particular pregnant women. The Committee notes the Government's indication that the simplified procedure for resignation that was introduced with Legislative Decree No. 151/2015 did not extend to working parents with children up to three years of age, for which the resignation continues to need the validation of the labour inspectorate to be effective. The Committee notes that, in 2014, the labour inspectorate validated 26,333 resignations and consensual terminations, 85 per cent of which concerned working mothers. The vast majority of these cases were resignations (20,774 out of 22,480) and affected women between 26 and 35 years of age (13,342 cases), confirming a trend previously identified. In 2015, the cases concerning working mothers increased to 25,620, out of which 17,592 concerned women between 26 and 35 years of age. The Committee also notes that the reasons put forward by women for their resignation continue to relate, for the largest part, to the impossibility of reconciling family responsibilities and working obligations due to the lack of available childcare or parental support, the high costs of childcare when available, and the failure to permit part-time work. The Committee notes the adoption of Legislative Decree No. 80/2015, on measures for the reconciliation of care, work and family life, and of Law No. 81/2017, which provides for measures aimed at promoting new flexible working arrangements for employees of the public and private sectors. It also notes the measures directed at promoting the reconciliation of family responsibilities and working obligations that are included in the three-year plans on affirmative actions of the public administrations referred

to in the Government's report. ***The Committee asks the Government to provide information on the specific measures adopted under Legislative Decree No. 80/2015 and Law No. 81/2017 and their impact on reducing the incidence of resignations among working women. The Government is also asked to provide information on the impact in this respect of the measures implemented under the three-year plan on affirmative action by public administration. Noting that, in light of the disproportionate impact of the practice of the "licenziamento in bianco" on women with children of less than three years of age, the reasons provided by women when validating their resignation may conceal a structural pattern of discrimination against women on the basis of pregnancy and maternity, the Committee also asks the Government to step up its efforts to prevent and eliminate all discrimination against women based on these grounds, and to provide information on the specific measures taken to this end and their impact.***

Article 2. Equality of opportunity and treatment irrespective of race, colour or national extraction.

The Committee notes from the 2014 report of the Office for the Promotion of Equality of Treatment and Elimination of Discrimination based on Race and Ethnic Origin (UNAR) that 18.8 per cent of all cases of discrimination received by the UNAR in 2014 concerned discrimination at the workplace and more than half of these (53.6 per cent) were based on the grounds of race, colour or national extraction. The Committee notes the Government's indication that a National Action Plan against Racism, Xenophobia and Intolerance was adopted in September 2015 with the objective of identifying priority areas of intervention to prevent and address discrimination. The Plan envisages monitoring discriminatory practices in key areas through the collection of data over time and addressing cases of discrimination affecting access to education, health and labour, in both the public and the private sectors. ***While noting the information provided by the Government on the number of initiatives adopted over time to combat discrimination and promote equality of opportunity and treatment, the Committee observes the continued absence of specific information on their practical application and results, and asks the Government to gather and provide detailed information on the impact of the various***

initiatives undertaken and the main obstacles encountered, allowing the Committee to assess the progress made over time in realizing the objectives of the Convention. To this end, the Committee also encourages the Government to collect data disaggregated by ethnic origin on the distribution of women and men in the labour market in order to better monitor and assess the impact of the measures taken to prevent and address discrimination in employment and occupation based on race, colour and national extraction. Furthermore, the Committee again asks the Government to provide information on the activities of the Centre for research and monitoring of xenophobia and racial and ethnic discrimination (CERIDER), as far as education, training, employment and occupation are concerned, and their results. The Government is also asked to continue to provide information on the activities of the UNAR and the outcome of the cases of discrimination processed.

Roma, Sinti and Travellers. The Committee notes from the UNAR report, that 15.1 per cent of all cases of discrimination received by the UNAR in 2014 concerned Roma people, of which 2 per cent were work-related. It also notes that in 2017, the Institute of Statistics (ISTAT) released a survey of existing data sources concerning Roma, Sinti and Travellers in four municipalities (Naples, Bari, Catania and Lamezia Terme). The report finds that only approximately 38 per cent of the existing sources contain information on the situation of these groups in employment and occupation. The Committee notes that in 2014, the UNAR promoted a pilot initiative to promote access to employment for disadvantaged and discriminated against groups, which targeted beneficiaries from the Roma, Sinti and Traveller communities in four regions, namely Calabria, Campania, Puglia and Sicily. Under this initiative, 123 participants were provided with paid internships from September to December 2014. The Committee also notes the information provided by the Government on the Net-Kard project, which started in 2014 with the objective of disseminating guidelines on how to overcome discrimination against the Roma population. In 2015, the project produced four practical guides on preventing and addressing discrimination against the Roma for law practitioners, media professionals, non-governmental organizations and police services. The Committee further notes that awareness-raising campaigns to combat prejudice against the stereotyping of the Roma, Sinti and Travellers continue to be

undertaken within the framework of the DOSTA campaign (Enough! Campaign, in Romani). The Committee notes that no information is provided in the Government's report concerning specifically the implementation of the National Strategy for the Inclusion of Roma, Sinti and Travellers. The Committee notes from the fourth opinion on Italy of the Advisory Committee on the Framework Convention for the Protection of National Minorities that, according to an assessment made by the European Commission in 2014, the implementation of the Strategy has not progressed significantly and that few concrete results could be demonstrated on any of the four key areas covered by the Strategy (see ACFC/OP/IV(2015)006, 12 July 2016, paragraph 39). ***In order for the Committee to be in a position to evaluate the results achieved by the various measures taken to promote equality of opportunity and treatment of Roma, Sinti and Travellers in employment and occupation, the Committee asks the Government to undertake a comprehensive assessment of the progress made to date in addressing the discrimination suffered by Roma, Sinti and Travellers in employment and occupation. It also asks the Government to identify the additional measures needed in order to advance further equality of opportunity and treatment for men and women of Roma, Sinti and Travellers groups. The Government is also asked to indicate how the implementation of these measures is coordinated and monitored, and supply information on their impact, including information on the results of the pilot initiative to promote access to employment for disadvantaged and discriminated against groups and any follow-up envisaged. Further, the Government is asked to provide information on the National Strategy for the Inclusion of Roma, Sinti and Travellers and the results of the research project on the integration of Roma, Sinti and Travellers carried out by INSTAT and the Department of Equal Opportunities, including any statistical data gathered in this context.***

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