

INTERNATIONAL NETWORK ON LEAVE POLICIES AND RESEARCH

International Review of Leave Policies and Related Research 2013

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1. Introduction

The international network on leave policies and research has been producing an annual review of leave policies and related research since 2004 (for earlier reviews, go to the network's website: http://www.leavenetwork.org/archive_2005_2009/annual_reviews/). The review covers Maternity, Paternity and Parental leaves; leave to care for sick children and other employment-related measures to support working parents; and early childhood education and care policy. As well as policies, it provides information on publications and research.

The review is based on **country notes from each participating country**, prepared by members of the network and edited by one of the network's coordinators. Each country note follows a standard format: details of different types of leave; the relationship between leave policy and early childhood education and care policy; recent policy developments; information on take-up of leave; recent publications and current research projects.

The review also includes **definitions of the main types of leave policies**; and **cross-country comparisons**. These comparative overviews cover: each main type of leave; total leave available; the relationship between leave and ECEC entitlements; policy changes and developments since the previous review; publications since the previous review; and ongoing research in participating countries

The 2013 review includes one new country: the Slovak Republic. Altogether, it covers 34 countries. In addition to the new country, these are: Austria, Brazil, Australia, Belgium, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Slovenia, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America.

The review is available online either as one complete document; or, for ease of downloading, divided into its constituent parts.

If citing the complete review, please do so as:

Moss, P. (2013) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

If citing an individual country note, please use the citation given as a footnote on the first page of that country note.

Italy

Tindara Addabbo and Dino Giovannini (University of Modena and Reggio Emilia)¹³²

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*Congedo di Maternità*) (responsibility of the Ministry of Labour, Health and Social Policies and (for public employees) Ministry of Economy and Finance)

Length of leave (before and after birth)

- Twenty weeks (five months): at least four weeks before the birth. It is obligatory to take this leave.

Payment and funding

- Eighty per cent of earnings with no ceiling for salaried workers. For home helps, self-employed workers and agricultural temporary labourers, earnings are 80 per cent of conventional earnings determined each year by the law; for non-fixed term workers, maternity leave depends on accredited contributions, though each professional sector has the possibility to determine, with approval by the Ministry of Labour, Health and Social Policies, a higher ceiling, after considering income and contribution potential of the professional sector and compatibility with its financial.
- Funded by INPS (National Department for Social Welfare), financed by contributions from employers and employees at a rate that is related to the sector and to the type of contract (for example, in manufacturing it is 0.46 per cent of earnings for employers and 0.28 per cent for employees). Workers on Maternity leave may be paid direct by INPS or else by their employer, who is recompensed by INPS.

Flexibility

- For employees and workers enrolled in '*Gestione separata*'¹³³, the 20 week period is compulsory, but there are two options for taking this leave: four weeks before the birth

¹³² Please cite as: Addabbo, T. and Giovannini, D. (2013) 'Italy country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹³³ The INPS enrolls in *Gestione separata* ('separate administration') workers who do not contribute to other forms of welfare and who do not have any type of pension, e.g. workers on a fixed-term research project.

and 16 weeks after (upon presentation of a medical certificate); and eight weeks before the birth and 12 weeks after. The allowance is accorded to autonomous female workers from eight weeks before the birth to 12 weeks after; maternity leave, however, is not compulsory for this category.

- The mother can transfer two days to the father.

Eligibility (e.g. related to employment or family circumstances)

- All employees and self-employed women with social security membership, including workers enrolled in *Gestione separata*.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother

- In the case of multiple or premature births, the length of leave increases by 12 weeks.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Public sector employees receive 100 per cent of earnings.
- In general national collective agreements guarantee 100 per cent of earnings, with employers paying the additional 20 per cent.

b. Paternity leave (*congedo di paternità*) (Ministry of Labour, Health and Social Policies)

Length of leave

- One day of compulsory leave. Fathers can take two additional days if the mother agrees to transfer these days from her Maternity leave allocation.

Payment and funding

- One hundred per cent of earnings.

Flexibility

- None.
- Leave can be used until five months after childbirth.

Eligibility

- All employees.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Employed fathers, including those who are self-employed and enrolled in *Gestione separata*, may take three months paid leave following childbirth in the following circumstances: the mother's death or severe illness; the child being left by the mother; or the child being in the sole care of the father. An important verdict by the Tribunal of Florence extends the possibility of obtaining Paternity leave, paid at 80 per cent of earnings, to two months before childbirth. This means that the father can take the

whole period of Maternity leave in certain circumstances, i.e. if the mother is a housewife or ill or, alternatively, if she is a self-employed worker who cannot take advantage, for various reasons, of the leave. The Tribunal is a civil court and its decision acts as an important precedent for other Tribunals, but is not automatically binding on them. Conditions are the same as for Maternity leave.

c. Parental leave (*Congedo Parentale*) (responsibility of the Ministry of Labour, Health and Social Policies and (for public employees) Ministry of Economy and Finance)

Length of leave (before and after child's birth)

- Each parent is entitled to six months leave, which is an individual and non-transferable entitlement. However, the amount of leave that can be taken by two parents in a family is ten months unless the father takes at least three months leave, in which fathers are entitled to one month of additional leave.

Payment (during the length of Parental leave) and funding

- Thirty per cent of earnings when leave is taken for a child under three years; unpaid if taken when a child is three to eight years, unless annual earnings are under approximately 2.5 times the amount of minimum earnings (€14,891.50 in 2009), in which case parents are entitled to 30 per cent of earnings.
- Funded as Maternity leave.

Flexibility in use

- Leave can be taken at any time until a child is eight years old. There are two options for taking this leave: a single leave period up to a maximum of six months; or shorter leave periods amounting to a maximum of six months.
- Parents can take leave at the same time.
- From the end of Maternity leave until 11 months after the birth, mothers can exchange their Parental leave for vouchers of €300 per month for use in reducing childcare costs.

Eligibility (e.g. related to employment or family circumstances)

- All employed parents, except domestic workers and home helps. Self-employed workers are generally entitled to three months, which can be taken only during the first year after child's birth.
- The father is entitled to leave even if the mother is not, for example if she is a housewife. Circular letter B/12-5-2009 from the Department of Labour, Health, and Social Policies extends the right to fathers to make use of the leave indicated in the art. 40c, Act of Law n. 151/2001 (right to work reduced hours with full earnings compensation for the first 12 months after childbirth) if the mother is a housewife; previously this right was limited to fathers where the mother was self-employed. This change gives equal value to the domestic work of non-employed mothers as to paid work.
- Parental leave of three months, to be taken within the first year of the child, is available to workers enrolled with *Gestione separata* by the INPS.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- As the leave is per child, each parent is entitled to additional leave in the case of a multiple birth (e.g. the length is doubled for twins, tripled for triplets).
- A lone parent may take ten months of leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Public sector employees receive 100 per cent of earnings during the first 30 days of leave.
- The law on Parental leave is due to be revised according to financial legislation passed in 2008 (*Legge finanziaria 2008*) with the aim of increasing payment and flexibility. A review is currently underway.

d. Childcare leave or career breaks

- None.

e. Other employment-related measures

Adoption leave and pay

- For adoptive and foster parents the same regulations for Maternity and Parental leave apply as for other parents. The period of Maternity leave does not depend on the age of the child adopted and must start within five months of entering the family; in case of international adoption, the leave can be taken also for overseas visits in connection with adoption. The Parental leave for adoptive and foster parents can be taken within eight years of the child entering the family and not after his/her eighteenth birthday; payment, generally, is 100 per cent of earnings for the first 30 days and 30 per cent for the following five months, if taken within three years of the entrance of the child into the family.

Time off for the care of dependants

- Without limit for a child under three years; five days a year per parent for a child aged three to eight years. Unpaid.
- Public or private employees are entitled to two years leave over the course of their entire working life in case of a serious need in their family, for example the disability of a child or other relative, even if not co-resident. This leave is fully paid by INPS (National Department for Social Welfare). Fathers and mothers cannot take this leave at the same time. Law 4 November 183/2010 (*Collegato Lavoro*) changes the conditions of eligibility for this leave - three paid days a month - for relatives of a disabled person. Apart from parents, this leave cannot be taken by more than one relative.

Flexible working

- Until a child is 12 months old, women who are employees are entitled to work reduced hours (one hour less per day if working six hours a day or less; two hours less per day if working longer), with full earnings compensation. Fathers are entitled to use this benefit in certain conditions, for example: if the mother is self-employed or freelancer;

if the mother opts not to use it; if the mother is not employed; or if the father has sole custody of the child. Home helps, domestic workers and autonomous workers are not entitled to reduced hours, but in this case too the father can work reduced hours.

- Employees (mothers and fathers) who have parental responsibility for a child under six years or a disabled child under 18 years have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours). Employers have a legal duty to consider these requests and may refuse them only 'where there is a clear business ground for doing so...[and must give] a written explanation explaining why'.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in Italy is 15 months (including a bonus month if the father uses 3 months of Parental leave), and there is only around 4 months of well-paid leave entitlement. There is no entitlement to ECEC, though nearly all children over 3 years attend ECEC from 3 years of age. However, despite being recognized as a social right for children and working mothers by Law 1044/1971, provision of ECEC for children under 3 years is much lower and very variable between different regions. Levels of attendance at formal services for children under 3 are below the average for the countries included in this review, but above average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

Reform of the labour market implemented in January 2013 has brought in a number of changes. It re-introduces monitoring to avoid '*dimissioni in bianco*', a practice enacted by firms to get rid of mothers at childbirth, by extending the period from one to three years after childbirth during which time an employer has to communicate to the Ministry of Labour the dismissal of a parent to get it validated

(http://www.lavoro.gov.it/ConsiglieraNazionale/In_Evidenza/20130404+Procedura+convalida+dimissioni.htm9),.

It also introduces a one day period of compulsory paid Paternity leave plus the possibility of two more days if the mother agrees to transfer to the father two days of her Maternity leave. This has been introduced on an experimental basis for three years, until the end of 2015.

To promote female labour supply, the reform also includes a voucher system to be used for childcare by new mothers, who will have the right to claim these vouchers in place of Parental leave from the end of compulsory Maternity leave up to 11 months after childbirth i.e. during the period of non-compulsory leave. This measure has been introduced by Law 92/2012 and will operate on a trial basis in 2013-14.

For more information, see Consigliera Parità (2013a,b,c)

4. Take-up of leave

a. Maternity leave

Maternity leave is obligatory for employees. In 2011, according to administrative data of the National Department for Social Welfare, about 380,000 employees used compulsory Maternity leave; 9 per cent were temporary workers and 91 per cent permanent workers.¹³⁴

b. Paternity leave

As this was only introduced in January 2013, there is no information as yet on take-up of leave.

c. Parental leave

In 2011, Parental leave was used by 296,000 employees (6.4 per cent with temporary contracts and 93.6 per cent with permanent contracts); as with Maternity leave, the type of contracts varied regionally. According to the INPS data used for this analysis, 89 per cent of employees using Parental leave are women and 11 per cent male.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

The literature analysed deals with the gender allocation of time and work-life balance. The unbalanced distribution of time amongst Italian couples is confirmed. New data are provided on the take up of Parental leaves. Attention is also paid to the description of the normative changes introduced in Italy and to family policies in a comparative perspective.

b. Selected publications since April 2012

Addabbo, T., Caiumi, A. and Maccagnan, A. (2012) 'The allocation of time within Italian couples: exploring its unequal gender distribution and the effect of childcare services', *Annales d'Economie et Statistique/Annals of Economics and Statistics, Special Issues On Quantitative Applications with time use data*, Vols.105 / 106: 209-230.

This article shows the unequal distribution of care and domestic work within Italian couples.

Banca d'Italia (2012) 'Il ruolo delle donne nell'economia Italiana', in: Banca d'Italia *Relazione annuale*. Roma: Banca d'Italia.

This chapter examines the role of women in the Italian economy together with the evidence of gender inequalities in different areas; it also presents data on the allocation of time and on the policies that can improve women's participation to the labour market including also public child care services.

Billari, F. (2012) *Teniamo famiglia. Politiche di sostegno: che cosa si può fare di più e meglio*. Milano: Università Bocconi editore.

¹³⁴ Coccia, G. & Mundo, A. (eds) (2012) *Rapporto sulla coesione sociale 2012: Ministero del Lavoro e delle politiche sociali*. Available at:

http://www.lavoro.gov.it/lavoro/primopiano/20121218_rapporto_coesione_sociale.htm

This book contains a comparative analysis on changes in the structure of the family, fertility, child well-being and family policies in OECD countries with concluding remarks on the Italian situation and possible perspectives.

Coccia, G. and Mundo, A. (eds.) (2012) *Rapporto sulla coesione sociale 2012*. Rome: Ministero del Lavoro e delle politiche sociali. Available at: http://www.lavoro.gov.it/lavoro/primopiano/20121218_rapporto_coesione_sociale.htm
Amongst other data, this report contains an update on the take-up of Parental and Maternity leaves.

Pavone, G. (2012) *La riforma Fornero vista da vicino*. Available at: www.ingenerere.it
On-line document providing critical analysis of the Labour Reform known as Fornero Reform after the Ministry that designed it.

Saraceno, C, Lewis J. and Leira, A. (eds.) (2012) *Families and family policies*. Cheltenham: Edward Elgar.
Collected essays on the historical origins, concepts, indicators and evaluation of family policies.

Schiavone R. (2012, 2nd edn.) *Maternità e congedi parentali*. Milano: Ipsoa Indicalia.
This volume describes the different normative aspects of parenthood with reference to laws and jurisprudence, and includes files on specific cases.

Crespi, I. and Rossi, G. (eds.) (2013) *Balancing work & family care: European experiences*. Milano: Angeli.

Collected essays on the issue of innovative work-life balance policies improving the quality of well-being in the interaction of individuals and families in Europe, highlighting the limits of the traditional approaches to work-life balance. Amongst the topics analysed in this volume are the life cycle effects of family choices, caring exchanges between generations, and the impact of social policies in their cultural framework. It contains essays by Isabella Crespi, Giovanna Rossi, Stefan Berger, Vida Cesnuyte, Jean-Marie LeGoff, René Levy, Chris Lorenz, Gerardo Meil, Tina Miller, Pedro Romero-Balsas, Sanda Samitca, Manuela Schicka, Michèle Ernst Stahli, Piotr Teisseyre, Karin Wall and Eric D. Widmer.

Consigliera Nazionale Pari Opportunità (2013a) *Congedo per il padre: istruzioni per l'uso*. Available at:

http://www.lavoro.gov.it/ConsiglieraNazionale/In_Evidenza/20130319+Congedo+di+paternit%C3%A0.htm

This publication provides an explanation on the new Paternity leave arrangements.

Consigliera Nazionale Pari Opportunità (2013b) *Voucher di cura: Istruzioni per l'uso*. Available at:

http://www.lavoro.gov.it/ConsiglieraNazionale/In_Evidenza/20130403+Voucher.htm

This publication provides an explanation of the new childcare voucher arrangements.

Consigliera Nazionale Pari Opportunità (2013c) *La procedura di convalida delle dimissioni e risoluzioni consensuali introdotta dalla L.92/2012*. Available at:

http://www.lavoro.gov.it/ConsiglieraNazionale/In_Evidenza/20130404+Procedura+convalida+dimissioni.htm

This publication provides an explanation of the new arrangements for monitoring to avoid 'dimissioni in bianco'

Istat (2013) 'Lavoro e conciliazione dei tempi di vita', in: *Il benessere equo e sostenibile in Italia*. Available at: http://www.istat.it/it/files/2013/03/3_lavoro-conciliazione.pdf

This chapter deals with the working conditions and allocation of time in Italy, presenting new indicators to extend the measure of well-being beyond GDP. The Chapter and the system of indicators are part of the research conducted by ISTAT (*Istituto nazionale di statistica*, Italian National Institute of Statistics) and CNEL (*Consiglio Nazionale dell'Economia e del Lavoro*, Italian Council on Economy and Labour) on the elaboration of a new system of indicators going beyond GDP, called BES (*Benessere Equo e Sostenibile*, Sustainable and Equitable Well Being).

c. Ongoing research

Measuring human development and capabilities in Italy: methodological and empirical issues (2011-2013). University of Modena & Reggio Emilia and funded by PRIN (Italian Ministry of Universities and Research). <http://www.capp.unimo.it/indexEN.html>

Amongst the well-being dimensions that are being analysed in depth are: the capability to work with special attention to access to work and to working conditions in relation to living conditions; and the capability of caring for others with a special focus on the care work done for both co-resident and non-resident relatives. Attention is devoted to gender differences and inequalities and welfare policy implications. Contact: Tindara Addabbo at tindara.addabbo@unimore.it.