

Italy (ratification: 2001)

The Committee notes the first report provided by the Government on the application of the Convention and would be grateful if it would provide the necessary additional information on the following points.

Article 2, paragraph 1, of the Convention. The Committee notes the introduction by Act No. 30 of 14 February 2003 and Legislative Decree No. 276 of 10 September 2003 of new forms of work grouped under the term “para-subordinate work”, governed by a specific legal system, including with regard to maternity protection. While noting the recent extension to these categories of women workers of certain maternity protection measures, the Committee would be grateful if the Government would provide additional information in its next report concerning the various types of employment relationship encompassed in practice by para-subordinate forms of work, and if it would specify the rights corresponding to each of these forms of work in relation to maternity protection.

Furthermore, the Committee notes the statistical information provided by the Government concerning the employment of women in Italy indicating, among other characteristics, the total number of women employed (dependent work and self-employment). It would be grateful if the Government would continue to provide such information in future, in addition to statistical data on the number of women engaged in each of the atypical forms of dependent work.

Article 3. The Committee notes the provisions of Legislative Decree No. 151 of 2001 issuing the unified text respecting maternity and paternity protection intended to protect the health of women workers. It would be grateful to be provided with additional information on, firstly, the procedures for the assessment of health risks and the manner in which the findings of such assessments are brought to the knowledge of the women workers concerned and, secondly, the consultations held with the representative organizations of employers and workers for the purposes of determining and/or revising Schedule B to this text determining the list of substances and working conditions involving a risk to health and accordingly prohibited for pregnant women and those who have recently given birth.

Article 5. The Committee notes that, under the terms of section 17(2) of Legislative Decree No. 151, upon presentation of a medical certificate issued for that purpose, the inspection services of the Ministry of Labour are empowered to order, during the course of pregnancy, the prohibition to admit a woman to work in the event of serious complications of the pregnancy where there are working conditions prejudicial to the health of the woman and her child or where a woman worker performing work considered to be hazardous cannot be transferred to another job. It also understands that, when risks to the safety and health of a woman worker persist following childbirth, it appears that the Provincial Labour Directorate can extend the maternity leave up to a maximum of seven months following confinement, at the request of the employer. The Committee asks the Government to specify the legal text which provides for this additional leave, following the period of maternity leave, in the event of a risk to the health of the

mother and her child. It recalls that, under this provision of the Convention, additional leave after the maternity leave period has to be granted *solely on production of a medical certificate* attesting to illness, complications or a risk of complications arising out of pregnancy or childbirth.

Article 6, paragraph 5. In view of the multiplicity of schemes and requirements to qualify for cash maternity benefit, the Committee would be grateful if the Government would indicate whether the qualifying conditions are in practice satisfied by a large majority of the women to whom the Convention applies. Please provide statistical data on the number of women employed in each category, including atypical forms of dependent work, and the proportion of women receiving benefits in cash in each of these categories during the reference period.

Article 8, paragraph 1. The Committee notes the provisions of Legislative Decree No. 151 respecting the prohibition to terminate the employment of women workers during pregnancy and until the child reaches the age of one year. It also notes that this prohibition is not applicable to women domestic workers, for whom a collective agreement of 2001 nevertheless establishes such a prohibition on termination of employment from the beginning of their pregnancy until the completion of the compulsory post-natal leave, except on valid grounds. The Committee would be grateful if the Government would indicate whether the above collective agreement is applicable *erga omnes*, that is to all men and women domestic workers. It also draws the Government's attention to the fact that the Convention provides that, in addition to the period of pregnancy and of maternity leave, the prohibition to terminate employment also covers a period of leave following the return to work of the woman that is to be prescribed by national laws or regulations. The Committee therefore hopes that the necessary measures will be taken in the near future to extend the protected period in relation to women domestic workers in accordance with the Convention.

Article 9, paragraph 1. The Committee notes that Legislative Decree No. 151 of 2001 provides for equality of opportunity between men and women in relation to employment and specifies that pregnancy may not constitute a source of discrimination in relation to access to employment. The Committee would be grateful if the Government would provide information concerning compliance with these provisions in practice and if it would indicate the number of cases of complaints based on discrimination arising out of maternity, with an indication of the compensation and penalties imposed in cases of failure to comply with this principle.

Article 9, paragraph 2. The Committee notes that, under section 3(1) of Legislative Decree No. 151, discrimination on grounds of sex in relation to access to employment is prohibited, particularly where it occurs in relation to references to the state of pregnancy. As the Convention requires the existence of a *prohibition* from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except for certain specified types of work, the Committee would be grateful if the Government would indicate the measures

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adopted or envisaged to introduce an explicit prohibition of pregnancy tests for recruitment.

Part V of the report form. The Committee would be grateful if the Government would in future provide information in its reports on the manner in which effect is given to the Convention in the country, particularly in the form of statistical data on the number of contraventions reported and the penalties imposed in the event of violations of the applicable rules respecting maternity protection.