

INTERNATIONAL NETWORK ON LEAVE POLICIES AND RESEARCH

# **International Review of Leave Policies and Related Research 2012**

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# Italy

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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 (5 months): at least four weeks before the birth. It is obligatory for employees 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 and of 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*'<sup>85</sup>, the 20-week period is compulsory, but there are two options for taking this leave: four weeks before the birth and 16 weeks after (upon presentation of a medical certificate); and eight weeks before the birth and 12 after. The allowance is accorded to autonomous female

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<sup>85</sup> 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.

workers from eight weeks before the birth to 12 weeks after; maternity leave, however, is not compulsory for this category.

*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**

No statutory entitlement.

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)*

- Six months for mothers and six months for fathers. Fathers taking three months Paternity leave (see 1b) are entitled to one month of additional Parental leave. Leave is an individual entitlement, but the total amount of leave taken by two parents cannot exceed ten months (or 11 months if the father takes at least three months Paternity leave as set out in 1b).

*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.
- It is possible for each parent take leave at the same time.
- A lone parent is entitled to ten months leave.

#### *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 paid. Fathers and mothers cannot take this leave at the same time. Law 4 November 183/2010 (*Collegato Lavoro*) changes the conditions for eligibility for leave - three paid days a month - for relatives of 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 about the average for the countries included in this review and OECD countries; but well 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 2011 (including proposals currently under discussion)**

Reform of the labour market has been proposed by the government and is under discussion in the Italian Parliament. It re-introduces monitoring to avoid '*dimissioni in bianco*' ('white dismissals'), a practice used by firms to get rid of mothers at childbirth; the proposal is to extend 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. Criticisms have been made about the new proposal regarding its difficult interpretation and implementation. Under discussion, also, is the type of sanction for employers who are proven to be using 'white dismissals'.

The proposed reform also introduces a 3 day period of compulsory 100 per cent paid Paternity leave to be used up to 5 months from childbirth. To cover the increase in public expenditure, the Fund to promote female and youth employment (art.24 Law 214/11) will be partially used. Though the introduction of a compulsory Paternity leave has been considered an important step, its very short length has been heavily criticized. During the discussion of the proposal in the Senate House, the number of compulsory days has even reduced to one day plus two that are not compulsory.

To promote female labour supply, the reform proposes a voucher system to be used for childcare by new mothers who will have the right to claim these vouchers from the end of compulsory Maternity leave up to 11 months after childbirth i.e. during the period of non-compulsory leave. Vouchers will be given by the National Department for Social Welfare (INPS) on the basis of means testing of household income and funding will again come from the Fund to promote female and youth employment (art.24 Law 214/11). During the discussion of the proposal in the Senate, the voucher initially aimed at covering baby sitter services has been extended to cover fees for public and private childcare services.

For more information, see [http://www.lavoro.gov.it/Lavoro/PrimoPiano/20120323\\_Riforma\\_Mercato\\_Lavoro.htm](http://www.lavoro.gov.it/Lavoro/PrimoPiano/20120323_Riforma_Mercato_Lavoro.htm).

Two proposals have been submitted by members of parliament to the Italian Parliament - one by a member of the Partito Democratico (PD) and the other by a member of the Popolo della Libertà (PDL) - to introduce 4 days of compulsory Paternity leaves, during which time fathers should be paid 100 per cent of their earnings by their employer if an employee or by their Social Security institution if self-employed. They are currently under discussion in the Italian Parliament (<http://www.camera.it/>).

The Cohesion Action Plan of the Ministry of Regional Cohesion aims, amongst other targets, at extending the availability of public child care services in the South of the country by creating 18,000 new places by 2015. Southern regions of Italy have lower than national average coverage for these services, so this plan aims at increasing coverage and quality (<http://www.ministrocoesioneterritoriale.it/>).

## **4. Take-up of leave**

### **a. Maternity leave**

Maternity leave is obligatory for employees. In 2010, according to administrative data of the National Department for Social Welfare, 380,237 employees used compulsory Maternity

leave; 9 per cent were temporary workers and 91 per cent permanent workers. Permanent workers using compulsory Maternity leaves are found more in the North of the country whereas those in temporary positions are found more in the South<sup>86</sup>.

### **b. Paternity leave**

No statutory entitlement.

### **c. Parental leave**

In 2010, Parental leave was used by 286,380 employees (6.5 per cent with temporary contracts and 93.5 per cent with permanent contracts); as with Maternity leave, type of contracts varied regionally. According to the INPS data used for this analysis, 90 per cent of employee using Parental leave are women and 10 per cent male. All 28,809 self-employed users were women (footnote 2).

A 2011 survey by the National Institute for Statistics (Istat) on work/life balance also shows that the take up of Parental leave is much higher for mothers; 45.3 per cent of employed mothers with children under 8 years of age state that they have taken Parental leave at least once, compared with 6.9 per cent of fathers. Mothers who have used leave are also more likely to have taken up at least one month of continuous leave - 69.6 per cent against 19.8 per cent of fathers.

The take-up rate for Parental leave among fathers was much higher in the public sector where almost half had used some Parental leave at some point. Take-up of Parental leave is also much higher for more educated women: it reaches 49 per cent among women with high school or tertiary education compared with just under 30 per cent for women with secondary education. The take up of leaves is higher for women who are employees (51.7 per cent) and lower for self employed (17.1 per cent)<sup>87</sup>.

## **5. Research and publications on leave and other employment-related policies since April 2011**

### **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 and interesting analyses are performed to detect the factors related to a higher involvement of fathers in childcare. Attention is also paid to the new proposals for a law on Paternity leave and on good practices enacted at local level on work/life balance.

### **b. Selected publications since January 2010**

Addabbo, T. and Favaro D. (2010) 'All'origine dell'inattività', in: *Perchè non lavori? I risultati di una indagine Isfol sulla partecipazione femminile al mercato del lavoro*. Roma: I libri del Fondo Sociale Europeo, pp.203-224.

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<sup>86</sup> Coccia, G. and Mundo, A. (eds) (2011) *Rapporto sulla coesione sociale 2011: Ministero del Lavoro e delle politiche sociali*. Available at:

<http://www.lavoro.gov.it/NR/rdonlyres/35C0835B-ACFC-4794-8160-B9BBEB351581/0/RapportoCoesione1.pdf>

<sup>87</sup> Istat (2011) *La conciliazione fra lavoro e famiglia (Statistiche Report, 28-12-11)*. Available at: <http://www.istat.it/it/archivio/48912>

Addabbo and Favaro use multivariate analysis applied to data from the ISFOL (Italian Institute for the Development of Vocational Training for Workers) 2007 survey on women not active in the labour market to highlight the factors affecting non-participation and constraints on labour supply choice. The presence of children and of traditional gender roles in the family increase the probability of being inactive. However, the non-participation status is less likely to be voluntary in the South of Italy (where inactivity increases) and more likely to be connected to child care and difficulties in work/life balance.

Bergamante, F. (2010) 'Le ragioni dell'inattività di ritorno. Caratteristiche dell'esperienza lavorativa e work life balance', in: *Perchè non lavori? I risultati di una indagine Isfol sulla partecipazione femminile al mercato del lavoro*. Roma: I libri del Fondo Sociale Europeo, pp.109-144.

Reasons behind women's non-participation in the labour force are analysed by comparing a sample of women not in the labour force and a sample of women who are employed. Previous work experience is analysed with reference to the reasons for employment interruptions and to the degree of satisfaction with different dimensions of previous jobs. Amongst the factors affecting employment interruptions, the presence of children and their care play a crucial role. The strategies of work/life balance enacted in the family are also analysed in depth.

Brilli, Y., Del Boca, D. and Pronzato, C. (2011) *Exploring the impacts of public child care on mothers and children in Italy: does rationing play a role? (IZA DP 5918)*. Available at: <http://ftp.iza.org/dp5918.pdf>

This paper investigates the effects of public childcare availability in Italy on mothers' working status and children's scholastic achievements. It uses a newly available dataset containing individual standardized test scores of pupils attending second grade of primary school in 2008-09 in conjunction with data on public childcare availability. Public childcare coverage in Italy is scarce (12.7 percent versus the OECD average of 30 percent) and the service is 'rationed', each municipality allocating places according to eligibility criteria. The paper contributes to the existing literature taking into account rationing in public childcare access and the functioning of the childcare market. The authors' estimates indicate that childcare availability has positive and significant effects on both mothers' working status and children's language test scores. The effects are stronger when the degree of rationing is high and for low educated mothers and children living in lower income areas of the country.

Coccia, G. and Mundo, A. (eds.) (2011) *Rapporto sulla coesione sociale 2011: Ministero del Lavoro e delle politiche sociali*. Available at:

<http://www.lavoro.gov.it/NR/rdonlyres/35C0835B-ACFC-4794-8160-B9BBEB351581/0/RapportoCoesione1.pdf>

Chapter 2 of this report uses national sample survey data and INPS administrative data to analyse the use of Parental leave in Italy in 2010 by type of contract, gender and region.

Istat (2011) *La conciliazione fra lavoro e famiglia (Statistiche Report, 28-12-11)*. Available at: <http://www.istat.it/it/archivio/48912>

The statistics presented in this essay have been produced by using 2010 survey data from a section added to the Labour Force Survey. This document provides updated data on the allocation of time within Italian couples, confirming the unequal distribution of unpaid care labour by gender in Italy. They also reveal an imbalance between employees who wish to reduce their working time to devote more time to care work and economically inactive women who wish to enter the labour market if they could have more help with care work. Italy appears to be characterized also by a low degree of employment flexibility to assist employees to have a better work/life balance. The analysis contains data on the take-up of Parental leave by gender (see section 4c) and analyses the reasons behind the non-take-up of leave, including the availability of other support in child care (more often stated by fathers than mothers).

Prifti, E. and Vuri, D. (2011) *Employment protection and fertility: Evidence from the 1990 Italian reform*, (CHILD working papers n. 03/2011). Available at: <http://www.child-centre.unito.it/>

This paper analyses the effect on fertility decisions of Italian working women of Employment Protection Legislation (EPL) finding a positive effect of increased EPL, with a higher effect on low-earnings women.

Del Boca, D. (2012) *Troppo poco per le donne*. [www.lavoce.info](http://www.lavoce.info). 11-04-2012. Available at: <http://www.senonoraquando.eu/?p=9424>.

The author critically analyzes the current proposals for labour market reform in terms of its gender impact.

Del Boca D., Mencarini, L. and Pasqua, S. (2012) *Valorizzare le donne conviene, Ruoli di genere nell'economia italiana*: Bologna: Il Mulino.

This book discusses the positive impact of women's employment on growth and analyses the status of women's employment and gender inequalities in Italy and the policies leading to a higher female labour supply and to a reduction of gender inequalities in the Italian labour market.

Di Salvo, T. (2012) 'Dimissioni in bianco, così non va' [ww.ingenere.it](http://www.ingenere.it), 30-04-2012

The author comments upon the proposals presented by the Monti Government, as part of the larger labour market reforms, regarding the practice of 'white dismissals' by employers to get rid of working mothers at childbirth.

Gasbarrone, M. (2011) 'E noi faremo come la Svezia?', *In genere*, 13-01-2011. Available at: <http://www.ingenere.it/recensioni/e-noi-faremo-come-la-svezia>

The author analyses Fasano (2010) – a book on work/life balance in different European countries - to compare the Italian situation and describes alternative ways to improve work/life balance.

Canal, T. (2012) 'Paternità e cura familiare', *Osservatorio Isfol*, No.1: 95-111. Available at: [http://www.isfol.it/DocEditor/test/File/2012/Osservatorio per cent20isfol/05 per cent20Canal.pdf](http://www.isfol.it/DocEditor/test/File/2012/Osservatorio%20per%20cent20isfol/05%20per%20cent20Canal.pdf).

This article discusses factors affecting childcare by fathers. The data set used for this analysis is the ISFOL 2007 survey on women not active in the labour market. The analysis distinguishes between 'high care' and 'low care' fathers and estimates a logistic model to understand the factors affecting the probability of being a 'high care' father. These factors are connected to his partner's characteristics, mainly her labour market status, female models and socio-cultural environment.

Urzi Brancati, M.C. and Rocca, E. (2012) 'Lavoro e figli, una mappa dei congedi', *In genere*, 5-04-2012. Available at: <http://www.ingenere.it/articoli/lavoro-e-figli-una-mappa-dei-congedi>.

This article examines Parental, Maternity and Paternity leaves in Europe, how they work, their aims and their effects on mothers' employment, with reference also to the recent proposal by the government to introduce a 3 day compulsory Paternity leave in Italy.

Valentini, C. (2012) *O i figli o il lavoro*. Milano: Feltrinelli.

This book includes qualitative as well as quantitative evidence on the difficulties experienced by women, in different regions of Italy, who would like to keep their job while having children.

### c. Ongoing research

There are actions on work-life policies in companies, such as the one carried out (from 2009 to 2011) by Variazioni srl in Tetrapak Packaging Solution Spa, in Atelier Aimée Spa, in non-profit firms - like Cooperativa Sociale Fior di Loto – and in public institutions such as Azienda Locale Sanitaria della Provincia di Mantova (Public Health Institution of Mantua province) (2010-12, still ongoing) to implement Law 53/2000 art.9. Actions aim at building networks within public and private organisations to improve work/life balance at local level. Available at:

[http://www.provincia.mantova.it/cs\\_context.jsp?ID\\_LINK=41&area=37&id\\_context=3098&COL0003=1&COL0003=2](http://www.provincia.mantova.it/cs_context.jsp?ID_LINK=41&area=37&id_context=3098&COL0003=1&COL0003=2)); or at regional level as in Emilia Romagna,

<http://www.tempermettendo.info>.

The project - 'Riconciliare' - has been carried out from September 2009 to September 2011 by Variazioni srl in partnership with the District of Mantua, Mantua Chamber of Commerce, Crafts and Manufacturing, Health Service and trade associations, This project has been conducted with the aim of providing to mothers at risk of dismissal a set of services (e.g. psychological, support in choosing child care facilities) to help them in an active search for new work or training activities ([www.riconciliare.it](http://www.riconciliare.it)). These actions have allowed enterprises the possibility to experience innovative organizational practices, such as flexible working hours, incentives for the use of a 'Time Bank', and contracts of flexible and part-time telework (limited to 8-12 hours per week, only in the periods when the task can be performed at distance). Various forms of flexibility within contracts have been used to promote self management by workers, in special relation to goals and working schedules leading to a positive effect on the productivity of the firms involved in the projects as well as to improved interpersonal relations among employees and team-workers. Various programmes of maternity management support have been organized, in order to combine flexibility of work schedules with a range of support (psychological, motivational and professional) and services.