

Direct Request (CEACR) - adopted 2019, published 109th ILC session (2021)

Equality of Treatment (Social Security) Convention, 1962 (No. 118) - Italy (Ratification: 1967)

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Articles 3 and 4(1) of the Convention. Branch (c) maternity benefit, (Article 2). In accordance with Article 75 of Legislative Decree No. 151 of 26 March 2001 “Consolidated Act of legislative provisions for protecting and upholding maternity and paternity rights, pursuant to Article 15 of the Act of 8 March 2000, No. 53”, the maternity allowance for non-standard and discontinuous occupations is granted to women with at least three months of contributions. The Government indicates that the allowance is provided to Italians, European Union nationals and third-country nationals in possession of a European Union long-term residence permit. In accordance with Decree No. 3 of 8 January 2007, on implementation of Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents, the European Union long-term permit is issued to persons who have been legally resident in Italy for at least five years. The Committee recalls that, as prescribed by *Articles 3 and 4(1)* of the Convention, nationals of member States which have accepted the same branch of social security shall be granted equality of treatment with Italian nationals, both as regards coverage and the right to benefit, without any condition of residence. ***The Committee therefore requests the Government to ensure that the maternity allowance for non-standard and discontinuous occupations is granted to third-country nationals of member States which have accepted branch (c) maternity benefit of the Convention, namely Bangladesh, Barbados, Plurinational State of Bolivia, Brazil, Cabo Verde, Central African Republic, Ecuador, Egypt, Guatemala, Guinea, India, Iraq, Israel, Jordan, Libya, Madagascar, Mexico, Pakistan, Philippines, Tunisia, Uruguay and Bolivarian Republic of Venezuela, on conditions equal to those applicable to Italian nationals.***

Articles 3 and 4(1). Branch (h) unemployment benefit, Article 2. Seasonal workers. The Government indicates that through Legislative Decree No. 22 of 4 March 2015 “Provisions for reforming regulations concerning a social safety net in case of involuntary unemployment and reintegration of unemployed workers, pursuant to Act No. 183 of 10 December 2014” the New Social Employment Insurance (NASpl) unemployment benefit was introduced. The Government further indicates that the NASpl unemployment benefit does not cover third-country workers with residence permits for seasonal work. The Committee recalls that in accordance with *Articles 3 and 4(1)* of the Convention, nationals of member States which have accepted the same branch of social security shall be granted equality of treatment with Italian nationals, both as regards coverage and the right to benefit, without any condition of residence. ***The Committee therefore requests the Government to ensure that the NASpl unemployment benefit is granted to third-country workers with seasonal residence permits who are nationals of member States which have accepted branch (h) unemployment benefit of the Convention, namely Egypt, Libya and Uruguay, under conditions equal to those applicable to Italian nationals. It further requests the Government to supply statistical data on the number of seasonal workers from Egypt, Libya and Uruguay.***

Article 6. Branch (i) family benefit, Article 2. The Government indicates that the family allowance (*Assegno per il nucleo familiare, ANF*) regulated by Act No. 153/1988 is provided to families of employed, self-employed, domestic and agricultural workers, retired employees and recipients of unemployment benefits whose income is below the annually established income bands. The Government further states that the family allowance is granted to, among others, third-country workers for family members residing in Italy or on the territory of a State with whom a social security

agreement has been concluded. In case of an absence of a social security agreement, the family allowance is granted to third-country workers if a family member resides in Italy. The Committee notes the list of non-European Union countries with whom social security agreements have been concluded. The Committee recalls that *Article 6* of the Convention requires family benefits to be granted to the nationals of any other Member which has accepted branch (i) family benefit of the Convention, in respect of children who reside on the territory of any such Member. ***The Committee therefore requests the Government to ensure the provision of the family allowance to workers who are nationals of non-European Union member States which have accepted the obligations of the Convention for branch (i) family benefit but have not concluded a social security agreement, namely Central African Republic, Guinea, Israel, Libya, Mauritania and Plurinational State of Bolivia, in respect of children who reside on the territory of any such Member.***