



International  
Labour  
Office



THE STATE OF APPLICATION OF THE PROVISIONS  
FOR SOCIAL SECURITY OF THE INTERNATIONAL  
TREATIES ON SOCIAL RIGHTS RATIFIED BY

# Italy

**ILO**  
**TECHNICAL**  
**NOTE**



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The information and data contained in the Technical Note is taken from the Government reports, on-line databases of the National Statistical office, official web-sites of the government departments, MISSCEO, MISSOC, SSI, ILOSTAT and EUROSTAT.

**List of international abbreviations:**

CAS	Committee on the Application of Standards, International Labour Conference
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
COE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECSS	European Code of Social Security
ESC	European Social Charter
EU	European Union
EUROSTAT	Statistical Office of the European Union
GC	Governmental Committee of the European Social Charter and European Code of Social Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IMF	International Monetary Fund
MISSEO	Mutual Information System on Social Protection of the Council of Europe
MISSOC	Mutual Information System on Social Protection
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Inquiry

**National abbreviations:**

RMI	Minimum guaranteed income
NRP	National Reform Programmes
CISL	Italian Confederation of Workers' Trade Unions

*CHAPTER I. Adequacy of social security  
benefits: income and poverty indicators and  
standards*

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## Country profile by Eurostat indicators, National indicators and ILO minimum standards

<b><u>Eurostat</u></b>	<b>EU-Avg 2013</b>	<b>2005</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
At-risk-of-poverty threshold (40%, single person)	€ 462.3	€ 478.4	€ 534.3	€ 524.4	€ 527.3
At-risk-of-poverty threshold (50%, single person)	€ 577.8	€ 598.0	€ 667.8	€ 655.6	€ 659.3
At-risk-of-poverty rate - 50%, before social transfers	19.5%	15.5%	16.7%	17.0%	17.6%
At-risk-of-poverty rate - 50%, after social transfers	10.2%	12.1%	12.2%	12.4%	12.8%
At-risk-of-poverty rate for children under 18 y.o. - 50% thrd	12.4%	15.8%	17.3%	17.3%	17.5%
In-work poverty rate - 50% threshold	5.2%	5.1%	6.8%	6.6%	6.8%
At-risk-of-poverty rate for pensioners - 50% threshold	6.0%	7.8%	5.7%	5.1%	4.6%
Aggregate replacement ratio	55%	0.58%	0.58%	0.62%	0.64%
Severe material deprivation (% of total population)	9.6%	6.4%	14.5%	12.4%	11.5%
Persistent at-risk-of-poverty rate - 50% threshold	5.2%		7.7%	7.2%	
Social protection expenditure as % of GDP	25.0%	26.2%	30.2%	30.7%	
Gini coefficient before social transfers	36.1%	34.2%	34.1%	34.8%	35.2%
Gini coefficient after social transfers	30.5%	32.8%	31.9%	32.5%	32.7%

<b><u>National indicators</u></b>		
Absolute poverty line	€ 652.7	2012, Italian National Statistical Institute
Minimum pension	€ 543.2	2013, The EU's Mutual Information System on Social Protection
Average wage	€ 2382.8	2012, United Nations Economic Commission for Europe
Average old-age pension	€ 1343.2	2012, Italian National Statistical Institute

<b><u>Government Report under the ECSS submitted in 2015</u></b>			
Standard benefits amounts to be provided in the detailed report 2016.			
<b>The Office refers to the Government Report under the ECSS submitted in 2014 :</b>			
Reference wage of skilled worker	<u>Article 65-6b</u> : skilled manual male employee is metal worker with a wage category 3	€ 1919.0	2013
Reference wage of unskilled worker	<u>Article 66-4b</u> : unskilled manual male employee is metal worker with a wage category 1	€ 1577.3	2013
Standard old-age pension	<u>Skilled worker</u>	€ 1093.8	2013
Replacement rate Man with wife of pensionable age	The amounts of family allowances are taken into account for the purpose of replacement rate calculation	59.1%	2013

Fig. 1. Income and poverty- single person, 2013

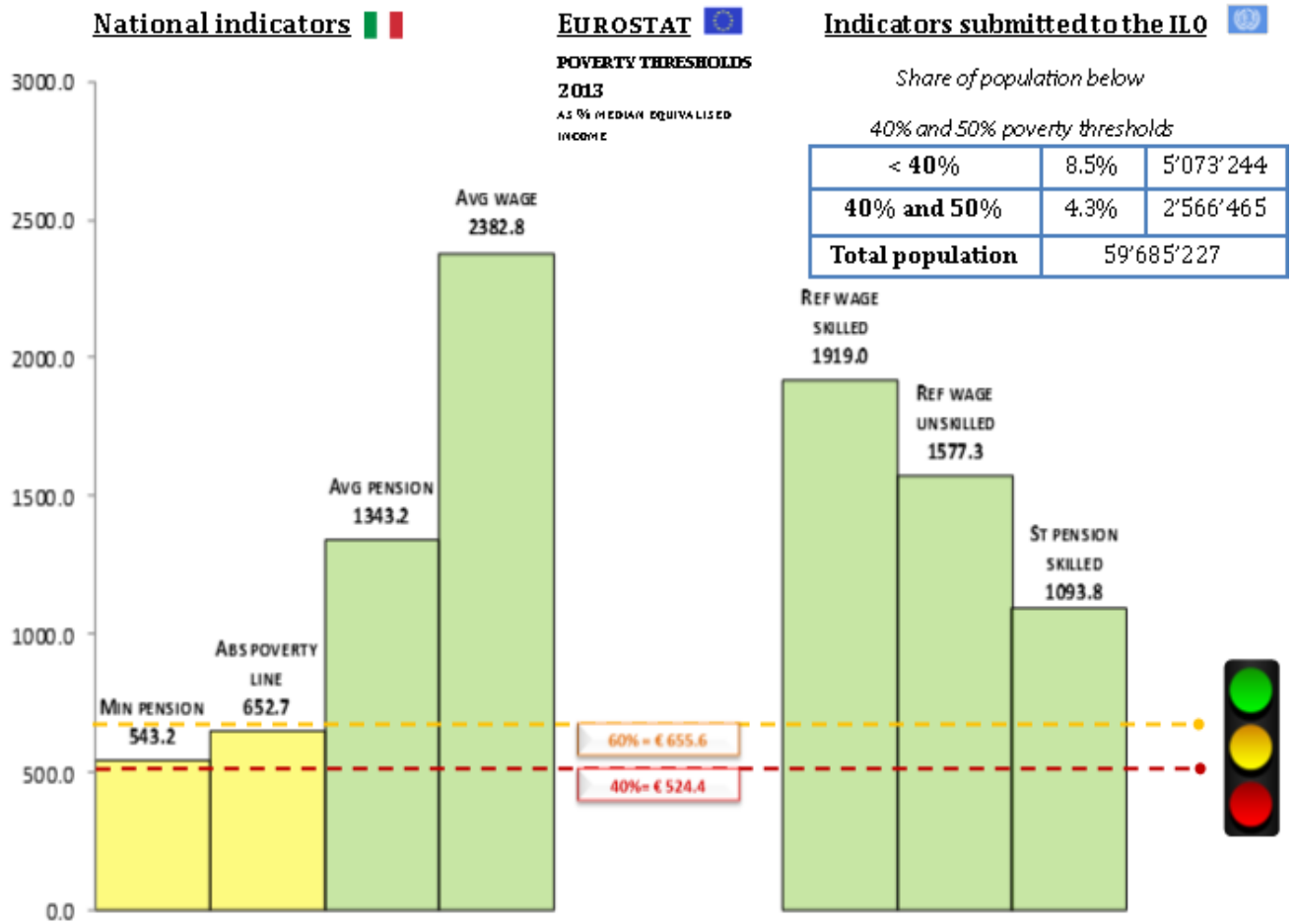
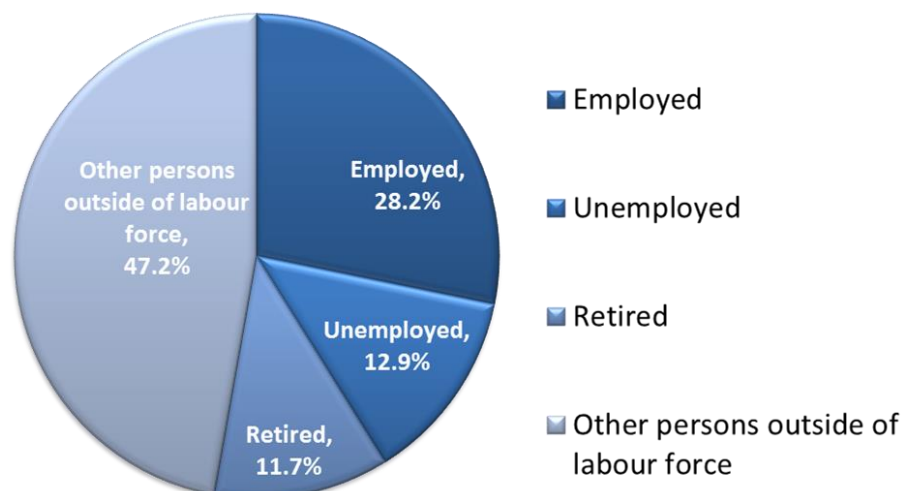
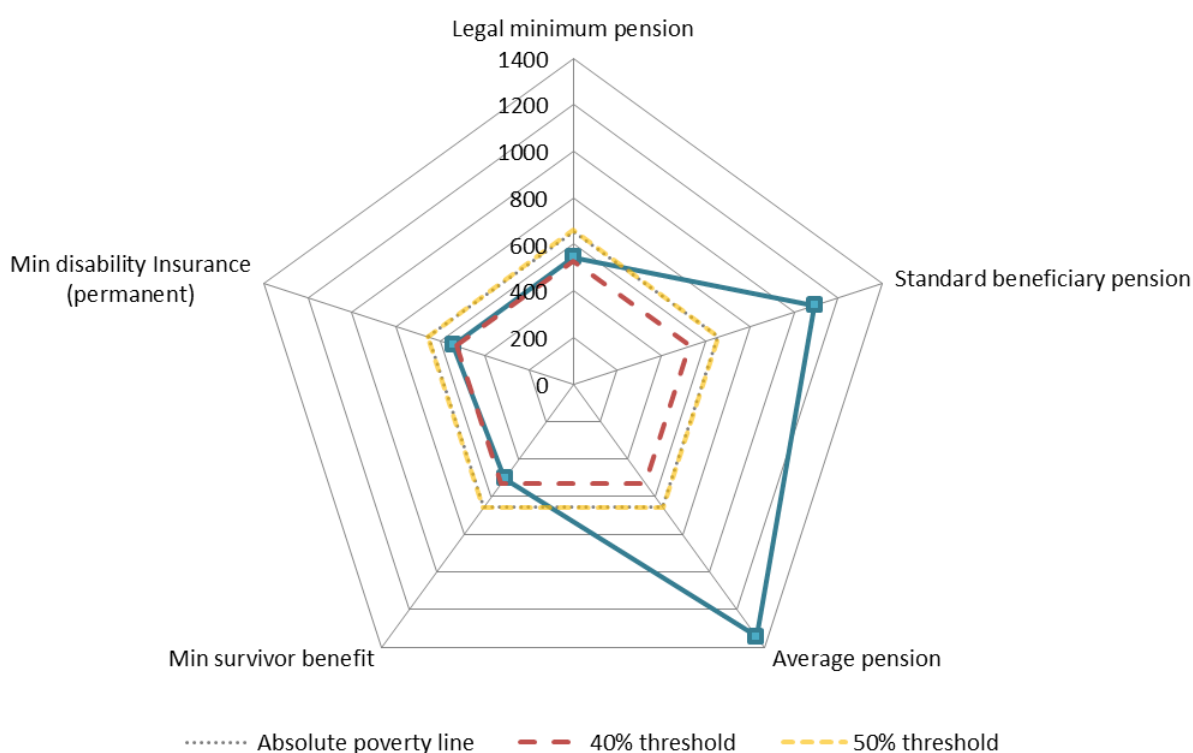


Fig. 2. Structure of population in poverty (Eurostat poverty thresholds of 60%) by the most frequent employment status, 2013



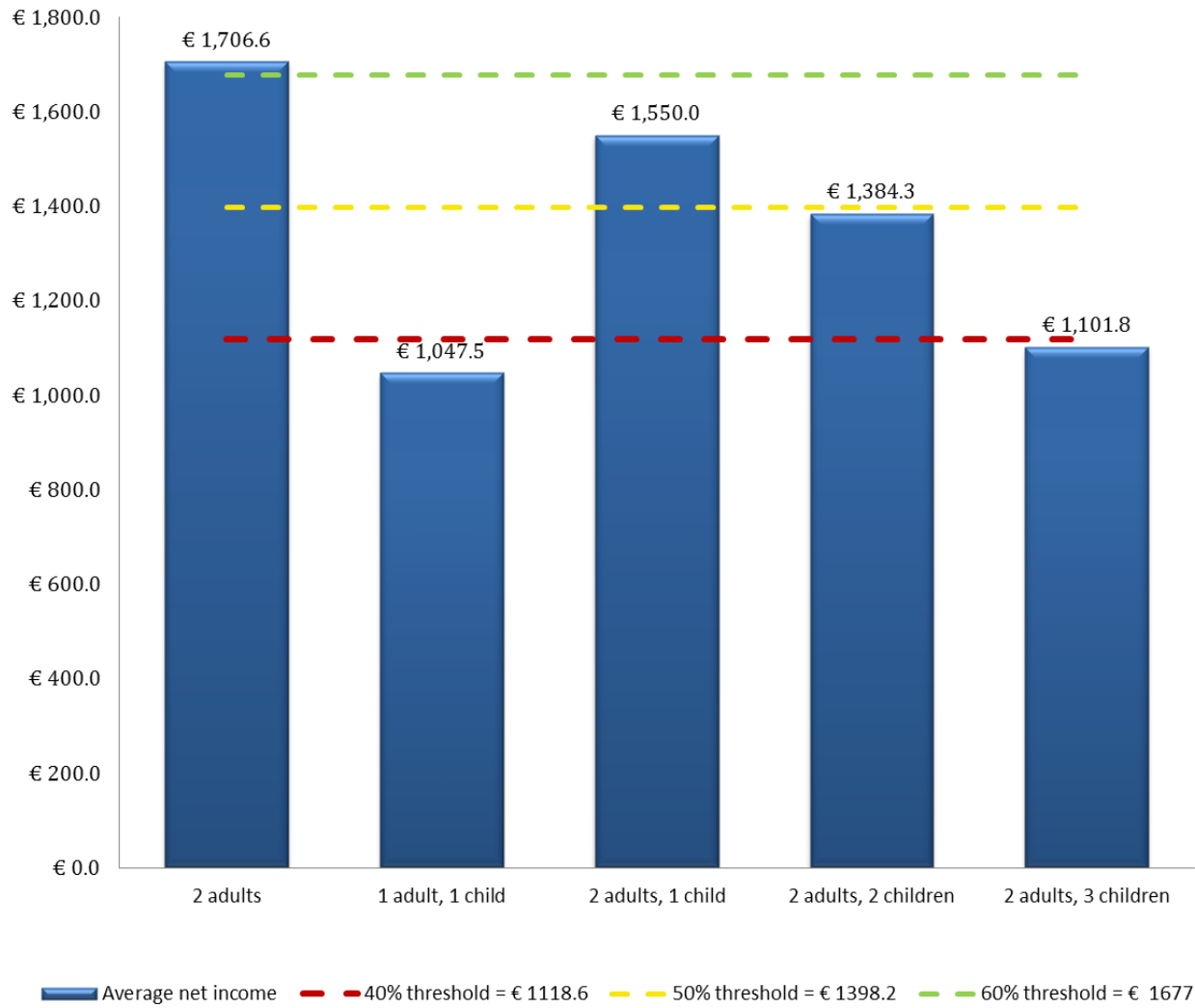
**Fig. 3. Social benefits in comparison to Eurostat 40% and 50% poverty thresholds and national social protection floors, 2014**



Benefits/payments	Amount per month	Sources
<b>Minimum wage</b>	-	Public Federal Service for Employment 2014
<b>Legal minimum pension</b>	€ 543.2	MISSOC, 2014
<b>Standard beneficiary pension</b>	€ 1093.8	Pension for average case worker, Government Report 2014
<b>Average pension</b>	€ 1343.2	Italian National Statistical Institute, 2012
<b>Survivor benefit</b>	€ 501.4	MISSOC, 2014
<b>Unemployment insurance benefit (UI - 3 months)</b>	-	MISSOC, 2014
<b>Maternity insurance benefit</b>	-	MISSOC, 2014
<b>Disability Insurance (permanent)</b>	€ 543.2	MISSOC, 2014
<b>GMI (single)</b>	-	MISSOC, 2014
<b>GMI (per adult living in a household)</b>	-	Government Report, 2014
<b>At-risk-of-poverty threshold, 40%</b>	€ 527.3	Eurostat, 2014
<b>At-risk-of-poverty threshold, 50%</b>	€ 659.3	Eurostat, 2014
<b>Absolute poverty line</b>	€ 652.7	Italian National Statistical Institute, 2012



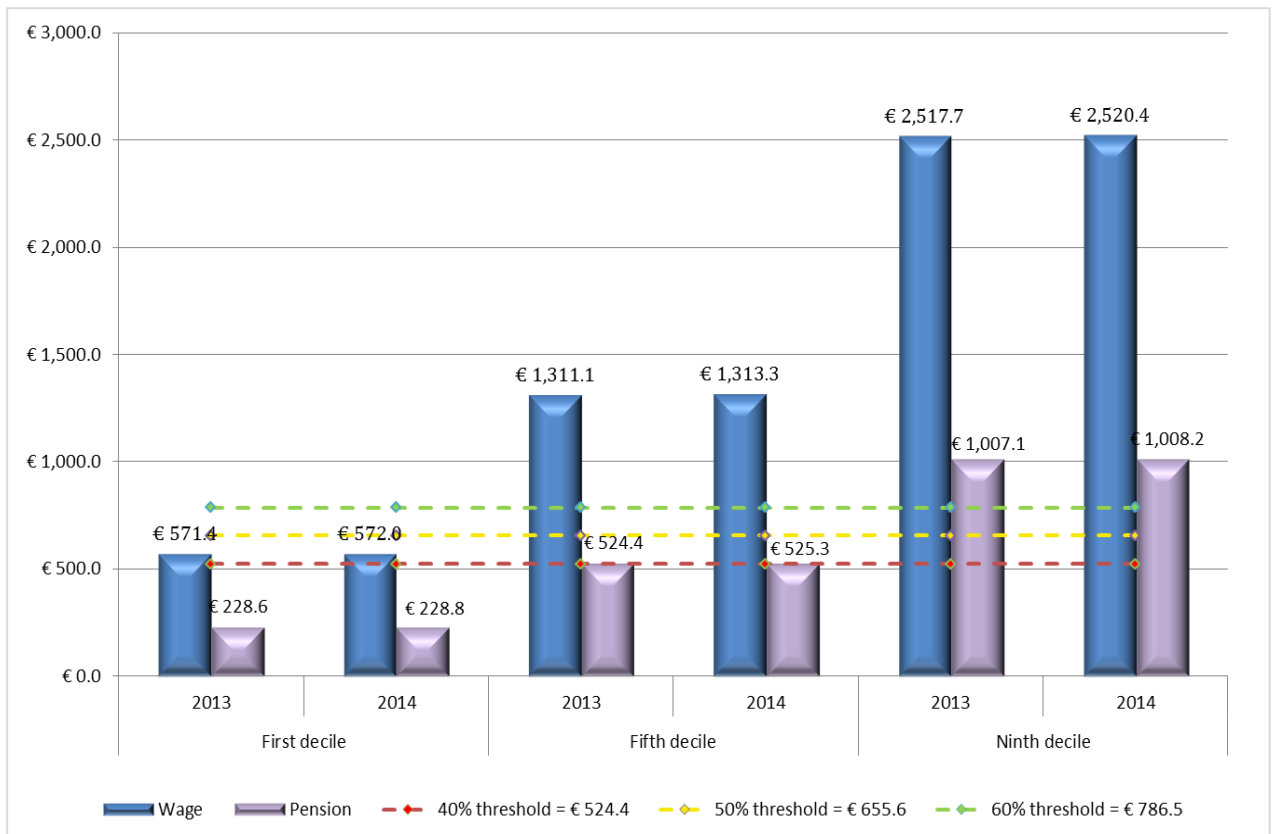
**Fig. 4. Income and poverty indicators by type of household, 2012**



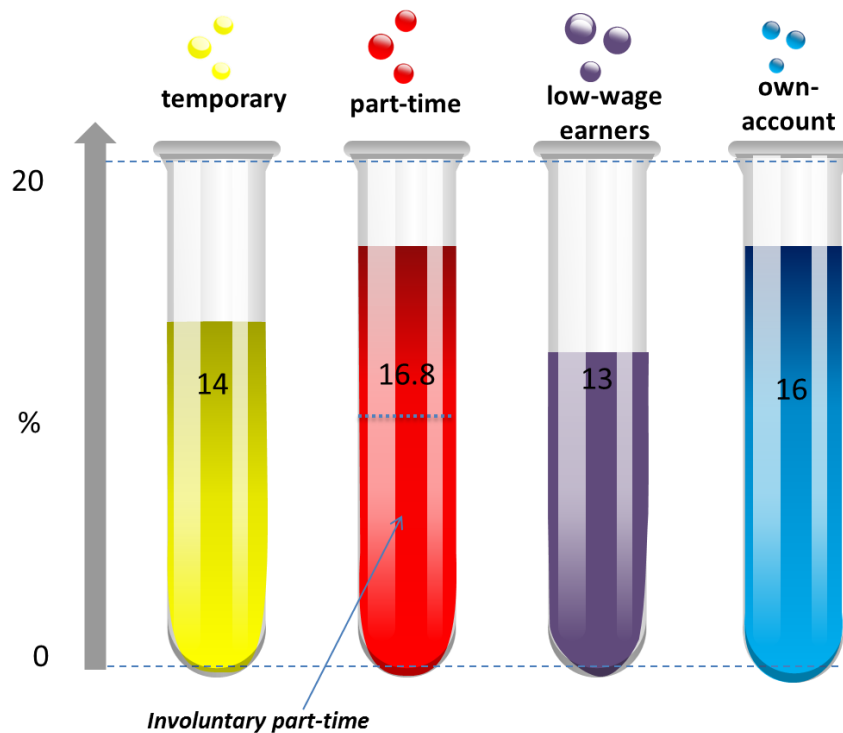
(at-risk-of-poverty thresholds for the household with 2 adults and 2 children)

Household composition:	Average net income	At risk of poverty rate (60% threshold)
<b>2 adults</b>	€ 1706.6	12.6 %
<b>1 adult, 1 child</b>	€ 1047.5	40.7 %
<b>2 adults, 1 child</b>	€ 1550.0	16.3 %
<b>2 adults, 2 children</b>	€ 1384.3	23.5 %
<b>2 adults, 3 children</b>	€ 1101.8	37.6 %

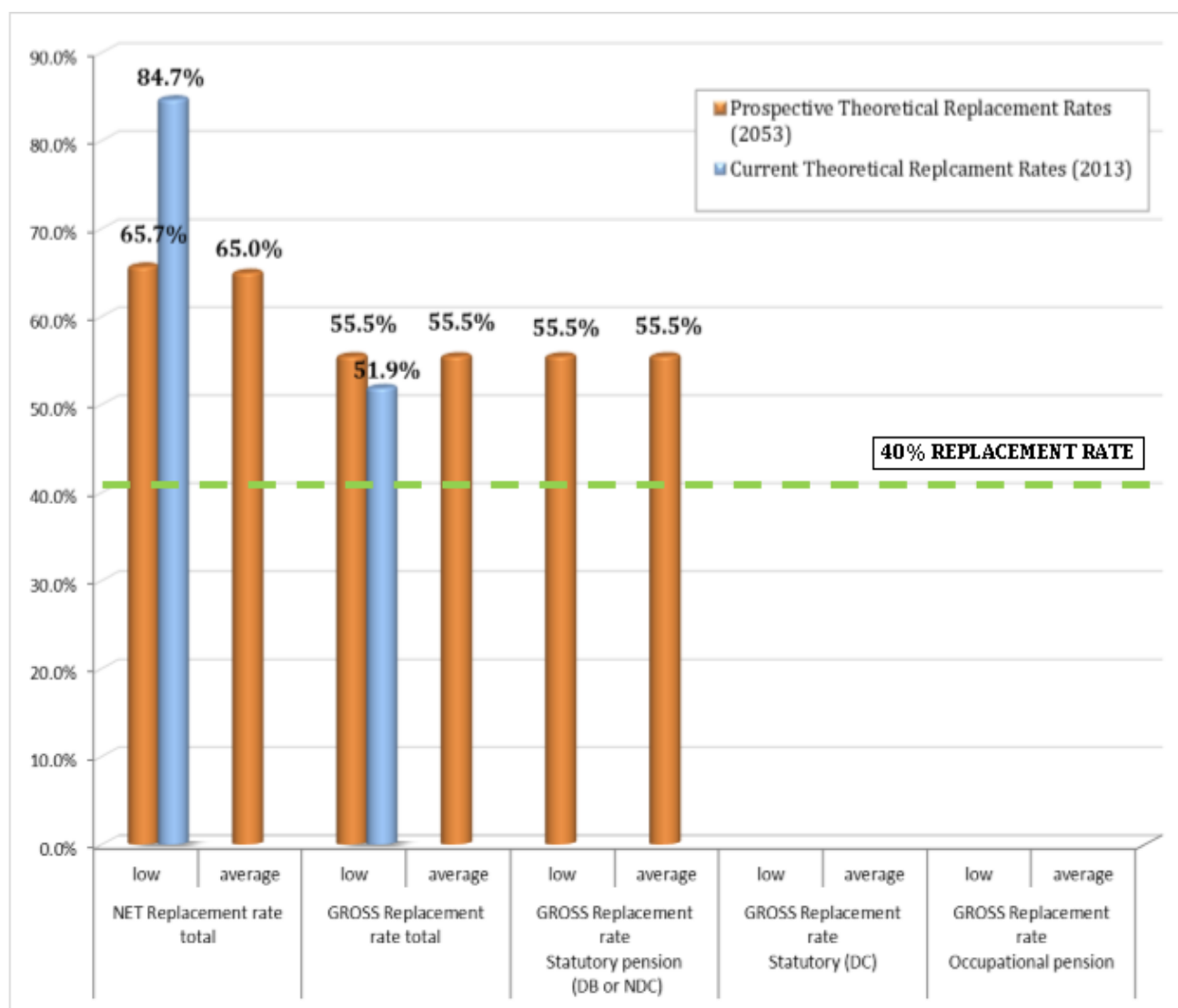
**Fig. 5. Comparison of monthly wages and pensions (40% replacement rate) to the Eurostat thresholds in 2013-2014, by decile**



**Fig. 6. Test on precarious employment: share of employed population by different job security situation, as % of total employment, 2012**



**Fig. 7. Theoretical Replacement Rates for low and average wage earners, retiring in 2053 at statutory pension age (67) with 30 years of contributions between 2013 and 2053**



**Male, 20 years work from age 25 - career break until 10 years prior to SPA - 10 years work. 10 years of career break in the middle of the career**

	NET Replacement rate total		GROSS Replacement rate total		GROSS Replacement rate Statutory pension (DB or NDC)		GROSS Replacement rate Statutory (DC)		GROSS Replacement rate Occupational pension	
	low	average	low	average	low	average	low	average	low	average
2053	65.7%	65.0%	55.5%	55.5%	55.5%	55.5%	-	-	-	-
2013	84.7%	-	51.9%	-	-	-	-	-	-	-

Source: The 2015 Pension Adequacy Report: current and future income adequacy in old age in the EU, Volume I

## **Social security and reduction of poverty.**

### **Extracts from the 2015 Government report on the European Code of Social Security.**

*The Committee asked the Government to send the most recent and comprehensive statistics on the structure and dynamics of poverty in the country, including among the active population, pensioners and children, and on the guaranteed minimum amounts of social benefits in comparison with the established poverty line.*

*In this regard please see the tables on the life expectancy and on the active population listed on part V.*

In Italy, the economic crisis that began in 2008 has caused a severe and continuous rise in unemployment and a general impoverishment of population. From 2008 to 2014 the number of employees was reduced by more than 800,000 units and, in the same period, the number of people seeking employment increased by more than 1.5 million.

The consequences of this period of crisis (in which personal income has returned to 1990 levels), could have had much more serious consequences without the compensatory social benefits measures. Indeed, during these years of reduction of primary income, the increase in social security benefits has provided a cushion against the decrease in available income and social security benefits have compensated for this decrease in households' income, contributing to the stability of social cohesion in Italy.

Despite the economic downturn, Italy has therefore guaranteed policy interventions and services to support subject who do not have sufficient means, or find themselves in a temporary situation of emergency, who and to prevent the marginalization of people and households socially weak.

The analysis of the relationship between total annual pension and GDP shows an increase ranging from 9.5% in 2004 to 11.8% in 2015 with an average annual increase by 2%; for assistance benefits this ratio increases by 3.7% yearly over the same period.

Assistance benefits provided by INPS do not have a contribution basis. Their cost is upheld completely by the State.

The number of assistance benefits paid out by INPS has increased from 3,674,367 in 2013 to 3,731,626 in 2015 and have for a monthly average monthly amount of € 418 the majority of beneficiary are women (61.4%).

Social allowance and social pensions represent 22.7% of the assistance benefit and are paid to people over 65 years without minimum income. The number of social allowance and social pensions paid on 31<sup>st</sup> December 2014 is 845,824 (+1.2% compared to 2013) with an average monthly amount of € 419.

The main economic assistance measures managed by are:

- social allowance
- benefits for the civilian disabled
- minimum income supplement
- fourteenth month's payment
- social supplement
- purchase card
- bonus for workers
- family allowance paid by municipalities
- maternity allowance paid by municipalities
- birth grant "baby bonus"

*ASSISTANCE BENEFITS paid on 01.01.2015*

<b>Benefit</b>	<b>Men</b>	<b>Women</b>	<b>Number of benefits</b>	<b>Monthly average amount Euro</b>	<b>Total amount</b>	<b>% on total</b>
Social pension and social allowance	297,434	548,390	845,824	420.35	4,622.1	23.7
Total benefits paid to civil disables	1,144,580	1,741,222	2,885,802	422.39	14,872.4	76.29
<b>TOTAL welfare benefit</b>	<b>1,442,014</b>	<b>2,289,612</b>	<b>3,731,626</b>	<b>421.93</b>	<b>19,494.5</b>	<b>100</b>

*SOCIAL ASSISTANCE EXPENDITURE*

<b>2015</b>	<b>Number</b>	<b>Monthly average amount Euro</b>
Social assistance benefits	3,731,626	421.93
Social pension/social allowance	845,824	420.35
Civil disability benefits	2,885,802	422.39

*Requirements*

For the majority of the social assistance benefits (social allowance, benefits provided for civil disables, and invalid people, attendance allowances, monthly allowance, monthly allowance of school frequency, absolute and partial civil blind, attendance allowance for totally blind, partial blind, pension for the deaf, communication allowance and purchases card (*carta acquisti*):

- Italian citizenship;
- For EU citizen registration to the municipality of residence;
- For non-EU citizens: ownership of a residence permit for EU long-term residents (former residence card);
- Actual residence, stable and continuous in the country.

## SOCIAL ALLOWANCE

*(Assegno sociale)*

Starting from 1<sup>st</sup> January 1996 social allowance replaced the social pension. It is an assistance provision paid to people who are in financial need not eligible for the old-age pension

### *Requirements*

- Age 65 year and 3 months increased according to life expectancy;
- Economic need;

Entitlement to the benefit is determined on the basis of single income for those unmarried and on the basis of the couple household's income for married people.

Social allowance is granted on a provisional basis and the verification of the personal requirements, of the actual residence and means test is done annually.

The amount for the year 2015 to an unmarried citizen is € 448.52 per month, € 5,830.76 yearly.

### *AMOUNT OF SOCIAL PENSION AND SOCIAL ALLOWANCE (EURO)*

<b>Year</b>	<b>Social pension yearly amount</b>	<b>Social allowance Yearly amount</b>	<b>Monthly amount, paid for 13 months, of social pension</b>	<b>Monthly amount, paid for 13 months, of social allowance</b>
2012	4,600.57	5,582.33	353.89	429.41
2013	4,738.63	5,749.90	364.51	442.30
2014	4,790.76	5,813.21	368.52	447.17
2015*	4,805.19	5,830.76	369.63	448.52

*(\*) Provisional values*

SOCIAL ALLOWANCE INCOME CEILING AND MONTHLY AMOUNT CALCULATION

(EURO)

Year	Unmarried pensioner		Married pensioner	
	Yearly income (RP)	Monthly amount	Yearly income (RC)	Monthly amount
2012	Zero	429.41	Zero	429.41
	> 5,582.33	Zero	> 11,164.66	Zero
	< 5,582.33	$(5,582.33 - RP) / 13$	< 11,164.66	$(11,164.66 - RC) / 13$
2013	Zero	442.3	Zero	442.3
	> 5,749.90	Zero	> 11,499.80	Zero
	< 5,749.90	$(5,749.90 - RP) / 13$	< 11,499.80	$(11,499.80 - RC) / 13$
2014	Zero	447.17	Zero	447.17
	> 5,813.21	Zero	> 11,626.42	Zero
	< 5,813.21	$(5,813.21 - RP) / 13$	< 11,626.42	$(11,626.42 - RC) / 13$
2015	Zero	448.2	Zero	448.52
	> 5,830.76	Zero	> 11,661.52	Zero
	< 5,830.76	$(5,830.76 - RP) / 13$	< 11,661.52	$(11,661.52 - RC) / 13$

**MINIMUM INCOME SUPPLEMENT**

*(Integrazione al trattamento minimo)*

The minimum income supplement is paid to pensioners with an income level lower than the ceiling set by law, and whose pension is not sufficient to guarantee them a dignified life. If the pension amount is below the minimum set annually by law, pensioners may be entitled to a supplementary.

In cases in which the pensioner's or household's incomes are slightly higher than the minimum established by the legislation, the supplementary payment may be partial.

*MINIMUM INCOME SUPPLEMENT FOR PENSIONS OF THE EMPLOYEES AND SELF EMPLOYED*

<b>Year</b>	<b>Yearly of amount of supplement Euro</b>	<b>Monthly amount paid for 13 months of supplement Euro</b>
2012	6,253.00	481.00
2013	6,440.59	495.43
2014	6,511.44	500.88
2015*	6,524.44	501.89

(\*) *Provisional values*

***Income ceiling***

Single household's income ceiling:

<b>Year</b>	<b>Minimum income ceiling for full supplement Euro</b>	<b>Minimum income ceiling for partial supplement Euro</b>
2014	up to 6,517.94	from 6,517.94 up to 13,035.88
2015	up to 6,531.07	from 6,531.07 up to 13,062.14

Married couple household's income ceiling

<b>Year</b>	<b>Minimum income ceiling for full supplement Euro</b>	<b>Minimum income ceiling for partial supplement Euro</b>
2014	up to 19,534.32	from 19,534.32 up to 26,045.76
2015	up to 19,593.21	from 19,593.21 up to 26,124.28



NUMBER OF PENSIONS WITH MINIMUM INCOME SUPPLEMENT AND AVERAGE AMOUNT

Pensions with minimum income supplement 2015	Number	Monthly average amount Euro
Old age pension	1,882,436	487.57
Invalidity pensions	546,858	491.84
Survivors' pensions	1,039,960	501.52
<b>Total</b>	<b>3,469,254</b>	<b>492.43</b>

**FOURTEENTH MONTH'S PAYMENT**  
(*Quattordicesima*)

The payment is an additional annual sum paid to low-income pensioners. Beneficiaries are former employees and former self-employed workers pensioner over 64 years old whose personal incomes (spouse's income is not considered) do not exceed one and a half times the minimum pension (€ 501.89)

**Income requirements**

For 2014, in consideration of the fact that the minimum monthly pension is € 501.38, the income ceiling that must not be exceeded is € 9,776.91 (€ 501.38 x 13 x 1.5), for a monthly income of € 752.07 (x 13 months).

For 2015, in consideration of the fact that the minimum monthly pension is € 501.89, the income ceiling that must not be exceeded is € 9,786.86 (€ 501.89 x 13 x 1.5), for a monthly income of € 752.835 (x 13 months).

Number of fourteenth month's payments paid in July 2014: 2,176,160 .

**Benefit amount**

Benefit amounts depends on the number of credited contribution, as reported in the following table (year 2015):

Years of contribution		Additional sum
Employee	Self-employed workers	Euro
up to 15	up to 18	336
over 15 and up to 25	over 18 and up to 28	420
over 25	over 28	504

## SOCIAL SUPPLEMENT (Maggiorazione sociale)

All pensioners , beneficiaries of direct pension(old age, invalidity, invalidity or inability allowance) and of survivors' pensions, including pensions with an amount higher than the minimum, may be entitled to the social supplement on condition that their personal and family income does not exceed the ceiling provided for by law and satisfy the age requirements. The amount of the social supplement is € 136.44 per month.

### Income ceiling

A - Single income ceiling = yearly minimum supplement (TM) + social supplement

B - Married couple household's income ceiling = single income ceiling + yearly amount of social allowance (AS)

Year	TM Euro	AS Euro	Personal income ceiling Euro	Couple household's income ceiling Euro
2012	6,253.00	5,582.33	8,026.72	13,609.05
2013	6,440.59	5,749.90	8,214.31	13,964.21
2014	6,511.44	5,813.21	8,285.16	14,098.37
2015	6,531.07	5,830.76	8,304.79	14,135.55

Social supplement amount due is the lower amount between the full amount of the supplement and the amount resulting from the calculation made on the basis of personal income and of the sum of the personal income of the pensioner and of the spouse income

$$[A - (RP + P)]: 13$$

$$[B - (RP + RF + P)]: 13$$

- RP: pensioner's personal income to be considered for the social supplement.
- RF: income of the spouse of the pensioner
- P: amount of pension due in the year.

## PURCHASES CARD (Carta Acquisti)

It's an economic measure introduced for some categories of citizens to support them in food expenditure, healthcare costs and payment of electric and gas bills. Purchased card is an electronic payment card to use for purchases in participating stores or for payment of domestic bills.

### Requirements

#### Elders aged between 65 and 70 years

- Who have a valid ISEE less of € 6,781.76 (2014), or who have a pension or an assistance allowance that, cumulated to their incomes, are less than € 6,781.76 per year;

- Who have a valid ISEE less of € 6,795.38 (2015), or who have a pension or an assistance allowance that cumulated to their incomes, are less than € 6,795.38 per year.

Elders aged over 70 years

- Who receive a pension or an assistance allowance that, cumulated to their incomes, are less than € 9,042.34 yearly (2014);
- Who have a pension or an assistance allowance that cumulated to their incomes are less than € 9,060.51 yearly (2015).

In both cases there are some limits linked to home utility bills, cars ownership, asset and property.

Family with children under 3 years:

- Parent applicant with a valid ISEE less than € 6,781.76 (2014)
- Parent applicant with a valid ISEE less than € 6,795.38 (2015)

Purchases card is charged every two months with € 80 (€ 40 per month) on the basis of allocation available.

**SIA EXPERIMENTATION (SUPPORT FOR INCLUSION MEASURES)**

*(Sostegno per l'Inclusione Attiva)*

In the spring of 2014, the experimentation of a new social card for contrasting poverty was introduced.

It represents not only an economic support to family in need, but a much wider project in view of active social inclusion: work for adults, schooling for children, social and health services for the whole family.

The initial testing phase, which is still ongoing, involved 12 cities - Bari, Bologna, Catania, Florence, Genoa, Milan, Naples, Palermo, Rome, Turin, Venice, Verona.

The monthly amount paid to the beneficiaries is based on the number of family members and can reach up to 400 Euro per month for families of 5 or more members.

Therefore, SIA represents an additional support measure to go with the ordinary Social Card (*Carta Acquisti*), that is still in force.

The overall measures provided by the testing phase aim at building active social inclusion paths that can involve the whole network of social actors, starting from the beneficiaries.

The Municipalities, in fact, have committed themselves to associating the benefits in cash with a global personalized intervention project tailored on each family member's needs, with special attention to minors.

The project, designed *ad hoc*, is meant to combat poverty and to increase work re-integration. In fact it provides measures aiming at both increasing the adult re-employment opportunities (work active research paths) and the school performances as well as protecting children and young people health.

This testing phase has to be considered within a more general process to define measures to counteract absolute poverty.

This initiative can be considered as a mean to reach decent standards of living throughout Italy and is in line with the strategic direction of the European Commission Recommendation regarding active inclusion (2008/867/EC), involving other two pillars in addition to income support measures: inclusive work markets and access to quality social services.

## BONUS

The bonus is a tax credit, granted as of May 2014, to workers with low wages (employees either full-time or part-time contracts, workers with a collaboration contract, or workers receiving unemployment benefits, mobility allowance or unemployment).

### ***Benefit amount***

The bonus is calculated on the total yearly income - net income from a the house of residence, and is divided by the number of pay checks that are perceived in the year. If the subject works all the year without interruption it will be divided by 12. As in the case of tax deductions from work employees', the bonus is related to the period of work . So, if the subject works only from July to November he will perceive a 5/12 bonus.

For 2014 up to income of € 24,000 the total bonus amount is of € 640, or € 80 per month as of May 2014. For 2015 up to income of € 24,000 the total bonus amount is of € 960. If the income exceeds € 24,000, bonus gradually decreases, as reported in the following table:

<b>Gross annual income 2014</b>	<b>Annual bonus amount Euro</b>
from € 0 to € 8,000	0
from € 8,000 to € 24,000	640
€ 24,500	480
€ 25,000	320
€ 25,500	160
from € 26,000	0
<b>Gross annual income 2015</b>	<b>Annual bonus amount Euro</b>
from € 0 to € 8,000	0
from € 8,000 to € 24,000	960
€ 24,500	720
€ 25,000	480
€ 25,500	240
from € 26,000	0

## DISABILITY PENSION (*Pensione di inabilità*)

It is an economic benefits, paid on demand, to subjects with:

- total (100%) and permanent incapacity to perform any kind work;
- in an economic need;
- age between 18 and 65 years (65 years and 3 months from 1. January 2013).

## **MONTHLY ALLOWANCE**

*(Assegno mensile)*

The monthly allowance is an economical support, paid on demand, to subject whose working capacity is partially reduced between 74% and 99%.

Since it is a welfare benefit granted to those who are in a state of economic need, to be eligible for the allowance you must have an income not exceeding the ceilings provided annually by law.

### *Requirements*

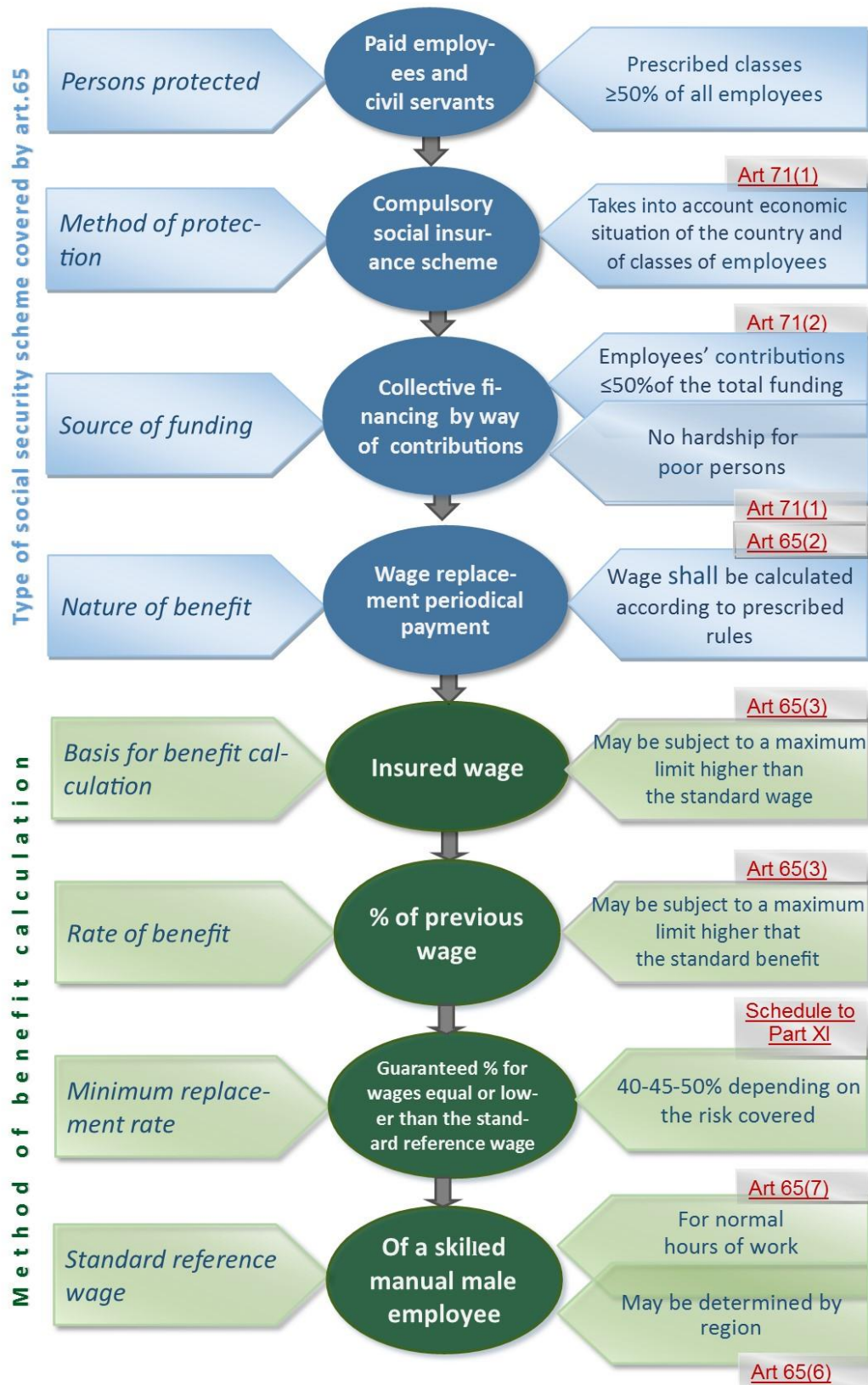
- Partially disability between 74% and 99%;
- Situation of economic need;
- Age between 18 and 65 years (65 years and 3 months from 1st January 2013).



*CHAPTER II. Selection of the Article 65, 66 or 67 under C102/ECSS and determination of the Standard Reference Wage used for calculating the replacement level of benefits*

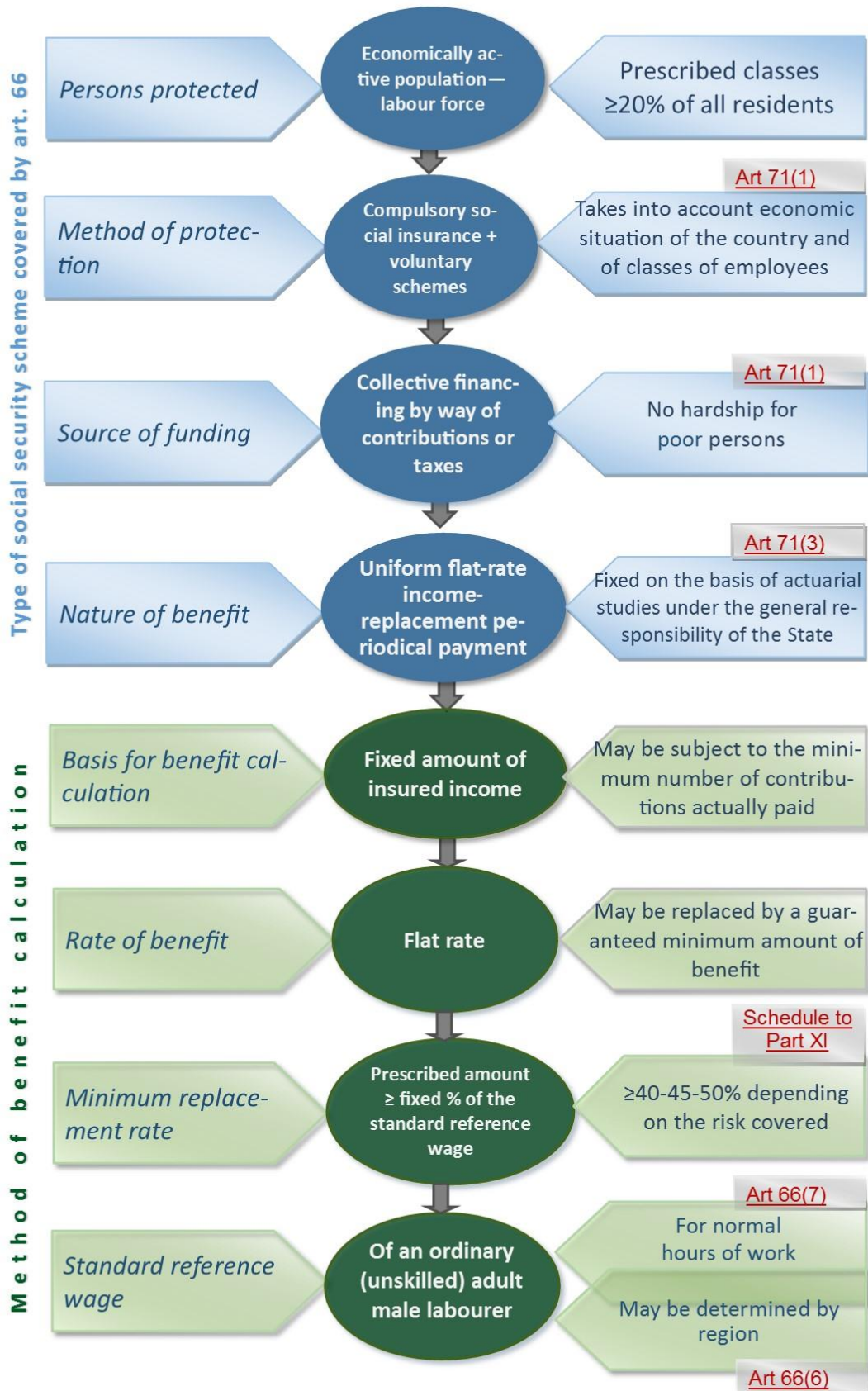
- [Fig. 1. Article 65: Type of social security schemes and method of benefit calculation](#)
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- [Extracts from the Government Reports \(2011-2015\) on the ECSS concerning the Reference Wage](#)
- [Table 1. Calculation of the reference wage under all options permitted by Articles 65-66 of the ECSS/C102](#)
- [Fig.4. Comparison of the reported reference wage to other wage indicators in Italy](#)

**Fig. 1. Article 65: Type of social security schemes and method of benefit calculation**

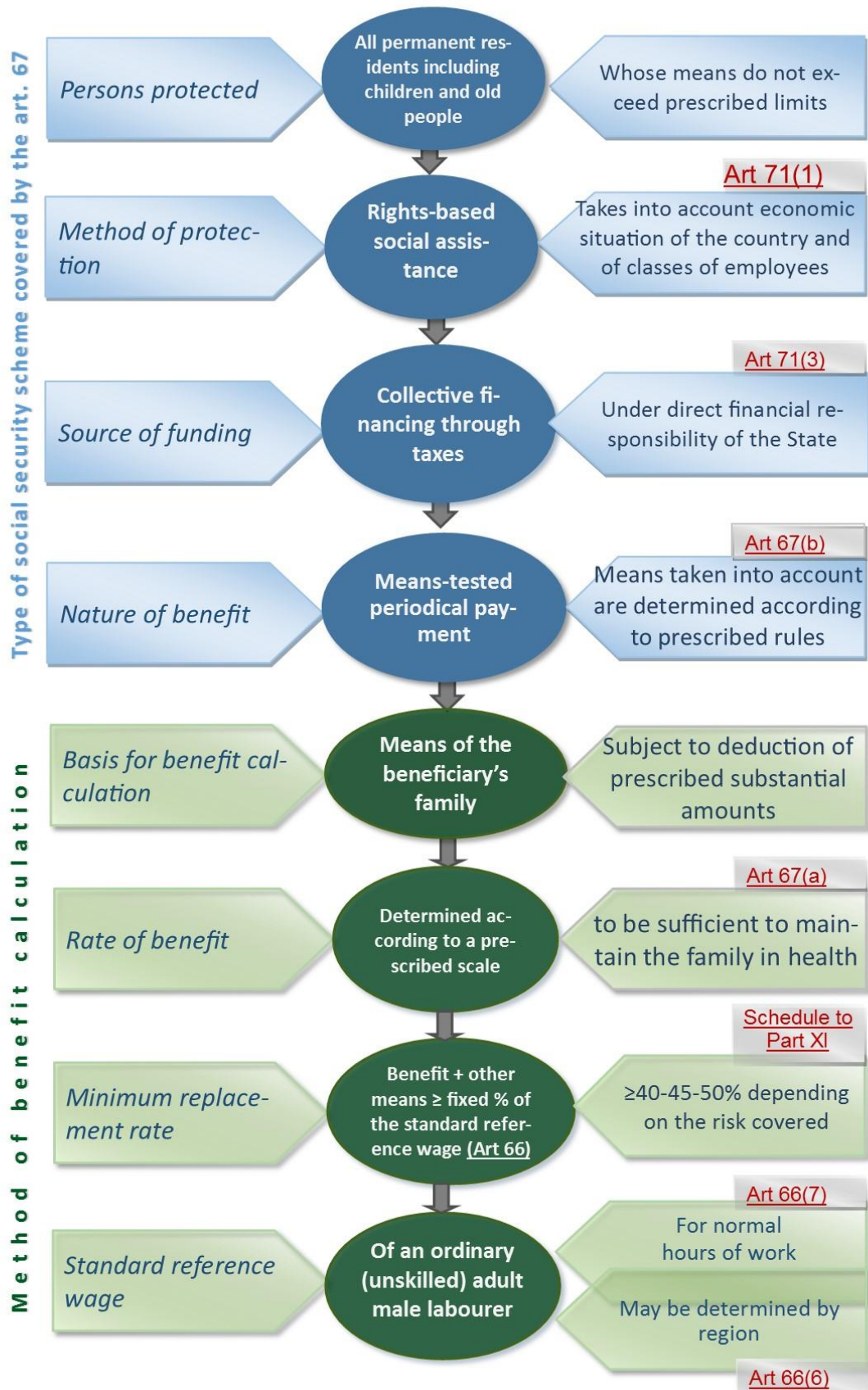




**Fig. 2. Article 66: Type of social security schemes and method of benefit calculation**



**Fig. 3. Article 67: Type of social security schemes and method of benefit calculation**



## **Extracts from the Government Reports (2011-2015) on the ECSS concerning the Reference Wage**

***Reports of Italy under Article 74 of the European Code of Social Security and its Protocol (1 July 2010 - 30 June 2011, 1 July 2012 - 30 June 2013 and 1 July 2013 - 30 June 2014)***

*Article 65 - SKILLED: Standard employee: Wage level 3 metal worker*

Wage per hour earned by a standard employee (Source: CCNL+ISTAT, December 2010) = 8.88 euros

Monthly wage earned by a standard employee =  $8,88 \times 173,33 = \underline{\text{€1.539,17}}$  – p. 11 Report 2011

Wage per hour earned by a standard employee (Source: CCNL+ISTAT, December 2012) = 9.34 euros

Monthly wage earned by a standard employee =  $9,34 \times 173,33 = \underline{\text{€1618,9}}$  – p. 33 Report 2013

Wage per hour earned by a standard employee (Source: CCNL + ISTAT December 2013) = 9.49 euros

Monthly wage earned by a standard employee (  $9,49 \times 173,33$ ) =  $\underline{\text{€1644,9}}$  – p. 20 Report 2014

*Article 66 - UNSKILLED: Standard employee: Wage level 1 metal worker*

Wage per hour earned by a standard employee (Source: CCNL+ISTAT, December 2010) = 7.31 euros

Monthly wage earned by a standard employee =  $7,31 \times 173,33 = \underline{\text{€1267,04}}$  – p. 46 Report 2011

Wage per hour earned by a standard employee (Source: CCNL+ISTAT, December 2012) = 7.68 euros

Monthly wage earned by a standard employee =  $7,68 \times 173,33 = \underline{\text{€1331,17}}$  – p. 39 Report 2013

Wage per hour earned by a standard employee (Source: CCNL+ISTAT, December 2013) = 7.8 euros

Monthly wage earned by a standard employee =  $7,80 \times 173,33 = \underline{\text{€1351,97}}$  – p. 27 Report 2014

***Reports of Italy under Article 74 of the European Code of Social Security and its Protocol (1 July 2014 - 30 June 2015)***

## **Determination of the reference wage**

### **Standards to be complied with by periodical payments, Articles 65 and 66,**

The Committee has pointed out that Italy has determined the reference wage of the ordinary adult male worker without specifying some details.

In this respect please note that the method used to determine the reference wage of the standard beneficiary concerned a level I and III male workers in metals industries “manufacturing and processing of metal products except for machinery and mechanical appliances” and “Manufacturing of machinery and mechanical appliances”, according to the option “A” of Article 66 of the Code.

Besides, the Committee stresses the need to recalculate the average wage taking into account that in Italy the monthly wage is paid 14 times per year.

As matter of fact, the report provided in May 2014 already indicated the data on monthly wage (after deducting the share of 13<sup>th</sup> and 14<sup>th</sup> month’s wage) and that one on yearly wage (by multiplying monthly wage by 14). To calculate monthly wage, gross of the share of 13<sup>th</sup> and 14<sup>th</sup>, the yearly wage must be divided by 12.

With regard to the source of data, please note that to evaluate the wages of metal workers distinguished by job level it has been necessary to consider the National Collective Labour Agreement (CCNL) and the index of contractual wages.

To obtain the data regarding only male workers it has made an estimate on the basis of the wage variation by gender observed on INPS Statistical Database.

The method used for determining the reference wage of the standard beneficiary under Articles 65 and 66 of the Code is therefore considered correct.

Besides, please note that in the Technical Note of ECSS-ILO – Italy there are also some inaccuracies about historical time series of the wage of level I and III metal worker from government source. For this reason it can be useful to show the following two tables:

- a) For a male level III worker in manufacturing and metal sector (“manufacturing and processing of metal products except for machinery and mechanical appliances”) and (“manufacturing of machinery and mechanical appliances”):

<b>Year</b>	<b>Yearly wage Euro</b>	<b>Monthly wage in Euro (including the share of 13<sup>th</sup> and 14<sup>th</sup> month’s wage)</b>
2011	21,548.38	1,795.70
2012	22,057.98	1,838.17
2013	22,664.63	1,888.72
2014	23,028.60	1,919.05

- b) For a male level I worker in manufacturing and metal sector (“manufacturing and processing of metal products except for machinery and mechanical appliances”) and (“manufacturing of machinery and mechanical appliances”):

<b>Year</b>	<b>Yearly wage Euro</b>	<b>Monthly wage in Euro (including the share of 13<sup>th</sup> and 14<sup>th</sup> month’s wage)</b>
2011	17,738.56	1,478.21
2012	18,151.14	1,512.60
2013	18,636.44	1,553.04
2014	18,927.58	1,577.30

Finally, the Committee remarked that the wages of level I and III workers in metal industries, belonging to the manufacturing sector, are substantially lower than the average gross wage of an unskilled and skilled male worker determined on the basis of Eurostat data under option (b) of *Articles 66(4)* and *65(6)* respectively. In this respect it is pointed out that the data comparison is not homogeneous.

In fact, Eurostat data are collected from a sample relating to the only enterprises that employ more than 10 workers. Such data contain 13<sup>th</sup>, 14<sup>th</sup> month’s salary and many other wage amounts, such as periodic bonuses, overtime etc. that are not included in the report based on CCNL, as mentioned by ECSS-ILO – Technical Note – Italy.

### Questions and comments:

- Are there a lot of small enterprises of metal production in Italy? (if not than Eurostat sample stays relevant)
- Bonuses, overtime, etc were excluded from Eurostat data
- The wages provided in the Report (incl 13<sup>th</sup> and 14<sup>th</sup>) seem closer to the wage statistics for Italy, however, still are at the lower level. Please see below data provided by Italian Statistical Office to ILO ([www.ilo.org](http://www.ilo.org))
- Can you please provide the definitions of level 3 and 1 workers?
- Please provide the relevant parts of the National Collective Labour Agreement (CCNL) explaining the wage provided as a reference wage – wage of a metal worker level 3 and 1
- Please explain the use of index to identify male wages (taking into account gender wage gap, the wage of a male worker should appear higher than wages provided in the table below. However, the wages provided in the report are significantly lower – at the level of wages in agriculture)

Dataset: Annual indicators  
Indicator: Mean nominal monthly earnings of employees by sex and economic activity  
Description: Data on earnings are presented, whenever possible, in nominal terms and on the basis of the mean

Sex	Economic activity	Source	2011	2012
Total (Sex)	TOTAL. Total (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	2073.2	2069
Total (Sex)	A. Agriculture, forestry and fishing (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	1422.4	1378
Total (Sex)	B. Mining and quarrying (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	2462.6	2407
Total (Sex)	C. Manufacturing (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	1979.8	1941
Total (Sex)	D. Electricity, gas, steam and air conditioning (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	2574.8	2539
Total (Sex)	E. Water supply; sewerage, waste management and remediation activities (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	2254.3	2214
Total (Sex)	F. Construction (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	2042.4	2024
Total (Sex)	G. Wholesale and retail trade; repair of motor vehicles, motorcycles, mopeds and scooters (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	1972.8	1931
Total (Sex)	H. Transportation and storage (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	2174.1	2124
Total (Sex)	I. Accommodation and food service activities (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	1751.4	1713
Total (Sex)	J. Information and communication (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	2262.8	2203
Total (Sex)	K. Financial and insurance activities (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	2971.2	2935
Total (Sex)	L. Real estate activities (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	2005.5	1968
Total (Sex)	M. Professional, scientific and technical activities (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	2039.8	2004
Total (Sex)	N. Administrative and support service activities (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	1723.5	1687
Total (Sex)	O. Public administration and defence; compulsory social security (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	2327.6	2328
Total (Sex)	P. Education (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	2180	2448
Total (Sex)	Q. Human health and social work activities (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	2102.8	2100
Total (Sex)	R. Arts, entertainment and recreation (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	1882.8	1844
Total (Sex)	S. Other service activities (ISIC-Rev.4)	ADM-CA - Survey on contractual wages	1867.2	1837
Total (Sex)	Total (Broad sector)	ADM-CA - Survey on contractual wages	2073.2	2069
Total (Sex)	Total (Aggregate activities)	ADM-CA - Survey on contractual wages	2073.2	2069

**Table 1. Calculation of the reference wage under all options permitted by articles 65-66 of the ECSS/C102**

Articles in the ECSS/C.102	Comments	Reference wage: amount	
		ILO calculations <sup>1</sup> -2010	Government Report 2015 <sup>2</sup>
<b>Article 65 (para 6): a skilled manual male employee</b>			
Option 1	Art.65 (6)a: a fitter or turner in the manufacture of machinery other than electrical machinery	occupations of fitter and turner can be found among skilled employees of ISCO 08 <sup>3</sup> (group 7)	N/A
Option 2	Art.65 (6)b: a person deemed typical of skilled labour	a skilled employee of the ISIC rev.4 <sup>4</sup> group with the highest number of male employees: <b>typical skilled male worker in manufacturing</b>	1979 euros <sup>5</sup>  <u>Wage level 3 metal worker, euros<sup>6</sup></u> 2011 – 1795.7 2012 – 1838.2 2013 – 1888.7 2014 – 1919.1 As the wage is paid 14 times, annual wage in 2014 = 23028.6 euros, and the average monthly amount would be 23028.6 euros /12 months = 1919.05 euros  Male sex is not specified
Option 3	Art.65 (6)c: a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected	in countries where all employees are protected average wage is normally used	2741 euros <sup>7</sup> (full-time and part-time employees)
<b>Article 66 (para 4): an ordinary manual male labourer</b>			
Option 4	Art.66 (4)a: a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery	an employee of the ISIC rev.4 Manufacture of machinery (2-digit level of the classification: ISIC Rev.4 Section C. Manufacturing, code 28)	N/A
Option 5	Art.66 (4)b: a person deemed typical of unskilled labour	an unskilled employee of the ISIC rev.4 group with the highest number of male employees: <b>typical unskilled male worker in manufacturing</b>	1827 euros <sup>8</sup>  <u>Wage level 1 metal worker, euros<sup>9</sup></u> 2011 – 1478.2 2012 – 1512.6 2013 – 1553.04 2014 -1577.3 As the wage is paid 14 times, annual wage in 2014 = 18927.58 euros, and the average monthly amount would be 18927.58 euros /12 months = 1577.25 euros  Male sex is not specified

\* Gross wages are used unless stated otherwise

<sup>1</sup> ILO calculations based on EUROSTAT data from Labour Force Survey - LFS-2013 and SES-2010 (see detailed information further)

<sup>2</sup> Reference wage reported by the Government on the application of ECSS and C.102

<sup>3</sup> ISCO 08 – International Standard Classification of Occupations 2008 (detailed explanation to follow) <http://www.ilo.org/public/english/bureau/stat/isco/isco08/>

<sup>4</sup> ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008  
<http://unstats.un.org/unsd/cr/registry/isic-4.asp>

<sup>5</sup> Structure of earnings survey (SES)– Eurostat, 2010 [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn\\_ses10\\_48&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en)

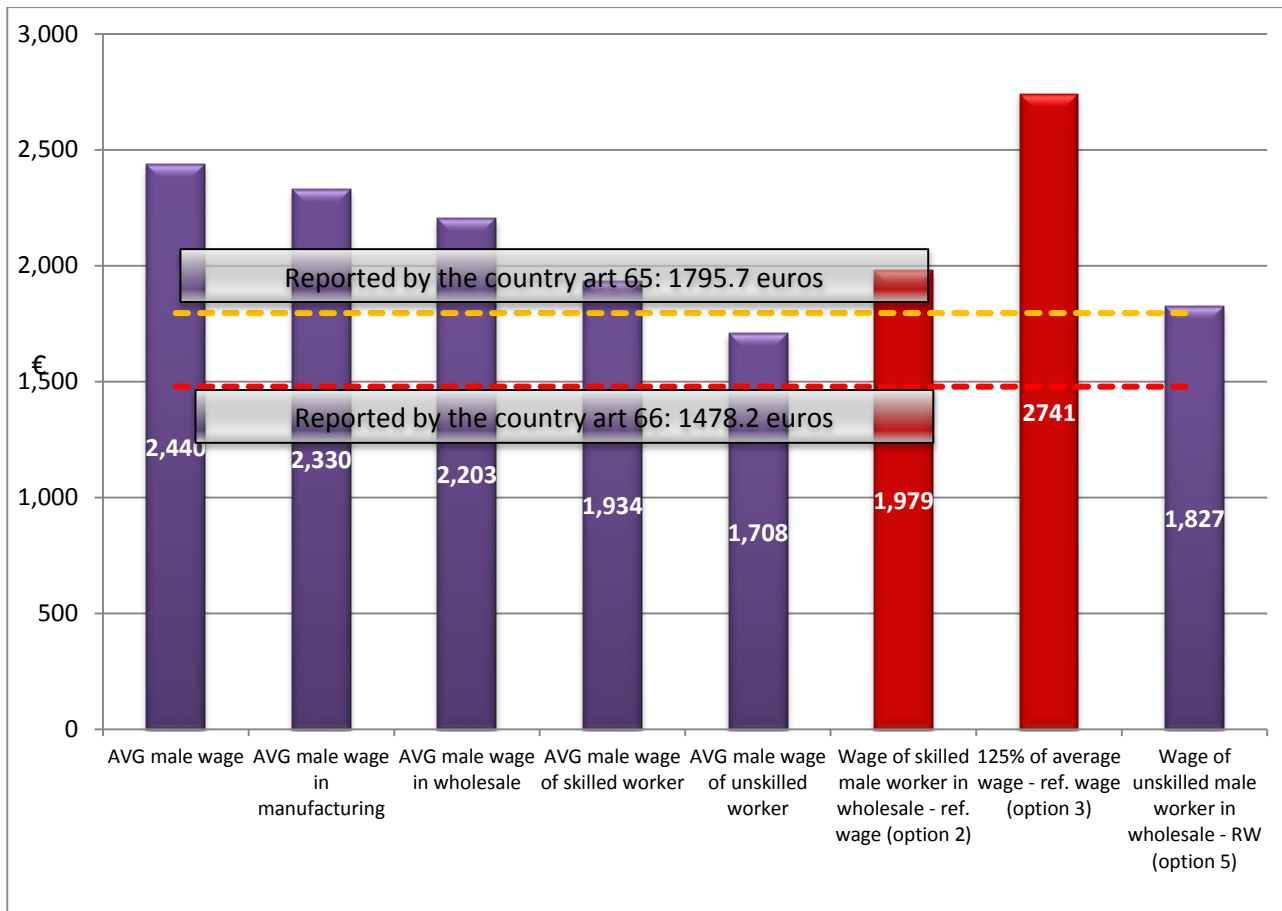
<sup>6</sup> Reports of Italy under Article 74 of the European Code of Social Security and its Protocol (1 July 2010 - 30 June 2011, 1 July 2012 - 30 June 2013, 1 July 2013 - 30 June 2014)

<sup>7</sup> Structure of earnings survey (SES) – Eurostat, 2010 [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn\\_ses\\_monthly&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en)

<sup>8</sup> Structure of earnings survey – Eurostat, 2010 [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn\\_ses10\\_48&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en)

<sup>9</sup> Reports of Italy under Article 74 of the European Code of Social Security and its Protocol (1 July 2010 - 30 June 2011, 1 July 2012 - 30 June 2013, 1 July 2013 - 30 June 2014)

**Fig 4. Comparison of the reported reference wage to other wage indicators in Italy, 2010, euros**



Source: Eurostat SES - [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn\\_ses10\\_48&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en) and [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn\\_ses\\_monthly&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en) for option 3 – 125% of average wage (include both full-time and part-time employees)



*CHAPTER III. Integrated Management of compliance and reporting obligations of Italy under social security provisions of the ratified international treaties on social rights*

- [Table 1. Up-to-date social security standards in force](#)
- [Table 2. Pending comments of the supervisory bodies](#)
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- [Table 4. Up-to-date standards on which reports are due in 2017](#)
- [Next detailed report of Italy under Article 74 of the ECSS. \(Extract from CEACR 2015 Conclusions\)](#)
- [Coordination of reporting between the ECSS and C102. Form for the annual report on the European Code of Social Security](#)
- [Fig. 1. Time management of the 5 years reporting cycle \(2011-2016/17\) on international and European social security standards](#)
- [Fig. 2. Time management for reporting on social security standards in 2016](#)

**Table 1. Up-to-date social security standards in force**

<b>Social Human Rights</b>	<b>Right to health</b>		<b>Right to work</b>		<b>Right to just conditions of work</b>	<b>Right of the family and children to protection</b>	<b>Right of mothers to protection</b>	<b>Rights of persons with disabilities</b>		<b>Right to an adequate standard of living</b>	<b>Financing &amp; Organization</b>
<b>International treaties</b>											
<b>ICECSR</b>	<b>Right to Social Security Art.9</b>										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
<b>UN Conventions</b>					CRPD	CRC	CEDAW	CRPD			
<b>ESC Revised</b>	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, 15§2	Art.16, 27§1b,c	Art.8§1	Art.15 §1§3		Art.4§1, 13§1§2§3, 14, 30	
	<b>Right to Social Security Art.12§1§2§3</b>										
<b>Protocol</b>	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
<b>ECSS</b>	<b>Medical care Part II</b>	<b>Sickness benefit Part III</b>	<b>Unemployment benefit Part IV</b>	<b>Old-age benefit Part V</b>	<b>Employment injury benefit Part VI</b>	<b>Family benefit Part VII</b>	<b>Maternity benefit Part VIII</b>	<b>Invalidity benefit Part IX</b>	<b>Survivor's benefit Part X</b>	<b>Level of benefits Part XI</b>	<b>Financing &amp; Organization Part XII</b>
<b>C102</b>	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
<b>ILO Conventions</b>					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII

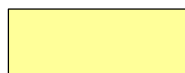


Social Security Standards in force for Italy



Social Security Standards not in force

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICECSR	<b>Right to Social Security Art.9</b>										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1 Art. 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11		☹️ Art.1§1		☹️ Art.3§1	☹️ Art.16	Art.8§1	Art.15 §1§3		☹️ Art.13§1, 30	
	☹️ Art.13§1		Art.1§3	☹️ Art.23	Art.3§2§3§4, 15§2	27§1b,c			Art.4§1, 13§2§3, 14		
	<b>☹️ Right to Social Security Art.12§1§3</b>										
Protocol	<b>Art.12§2</b>										
	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing &amp; Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Pending comments of the supervisory bodies



critical comments or non-compliance

**Table 2. Pending comments of the supervisory bodies**

**Table 3. Up-to-date standards on which reports are due in 2016**

<b>Social Human Rights</b>	<b>Right to health</b>		<b>Right to work</b>		<b>Right to just conditions of work</b>	<b>Right of the family and children to protection</b>	<b>Right of mothers to protection</b>	<b>Rights of persons with disabilities</b>		<b>Right to an adequate standard of living</b>	<b>Financing &amp; Organization</b>
<b>International treaties</b>											
<b>ICECSR</b>	<i>Right to Social Security Art.9</i>										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
<b>UN Conventions</b>					CRPD	CRC	CEDAW	CRPD			
<b>ESC Revised</b>	Art.11, 13§1		Art.1§1§3	Art.23	Art.3	Art.16, 27§1b,c	Art.8§1	Art.15 §1§3		Art.4§1	
					Art.15§2				Art.13§1§2 §3, 14, 30		
	<i>Right to Social Security Art.12§1§2§3</i>										
<b>Protocol</b>	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
<b>ECSS</b>	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing &amp; Organization Part XII</i>
<b>C102</b>	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
<b>ILO Conventions</b>					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Report in 2016

<b>Social Human Rights</b>	<b>Right to health</b>		<b>Right to work</b>		<b>Right to just conditions of work</b>	<b>Right of the family and children to protection</b>	<b>Right of mothers to protection</b>	<b>Rights of persons with disabilities</b>		<b>Right to an adequate standard of living</b>	<b>Financing &amp; Organization</b>
<b>International treaties</b>											
<b>ICECSR</b>	<b>Right to Social Security Art.9</b>										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
<b>UN Conventions</b>					CRPD	CRC	CEDAW	CRPD			
<b>ESC Revised</b>	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, 15§2	Art.16, 27§1b,c	Art.8§1	Art.15 §1§3		Art.4§1 Art.13§1§2 §3, 14, 30	
	<b>Right to Social Security Art.12§1§2§3</b>										
<b>Protocol</b>	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
<b>ECSS</b>	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing &amp; Organization Part XII</i>
<b>C102</b>	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
<b>ILO Conventions</b>					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Report in 2017

Table 4. Up-to-date standards on which reports are due in 2017

## **Next detailed report of Italy under Article 74 of the ECSS**

*(Extract from CEACR 2015 Conclusions)*

In accordance with the reporting cycle on the Code, in July–August 2016 the Government shall submit a detailed report covering the period of five years from 1 July 2011 to 30 June 2016. In accordance with the reporting cycle on Convention No. 102, in June–August 2016, the Government shall also submit a detailed report for the period from 1 June 2011 to 31 May 2016. The Committee draws the Government’s attention to the alignment of the reporting obligations under the Code and Convention No. 102 and to the similarity of the report forms on both instruments, the objective of which is to reduce the administrative workload and avoid duplication of reports. For this purpose the report form on the Code expressly stipulates that, if a Government is bound by similar obligations as a result of having ratified the ILO Convention No. 102, “it may communicate to the Council of Europe copies of the reports it submits to the International Labour Office on the implementation of this Convention”. The Committee points out that this simplified procedure can be used next year to report on Parts V, VII and VIII of the Code. It may also be noted that the information provided by the Government in its annual reports on the Code is regularly taken into account by the Committee in assessing the application of Convention No. 102.

Furthermore, by 31 October 2016, Italy will also report on the application of the accepted provisions of the European Social Charter under the thematic group “Health, social security and social protection”, which include the right to protection of health (Article 11), the right to social security (Article 12), the right to social and medical assistance (Article 13), the right to benefit from social welfare services (Article 14), the right of elderly persons to social protection (Article 23), and the right to protection against poverty and social exclusion (Article 30). The Committee observes that these Articles of the Charter are directly related to many provisions of the Code and ILO social security Conventions, which form a single legal space of international social security law. Taking into account that the reference period for the report on the Charter (1 January 2012 to 31 December 2015) falls inside the reference periods for detailed reports on the Code and Convention No. 102, the Government is invited to coordinate the fulfilment of its compliance and reporting obligations under these instruments in order to improve the quality and consistency of the information provided. Such coordination could be extended further to include reporting on the social security provisions of the United Nations human rights treaties, including the International Covenant on Economic, Social and Cultural Rights.

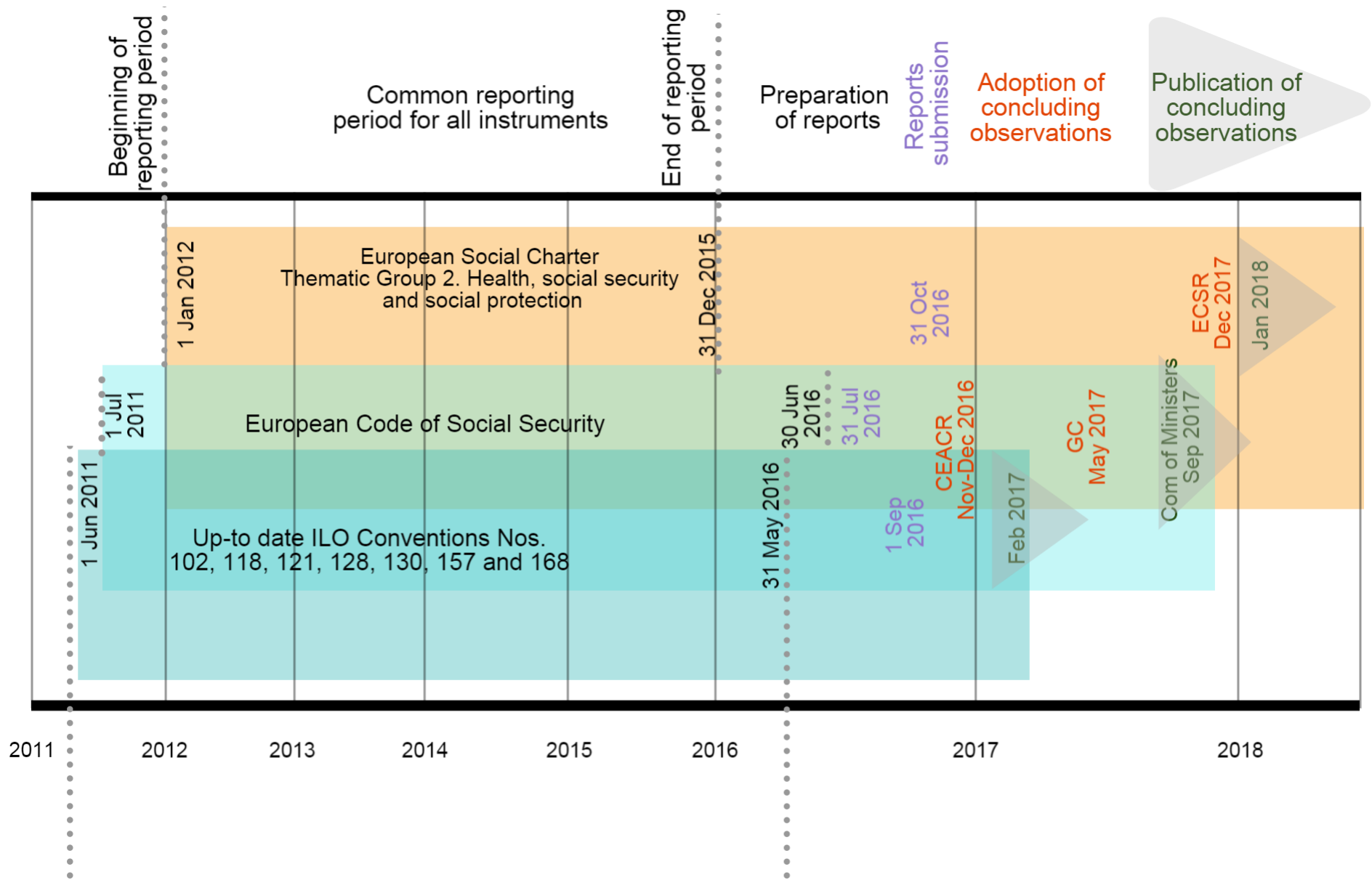
With regard to coordination of compliance obligations, the Committee recalls that, in formulating its country conclusions on the application of the Code, it takes account of the relevant observations made by other supervisory bodies, such as the European Committee of Social Rights and the United Nations Committee on Economic, Social and Cultural Rights. To facilitate the integrated management of Italy’s obligations under the social security provisions of the main European and international treaties on social rights, the Committee refers the Government to the coordination tables and reporting timelines presented in the attached ILO technical note, together with the structured compilation of the comments made by their supervisory bodies. The Committee hopes that such a holistic vision will help the Government to apply the rights-based approach to its fiscal consolidation policy and complement it by the legal consolidation of all international obligations binding Italy to the full respect of social security rights.

**Coordination of reporting between the ECSS and C102**  
**Form for the annual report on the European Code of Social Security (as modified**  
**by the Protocol additional thereto)**

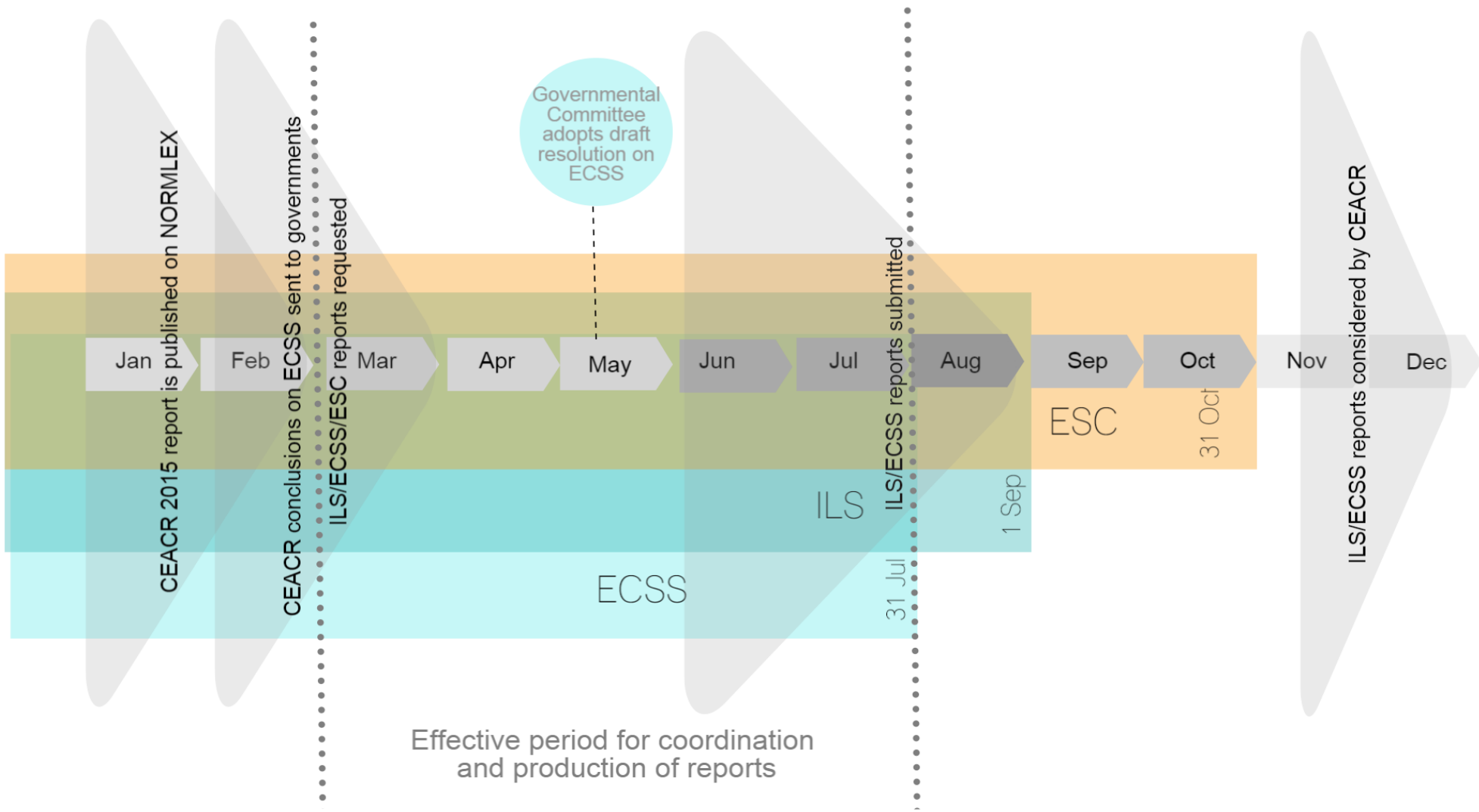
If a Government is bound by similar obligations as a result of having ratified the Social Security (Minimum Standards) Convention adopted by the 1952 General Conference of the International Labour Organisation, it may communicate of the Council of Europe copies of the reports it submit to the International Labour Office on the implementation of this Convention.

Council of Europe, Strasbourg 1967

**Fig. 1. Time management of the 5 years reporting cycle (2011-2016/17) on international and European social security standards**







**Fig. 2. Time management for reporting on social security standards in 2016**



*Chapter IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy*

- [Table 1. International treaties on social rights ratified by Italy](#)
  - [Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations](#)
1. **[United Nations](#)**
    - [International Covenant on Economic, Social and Cultural Rights](#)
    - [Convention on the Rights of the Child](#)
    - [Convention on the Elimination of All Forms of Discrimination against Women](#)
    - [Convention on the Right of Persons with Disabilities](#)
  2. **[Council of Europe](#)**
    - [European Social Charter](#)
    - [European Code of Social Security](#)
  3. **[International Labour Organization](#)**
    - [Social Security \(Minimum Standards\) Convention, 1952 \(No.102\)](#)
    - [Maternity Protection Convention, 2000 \(No. 183\)](#)
  4. **[EU Country-Specific Recommendations: 2015](#)**

**Table 1. In force international treaties on social rights ratified by Italy**

<b>Body</b>	<b>International Treaty</b>	<b>Entry into force for Italy</b>	<b>Next report due on</b>
<b>United Nations</b>	<b>ICESCR</b>		<b>Submitted 9 Aug 2012, considered 12 Oct 2015</b>
	<b>Convention on the Rights of the Child</b>	<b>5 Sep 1991</b>	<b>4 Apr 2017</b>
	<b>Convention on the Elimination of All Forms of Discrimination against Women</b>	<b>10 Jun 1985</b>	<b>Submitted 08 Oct 2015</b>
	<b>Convention on the Rights of People with Disabilities</b>	<b>15 May 2009</b>	<b>Submitted 22 Jan 2013, tbc - 2016</b>
<b>Council of Europe</b>	<b>European Code of Social Security</b>	<b>21 Jan 1978</b>	<b>1 Jul - 31 Aug 2016</b>
	<b>European Social Charter (Revised)</b>		<b>31 Oct 2015</b>
<b>International Labour Organization</b>	<b>Convention 102</b>	<b>8 Jun 1956</b>	<b>1 Jun - 1 Sep 2016</b>
	<b>Convention 103</b>	<b>5 May 1971</b>	<b>Automatic Denunciation by C103</b>
	<b>Convention 121</b>		
	<b>Convention 128</b>		
	<b>Convention 130</b>		
	<b>Convention 168</b>		
	<b>Convention 183</b>		<b>1 Jun - 1 Sep 2018</b>
<b>European Union</b>	<b>Country-Specific Recommendation of 14 July 2015</b>		

**Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations**

<i>Instrument</i>	<i>Supervisory body</i>	<i>Reporting cycle</i>	<i>Comments of body</i>
International Covenant on Economic, Social and Cultural Rights <b>(ICESCR)</b>	Committee on Economic, Social and Cultural Rights <b>(CESCR)</b>	Periodic reports – every 5 years; initial report – within one year after the entry into force (Art.17)	Concluding observations of the CESCR
Convention on the Rights of the Child	Committee on the Rights of the Child <b>(CRC)</b>	Periodic reports – every 5 years; initial report – within two years after the entry into force (Art.44)	Concluding observations of the CRC
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women <b>(CEDAW)</b>	Periodic reports – every 4 years; initial report – within one year after the entry into force (Art.18)	Concluding observations of the CEDAW
Convention on the Rights of People with Disabilities	Committee on the Rights of Persons with Disabilities <b>(CRPD)</b>	Periodic reports – every 4 years; initial report – within two years after the entry into force (Art.35)	Concluding observations of the CRPD
European Code of Social Security <b>(ECSS)</b>	ILO Committee of Experts on the Application of Conventions and Recommendations <b>(CEACR)</b> ; European Committee on Social Rights <b>(ECSR)</b> ; Governmental Committee <b>(GC)</b> of the ESC and the ECSS; Committee of Ministers of the Council of Europe.	Full reports – every five years in conjunction with the ILO Convention 102; Periodic reports every year (Art.74).	Conclusions of the CEACR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
European Social Charter/ Revised European Social Charter <b>(ESC)</b>	European Committee on Social Rights <b>(ECSR)</b> ; GC of the ESC and the ECSS; Committee of Ministers of the Council of Europe.	Normal reports – annually on one of four thematic groups; simplified reports – every two years in case of acceptance of the collective complaints procedure.	Conclusions (national reports) and decisions (collective complaints) of the ECSR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
ILO Conventions (C102, C103, C121, C128, C130, C168, C183)	Committee of Experts on the Application of Conventions and Recommendations <b>(CEACR)</b> ; Conference Committee on the Application of Standards <b>(CAS)</b> .	Periodic reports every 5 years; detailed initial report after one year following the entry into force.	Observations and direct requests of the CEACR; Conclusions of the CAS.

## 1. United Nations

### International Covenant on Economic, Social and Cultural Rights – Concluding observations 2015

(the numeration of comments is kept in accordance to the original)

[UN Office of the High Commissioner for Human Rights website link, Treaty bodies database](#)

#### **Austerity measures**

While recognizing the financial crisis faced by the State party, the Committee expresses concern that the levels of effective protection for the rights enshrined in the Covenant have been reduced as a result of the austerity measures adopted by the State party, which adversely affects enjoyment of the Covenant rights, particularly by disadvantaged and marginalized individuals and groups.

**The Committee recommends that the State party review, based on a human rights impact assessment, all the measures that have been taken in response to the financial crisis and are still in place, with a view to ensuring the enjoyment of economic, social and cultural rights. In this regard, it draws the State party's attention to its open letter of 16 May 2012 to States parties on economic, social and cultural rights in the context of the economic and financial crisis, and in particular to the requirements that austerity policies must meet.**

#### **Discrimination against persons with disabilities**

The Committee is concerned about discrimination against persons with disabilities in several areas covered by the Covenant, particularly employment, standard of living and education. The Committee is also concerned that the concept of reasonable accommodation is not incorporated into all relevant legislation, which contributes further to de facto discrimination against persons with disabilities (arts. 2, 6, 11, 13 and 14).

**The Committee recommends that the State party ensure that persons with disabilities fully enjoy their rights under the Covenant without discrimination, particularly with regard to their right to work, an adequate standard of living and education. The Committee also recommends that the State party incorporate the concept of reasonable accommodation in to all legislation affecting persons with disabilities, and take measures to ensure its implementation.**

#### **Unemployment**

The Committee is concerned that, in spite of the various programmes designed to tackle unemployment and the situation of young people who are neither in education nor in training, the unemployment rate is high in the State party, affecting particularly the youth, persons with disabilities and migrant workers, and that measures taken in that regard have not yielded the desired results. The Committee is also concerned about regional disparities in the prevalence of unemployment, which is far more acute in the south and on the islands, and about the limited effectiveness of the measures taken to address that situation (art. 6).

**The Committee recommends that the State party step up its efforts to address unemployment effectively, including by adjusting where necessary and implementing existing programmes and plans, including labour market reforms, with the aim of integrating the unemployed in to the labour market. In doing so, the State party is encouraged to pay particular attention to groups that are more vulnerable to unemployment, namely the youth, persons with disabilities and migrant workers. The**

**Committee also recommends that the State party take measures to substantially improve the effectiveness of its programmes so as to ensure that the right to work of those living in the southern provinces and on the islands is respected, protected and fulfilled.**

#### **Just and favourable conditions of work**

While noting that the State party has introduced an hourly minimum wage, the Committee is concerned about the absence of a monthly minimum wage for groups of workers not covered by collective agreements. The Committee is also concerned about the absence of the principle of equal pay for work of equal value in the State party's legislation (art. 7).

**The Committee recommends that the State party establish a monthly minimum wage that is indexed to the cost of living and allows a decent living for all workers and their families. The Committee also reiterates its recommendation that the State party without further delay explicitly include in the labour code the principle of equal pay for work of equal value for men and women, and introduce the mechanism necessary for its effective implementation.**

#### **Social security**

The Committee is concerned about the significant cuts to social expenditure and essential services during the financial crisis, which have disproportionately affected disadvantaged and marginalized groups and individuals. It is also concerned about the persistence of regional disparities in social spending per capita and in social services provision. The Committee further expresses concern at the inadequacy of unemployment benefits (art. 9).

**The Committee recommends that the State party:**

**(a) Take immediate measures to mitigate the effects of social expenditure cuts, and fully restore the financial allocations to the main national funds for social interventions, notably the National Fund for Social Policy and Fund for Dependent Persons;**

**(b) Redouble its efforts to allocate resources so as to ensure that social spending per capita and social services provision are made on a non-discriminatory basis across the State party;**

**(c) Guarantee that social benefits, including unemployment benefits, are indexed to the cost of living and provide a decent living for beneficiaries and their families.**

#### **Poverty**

The Committee is concerned about the increasing rate of poverty in recent years, especially in the light of the financial crisis. It is particularly concerned about the high rate of child poverty and the regional disparities in poverty prevalence as well as the increase in income inequality across the country (art. 11).

**The Committee urges the State party to step up its efforts to address poverty while paying particular attention to child poverty and poverty in the southern provinces. Among other measures, it recommends that the State party strengthen social and financial support for families in situations of vulnerability and develop human rights - based poverty-reduction programmes, taking into consideration the Committee's statement on poverty and the International Covenant on Economic, Social and Cultural Rights ( E/C.12/2001/10 ).**

#### **Right to health**

The Committee is concerned about regional disparities in access to basic health-care services adversely affecting populations living in the southern provinces and about the inadequate measures taken by the State party to address such disparities. The Committee is also concerned

that, as a result of the budget cuts in the context of the austerity measures, a considerable segment of the population can no longer access health-care services because of increased fees. The Committee is further concerned at the reported trend of reinstitutionalizing dependent persons and persons with intellectual and psychosocial disabilities (art. 12).

**The Committee recommends that the State party:**

**(a) Take effective measures to ensure equal access to basic health - care services throughout the State party with a view to bridging the gap between the provinces in the north and the south of Italy in such access;**

**(b) Ensure that reforms adopted do not limit access by persons on the basis of their socioeconomic situation , taking into account the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health;**

**(c) Assess the impact of any proposed cuts on access by the most disadvantaged and marginalized individuals and groups to health - care services;**

**(d) Provide alternative family- and community-based care systems for dependent persons and persons with intellectual and psychosocial disabilities and ensure that institutional care is used only as a measure of last resort.**

## **Convention on the Rights of the Child – Concluding observations 2011:**

[\*UN OHCHR website link, Treaty bodies database\*](#)

### **Allocation of resources**

14. The Committee regrets the lack of information in the report of the State party regarding the implementation of its earlier recommendation on a child-specific analysis of all sectoral budgets across the State party and the regions (CRC/C/15/add.198, para. 9). The Committee is particularly concerned over recent cuts in budgets for education, the non-financing of the 2010 Extraordinary Plan for Development of Social and Educational Services, and about the reduction in funds for the Family Policy, the National Fund for Social Policies and the National Fund for Children and Adolescents. The Committee also expresses its concern at regional disparities in the allocation for and spending on children, including in the area of early childhood, education and health. The Committee is further concerned at the recent deterioration of the State party's international ranking as regards corruption and the effects this may have on children's rights. In the light of the current financial situation confronting Italy, the Committee is concerned that services for children may not be protected and sustained.

**15. The Committee reiterates its recommendation (CRC/C/15/add.198, para. 9) to undertake a comprehensive analysis of resource allocation for children at the national and regional levels. On the basis of the findings of such analysis, the State party should ensure equitable budget allocation for children throughout the 20 regions, with a focus on early childhood, social services, education and integration programmes for children of migrant and other foreign communities. The Committee recommends that the State party effectively address the issue of corruption and ensure that all services for children are protected from cuts in the current financial situation.**



## Convention on the Elimination of All Forms of Discrimination against Women – Concluding observations 2011

[UN OHCHR website link, Treaty bodies database](#)

### Employment

36. The Committee notes the adoption of various measures taken by the State party to support the participation of women in the labour market and facilitate the reconciliation of family and work life, such as the plan “Italy 2020” and the directive on measures to implement the principle of equality and equal opportunities between men and women in public administration. It continues to be concerned about the situation of women in the labour market, which is characterized, in spite of women’s high level of education, by a persistent high rate of female unemployment. The Committee wishes to draw the State party’s attention to the disadvantaged situation of women who interrupt their careers for family reasons and the related consequences for retirement and old-age pensions, the concentration of women in low-paid sectors of employment, the wage gap between women and men and the fact that a significant number of women leave the workforce after childbirth and that only 10 per cent of parental leave is taken by fathers. The Committee notes the intention of the State party to adopt a national reform plan that foresees, by 2020, a 12 per cent increase in women’s employment and introduces incentives for stable work. In this regard the Committee brings to the State party’s attention its obligation to ensure uniform results of such a reform throughout the country.

37. **The Committee urges the State party to:**

**(a) Continue to take concrete measures to ensure de facto equal opportunities for women and men in the labour market, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No. 25;**

**(b) Take concrete and proactive measures to eliminate occupational segregation, both horizontal and vertical, including through education, training and retraining and effective law enforcement mechanisms;**

**(c) Develop and apply job evaluation systems based on gender-sensitive criteria and collect sex-disaggregated data regarding the type and extent of wage differentials, in order to eliminate the practice of women receiving unequal pay for work of equal value;**

**(d) Monitor the impact of the use of fixed-term and other flexible contracts and increase incentives for employers, when appropriate, to counteract possible adverse consequences of such contracts for women, especially in regard to their job security, salary levels and pension and retirement benefits;**

**(e) Enhance its efforts to ensure reconciliation of family, private and professional responsibilities and for the promotion of equal sharing of domestic and family tasks between women and men, including by increasing the incentives for men to use their right to parental leave and taking concerted efforts to provide for additional childcare facilities for children of different age groups, in particular in regions with few childcare facilities.**

## Convention on the Right of Persons with Disabilities – Concluding observations

No concluding observations available yet.

## 2. Council of Europe

### European Social Charter

[\*Official website of the European Social Charter. link to conclusions\*](#)

#### **Article 1 – Right to work – Conclusions 2012**

##### **Paragraph 1 - Policy of full employment**

###### **Employment situation**

The unemployment rate increased moderately during the reference period, from 6.1% in 2007 to 8.4% in 2010 (nevertheless remaining below the EU-27 average of 9.7% in 2010).

The level of unemployment among young workers reached 27.8% in 2010 (up from 20.3% in 2007) with an uneven distribution across the country, with youth unemployment in southern regions being double than in northern regions. The long-term unemployment rate (as a percentage of all unemployed persons) increased by one percentage points between 2007 and 2010, reaching 48.4%.

The employment rate of women lags behind that of men by over 20 percentage points across the whole territory. Barely one third of women between 20 and 64 were employed in the southern regions in 2009, due to both relatively lower activity rates and higher unemployment. The Committee notes that the labour market situation in Italy deteriorated during the reference period as a result of the economic crisis, as shown particularly by the increase in the different unemployment rates mentioned above. Moreover, the overall employment rate, as well as that of women, remains low.

###### **Employment policy**

The Committee notes from Eurostat that the activation rate in Italy, i.e. the number of participants in active measures per 100 persons wanting to work, was 21.4% in 2009. This was below the EU-27 average that year, which stood at 28.9%.<sup>6</sup> Also according to Eurostat, public expenditure on active labour market policies in Italy amounted to 0.37% of GDP in 2009, which was again below the average of the EU-27 countries (where the average public spending on active labour market measures as a% of GDP that year was 0.78%). The Committee moreover notes that the level of spending on active measures has slightly decreased since the last report (0.4% in 2006). Hence, the Committee finds that employment policy efforts in Italy, measured both in terms of the activation rate and spending on active labour market measures, were insufficient during the reference period. The Committee recalls that labour market programmes should be targeted, effective and regularly monitored. The report contains scarce information as to the effectiveness of the active labour market policy measures which have been implemented. It therefore asks whether the outcome of measures has been monitored, and more generally, how the effectiveness of labour market policies is evaluated.

###### **Conclusion**

The Committee concludes that the situation in Italy is not in conformity with Article 1§1 of the Charter on the ground that it has not been established that employment policy efforts have been adequate in combating unemployment and promoting job creation.

##### **Paragraph 3 - Free placement services**

The report indicates that in 2008 there were 531 employment offices across the country. The total number of staff in the PES was 10,000 persons. The Committee asks the next report to

indicate what proportion of the staff is concerned with placement activities, and the number of jobseekers per placement counselor. The report also states that 28, 9% of jobseekers that contacted the PES were provided with information and counseling on how to seek employment, and 18, 3% received an individualised roadmap for returning to work. Finally, the report also mentions that the Ministry of Labour has promoted a new system to improve and facilitate the matching of labour demand and supply known as "Cliclavoro". The new Internet portal was set up in 2010 and will guarantee all players on the labour market a simple and immediate access to a complete and detailed catalogue of job information and services. The Committee asks to be informed on the impact of this new portal on the quality of the labour market services provided by the employment services.

### **Conclusion**

Pending receipt of the information requested, the Committee concludes that the situation in Italy is in conformity with Article 1§3 of the Charter.

## **Article 3 - Right to safe and healthy working conditions - Conclusions 2013**

### **Paragraph 1 - Safety and health regulations**

#### **General objective of the policy**

The Committee observes that Legislative Decree No. 81/2008 establishes a unified administrative system to permit the formulation of an occupational health and safety policy, but no such policy was adopted during the reference period. It is accordingly unable to conclude that there is an occupational health and safety policy in conformity with the Charter. It asks that the next report provide information on the policy's content and goal, in particular the extent to which it is consistent with the EU strategy on health and safety at work, 2007-2012,5 and whether it is intended to foster and preserve a culture of prevention in the occupational health and safety field. It also wishes to know whether the Guidance and Evaluation Committee re-appraises the existing policies in the light of new risks. In addition, it wishes to be informed of the follow-up given to the above-mentioned procedure No. 210/4227.

#### **Organisation of occupational risk prevention**

The Committee notes the existence of a system for gathering and managing data on occupational accidents and diseases, as well as of protection and monitoring plans in the agricultural and building sectors. However, it also notes that the system for licensing undertakings in occupational health and safety matters and the standardised procedures for assessing specific risks in undertakings with less than ten employees were not in force during the reference period. It is accordingly unable to conclude that a system organising occupational risk prevention in conformity with Article 3§1 of the Charter exists. It reiterates its request for information concerning the proposed measures for the organisation of the assessment of work-related risks; the determination of appropriate preventive measures taking account of the nature of the risks concerned; and the provision of information and training for employees within the workplace. It also asks that the next report contain information on the labour inspectorate's role in developing an occupational health and safety culture among employers and employees and in the sharing of knowledge of occupational hazards and prevention it acquires during inspection activities (in the form of practical instructions, prevention measures and advice).

## **Conclusion**

The Committee concludes that the situation in Italy is not in conformity with Article 3§1 of the Charter on the grounds that:

- there is no appropriate occupational safety and health policy;
- there is no adequate system to organise occupational risk prevention.

## **Paragraph 2 - Safety and health regulations**

To assess whether temporary workers, interim workers and workers on fixed-term contracts actually do have the same level of protection as employees on permanent contracts,<sup>6</sup> it asks for the next report to include examples of the way in which the particular nature of the employment of these categories of worker is taken into account, particularly when they are rehired, through the provisions of Legislative Decree No. 81/2008 on employer's obligations with regard to information, training, medical supervision and representation in the workplace.

In view of the fact that the protection granted by Legislative Decree No. 81/2008 covers self-employed workers and Act No. 339/1958 of 2 April 1958 protects the physical and psychological integrity of domestic staff, the Committee reiterates its previous conclusion that the situation is in conformity in this respect. It asks for information in the next report on the measures making it possible to check and ascertain whether the protection provided by the regulations for self-employed workers, home workers and domestic staff is applied in practice.

## **Conclusion**

Pending receipt of the requested information, the Committee concludes that the situation in Italy is in conformity with Article 3§2 of the Charter.

## **Paragraph 3 - Enforcement of safety and health regulations**

The Committee takes note of the information contained in the report submitted by Italy.

## **Occupational accidents and diseases**

The Committee previously (Conclusions 2003, 2007 and 2009) considered the situation of work accidents and occupational diseases. It requested explanations on the major discrepancies between the data on fatal work accidents supplied by the report and those published by EUROSTAT. It also asked for information on measures adopted to halt the sharp increase in work accidents suffered by workers in insecure jobs and the impact of Legislative Decree No. 81/2008 on the number of work accidents suffered by immigrant workers (Conclusions 2009).

The report explains that the number of work accidents (insured persons, compensated accidents, including accidents while traveling from home to the workplace) decreased (from 875 144 in 2008 to 775 374 in 2010) and the number of fatal work accidents also fell (from 1 120 in 2008 to 980 in 2010) during the reference period.

The data published by EUROSTAT, which since 2009 have been confined to paid workers, confirm that the number of work accidents (apart from transport accidents) decreased overall during the reference period (from 351 031 in 2008 to 277 235 in 2010), as did the rate of incidence of such accidents (from 2 209.70 in 2008 to 1 681.32 in 2010). This rate corresponds to the average rate observed in the EU of the 15 and the EU of the 27 (from 2 269.42 in 2008 to 1 582.71 in 2010). The number of fatal accidents also dropped (from 379 in 2008 to 254 in 2010), as did the rate of incidence of such accidents (from 2.40 in 2008 to 1.57 in 2010). This rate also corresponds to the average rate observed in the EU of the 15 and the EU of the 27 (from 2.27 in 2008 to 1.87 in 2010).

The data published by the ILO, which are only available for 2008, mention 499 210 work accidents (insured persons, compensated accidents, over four days' incapacity for work) and a rate of incidence of such accidents of 2 445.00, as well as 780 fatal accidents and a rate of incidence of 4.00.

In reply to Committee's question, the report states that the discrepancies between the data in the report and those published by EUROSTAT stem from the fact that EUROSTAT excludes transport accidents. It adds that clandestine work generates a considerable number of undeclared accidents which are not reflected in statistics, estimated at 165 000 for 2009. It also explains that while the number of foreign residents increased over the reference period, the number of legal foreign workers fell slightly (from 2 732 848 in 2008 to 2 669 808 in 2010). The report does not address the question about measures adopted to halt the increase in work accidents suffered by workers in insecure jobs and immigrant workers. According to another official source, the number of work accidents suffered by foreign workers decreased during the reference period (from 143 641 in 2008 to 120 135 in 2010), as did the number of fatal accidents (from 188 in 2008 to 138 in 2010). However, the figures are still disproportionate to the number of foreign workers in the working population. The rate of incidence is very high in the personal services sector (77% of all work accidents affect foreign workers). The source explains these figures by the fact that foreign workers are predominantly employed in high-risk sectors in which manual work predominates, working hours are long and vocational training is inadequate.

The report points to a major increase in the number of declared cases of occupational diseases (from 29 963 in 2009 to 42 347 in 2010), including musculoskeletal disorders, pathologies 15 caused by asbestos and work-related stress. It attributes this increase to a recent increase in awareness of the problem by workers and employers, and also to the recognition of musculoskeletal disorders by the social security schemes after the entry into force of Legislative Decree No. 81/2008 of 9 April 2008 enforcing Act No. 123 of 3 August 2007 on protection of health and safety at the workplace.

The Committee takes note of this information. It considers that the major discrepancies between the data on fatal work accidents provided in the report and those published by EUROSTAT could not stem solely by the exclusion by EUROSTAT of transport accidents. Recalling that the state is required to transmit accurate data on work accidents and that the number, frequency and evolution of work accidents are decisive factors in appraising respect for the right enshrined in Article 3§3 of the Revised Charter, it reiterates its request for explanations regarding the major discrepancies between the data in the report and those published by EUROSTAT, and demands that the next report contain reliable data on the indicators submitted for examination.

The Committee also requests that the next report contain information on the declaratory obligations and monitoring processes for work accidents and vocational diseases, notably in the framework of implementation of the National Computer System for the prevention of work accidents and occupational diseases (SINP). It also reiterates its request regarding measures adopted to halt the sharp increase in work accidents suffered by workers in insecure employment and the impact of Legislative Decree No. 81/2008 on the number of work accidents suffered by immigrant workers.

Pending receipt of the information requested, the Committee defers its conclusion on this point. It draws the Government's attention to the fact that unless this information is set out in the next report, it will lack the requisite information to establish whether the situation in Italy is in conformity with Article 3§3 of the Charter.

## **Conclusion**

Pending receipt of the information requested, the Committee defers its conclusion.

The Committee considers that the absence of the information required amounts to a breach of the reporting obligation entered into by Italy under the Charter. The Government consequently has an obligation to provide the requested information in the next report on this provision.

## **Paragraph 4 - Occupational health services**

Pointing out that in accepting Article 3§4 of the Charter, States undertake to ensure that all workers have access to occupational health services in all branches of economic activity and in all business enterprises, the Committee asks that the next report provide information on the following aspects: the tasks of occupational health services; the proportion of in-house occupational health and services; the proportion of external occupational health and safety services; the number of listed occupational health physicians in relation to the labour force; any sanctions and supervision mechanisms to ensure that undertakings comply with legal obligations on the matter.

In view of the progressive nature of the obligations set out in Article 3§4 of the Charter, and given the increase in occupational accidents suffered by workers in insecure jobs and the high level of such accidents suffered by immigrant workers, in particular in the personal services sector (see conclusion relating to Article 3§3 of the Charter), the Committee asks for information in the next report on existing strategies, in consultation with employers' and workers' organisations, to improve access to occupational health services for independent, home and domestic workers.

## **Conclusion**

Pending receipt of the information requested, the Committee defers its conclusion.

## **Article 4 - Right to a fair remuneration – Conclusions 2014**

### **Paragraph 1 - Decent remuneration**

According to the European Industrial Relations Observatory (EiRO) (Italy: Industrial relations profile, p. 8), 80% of the workforce was covered by the national collective agreements in 2009, and the coverage by local or company-wide agreements was much smaller. The Committee notes in the present case that, in the light of the national collective agreement in the field of transport and logistics, the minimum wage is higher than 60% of the net average wage. It considers this to be a decent wage within the meaning of Article 4§1 of the Charter.

The Committee asks that the next report provide an update of the gross and net amounts of social contributions and tax deductions on minimum wages in low-pay sectors. It also asks for further details concerning the aforementioned "pay guarantee component" and the coverage rate of national collective agreements in the private sector. Moreover, it asks for information on the minimum wages paid in sectors which are not covered by such agreements, and in particular in the informal economy.

The Committee asks that the next report provide further details on the use of the option offered by the Interconfederal Agreement of 28 June 2011 to derogate from the minimum wages provided for in national collective agreements by means of local or company-wide agreements and on the level of wages thus agreed upon. Finally, it asks for up to date information on the minimum wages paid to tenured civil servants and contractual staff in the civil service.

## **Conclusion**

Pending receipt of the requested information, the Committee defers its conclusion.

## **Article 8 - Right of employed women to protection of maternity – Conclusions 2011**

### **Paragraph 1 - Maternity leave**

#### **Right to maternity leave**

The Committee previously found the situation to be in conformity with Article 8§1 in this respect (Conclusions 2007). The same regime applies to women employed in both the private and public sectors. The report shows that the situation has remained unchanged.

#### **Right to maternity benefits**

The Committee previously found the situation to be in conformity with Article 8§1 in this respect (Conclusions 2007). Workers are entitled to 80% of their earnings during the whole maternity leave, often supplemented by employers in accordance with collective agreements.

#### **Conclusion**

The Committee concludes that the situation in Italy is in conformity with Article 8§1 of the Charter.

## **Article 11 Right to protection of health – Conclusions 2013**

### **Paragraph 1 - Removal of the causes of ill-health**

#### **Right of access to health care**

The Committee notes from another source that equitable access to health care is a core objective of the Italian health care system. Despite having achieved universal coverage for a fairly comprehensive set of health services for decades, there is still evidence of inequities systematically associated with income. The Committee invites the Government to submit comments on the latter.

The Committee is currently examining a complaint related to the right to protection of health in Italy. The case is International Planned Parenthood Federation – European Network (IPPF EN ) v . Italy , Complaint 87/2012. In this context, the complainant organisation alleges that the wording of Article 9 of Law No. 194 of 1978 , which regulates the conscientious objection of medical practitioners in relation to the termination of pregnancy is in breach of Article 11 of the Charter, read alone or in conjunction with Article E. In particular, the complainant organisation considers that the breach is due to the difficulties encountered by women in having access to termination of pregnancy procedures due to the very high number of medical practitioners and other health personnel exercising their right to conscientious objection. The Committee declared the complaint admissible on 22 October 2012. Given the subject of the complaint, the Committee decides to reserve its position regarding the implementation of Article 11§1 by Italy.

#### **Conclusion**

Pending receipt of the information requested, the Committee defers its conclusion.

### **Paragraph 2 - Advisory and educational facilities**

#### **Education and awareness raising**

The Committee asks for updated information in the next report on all the activities carried out by the public health services or other bodies to promote good health and prevent disease.

### **Counselling and screening**

The Committee asks the next report to provide up-to-date information on screening programmes available throughout the country. It also asks for confirmation that free and regular consultation and screening for pregnant women exists across the country.

### **Conclusion**

Pending receipt of the information requested, the Committee concludes that the situation in Italy is in conformity with Article 11§2 of the Charter.

### **Paragraph 3 - Prevention of diseases and accidents**

The Committee takes note of the legislation adopted by Italy during the reference period to reduce environmental hazards, particularly in the areas of air quality, water management and soil and subsoil pollution. In relation to other hazards, particularly noise, food safety and asbestos, the report states that there has been no change in the legislation. With regard to air quality, Italy has set up 708 monitoring stations to measure the country's main pollutants, 411 of which are located in urban areas, 205 in suburban areas and 92 in rural areas. The Committee asks for information in the next report on the implementation of the above regulations. For example, by providing information on air pollution levels and trends, or cases of pollution of drinking water or food poisoning during the reference period.

### **Conclusion**

The Committee concludes that the situation in Italy is in conformity with Article 11§3 of the Charter..

## **Article 12 Right to social security – Conclusions 2013**

### **Paragraph 1 - Existence of a social security system**

#### **Risks covered, financing of benefits and personal coverage**

The Committee notes that the report does not provide this information. It notes from the report under the European Code of Social Security that 73.8% of employees are covered against oldage risk. According to the biennial Report of Italy on the European Code of Social Security, in 2011 60% of employees were covered for sickness benefit and around 77% of employees were covered for unemployment benefit. The Committee requests that all reports on Article 12§1 provide updated information on personal coverage under each branch of social security. It holds that if updated information is not provided in the next report, there will be nothing to establish that the situation is in conformity with the Charter as concerns the personal coverage of social security risks.

#### **Adequacy of the benefits**

The Committee notes from Eurostat that 50% of the median equivalised income in 2011 stood at €666 (40% at €532).

#### **Unemployment benefit**

The Committee observes that the information it finds in different sources can be confusing in so far as the figures provided are not always identical. Therefore, the Committee requests that the next report provide accurate information about the replacement rate as well as about the minimum level of benefit on an ad hoc basis (e.g. the amount of unemployment benefit paid to



persons receiving the minimum wage). The Committee holds that if this information is not provided in the next report, there will be nothing to establish that the situation is in conformity with concerns regarding adequacy of unemployment benefit.

The Committee recalls that the adequacy of unemployment benefit is, *inter alia*, also established by considering whether there is a reasonable initial period during which an unemployed person may refuse a job or a training offer not matching his/her previous skills, without losing his/her unemployment benefits. The Committee asks whether the legislation defines such initial period and if yes, how long it is.

### **Sickness benefit**

As regards the minimum level of sickness benefit, the Committee notes from the biennial report on the European Code of Social Security that the amount of the sickness benefit paid to workers between the fourth and twentieth day of sickness is set at 50% of their average daily salary. From the twenty-first day onwards the amount is increased to 66.66% of their average total daily salary. The Committee takes note of an example of a third level metal worker, with a spouse and two children, earning a monthly wage of €1 575. Such worker would get €35 per day in sickness allowance.

The Committee recalls that in order to assess the adequacy of benefit in question, it considers the minimum level of this benefit as well as the proportion of this benefit to the previous income. The Committee observes from another source<sup>1</sup> that the sectoral minimum wages can range from €600 to €1 300. In this context, the Committee considers that the example of a third level metal worker does not reflect the situation of those employees who receive low or minimum wages. Therefore, the Committee wishes to receive information on the lowest minimum sectoral wages.

In the meantime, the Committee holds that it has not been established that the minimum level of sickness benefit is adequate.

### **Old-age benefit and disability benefit**

The Committee further notes from MISSOC that in 2011 the amount of minimum pension (*pensione minima*) stood at €6 246.89 (€520 per month). The old-age pension (*pensione di vecchiaia*) is brought up to the amount of the minimum pension if the annual taxable income of the pensioner is less than twice the minimum pension. The Committee observes that the level of minimum pension falls below 40% of the median equivalised income (Eurostat) and is therefore inadequate.

In its previous conclusion the Committee held that the minimum level of permanent disability was inadequate. In this regard it notes from the report ISSA that the disability pension is based on notional contributions, adjusted annually according to the average rate of increase in GDP during the last five years. The minimum monthly pension is €481 for an unmarried pensioner aged 60 or older with income less than €12 506 (€25 012 for a couple). If the insured is also entitled to a work injury disability pension, only the part of the disability pension that exceeds the work injury disability pension is paid.

In this connection the Committee notes from the report of the Governmental Committee that allowance for persons with 100% of incapacity also includes the personal, continuous assistance allowance and therefore the total allowance is much higher. It notes further from the report that in 2010 52.8% of pensioners received a disability benefit in the amount inferior to €1000. The Committee asks what is the lowest level of the overall disability benefit in the reference period.

## **Conclusion**

The Committee concludes that the situation in Italy is not in conformity with Article 12§1 of the Charter on the grounds that:

- it has not been established that the minimum level of sickness benefit is adequate;
- the minimum level of pension benefit is inadequate.

## **Paragraph 1 - Existence of a social security system – Conclusions 2015**

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee notes that the report submitted by Italy contains no new information in response to the conclusion that it had not been established that the minimum level of sickness benefit was adequate (Conclusions 2013, Italy).

In the absence of the requested information, the Committee reiterates its finding of non-conformity in this respect.

## **Conclusion**

The Committee concludes that the situation in Italy is not in conformity with Article 12§1 of the Charter on the ground that it has not been established that the minimum level of sickness benefit is adequate.

## **Paragraph 2 - Maintenance of a social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security**

Italy has ratified the European Code of Social Security on 20 January 1977 and has accepted parts V to VIII of the Code. The Committee notes from Resolution CM/ResCSS(2012)9 of the Committee of Ministers on the application of the European Code of Social Security and its Protocol by Italy (period from 1 July 2010 to 30 June 2011) that the law and practice in Italy continue to give full effect to the four parts of the Code that have been accepted.

## **Conclusion**

The Committee concludes that the situation in Italy is in conformity with Article 12§2 of the Charter.

## **Paragraph 3 - Development of the social security system**

### **Types of benefits and eligibility criteria**

As regards the reference period, the Committee notes that there have been no major amendments to the system of social security. The Committee recalls that in its previous conclusion (Conclusions 2009) it held that there was no evidence of any concrete improvements to the social security system and its old age branch in particular. It notes that the report does not provide any examples of concrete measures to raise the system to a higher level. Therefore, the Committee holds that it has not been established that the situation is in conformity with the Charter.

## **Conclusion**

The Committee concludes that the situation in Italy is not in conformity with Article 12§3 of the Charter on the ground that it has not been established that measures were taken to raise the system of social security to a higher level.

### **Paragraph 3 - Development of the social security system – Conclusions 2015**

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee notes that the report submitted by Italy contains no new information in response to the conclusion that it had not been established that measures were taken to raise the system of social security to a higher level (Conclusions 2013, Italy).

In the absence of the requested information, the Committee reiterates its finding of non-conformity in this respect.

## **Conclusion**

The Committee concludes that the situation in Italy is not in conformity with Article 12§1 of the Charter on the ground that it has not been established that measures are taken to raise the system of social security to a higher level.

### **Article 13 - Right to social and medical assistance – Conclusions 2013**

#### **Paragraph 1 - Adequate assistance for every person in need**

##### **Types of benefits and eligibility criteria**

The Committee notes from the report that the programme aimed at testing the introduction of a minimum guaranteed income (RMI) has been dropped, as its full implementation would require organisational changes and additional resources that the authorities deemed they could not make available in the current economic context. The latest budgetary laws have thus rather given priority to other social policy tools, mainly aimed at fighting unemployment.

The Committee requests the next report to provide information on how, in theory and in practice, each responsible local entity ensures that benefits are effectively provided to any person in need and that their level is not manifestly below the poverty threshold. Meanwhile, it holds that not all persons in need are entitled to social assistance in Italy.

##### **Level of benefits**

To assess the situation during the reference period, the Committee takes account of the following information:

- Basic benefit: according to MISSOC and the report, the basic amounts vary from region to region – no further detail is provided allowing to assess whether, despite the local variations, the level of the benefits is adequate.
- Additional benefits: according to MISSOC and the report, the types and amounts of supplementary benefits vary from region to region – no further detail is provided allowing to assess whether, despite the local variations, the level of the benefits is adequate.
- Medical assistance: the report does not reply to the question raised in the latest conclusion (Conclusions 2009), as to whether persons without resources and recipients of assistance benefits have effective access in practice to medical assistance in case of need. The Committee notes that the latest assessment – of conformity – was in the XV-1 Conclusions (2000); it also

notes from MISSOC and the authorities' reply to the Governmental Committee (Governmental Committee, Report concerning Conclusions 2009, Doc. T-SG(2011)1final, §293) that exemption from charges upon condition of resources is granted to elderly people and unemployed people, but not as such to any individual without resources. The Committee recalls that under Article 13§1 of the Charter everyone who lacks adequate resources must be able to obtain, free of charge, the care necessitated by his/her condition. This right to medical assistance should not be confined to emergency situations. It asks the next report to provide updated information on the medical assistance available to people without resources.

- Poverty threshold (defined as 50% of median equivalised income and as calculated on the basis of the Eurostat at-risk-of-poverty threshold value): it was estimated at €666 in 2011.

In the absence of relevant information concerning the amounts of benefits paid on average to a single person without resources and the medical assistance available, the Committee holds that the level of social assistance is inadequate and that it has not been established that all persons in need are entitled to medical assistance.

### **Personal scope**

The Committee asks the next report to provide more detailed information as regards the specific situation of foreign non-EU residents, whether they are workers or not, who are nationals of members states to the Charter. It furthermore notes from the report that, under Article 41 of the immigration law, foreign nationals can apply for social assistance on equal footing with Italian nationals if their residence permit is granted for at least one year. It asks next report to clarify whether this means that foreign nationals must have already been legally resident for at least one year in the country or whether they can apply for a long-term residence permit without any prior length of stay condition. In the meanwhile, it reserves its position on this point.

### **Conclusion**

The Committee concludes that the situation in Italy is not in conformity with Article 13§1 of the Charter on the grounds that:

- social assistance is not provided for everybody in need;
- the level of assistance is inadequate;
- it has not been established that medical assistance is provided for everybody in need.

### **Paragraph 1 - Adequate assistance for every person in need – Conclusions 2015**

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee notes that the report submitted by Italy contains no new information in response to the conclusion that it had not been established that medical assistance was provided for everybody in need (Conclusions 2013, Italy).

In the absence of the requested information, the Committee reiterates its finding of non-conformity in this respect.

### **Conclusion**

The Committee concludes that the situation in Italy is not in conformity with Article 13§1 of the Charter on the ground that it has not been established that medical assistance is provided for everybody in need.

### **Paragraph 2 - Non-discrimination in the exercise of social and political rights**

Italy has submitted no information on Article 13§2 in its report. The Committee notes that the situation in Italy has been established to be in conformity with Article 13§2 in the last five evaluation cycles. The Committee asks that this matter be duly addressed in the next report of Italy, by confirming that no restrictions apply, in law or in practice, to the social and political rights of beneficiaries of social assistance.

#### **Conclusion**

Pending receipt of the information requested, the Committee defers its conclusion.

### **Paragraph 3 - Prevention, abolition or alleviation of need**

The Committee noted in its previous conclusion (Conclusions 2009) that, under Act 328/2000, people in distress or in extreme poverty have priority in the allocation of services and benefits under the integrated social services system and took note of the catalogue of benefits and services available. It also noted that 7% of resources allocated to social assistance is devoted to financing the general activities of social services, such as information and advice on how to obtain assistance, as well as preventive actions and awareness raising on how to avoid situations of need. In this respect, the report confirms that the available funding is sufficient to give appropriate assistance to all persons in need.

#### **Conclusion**

The Committee concludes that the situation in Italy is in conformity with Article 13§3 of the Charter.

## **Article 14 - Right to benefit from social services – Conclusions 2013**

### **Paragraph 1 - Promotion or provision of social services**

#### **Organisation of the social services**

The Committee notes that the report deals with aspects which are covered primarily by other provisions of the Charter and has little to say about the organisation and functioning of the social services in general terms. It asks therefore for specific information to be included in the reports submitted under these provisions. It also asks for an up-to-date description of the general organisation of the social services, including the legal texts governing this sector, to be included in the next report to be submitted under Article 14§1. Pending this, it refers to Conclusions 2007 for a description of the organisation and functioning of the social services. In any event, the Committee highlights the highly decentralised nature of the organisation of the social services, involving both the regions and the provinces and municipalities, in the sense that there has to be substantial co-operation with the State authorities, particularly the Ministry of Labour and Social Policies, to strike the best possible balance between each stakeholder's prerogatives.

#### **Effective and equal access**

The Committee points to the disparities in the amount of spending per inhabitant, which ranges from €50.90 in southern Italy to €160.80 in the north-east and that the municipalities manage 76% of social spending. The Committee infers from this that there is a risk of unequal treatment of social service users in Italy depending on the region in which they live. It asks what warrants this disparity and what measures are being taken or planned to reduce it.

### **Quality of services**

In reply to the Committee's question about the total number of persons employed by the social services and their qualifications, the report states that the data currently available date from 2001 but data for 2011 are due to be published shortly. The Committee asks for these data to be included in the next report and next periods of reference.

### **Conclusion**

Pending receipt of the requested information, the Committee concludes that the situation in Italy is in conformity with Article 14§1 of the Charter.

### **Paragraph 2 - Public participation in the establishment and maintenance of social services**

Despite the Committee's request in its previous conclusion (Conclusions 2009), the report does not provide information on the initiatives taken to promote representation of specific user-groups in bodies where the public authorities are also represented, and action to promote consultation of users on questions concerning organisation of the various social services and the aid they provide. The Committee reiterates its request. It underlines that if the necessary information is not provided in the next report there will be nothing to show that Italy is in conformity with the Charter.

### **Conclusion**

Pending receipt of the requested information, the Committee concludes that the situation in Italy is in conformity with Article 14§2 of the Charter

### **Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community - Conclusions 2012**

#### **Paragraph 1 - Education and training for persons with disabilities**

Framework Act No. 104/92 cited above also entitles people with disabilities to mainstream training. Training must be provided insofar as possible through mainstream courses but, where necessary, special classes may be set up in mainstream establishments. It appears from the report that some vocational training is also provided by specialised schools but no data are available on the subject.

On a more general level, according to the report, no data is available on the number of persons with disabilities having attended vocational training. On the other hand, the report indicates an increase in the number of recruitment-oriented work placements. In particular, from 2008 to 2009, these placements raised from 3352 to 3596 in the private sector and from 142 to 458 in the public administration. The Committee reiterates its request for data concerning vocational training of persons with disabilities.

### **Conclusion**

The Committee concludes that the situation in Italy is in conformity with Article 15§1 of the Charter.

#### **Paragraph 2 - Employment of persons with disabilities**

In reply to the question raised in the previous Conclusions (Conclusions 2008), the report confirms that trade unions play a primary role with regard to disabled people's employment: together with the competent departmental services, they draft the framework conventions providing work orders for the social co-operatives which employ disabled people and they

represent also their interests. In fact, collective labour agreements at national level also apply to social co-operative workers, which means that disabled workers are on equal footing with other workers as regards labour rights. The Committee notes that, according to the report, the economic crisis seems to have a particular negative impact on the employment of disabled people and asks what measures are envisaged or taken to counter this situation. On a more general level, it requests clear updated data on the number of disabled people employed under the different support schemes.

### **Conclusion**

Pending receipt of the information requested, the Committee defers its conclusion.

### **Paragraph 3 - Integration and participation of persons with disabilities in the life of the community**

The Committee refers to its Conclusions 2007 and 2008, where it found that Act 67/2006 and Act 104/1992 offered persons with disabilities sufficient protection from the standpoint of Article 15§3 of the Charter. In particular, replying to the question raised in the Conclusions 2008, the report provides examples of relevant case-law where the domestic courts found that persons with disabilities had been discriminated against in different areas covered by Article 15§3 and ordered compensation.

### **Conclusion**

The Committee concludes that the situation in Italy is in conformity with Article 15§3 of the Charter.

### **Article 16 - Right of the family to social, legal and economic protection – Conclusions 2011**

#### **Family benefits**

The Committee stresses the complexity of the family benefit system in Italy and the fact that some families are excluded from it. It also notes that in 2007, according to a Eurostat study, Italy was in 26<sup>th</sup> place in the European Union in terms of reducing the risk of poverty after social transfers, which shows that the impact of social transfers on the poverty risk is minimal. The Committee requests that the next report provide a clear, detail description of the situation of family benefits for all population categories, whether wage earners or not. It also once again asks for data on the number of beneficiaries. The Committee stresses that unless the next report supplies the requisite information, there will be nothing to prove that family allowances in Italy represent a sufficient additional income for a considerable number of families.

#### **Vulnerable families**

According to the report, single-parent families accounted for 12.8% of all families in 2007-2008, a percentage which had been increasing since 2002. The report adds that there have been signs of increasing incidence of poverty among single-parent families. The Committee asks what specific measures are being adopted for such families.

As to Roma families, the Committee notes from numerous sources that following the adoption of "Pacts for Security" signed by state and local authorities as of November 2006 to implement a strategy to solve the so-called "nomad emergency", the authorities proceeded to the identification and census of the inhabitants of numerous Roma camps, including through fingerprinting or the compilation and storage of photometric and other personal information in

databases. In some cases possession of a specific identity card allowing access to the camp was imposed.

The Committee considers that the conditions in which the operations of identification were carried out, particularly due to the emergency legislation in place, constitute an obstacle to real protection against arbitrariness, which is contrary to Article 16 of the Charter.

Moreover, the Committee notes that in this respect outside the reference period (on 16 November 2011), the Council of State ruled that the above mentioned identity checks carried out in the camps were disproportionate in a democratic society.

### **Equal treatment of foreign nationals and stateless persons with regard to family benefits**

The report acknowledges that the national regulations do not provide for a diversified system in respect of countries which have signed the European Social Charter, but instead differentiate between EU and non-EU States. The Committee recalls that the Charter provides for equal treatment in matters of family benefit. It consequently concludes that the situation of Italy is not in conformity with Article 16 on this point.

### **Conclusion**

The Committee concludes that the situation of Italy is not in conformity with Article 16 on the grounds of:

- unequal treatment of foreigners in matters of family benefit;
- undue interference in the family life of Roma and Sinti families.

## **Article 23 - Right of the elderly to social protection – Conclusions 2013**

### **Legislative framework**

In its previous conclusions (Conclusions 2009 and 2007) the Committee asked if antidiscrimination legislation (or an equivalent legal framework) to protect elderly persons outside the field of employment existed, or was envisaged. The Committee emphasised that in the absence of a reply in the next report, there would be nothing to prove that the situation of Italy was in conformity on this point. However, again no information was provided on this matter in the current report. Consequently, the Committee concludes that it has not been established that there is an adequate legal framework to combat age discrimination outside employment.

### **Adequate resources**

The Committee notes from the supplementary information submitted by Italy that there is a social assistance allowance payable to those over 65 years of age and who have an income below €5 749.90. In 2012 the amount payable to a single person was €442.30 per month. The Committee notes that this also falls below 40% of the Eurostat median equivalised income and again asks whether supplements or other benefits and allowance are payable.

### **Housing**

The report again fails to provide information on whether there financial assistance is available for the adaptation/renovation of private accommodation of elderly persons. The Committee reiterates its request for information on this matter. In the meantime, it reserves its position as to whether Italy complies with this part of Article 23.



## **Conclusion**

The Committee concludes that the situation in Italy is not in conformity with Article 23 of the Charter on the ground that it has not been established that there is an adequate legal framework to combat age discrimination outside employment.

## **Article 23 - Right of the elderly to social protection – Conclusions 2015**

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee notes that the report submitted by Italy contains no new information in response to the conclusion that it had not been established that there was an adequate legal framework to combat age discrimination outside employment (Conclusions 2013, Italy).

In the absence of the requested information, the Committee reiterates its finding of non-conformity in this respect.

## **Conclusion**

The Committee concludes that the situation in Italy is not in conformity with Article 23 of the Charter on the ground that it has not been established that there is an adequate legal framework to combat age discrimination outside employment.

## **Article 27 - Right of workers with family responsibilities to equal opportunity and treatment – Conclusions 2011**

### **Paragraph 1 - Participation in working life**

The Committee takes note of the information contained in the report submitted by Italy.

### **Conditions of employment, social security**

The Committee notes that Section 9 of Law No. 53/2000 contains measures to enhance working time flexibility for parents. The report also mentions the 2009 "White Book on welfare", as well as a Plan called "Italy 2020", which both include a set of measures for the reconciliation of work and family life, namely to ensure that work schedules are adapted to the needs of families. The Plan contains measures to promote the return to work of women employees who have taken parental leave and also provides incentives for working from home.

However, the Committee also notes from the 2008 Istat report on reconciling work and family that inequality between the genders in the division of domestic work represents a deep-rooted challenge in Italy. Even the measures introduced by Law No. 53/2000 are considered inadequate to balance the structural disparity between the genders, due to the presence of narrow work organisation patterns that make it more difficult to encourage flexible working time arrangements.

The Committee recalls that Law No. 30/2003 and Legislative Decree No. 61/2000 provide the possibility for workers with family responsibilities to work part-time (Conclusions 2007). In reply to a question by the Committee, the report indicates that employees have an individual right to request changing from a full-time contract to a part-time contract on the grounds of health reasons. This is an absolute right that can not be denied on grounds of the enterprise's needs.

Article 27§1 requires State Parties to take account of the needs of workers with family responsibilities in terms of social security. The Committee asks whether workers are entitled to

relevant social security benefits, in particular health care, during periods of parental/childcare leave.

The Committee reiterates its question whether periods of parental leave are taken into account for pension entitlement and for calculating the amount of pension.

### **Child day care services and other childcare arrangements**

The most recent legislation concerning socio-educational services for children is included in the Finance Act of 2007, which contains a plan for the development of services, including crèches and integrated services. The aforementioned plan provides funding of 446 million Euros from the State for the period 2007-2009 to increase the number of places for children aged 0 to 3 years. The full implementation of the plan will ensure the completion of more than 40,000 new places in the 36 integrated socio-educational services for early childhood as well as 20,000 places for new special sections (for children aged 2 to 3 years).

The report indicates that 40.9% of municipalities offered public crèche services in 2008. Moreover, during the school year 2008-2009 there were 176,262 children aged 0 to 2 registered in municipal nurseries (or subsidised by the latter).

According to the report, efforts by the authorities to increase services for early childhood have extended offer, but satisfaction of demand is still partial with respect to the number of potential users. The overall percentage of children taken care of was 10.4% in 2008 (calculated by the ratio between the registered users in nurseries and the number of residing children aged 0 to 2). There are also significant territorial differences in the provision of services: the northeast has maintained higher levels of supply of services, with 15.2% of children attending nurseries, whilst the percentages in the southern regions and islands are still below the national average.

The Committee also notes from another source that there is a lack of public day care centres and that the family network is heavily relied on (especially, the grandparents). In Milan (which has 1,300,000 inhabitants), in the last three years almost 20,000 women with a permanent job resigned. Among the reasons for leaving the workplace was that public day care centres were not available. Likewise, another source states that in Italy only 6% of the need for childcare services is met for children aged up to two years old (this proportion compares with 39.9% in France, 12% in Portugal and a European Union of 16%)<sup>3</sup>.

The Committee notes the low percentage of children aged 0 to 2 attending crèches, and therefore asks the next report to indicate further progress in the provision of childcare places.

As regards staff, the report mentions that only teachers with specific expertise can work in nurseries. Since 1 January 2010, a degree in educational psychology disciplines is needed to access a teacher post in day care for children. The Committee recalls that staff working in nurseries should be suitably qualified (Conclusions 2006, Lithuania). It asks in this respect how qualifications of personnel and the quality of child care services in general are monitored.

It also asks what forms of financial assistance are available for the parents of children attending childcare facilities.

Finally, the Committee notes that parents are entitled to take leave to care for a sick child upon production of a medical certificate. The leave has no time limitation during a child's first three years. For children between three and eight years, leave is limited to 5 days per year. Employees are also entitled to 3 days' paid leave for serious family reasons.

### **Conclusion**

Pending receipt of the information requested, the Committee defers its conclusion.

## **Article 30 - Right to be protected against poverty and social exclusion – Conclusions 2013**

### **Measuring poverty and social exclusion**

The relative poverty line for a family of two components, in Italy, is equal to the average monthly spending per person. Absolute poverty is calculated by ISTAT on the basis of a poverty line that corresponds to the minimum monthly expense necessary to acquire the basket of goods and services that are considered essential to achieve a standard of living minimally acceptable. In 2009, 2010 and 2011 the relative and absolute national poverty rates were 13.1% and 5.3%, 11% and 4.6% and 11.1% and 5.2%, respectively. According to Eurostat, the “composite” at-risk-of-poverty rate (the Europe 2020 target indicator) in Italy was 25.3% in 2008, 24.5% in 2010 and 28.2% in 2011, which is above the EU-27 average of 24.2% in 2011. The overall monetary poverty rate was 18.7% in 2008 and increased to 19.6% in 2011 (EU-27 average: 16.9%). Poverty was more pronounced for the 18-24 age group: 24.9% in 2011 compared to an EU-27 average of 21.7%. The report states that the most vulnerable social groups in Italy are women, older and not-selfsufficient people, children and young people, immigrants, the homeless, Roma and ethnic minorities. The Committee asks that the next report contain detailed and up-dated information on poverty rates for these specific target groups. It also wishes to receive information on in-work poverty and it repeats its request for information on indicators used to measure social exclusion.

### **Approach to combating poverty and social exclusion**

The Committee notes from another source that total spending on social protection in Italy corresponded to about 29.9% of GDP in 2009 which was above the average for EU-27 (28.4%). In terms of breakdown by category of benefit expenditure on old-age and survivors benefit accounted for almost 61% of total expenditure which was significantly above the EU-27 average (45%) whereas expenditure on unemployment and social exclusion at 2.9% and 0.3% respectively was significantly below the EU average (6% and 3.6% respectively). In terms of the effect of social transfers the Committee notes from Eurostat that the poverty rate before transfers was 24.4% in 2011 and 19.6% after transfers indicating that the effect of transfers is less in Italy than in many other European countries. The Committee asks that the next report contain more detailed information on resource allocation for measures to combat poverty and social exclusion, including on whether the allocations match the increase in poverty rates.

In its previous conclusion the Committee held that Italy had not demonstrated the existence of an overall and coordinated approach providing for adequate measures to combat poverty and social exclusion. The information contained in the present report is not sufficient to alter the Committee’s view and taking into account increases in the extent of poverty, the relatively low spending effort on unemployment and social exclusion as well as the moderate effects of social transfers, the Committee reiterates its conclusion of non-conformity in this respect.

### **Conclusion**

The Committee concludes that the situation in Italy is not in conformity with Article 30 of the Charter on the grounds that

- it has not been established that there is an overall and coordinated approach to combating poverty and social exclusion;
- there is discriminatory treatment of migrant Roma and Sinti with regard to citizen’s participation.

## **Article 30 - Right to be protected against poverty and social exclusion – Conclusions 2015**

In application of the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013.

The Committee notes that the report submitted by Italy contains no new information in response to the conclusion that it had not been established that there was an overall and coordinated approach to combating poverty and social exclusion (Conclusions 2013, Italy).

In the absence of the requested information, the Committee reiterates its finding of non-conformity in this respect.

### **Conclusion**

The Committee concludes that the situation in Italy is not in conformity with Article 30 of the Charter on the ground that it has not been established that there is an overall and coordinated approach to combating poverty and social exclusion.

## European Code of Social Security

### Resolution CM/ResCSS(2015)10 on the application of the European Code of Social Security by Italy

(Period from 1 July 2013 to 30 June 2014)

(Adopted by the Committee of Ministers on 10 September 2015 at the 1234th meeting of the Ministers' Deputies)

[Link to adopted by the Committee of Ministers resolutions](#)

The Committee of Ministers notes:

I. concerning Part V (Old-age benefit), Article 26(2), Pension age above 65 years, the report indicates that the retirement age of men enrolled in the General Mandatory Insurance (AGO) and/or in the substitute funds is gradually increased from 1 January 2013 to 31 December 2015 to 66 years and three months and henceforth adjusted every three years to the increase in life expectancy as established by National Statistical Institute (ISTAT). The second such adjustment will be made with effect from 1 January 2015. The Committee of Ministers recalls that, according to the Code, a pension age higher than 65 years may be fixed only if the number of residents having attained that age is not less than 10 per cent of the number of residents under that age but over 15 years of age. It is also recalled that ILO Convention No. 102 permits increasing the retirement age beyond 65 years only with due regard to the working ability of elderly persons in the country concerned;

II. concerning Article 29(2)(a), Reduced benefit after 15 years of insurance, the report indicates that for workers insured after 1 January 1996 (defined-contribution system) the minimum qualifying period is 20 years (1,040 weeks) of contributions, provided that the amount of pension must not be less than 1.5 times the minimum monthly amount of social allowance (€663,45 in 2013);

III. concerning Part XI (Standards to be complied with by periodical payments), Articles 65 and 66, Determination of the reference wage, that the reference wage of the ordinary adult male labourer is determined in the report as the wage of level 1 metal worker without specifying to what division of the manufacturing sector the "metal worker" belongs; whether the wage of only male workers is taken into account; and which option (a) or (b) of paragraph 4 of Article 66 is chosen. The same applies to the wage of a level 3 metal worker determined under Article 65 of the Code. The Committee of Ministers also notes that the monthly wage in Italy is paid 14 times per year and should therefore be recalculated by dividing the yearly wage by 12. Finally, it observes that, as indicated in the report, the resulting wages of level 1 and level 3 workers in metals industries, which form part of the manufacturing sector, are substantially lower than the average gross wage of an unskilled and skilled male worker in manufacturing determined on the basis of Eurostat data under option (b) of Articles 66(4) and 65(6) respectively;

IV. concerning fiscal consolidation policy and performance of social security institutions and services, Article 71(2) of the Code, the Committee of Ministers thanks the government for providing detailed explanations and statistical indicators on measures taken by the National Institute of Social Security (INPS) under the pressure of the fiscal consolidation policies to increase productivity and efficiency of its operations through organisational changes and the

use of electronic means of communication. The Committee of Ministers notes in particular that, as required by Law 214/2011, the INPS has achieved the goals of a restraint in public expenditure, reducing its staffing levels by 3 per cent and operating expenses up to €515.7 million in 2014 to be transferred in favour of the State budget. From an organisation providing retirement services for a section of the Italian workforce INPS has become the only established administration and point of reference for the country's welfare. This is the result of the integration of the National Institute of Social Security for Public Administration Employees (INPDAP), the National Social Assistance and Security Board for Employees in the Entertainment Industry (ENPALS) and the Authority for Welfare for Postal Workers (IPOST);

V. concerning social security and the reduction of poverty, that, in 2013, 19.1 per cent of the population was at risk of poverty (60 per cent of median equivalised income, Eurostat), above the EU average of 16.9 (2012), and 7.7 per cent lived even below the severe poverty threshold (40 per cent of this income, 2012). Children at risk of poverty represented 24.8 per cent. Severe material deprivation, while it decreased from 2012 to 2013 by almost 2 percentage points, also exceeded EU average in 2013 with 12.4 per cent of the population being affected. In 2012, more than 23 per cent of families with two children lived with income below the at-risk-of-poverty level, this percentage nearing 40 per cent for families with three children and single-parent households. Also, while the average level of earnings in the country is relatively high when compared to the at-risk-of-poverty level, the guaranteed minimum social security benefits were for the most part established below the severe poverty threshold. Pensions calculated according to the requirements of the Code on the basis of the nominal monthly earnings of the first five deciles of the employees barely reached the 40 per cent poverty threshold and would result in the application of the minimum pension, itself set at this level;

Finds that the law and practice in Italy continue to give full effect to the four Parts of the Code that have been accepted, subject to recalculating the replacement level of benefits on the basis of the newly determined reference wage of the standard beneficiary;

#### **Decides to invite the Government of Italy:**

I. concerning Part V (Old-age benefit), Article 26(2), Pension age above 65 years, to state in its next report whether the above-mentioned requirements of the Code have been taken into account when deciding on the increase of the age of retirement, and to provide in its next report statistical data on the percentage and the state of health of elderly persons in Italy in the last five years proving that they conserve sufficient working ability beyond 65 years to justify automatic linking of the retirement age to the increase in life expectancy;

II. concerning Article 29(2)(a), Reduced benefit after 15 years of insurance, to explain in the next report:

a. how the right to a reduced old-age pension after 15 years of contributions established by the Code is ensured in the Italian law for workers insured after 1 January 1996; and

b. what happens if after 15 or 20 years of contributions the amount of the worker's pension is still less than 1.5 times the minimum monthly amount of social allowance;

III. concerning Part XI (Standards to be complied with by periodical payments), Articles 65 and 66, Determination of the reference wage, to review in its next report the method it is using for determining the reference wage of the standard beneficiary under Articles 65 and 66 of the Code and to recalculate, in its next detailed report, the replacement level of benefits provided under each accepted Part of the Code. In doing so, the government may wish to refer to the

above-mentioned “Technical note”, transmitted to the government, which calculates for Italy all the options allowed by the Code for the same time period (2010) for which complete Eurostat data are available. The government is requested to update the statistical information used in the “Technical note”, indicating the precise source of data for future reference;

IV. concerning fiscal consolidation policy and performance of social security institutions and services, Article 71(2) of the Code, to continue providing information on how ongoing reductions in the pool of available resources and staff in the context of the ever growing workload helps INPS to improve productivity, reduce the average time of backlog, increase quality of services and the overall level of customer satisfaction. The government is also requested to explain the reasons for the increase in the period of one year (2011-12) of the received management administrative appeals by 338.3 per cent;

V. concerning social security and the reduction of poverty, in view of the fact that prevention and reduction of poverty is one of the main objectives of the Code, the government is requested to send, in its next report, the most recent and comprehensive statistics on the structure and dynamics of poverty in the country, including among the active population, pensioners and children, and on the guaranteed minimum amounts of social benefits in comparison with the established poverty line. In doing so, the government may wish to refer to the infographs in the above-mentioned “Technical note”, and update the statistical and legal information on which they are based.

### **CEACR 2015 Conclusions on the application of the European Code of Social Security and its Protocol by Italy**

As a result of its examination, the Committee finds that the law and practice in Italy continue to give full effect to Parts VI, VII and VIII of the Code and that they also ensure the application of Part V, subject to re-establishing the right to a reduced pension after 15 years of contributions.

*Part V (Old-age benefit), Article 26(2). Pension age above 65 years.* The report indicates that due to the pension reform introduced by Law No. 122 of 30 July 2010, the retirement age has been increased significantly, reducing the number of new pensioners by 32 per cent compared to 2011. According to article 12, paragraphs 12bis and 12quater, of the Law No. 122/2010, the Decree of 16 December 2014 of the Ministry of Finance states that, with effect from 1 January 2016, age requirements to qualify for old age and early retirement will be increased by four months in line with the life expectancy. The retirement age for employees enrolled in the General Mandatory Insurance (AGO) and/or in its substitute funds will be, from 1 January 2016 to 31 December 2017, 65 years and 7 months for women, and 66 years and 7 months for men. In the period from 1 January 2018 to 31 December 2020, the retirement age for women will reach the current retirement age for men (66 years and 7 months), which in the meantime will be automatically increased in line with the growth in life expectancy. The report also states that, when deciding to increase the age of retirement, the Italian Government had taken into account the requirements of the Code and Convention No. 102 as to the dependency ratio and the working ability of elderly persons in the country. The ratio of residents over 65 years to residents aged 15–64 is at least three times higher than the minimum of 10 per cent established by the Code. In the past 40 years the life expectancy of a 65-year-old male has risen, in absolute terms, from 13.475 to 18.556 years or by 37.7 per cent, and of a 65-year-old female – from 16.624 to 22.014 years or by 32.4 per cent, which shows that the state of health of persons aged 65 years or older has improved considerably to justify the increase in retirement

age. The Committee takes due note of the Government's explanations and the statistical data justifying the increase of the pension age beyond 65 years.

*Article 28. New rules of pension calculation.* Pursuant to section 24(2) of Law No. 214/2011, contribution periods accrued as from 1 January 2012 will be calculated according to the notional defined contribution system. Pension for workers who on 31 December 1995 have accrued at least 18 years of contributions, is calculated according to the mixed system and therefore the amount is determined by the sum of: (a) the part of the pension derived from pension contributions accrued on 31 December 2011 and calculated according to the earnings-related system (pay-as-you-go); and (b) the part of the pension derived from pension contributions accrued as from 1 January 2012 and calculated according to the notional defined contribution system. There is no change as regards persons who have accrued less than 18 years of contributions on 31 December 1995 – for them the mixed calculation system has already been established before the Law No. 214/2011. ***The Committee asks the Government to calculate in its next report the level of the old-age pension of the standard beneficiary with 30 years of contributions under the old and the new rules so as to show that the 40 per cent replacement rate requested by the Code will be reached in all of the abovementioned cases. It hopes that the Government will be able to use for this purpose the new online pension calculator, which the INPS has made generally available to the insured persons under "My pension" project, by making the simulation of the future pension for the standard beneficiary.*** The Committee notes that the simulation of the pension calculation takes into account the current legislation, age, working history and salary of the insured person, and permits calculating the estimated amount of the pension both in real terms and as a replacement rate compared to the last salary.

*Article 29(2)(a). Reduced benefit after 15 years of insurance.* The Committee recalls that for workers insured after 1 January 1996 (defined-contribution system) the minimum qualifying period is 20 years (1,040 weeks) of contributions, provided that the amount of pension must not be less than 1.5 times the minimum monthly amount of social allowance (€663.45 in 2013). As both these conditions of entitlement are not in line with the Code, the Committee has previously asked the Government to explain: (1) how the right to a reduced old-age pension after 15 years of contributions established by the Code was ensured in the Italian law for workers insured after 1 January 1996; and (2) what happens if, after 15 or 20 years of contributions, the amount of the worker's pension is still less than 1.5 times the minimum monthly amount of social allowance. In reply to these questions, the report states that workers insured after 1 January 1996 with less than 20 years of contributions are entitled to a pension at the age of 70 years and 7 months (from 1 January 2016 to 31 December 2018), if they have accrued at least five years of effectively paid contributions, regardless of the amount of the pension. Moreover, any citizen without accrued contributions, in financial need and with an income situation specified by the law, is entitled to the "social allowance" which is a social assistance benefit. The Committee observes from these explanations that the present legal design of the defined contribution pension system effectively deprives the workers insured after 1 January 1996 of their right acquired under *Article 29(2)(a)* of the Code to a reduced old-age pension at the statutory pension age after having completed a maximum qualifying period of 15 years of contributions. The fact that the person concerned in this situation may be entitled to a means-tested social assistance benefit or to a social insurance pension if he/she lives to an age higher than the statutory age, important as it may be for certain categories of the persons protected, will remain irrelevant for other persons protected under Part V of the Code who will have no pension rights whatsoever during the period of four years separating the statutory retirement age from the age of 70 years and 7 months, when the law will allow them to claim a



pension with insufficient years of contributions. **Considering that this gap in protection is incompatible with both the letter and the spirit of the Code, the Government should be asked to re-establish the right of all persons protected under Part V to a reduced social insurance pension after 15 years of contributions.**

*Part XI (Standards to be complied with by periodical payments), Articles 65 and 66. Determination of the reference wage.* The report states that the method used to determine the reference wage of the standard beneficiary concerns a level I and III male workers in metal industries in manufacturing comprising “Manufacturing and processing of metal products except for machinery and mechanical appliances” and “Manufacturing of machinery and mechanical appliances”. In 2014, the wage (including the share of the 13th and 14th month’s wage) of a male level III worker in metals industries was €1,919.05 per month and €23,028.60 per year, and of a male level I worker €1,577.30 and €18,927.58 respectfully. With regard to the source of data, the wages of metal workers distinguished by job level were evaluated on the basis of the National Collective Labour Agreement (CCNL) and the index of contractual wages; to obtain the wage data regarding only male workers an estimate was made on the basis of the wage variation by gender observed on the INPS statistical database. Thus, according to the report, the method used for determining the reference wage of the standard beneficiary under *Articles 65 and 66* of the Code is considered correct. **The Committee notes the Government’s statement as well as the fact that the method of determining the reference wage described in the report is not transparent and is based on certain estimates made on the basis of the data which is not accessible for the Committee. It therefore asks the Government to explain in the next report the process of determining the reference wage step by step, indicating the precise sources and location of the data used from the CCNL, the index of contractual wages, wage variation by gender, etc. Please provide the description of the tasks performed by level I and III workers in metal industries and compare them to ISCO 08 Major groups 9 (Elementary occupations) and 7 (Craft and related trades workers).** Concerning the fact that the wages of level I and III workers in metal industries determined by the Government are substantially lower than the average gross wage of an unskilled and skilled male worker determined on the basis of Eurostat data under option (b) of *Articles 66(4) and 65(6)* respectively, the report points out that the data comparison is not homogeneous: Eurostat data are collected from a sample relating only to enterprises employing more than ten workers and includes the 13th and 14th month’s salary, periodic bonuses, overtime and other elements that are not included in the report based on the CCNL. The Committee observes that this statement is inexact and refers the Government to the ILO technical note for details.

The Committee notes that with regard to *Article 65*, the Government is using option (b) of its paragraph 6, choosing a level III worker as a person deemed typical of skilled labour in the divisions of manufacturing industry, which, according to the data given in the ILO technical note, have the largest number of male employees, that is “Manufacturing and processing of metal products except for machinery and mechanical appliances” (share of male employees – 14.5 per cent) and “Manufacturing of machinery and mechanical appliances” (share of male employees – 12.8 per cent). **Please explain the purpose of combining the two divisions together if taking only the first with the biggest share of male employees would have been sufficient under the Code.** With regard to *Article 66*, the Government is using option (a) of its paragraph 4, choosing a level I worker as a person deemed typical of unskilled labour in the same divisions of manufacturing industry. **To confirm that wages of the level I and III metal workers are the appropriate proxies for the wages of the unskilled and skilled workers determined by using ISCO 08 Major groups 9 (Elementary occupations) and 7 (Craft and related trades workers), the Committee asks the Government to compare in its next report**

***the reference wages calculated by the Government for 2014 with the reference wages calculated according to the methodology explained in the ILO technical note under options 2 (Article 65(6)(b)) and 5 (Article 66(4)(b)) on the basis of the data for 2014 obtained from the new Eurostat Structure of Earnings Survey which will be published in spring 2016.***

*Adjustment of the benefits in payment. Article 65(10).* The report states that benefits are adjusted annually according to the average change in the cost of living index calculated by ISTAT. With respect to pension adjustment in 2012 and 2013, the report indicates that the Constitutional Court in Judgment No. 70 of 2015 declared illegitimate paragraph 25 of section 24 of the Decree Law No. 201 of 6 December 2011 (*Fornero Law*) in the part where it provides for the years 2012 and 2013, a pension revaluation of 100 per cent exclusively for pension amounts up to three times the minimum income supplement (MIS). In order to give effect to the judgment of the Constitutional Court, the Decree Law No. 65 of 2015 amended the rules declared to be illegitimate and established a new mechanism for pension adjustment for pension amounts three times higher than the MIS. The arrears amounts arising from this new mechanism must be paid to pensioners together with the payment of pension rate in August 2015. With respect to pension adjustment in 2014, the report indicates that the consumer price index for families of workers and employees (without tobacco) showed an increase of 0.2 per cent, while the MIS (monthly average in 2014 – €500.88) was increased by 1.1 per cent. In 2015 adjustment of the MIS to the cost of living was graduated according to the amount granted: pensions up to three times the MIS were increased by 0.3 per cent, while pensions over six times the MIS by 0.135 per cent.

The Committee notes from this information that different adjustment rules apply to different benefits and were subject to frequent changes, which complicates the understanding of the overall revaluation of benefits over the five-year period since the last detailed report of the Government. ***It would ask the Government to explain its policy of maintaining the purchasing power of the benefits in payment as well as giving the pensioners a fair share of the growth of the national economy after the crisis. Taking into account that in comparison with the base year of 2010, the consumer price index for families of workers and employees (without tobacco) had increased at the end of 2014 by 7.2 per cent, the Committee expects the Government's next detailed report to contain full information and statistics on the adjustment of pensions for the period 2010–16 requested in the report form on the Code under Title VI of Article 65.***

*Adequacy of social security benefits.* The Committee notes the extensive information supplied in relation to the role of social security and in particular of the guaranteed minimum benefits in the reduction of poverty. In view of the variety of ways in which social security and statutory social assistance are used to prevent and reduce poverty and the complexity of indicators used to assess the adequacy of benefits, the Committee requested the ILO to summarize the relevant information in the country technical notes attached to its conclusions. ***The Committee invites the Government to update and supplement the statistical information in the 2016 technical note in its next detailed report, which shall also include for the same time basis (see Article 65(4) of the Code) updated statistics on social security coverage, amount of the reference wage and calculations of the replacement rate of benefits.*** The Committee will examine the question of the adequacy of social security benefits under accepted Parts of the Code on the basis of this comprehensive information.

*Article 74. Next detailed report on the Code.* (See above under Chapter III)

### 3. ILO Conventions

#### Social Security (Minimum Standards) Convention, 1952 (No. 102) - Italy (Ratification: 1956)

Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)

[Link to the pending comments by the ILO supervisory bodies, NORMLEX](#)

The Committee notes the information supplied by the Government in reply to its previous comments.

**Part X (Survivors' benefit), Articles 62(a) and 63(5) of the Convention.** The 26th annual report submitted by the Government on the application of the European Code of Social Security states that, from 1 January 2012, the percentage rate of pensions for the surviving spouse will be reduced by 10 per cent for each year of marriage under ten years. This reduction will apply only in the case where the breadwinner was over 70 years of age at the time of marriage and where the age difference between the spouses was more than 20 years. This provision however will not apply in the case where minors, students or disabled people are present. The Committee observes that this provision may substantially reduce the level of pension due to a childless widow who has reached a sufficiently advanced age of between 50 and 60 years when she might be reasonably presumed to be incapable of self-support. ***The Committee would like the Government to explain the motives and indicate whether the phenomenon of such marriages has become so widespread in the country that it required adoption of a special legislation.***

#### Maternity Protection Convention, 2000 (No. 183) - Italy (Ratification: 2001)

Observation (CEACR) - adopted 2014, published 104th ILC session (2015)

[Link to the pending comments by the ILO supervisory bodies, NORMLEX](#)

**Observations from trade unions.** The Committee notes the observations made by the Italian Union of Labour (UIL) and the Italian Confederation of Workers' Trade Unions (CISL), which were received on 18 and 23 December 2013, respectively. In particular, the CISL refers to calculation methods and benefit amounts which are unfavourable to semi-dependent (*lavoro parasubordinato*) workers. This is because, since they do not have continuing contracts, their allowance is calculated on the basis of income over 12 months, rather than last salary, resulting in a lower level of benefits. This undermines the possibility of enjoying full protection against discrimination and employment protection. ***The Committee requests the Government to send its comments on this matter.***

**Article 4(4) of the Convention. Compulsory period of postnatal leave.** The Government indicates that Legislative Decree No. 119 of 18 July 2011 amended section 16 of the consolidated text concerning the protection of maternity and paternity, paragraph 1bis of which now gives a woman worker the possibility of returning to work in the case of specific events and under specific conditions, thus forgoing, wholly or partially, the postnatal portion of her maternity leave. ***The Committee asks the Government to indicate how it intends to harmonize this provision with Article 4(4) of the Convention, which provides that "maternity leave shall***

*include a period of six weeks' compulsory leave after childbirth, unless otherwise agreed at the national level by the Government and the representative organizations of employers and workers".*

**Article 8(1). Protection against dismissal. Domestic workers.** The Committee notes the Government's reference to Decision No. 6199 of 1998 of the Court of Cassation, which limits the period of protection against dismissal for domestic workers solely to maternity leave (two months before and three months after childbirth), considering that the provisions of section 54 of the consolidated text (protection against dismissal until the child is one year old) were too burdensome for employers. The Committee observes that this decision dates from 1998, namely before Italy's ratification of the present Convention in 2001. It also notes that article 10(1) of the Constitution provides that laws must be in conformity with international treaties. Hence the Committee considers that, under the Italian legal system, it is the provisions of *Article 8(1)* that must apply. ***The Committee therefore requests the Government to bring all the relevant provisions – in particular section 62 of Decree No. 151 of March 2001 and section 24 of the collective agreement – into conformity with the Convention on this point.***

## 4. EU Country-Specific Recommendations: 2015

(the numeration of comments is kept in accordance to the original)

The European Union has set up a yearly cycle of economic policy coordination called the European Semester in 2010. Under the European Semester, the European Commission was given a mandate by Member States to check whether they take action on reform commitments they have made at EU level. The European Semester starts when the Commission adopts its Annual Growth Survey which sets out EU priorities to boost job creation and growth for the next year.

Each year, the Commission undertakes a detailed analysis of EU Member States' plans of budgetary, macroeconomic and structural reforms and provides them with the country-specific recommendations basing its decision on the submitted by each country National Reform Programme and Stability Programme. These recommendations provide tailor-made policy advice to Member States in areas deemed as priorities for the next 12-18 months. The European Council endorses the recommendations after the discussion.

Where recommendations are not acted on within the given time-frame, policy warnings can be issued. There is also the option of enforcement through incentives and sanctions in the case of excessive macroeconomic and budgetary imbalances.

**Council Recommendation of 14 July 2015 on the 2015 National Reform Programme of Italy and delivering a Council opinion on the 2015 Stability Programme of Italy (2015/C 272/16), (18.08.2015, C 272/61, Official Journal of the European Union).**

[Official Website of the European Commission](#)

(9) On 30 April 2015, after the cut-off date of the Spring Economic Forecast, the Italian Constitutional Court ruled as unconstitutional a temporary non-indexation of higher pensions in 2012-13. On 18 May 2015 the Government adopted a decree law to address the ruling and confirmed the fiscal targets of the Stability Programme. In view of this information the conclusions from the February's Report under Article 126(3) TFEU can be considered as still broadly valid at this stage. The exact budgetary impact of this ruling will depend on the Government's operationalisation thereof, which has still to be clarified. In view of the new information, the issuance of a Report under Article 126(3) TFEU may be deemed warranted at a later stage. In the absence of this new element and pending its further clarification, the conclusions from the February Report can be considered as still broadly valid at this stage.

(19) A broad-ranging enabling law for reforming the labour market, the 'Jobs Act', was adopted in December 2014 and maintains the direction of previous reforms. It provides in particular for changes in employment protection legislation, the unemployment benefit system, the governance and functioning of active and passive labour market policies and the balance between family and working life. The effective implementation of this law will depend crucially on the necessary legislative implementing decrees being adopted. These address the use of wage supplementation schemes, the revision of contractual arrangements, work-life balance and the strengthening of active labour market policies. Second-level bargaining, which could

help to better align wages with productivity and encourage the adoption of innovative solutions within firms, still concerns only a minority of companies. The January 2014 agreement laying down the procedures for measuring trade union representativeness in the manufacturing sector could help to promote second-level bargaining but is not yet operational. The labour market participation of women, although growing, remains among the lowest in the Union. In addition, youth unemployment reached almost 43 % in the third quarter of 2014, and the proportion of young people aged between 15 and 24 not in employment, education or training is the highest in the Union. Some of the causes are to be found in the education system, which is still characterised by below-EU average school outcomes, and relatively high early school leaving rates. Only 54,6 % of those aged 15-34 who graduated from the first and second stages of tertiary education within the previous three years were employed, compared to the EU average of 78,6 %. Italy has witnessed one of the highest increases in poverty and social exclusion rates in the Union, with a particular impact on children. Social assistance schemes remain fragmented and ineffective in tackling this challenge with resulting substantive cost inefficiencies.

HEREBY RECOMMENDS that Italy take action in 2015 and 2016 to:

5. Adopt the legislative decrees on the design and use of wage supplementation schemes, the revision of contractual arrangements, work-life balance and the strengthening of active labour market policies. Promote, in consultation with the social partners and in accordance with national practices, an effective framework for second-level contractual bargaining. As part of efforts to tackle youth unemployment, adopt and implement the planned school reform and expand vocationally-oriented tertiary education.