Womand and work

Alessandra Di Marzio[1]
Claudia Di Pastena[1]
Federica Sinibaldi[1]
Francesco Tomei[2]
Carmina Sacco[2]
Gianfranco Tomei[3]
Roberto Massimi[2]
Benedetta Pimpinella[2]
Teodorico Casale[2]
Roberto Giubilati[2]
Nadia Nardone[2]
Stefania Marchione[4]
Pasquale Ricci[4]
Lidia Ricci[4]
Serafino Ricci[4]

[1] Department of Anatomy, Histology, Legal Medicine and Orthopaedics, OU of Occupational Medicine, "Sapienza" University of Rome, Italy
[2] Spin off of "Sapienza", University of Rome, Italy
[3] Department of Psychiatric and Psycological Science, "Sapienza" University of Rome, Italy
[4] Department of Anatomy, Histology, Legal Medicine and Orthopaedics, OU of Legal Medicine, "Sapienza" University of Rome, Italy

Corresponding author:
Francesco Tomei
Spin off of "Sapienza" University of Rome
Viale Regina Elena 336
00161 Rome, Italy
E-mail: francesco.tomei@uniroma1.it

Abstract

The increase in female employment is associated with a greater presence of women, especially in certain categories of work. There is a greater exposure to the specific risks for woman of the examined sector, considered even more dangerous in certain situations such as pregnancy and lactation. It is documented by a rich scientific literature the existence of a close correlation between infertility, abortions, malformations, prematurity and work exposure to physical, chemical and biological agents.
The Legislator establishes specific preventive rules aimed to promote family and to protect the health and well-being of working mothers.

KEY WORDS: legislation, woman, work, working mother.

Introduction

The working environments have undergone profound changes over the years, introducing more and more the presence of women.
In Italy the profound economic crisis has led to an important decrease in employment; female employment has not escaped the general unease but, through difficult and recovery phases, has managed to maintain overall a good level in the workplace.
However, it is increasingly clear that talking about working women means tackling the topic of the necessary reconciliation between time to devote to private life (children, family, domestic life) and time to devote to work. In this case, the family commitments can only intensify and often the woman is faced with a situation of serious difficulty, based on having to fit all the commitments of the day: children, work, home, etc.
Furthermore, many women decide to enter the world of work due to necessity arising after the establishment of a family, for example to increase the earnings of their family or simply to compensate for the unemployment of the partner. This has increased the number of families in which the woman is already mother and wife and the only one occupied and charged with the sustenance of her loved ones. Managing this situation, full of multiple non-work commitments that range between the most disparate fields, added to the actual work, is certainly not simple and often it is decidedly impossible. In these cases, one of the most favorable and easy solutions is the use of a part-time employment.
The Legislative Decree February 25th 2000 n. 61 (1) defines the "part-time work" and the conditions that govern it. First of all, it is also known as a "part-time" work contract, which differs from the standard working hours (defined as "full-time" or "full-time" work) based on the length of the working activity, reduced compared to 40 weekly hours provided for by the law or by the collective agreement [this means the normal working hours referred to article 13, paragraph 1, of the Law of June 24th 1997, n. 196 (2), and subsequent amendments, or any minor normal hours set from the collective agreements applied]. Moreover, like a normal subordinate employment contract, it can be either fixed-term or indefinitely.

But how is part-time work structured? According to the article 1 paragraph 2 of the Legislative Decree February 25th 2000 n. 61 (1), the reduction of working hours can take place according to three models:
2. For the purposes of this legislative decree we mean:
c) for "horizontal part-time work relationship" the one in which the reduction of time compared to full-time is foreseen in relation to the normal daily working hours;
d) for "vertical part-time employment relationship" the one in which the work activity is carried out full-time, but limited to predetermined periods in the course of the week, month or year;
e) for "additional work" the one corresponding to the work performed after the working hours and agreed between the parties pursuant to Article 2, paragraph 2, and within the time limit.
It is possible to manage the three models described above through the application of flexible clauses, which allow to modify the time allocation of work performances, or elastic clauses, through which it is possible to increase the number of working hours. However, both can be stipulated only in vertical or additional part-time relationships.
With the Law 92/2012 (3) has been assigned to collective bargaining to establish the conditions and methods that allow the worker to request the deletion or modification of flexible and elastic clauses and the ability to revoke the worker's consent it has been recognized to variation of working time.
Of course, the part-time worker as an employee in all respects, should not be discriminated against and therefore has the same rights as a full-time worker.
The part-time employee will have to get the same hourly wage as the full-time worker (even if the amounts of economic treatment for sickness, accident and maternity will be calculated in proportion to the number of hours worked) and the same regulatory treatment of workers hired full time (duration of annual leave, maternity and parental leave, sickness and accident treatment, etc.).
A new type of work that is increasingly in recent years is the so-called teleworking. It fits perfectly into the narrow issue of "working women and difficulties in reconciling work and life time" and, because of its peculiarities, it could be a good compromise for many employees looking for solutions. Teleworking allows working directly from home or from another location, because it is based on the use of computer systems and telematic tools and allows a wide flexibility in the organization and in the way the tasks are carried out.
Five types are distinguished, depending on the place where the work activities are performed:

- home-based teleworking
- teleworking from "satellite center"
- mobile teleworking (main use of laptops, PDAs, mobile phones)
- teleworking from telecenters (centers set up by public bodies or a consortium of companies, etc.)
- remotization (the so-called virtual company, in which more people work together but are physically dislocated).

Furthermore, it is specified that, based on the Inter-Confederal Agreement of June 9th 2004 (4), the fundamental principle underlying teleworking in Italy is voluntariness. All costs for the supply, installation, maintenance and repair of informatics tools, as well as the costs for providing the technical support necessary for carrying out the work, are borne by the Employer, who must also take all possible measures to prevent isolation of the worker and protect his health and confidentiality. The worker must take care of the work tools and must promptly inform the company in case of failure or malfunction of the equipment. Furthermore, the same rights of "traditional" workers are competing with teleworkers as regards trade union activity or access to training.
Although in 2011 special subsidies were promoted for some categories of workers, it was only from 2015 with the Jobs Act that additional benefits were introduced for home and satellite teleworking.
Based on this it is possible to state that in many cases teleworking could be very useful to lighten the burden of work to many women with special needs or family difficulties.
However not in all cases and certainly not in all companies it is possible to use them.

Work and pregnancy: main risk factors

The increase in female employment is associated with a greater presence of women, especially in certain categories of work. So there is a greater exposure to the specific risks for woman of the examined sector, considered even more dangerous in certain situations such as pregnancy and lactation (phases in which the woman and the fetus present a condition of hypersensitivity to suffer damage, even irreparable). It follows that, in the event that an employee is in a gestational state or in the subsequent postpartum - nursing period it is mandatory for both the Employer and the worker to pay a greater level of attention in the execution of normal work activities and avoid those that may be harmful to health and safety (5, 6).
To better understand the purposes of the law concerning the protection of maternity from work potentially at risk, it is useful to briefly describe the physiology of pregnancy (7). First of all, it should be emphasized that motherhood is a very delicate phase in a woman's life and, from the beginning, causes a series of changes in the mother's organism that make it more susceptible to the various harmful factors present in the workplace.
Extremely frequent disorders are tachycardia, asthenia and lipotymie and depend on the greater load that the heart has to face in a particular situation such as pregnancy; in addition, vasodilatation phenomena (especially on the lower limbs) accompanied by a reduction in blood pressure are added.

Very often, the onset of anemia and dyspnoea (more or less imposing) due to both the compression of the pulmonary volumes by the diaphragm and the greater consumption of oxygen (determined by the increased maternal and fetal metabolic requirements) that are expressed in a state of least resistance to physical fatigue and an increase in respiration rate.
The increase in respiration is directly proportional to the absorption of the pollutants present in the ambient air.
Also common are the lumbosacral and articular pains (generated by the increased laxity and elasticity of the joints, caused by changes in the gravidic hormone structure).
Finally it is documented by a rich scientific literature the existence of a close correlation between infertility, abortions, malformations, prematurity and work exposure to physical, chemical and biological agents (radiation, noise, lead, pesticides, anesthetic gases, etc.). Therefore the vertical transmission, from the mother to the fetus, of chemical and biological agents make any exposure extremely dangerous, even if this remains within the acceptable limits allowed for the general working population.
From this it follows that the list of incompatible jobs is very broad; therefore some risks related to the most frequent work activities are reported below.

Manual handling of loads

Work environments involving the manual handling of loads (i.e. all the operations of transporting or supporting a load by one or more workers, including the actions of lifting, depositing, pushing, pulling, carrying or moving a load), in which women are more frequently employed, are for example: nursery schools or in any case places where children are assisted, institutions for disabled people, hospitals, companies with warehousing activities, agriculture, livestock, etc. Manual handling of the loads promotes the onset of back - lumbar lesions and is particularly risky for the health of pregnant women as, in this period, mutations occur in the female body that tend to increase the lumbar lordosis, to move the center of gravity and to reduce flexion and extension of the pelvis and trunk. In addition, there is a threshold of fatigue and resistance extremely low compared to the norm. Lastly, the presence of a clear relaxation of the ligaments (probably determined by hormonal changes) facilitates the onset of injuries and damages. Some studies suggest a correlation between manual handling of loads by the pregnant woman and the possibility of the occurrence of lesions to the fetus and/or premature birth (8). The neurophysiological basis would consist in the fact that the physically heavy work together with the stress would determine the release of catecholamines with consequent increase of the arterial pressure, of the uterine irritability and reduction of the placental perfusion.

VDTs work

VDTs are equipped with an alphanumeric or graphic screen, consisting of personal computers, word processing systems, data processing, text or images. It defines videoterminalist (Legislative Decree 81/08, Article 175, paragraph 1, letter C) (6) who “uses a video display equipment in a systematic and habitual way, for at least twenty hours a week, removed the interruptions at art. 175”.
Various studies have considered and examined the radiation risks associated with the use of VDTs, claiming that the levels of both electromagnetic, ultraviolet and infrared radiation, and radio frequency, in the vicinity of a video display, are negligible (9). However, it is recommended, as there are no reliable data on the correlation between exposure to electromagnetic fields and individual health, to check that the presence of CE marking on the video terminal is very evident, which ensures the maintenance of the electromagnetic field of the instrument below of the recommended and therefore safe limits.
As regards the discussion on the health and safety of pregnant workers, workers who have recently given birth or are breastfeeding, we report what was stated in the guidelines issued by the Commission of the European Community on October 5th 2000 (on the assessment of agents and industrial processes deemed dangerous) (10) which support, based on various scientific studies, the absence of any possible correlation between abortions, malformations of newborns and activities carried out at the video terminal. Work on the video terminal can, on the other hand, cause ergonomic risks and musculoskeletal disorders to pregnant workers. It is therefore necessary for the employee to assume a correct posture *vis-à-vis* the VDT and to avoid, as far as possible, fixed work positions for prolonged periods.

Vibrations, movements, sudden impacts

All activities that involve a certain or potential risk of exposure to blows, sudden impacts, jolts, unexpected movements or vibrations must always be evaluated with extreme care, since, depending on the violence and/or individual susceptibility, they greatly increase the risk of abortion spontaneous. For example, the harmful effects of vibrations (which depend both on the characteristics of the vibrations themselves and on the exposure time, and on the area of contact with the object that vibrates both by factors such as body constitution, posture, etc.) can cause osteopathy, osteoarticular diseases (sciatica, low back pain), angioneurotic diseases and harmful effects on the whole body.
In pregnant women, these disorders tend to present with a higher incidence and are associated with an increased risk of premature birth and/or birth of a newborn under weight (11, 12). Moreover, the phenomenon of kinetosis (linked to the hyperstimulation of the vestibule and of the semicircular canals) is favored, particularly frequent and accentuated during gestation.
The processes that expose to vibrations are for example: transport of machines and industrial plants such as tractors, cranes, excavators, locomotives, buses, subways, trucks, boats, helicopters, airplanes, etc.

Noise

As known, noise can cause auditory effects and extra-auditory effects (in particular, various organs and systems, controlled by the autonomic nervous system, such as the cardiovascular system, with alteration of the arterial pressure and of the heart rate, are affected: vascular system, with onset of disorders at the coronary level, the gastrointestinal system, with increase of gastric hyperacidity, ulcers, gastritis and/or colitis, the endocrine apparatus, etc.) (13). There are also numerous studies on reproductive effects that show how exposure for two hours to an intermittent tone of pure tonality (4.0 or 6.0 Khz), of varying intensity between 85 and 95 dB (A), for four days increase excretion of luteinizing hormone and total level of urinary gonadotropins (14). In particular, it has been shown that women who are professionally exposed to noise [85 dB (A) for 8h/day], show an increase in the incidence of menstrual disorders, a reduction in fertility, a reduction in fetal weight at birth and an average duration of pregnancy. Finally, it seems possible to have a correlation between exposure to noise during pregnancy and reduction of hearing ability at high frequencies of newborns.

Among the most exposed activities at risk from noise are those related to the industry, construction, crafts, work in discotheques and in the various types of places used for meeting points and entertainment, construction sites, activities of transport, first aid activities, hunting, maintenance of outdoor environments (gardens, parks), etc.

Ionizing radiations

Ionizing radiations are today an instrument of common use, used for the most varied applications. They are used in healthcare, medical research, in the industrial sector and are fundamental elements of lighting signs, fire detectors, level detectors, humidity detectors and water content, antistatic systems, etc.

It is established that exposure to ionizing radiation is capable of causing damage to human beings, which are distinguished in:

- somatic damage (on the irradiated individual)
- genetic damage (on the progeny).

The somatic damages, in particular, can be of a deterministic type (occurring at relatively high doses and on all exposed individuals and in which there is a dose/effect correlation with a threshold value below which they do not manifest) or stochastic (occurring for low doses and only on some exposed individuals, for these effects there is no apparent threshold dose and the extent of the damage is independent of the dose received) (15-17).

Among the major damages, due to exposure to ionizing radiation, we highlight the increased incidence of cancer on the general population and the development of serious disorders in the various organs and systems. The most damaged territories are the gonads (spermatogonia and egg cells), the hemopoietic marrow (lymphocytes, erythroblasts, etc.), the gastroenteric tube (cells of the small intestine, stomach, colon), the central nervous system, the skin, the bone, the muscles, etc.

Embryo and fetus (also depending on the development phase) are extremely sensitive to ionizing radiation. Numerous epidemiological studies on children exposed in utero at the time of the atomic bombing of Hiroshima and Nagasaki have highlighted the onset of CNS malformations and serious mental retardation. Furthermore, the correlation between exposure to ionizing radiation and the increase in the incidence of chromosomal anomalies (duplications, rearrangements, deletions of chromosome material) is certain.

In the initial stages the non-implantation of the embryo or the increased incidence of abortions are favorites; in the subsequent phases it determines the onset of malformations and alterations of the organogenesis. Furthermore, the probability of developing tumors, both in congenital and post-natal births, is highly increased for these children.

Thermal stresses

The gestation period makes the woman less tolerant to the consistent temperature variations, due to the changed physical and hormonal conditions. As mentioned in the guidelines of the Commission of the European Communities: “During pregnancy, women endure less heat and are more likely to faint or suffer from heat stress. The risk is usually reduced after delivery but it is certainly not how quickly the tolerance improves. Exposure to heat may have harmful outcomes on pregnancy. Breast-feeding can be impaired due to heat dehydration. Working at very cold temperatures can be dangerous for pregnant women and unborn children. Warm clothing should be available. However, the risks increase in the case of exposure to sudden changes in temperature” (18).

It is therefore necessary to not neglect this aspect in the risk assessment and in the correct management of the activities potentially dangerous for the health of pregnant workers.

Chemical agents

The use of chemical agents is commonly found in work activities and often uses them even if they are classified as dangerous (classification recognizable through specific labeling). The reproductive cycle of a woman is almost always influenced by the exposure to such agents and in the case of pregnant workers, workers who have recently given birth and breastfeeding may experience abortions or serious damage to both the woman and the unborn child.

Also with regard to hazardous chemical agents, it is a must for the Employer to carry out appropriate risk assessment and to remove pregnant employees from the at-risk tasks throughout the pregnancy and up to seven months after the birth of the child (5, 6).

Biological agents

Certain work activities may involve the risk of exposure and therefore of possible occurrence of one or

more infectious diseases and this must always be carefully considered during the risk assessment process, especially in cases where they are present in the company pregnant, puerperium and lactation (5, 6).
A disease caused by a biological agent, in fact, if it develops during such periods, it can more likely cause the onset of complications in the affected worker, going to negatively affect the entire evolution of pregnancy itself and negatively affect the product of conception.
Biological agents dangerous to health are classified into the following groups:

- group 1: an agent that is unlikely to cause disease in human subjects
- group 2: an agent that can cause diseases in human subjects and pose a risk to workers; it is unlikely that it will spread in the community; effective prophylactic or therapeutic measures are normally available
- group 3: an agent that can cause serious illness in human subjects and constitutes a serious risk for workers; the biological agent can spread in the community, but effective prophylactic or therapeutic measures are usually available
- group 4: an agent that can cause serious illnesses in human subjects and constitutes a serious risk for workers; it can present a high risk of propagation in the community; effective prophylactic or therapeutic measures are not normally available.

Many biological agents that fall into risk groups 2, 3 and 4 can affect the unborn child if the mother is infected during pregnancy.
A biological agent can penetrate an organism through multiple pathways and is able to reach and infect the fetus (when it is still in the uterus) by placental pathway or it can affect the child during and after childbirth or during breastfeeding, following of the close physical contact between mother and child.
The typical agents involved are: the HBV virus (responsible for hepatitis B), the HCV virus (responsible for hepatitis C), the human immunodeficiency virus (HIV), the Herpes virus, the Mycobacterium tuberculosis (agent responsible for tuberculosis), Treponema pallidum (responsible for syphilis), Varicella-Zoster virus (responsible for varicella), Salmonella typhi (typhoid fever agent), Rubeovirus (responsible for rubella), Toxoplasma gondii (toxoplasmosis agent), Cytomegalovirus and Chlamydia trachomatis.
Among the work activities that may involve the presence of biological agents there are for example those related to agriculture, breeding and in which there is contact with animals, those related to health services, to isolation and post-mortem units, those which take place in garbage disposal and special waste collection facilities with infectious potential, the activities that take place in waste water treatment plants, the actions implemented in veterinary and diagnostic clinical laboratories, excluding microbiological diagnostic laboratories, the processes that take place in the food industry, etc.

Evaluation of work-related stress

The Legislative Decree 81/08 (6), according to the contents of the European agreement of 8 October 2004 and in compliance with the gender variable, also establishes the obligation, for the Employer, to assess the risks related to work stress- related. The latter is caused by various factors inherent in the context and content of the work and determines a situation of physical, psychological or social imbalance, favored by situations in which the employee can no longer feel able to respond to the job demands. The risk assessment required by art. 11 of Decree 151/01 (5) should not underestimate this aspect, above all because pregnant workers and workers who have recently given birth may be more affected by work stress both during and after gestation.

Normative requirements

Pregnancy is not and should not be considered a disease. It represents a very important aspect of daily life, fundamental for the individual and for the whole of society and, as such, must absolutely be protected.
It is inevitable that many conditions of the everyday life of a woman and of the world around her are influential and noticeable changes, both during the gestational period and during the puerperium and lactation. Situations considered previously acceptable, although complicated, may no longer be at this stage and, in the specific occupational context, many work activities may constitute a condition of prejudice or risk to the health of the working woman or that of her child or both.
The problem, too often underestimated in the past, over the years has attracted the attention of many until the enactment, on the part of the Legislator, of specific preventive rules aimed at protecting the health and well-being of working mothers.
The relevant legislation establishes a rule that underpins all the others, namely that “pregnant and lactating pregnant workers cannot be used for dangerous, tiring and unhealthy jobs” (5).
In the case in which these circumstances are inevitably present in a particular company, it will be necessary to remove the worker from the work risk and assign it to another compatible task or, if it is not possible to move the job, she must be forbidden from her job.
The Inspection Service of the Provincial Directorate for Labor will intervene by law, which is required to acquire, in due time, the assessment - declaration of occupational risks present in the company, formulated and sent by the Employer.

The Legislation

The current legislation for the protection of working mothers is represented by Legislative Decree 26 March 2001 no. 151 (5), “Consolidated text of the leg-

islative provisions regarding the protection and support of motherhood and fatherhood".
Chapter II of the Legislative Decree establishes the operating procedures in order to guarantee the protection of the safety and health of the worker during pregnancy and up to 7 months of age of the child. This legislation defines the roles and responsibilities of 3 fundamental subjects:
- The Employer
- The Worker
- The Inspection Service of the Provincial Labor Directorate.
- The Employer.

The Employer is the first person responsible for protecting the safety and health of the worker. He is obliged to evaluate the risks present in the work environment in advance, in an appropriate and careful manner, also taking into account the presence of pregnant workers, workers who have recently given birth or are breastfeeding. The Employer can and must resort to the assistance of technical figures such as the Head of the Prevention and Risk Protection Service, the Workers' Safety Representative and the Occupational Physician when necessary.
Specifically, as shown by art. 11 Legislative Decree 151/2001 (5) the Employer, without prejudice to the prohibitions already provided for by art. 7, as part of the risk assessment carried out pursuant to art. 28 of Legislative Decree 81/08 (6), must consider the presence of female staff that may be more susceptible to pregnancy - puerperium - breastfeeding exposure to physical, chemical or biological agents, processes or special working conditions.
The Employer (which by law is required to inform and train its workers on the risks present in the company and on how to prevent them) must inform the workers and the Head of the Prevention and Risk Protection Service on the outcome of the risk assessment and on the prevention and protection measures it intends to implement in order to avoid exposure of the worker (pregnant, neutering or lactating) to any risks for the safety and health of the woman and the unborn child. Even if the outcome of the assessment does not reveal risks to the safety and health of the pregnant worker, the Employer is obliged to inform the worker and the Workers Safety Representative.
Therefore the Employer who learns about the pregnancy status of one of his employees is required to:
- remove it immediately from any risk situation
- assign her to another job compatible with the state of pregnancy, also by modifying the conditions or working hours, and informing the provision adopted by the Provincial Service of the Provincial Labor Directorate
- inform in writing form the Inspection Service of the Provincial Labor Directorate so that the relevant measures are issued (interdiction to work), if for organizational reasons changes in working conditions are not possible or for other reasons.

In the cases in which the worker has been assigned to tasks that provide for the execution of night time, it is forbidden (Art. 53 Legislative Decree 151/2001) (5) to the Employer to continue to assign the woman to work, from 24 to 6 o'clock, from the assessment of the state of pregnancy until one year of age of the child.
Furthermore they will not be obliged to provide night work:
- the mother worker of a child under the age of three or, alternatively, the parent worker cohabiting with the same
- the worker or worker who is the only parent entrusted with a cohabiting child under the age of twelve.

Under Article 5, paragraph 2, letter c) of the Law of 9 December 1977, n. 903, the worker who has a disabled person according to the law of 5 February 1992, n. 104, and subsequent modifications are not obliged to provide night work.
- The Worker

The worker represents the subject to be protected in case of pregnancy; he has the obligation to promptly inform the Employer ofher pregnancy status, so that the Employer can activate the consequential protection measures necessary to enforce the rights established by the Law.
The worker can at any time submit an application to the Inspection Service of the Provincial Labor Directorate with the aim of obtaining the abstention from work. This will be possible both in the case of serious complications of pregnancy or pre-existing morbid forms that are presumed to be exacerbated by pregnancy, and for conditions of occupational risk.
- The Inspection Service of the Provincial Labor Directorate
- The Inspection Service of the Provincial Labor Directorate represents an authoritative body that must be consulted and informed about the decisions and therefore the measures of change of duties adopted by the Employer in case of works expressly forbidden or otherwise considered prejudicial to the safety and health of the worker, based on the previously performed risk assessment.

In any condition in which the company finds the presence of prohibited works or activities deemed to be detrimental to the safety and health of the worker and in the presence of impossibility to change tasks explicitly declared by the Employer, the Inspection Service of the Provincial Labor Directorate will be able to have an advance ban on work for the worker up to the end of maternity leave (three months after delivery) or, in the case of particular working conditions, up to seven months after delivery.
In particular, the Guidelines defined by the PRESAL Services of the Local Health Authorities of the province of Bologna indicate among the conditions in which to apply the standard in question (compulsory early leave to three months instead of two):
- cramped work station
- work at the video terminal for at least 20 hours per week without the possibility of reducing the time of use
- commuting:

- distance (over 100 km total return journey)
- journey time (approximately over 2 hours total return journey)
- number and types of means of transport used (use of 2 or more vehicles)
- any uncomfortable features of the route.

The advance of one month is recommended if only the requirement of distance or travel time is present, whereas if other elements are recurring, the interdiction from work for the entire pre-birth period is recommended.

Legislative Decree 151/2001 (5)

As already mentioned above, the legislation that protects the maternity of female employees, both in the public and private sectors is Legislative Decree 151/2001, "Consolidated law on the protection and support of maternity and paternity" in accordance with Article 15 of the Law of 8 March 2000, n. 53.

The legislation aims, on the one hand, to protect the health of women and children and on the other to guarantee the woman and, more generally, the parents, economic protection for periods of absence from work.

The main provisions are listed below:

It is strictly forbidden to assign pregnant workers to heavy, dangerous or unhealthy jobs. For example, workers, during the gestation period and up to seven months after delivery, are exempted from transporting and lifting weights and other burdensome activities (as in Annexes A and B) and can be moved to other tasks, always keeping the original salary and qualification if, due to business needs, they are moved to lower jobs.

In particular, Legislative Decree 645/1996 (19) (in Article 4, of the I), pointed out the obligation for the Employer to assess the risks for the safety and health of pregnant workers, workers who have recently given birth and during breastfeeding up to seven months after delivery, with particular regard to the risks of exposure to physical, chemical or biological agents (Annex C).

Annex A (Article 5 of the Decree of the President of the Republic November 25th, 1976, n. 1026) (20)

List of tired, hazardous and insalubrical works referred to in art. 7

The prohibition pursuant to art. 7, first paragraph, refers to transport, both with arms and shoulders, and with wheeled carts on the road or on a guide, and to lift the weights, including loading and unloading and any other connected operation.

The tiring, dangerous and unhealthy jobs, prohibited under the same article, are the following:

A) (Protection of child labor, Annex I-forbidden work) those provided for by Legislative Decree 4 August 1999, n. 345 and by the legislative decree 18 August 2000, n. 262;
B) those indicated in the table attached to the decree of the President of the Republic March 19, 1956, n. 303, for which the preventive and periodic medical examinations are in force: during gestation and for 7 months after delivery;
C) those who expose to silicosis and to asbestosis, as well as to other occupational diseases referred to in annexes 4 and 5 to the Presidential Decree of 30 June 1965, n. 1124, and subsequent modifications: during gestation and up to seven months after delivery;
D) work involving exposure to ionizing radiation: during gestation and for 7 months after delivery;
E) work on ladders and mobile and fixed scaffolding: during gestation and until the end of the period of interdiction from work;
F) heavy labor labor: during gestation and until the end of the period of interdiction from work;
G) works that involve a station standing for more than half the time or which force a particularly fatiguing position, during gestation and until the end of the period of interdiction from work;
H) work with a pedal-driven machine, or pedal-driven, when the rhythm of movement is frequent, or requires considerable effort: during gestation and until the end of the period of interdiction from work;
I) work with shaking machines or with tools that transmit intense vibrations: during gestation and until the end of the period of interdiction from work;
L) the work of assistance and care of the sick in sanatoriums and departments for infectious diseases and for nervous and mental diseases: during gestation and for seven months after childbirth;
M) agricultural work involving the handling and use of toxic or otherwise harmful substances in soil fertilization and in the care of livestock: during gestation and for seven months after childbirth;
N) works of rice husking and transplantation: during gestation and until the end of the period of interdiction from work;
O) work on board ships, planes, trains, buses and any other means of communication in motion: during gestation and until the end of the period of interdiction from work.

Annex B (Legislative Decree November 25 1996, n. 645, Annex 2) (19)

NON-EXHAUSTIVE LIST OF AGENTS AND WORKING CONDITIONS REFERRED TO ART. 7

A. Pregnant workers referred to art. 6.

1. Agents:

a) physical agents: work in an atmosphere of high overpressure, for example in pressurized chambers, underwater diving
b) biological agents:
- toxoplasma
- rubella virus, unless there is evidence that the worker is sufficiently protected against these agents by her immunization status

c) chemical agents: lead and its derivatives, to the extent that these agents can be absorbed by the human body.

2. Working conditions: underground mining work.
B. Workers in the post-birth period referred to in art. 6.
1. Agents:
a) chemical agents: lead and its derivatives, to the extent that such agents can be absorbed by the human body.
2. Working conditions: underground mining work.

Annex C (Legislative Decree November 25 1996, n. 645, Annex 1) (19)
NON-EXHAUSTIVE LIST OF AGENTS PROCESSES AND WORKING CONDITIONS REFERRED TO ART. 11
A. Agents.
1. Physical agents, when they are considered as agents that cause lesions of the fetus and / or risk causing the placental detachment, in particular:
a) blows, mechanical vibrations or movements
b) manual handling of heavy loads involving risks, especially dorsolumbar
c) noise
d) ionizing radiation
e) non-ionizing radiation
f) thermal stresses
g) movements and work positions, displacements, both inside and outside the establishment, mental and physical fatigue and other physical discomforts connected to the activity carried out by the workers referred to in art. 1.
2. Biological agents.
Biological agents of risk groups 2 to 4 pursuant to art. 75 of the legislative decree 19 September 1994, n. 626, and subsequent amendments and additions, in so far as it is known that such agents or the therapies that they make necessary endanger the health of pregnant women and the unborn child, provided they are not yet included in Annex II.
3. Chemical agents.
The following chemical agents, to the extent known to endanger the health of pregnant women and their unborn child, provided that they are not yet listed in Annex II:
a) substances labeled R 40; R 45; R 46 and R 47 according to the directive n. 67/548 / EEC, provided that they are not yet included in Annex II
b) chemical agents listed in Annex VIII of the Legislative Decree of 19 September 1994, n. 626, and subsequent modifications and additions
d) antimitotic medications
e) carbon monoxide
f) hazardous chemical agents of proven cutaneous absorption.
B. Processes.
Industrial processes listed in Annex VIII of Legislative Decree 19 September 1994, n. 626, and subsequent modifications and additions.
C. Working conditions.
Underground mining works
- It is absolutely forbidden to dismiss the worker from the beginning of the gestation period until the child reaches the age of one year, pursuant to art. 54 of Legislative Decree 151/2001 (5).

Since the prohibition is connected to the employee's objective state of pregnancy, regardless of whether the Employer is aware of the condition or not, it will be sufficient to show an appropriate certification attesting to the existence at the time of the dismissal. conditions that forbid it, to ensure that the woman is reintegrated to work.
Therefore the dismissal made in connection with the state of objective pregnancy and postpartum is to be considered void, with the consequence that the worker will be entitled to the restoration of the employment relationship immediately.
The dismissal caused by the application or use of the parental leave and for the child's illness is also void.
The prohibition of dismissal also applies to the working father, in case of use of the paternity leave, for the duration of the same leave, and extends until one year of age of the child.
The prohibition of dismissal also applies in the case of adoption and assignment, as cited by art. 54 Legislative Decree 151/2001 (5), and continues for up to one year from the entry of the minor into the family unit, in the event of maternity leave and paternity leave.
However, there are some objective cases in which the prohibition of dismissal will not be applicable; these consist of:
1. the existence of gross negligence committed by the worker, the just cause for the termination of the employment relationship
2. cessation of the activity of the company to which it is assigned
3. completion of the service for which the worker was hired or termination of the employment relationship by expiry of the term
4. negative outcome of the test, without prejudice to the prohibition of discrimination pursuant to art. 4 Law n. 125/1991 (21).

The worker during the entire period in which the prohibition of dismissal operates cannot be placed on the move following a collective dismissal, unless it occurred due to the cessation of the company's activity, nor can it be suspended from work, unless the activity of the company or of the department to which it is responsible.
In particular it is important to mention also the new art. 18 of the Workers' Statute, which establishes that dismissal in violation of the legislative provisions regarding the protection of maternity and paternity must be declared invalid by the judge, who will therefore have to apply the so-called full reintegration protection.
As a consequence of this, the illegitimately dismissed worker will be entitled to:
- be reinstated in the workplace
- obtain damages for the period following the dismissal and until the actual reinstatement, less the amount received from other employment (the compensation cannot however be lower than the minimum of five monthly salaries)

- obtain payment of welfare and social security contributions for the entire period from the day of dismissal to that of reintegration
- exercise the so-called right of option, that is to choose between reinstatement and replacement compensation equal to fifteen months of total de facto remuneration.

If it happens that the mother worker expresses her wish to submit the resignation, the voluntary and spontaneity of this act within the first year of life of the child must be evaluated, for the purposes of their validation, by the Provincial Labor Department through a direct interview with the same worker.

In case of non-verification of voluntariness by means of validation, the nullity of the resignation is determined even if the Employer is not aware of the maternity status.

Furthermore, even in the case of resignation, the law intervenes to protect the worker by recognizing her maternity allowance in the period from the beginning of pregnancy until the child's one year of life (or, in case of adoption, up to a year from the entry of the minor into the family).

Workers in the public and private sectors (the particularities are envisaged for self-employed workers and project workers) are entitled to specific leave, as expressed by the law, with different start and duration depending on the case. Maternity leave is foreseen, which provides for the compulsory abstention and flexibility of the leave, and the Parental Leave or optional abstention.

For pregnant workers there is the obligation to abstain from work during the 2 months preceding the presumed date of delivery (reference must be made to the date indicated on the medical certificate, even if there may be a forecast error) and during the 3 months after delivery (compulsory abstention). The remuneration treatment in this period will be equal to 80% of the conventional salary.

Pursuant to art. 16 Legislative Decree 151/2001 (5) where the childbirth occurs beyond the presumed date, the compulsory abstention also operates for the period between the presumed date and the effective date of the birth, as well as during the additional days not taken before the birth, if the birth takes place in advance date with respect to the presumed date.

The worker is required to submit, within thirty days, the certificate certifying the date of birth.

The period of compulsory abstention is calculated for every legal effect in length of service, including the effects related to the thirteenth monthly salary and the Christmas bonus, and is treated as work for the purposes of career progression, except for collective bargaining. does not include particular requirements for the purpose.

The right of compulsory abstention has also been extended to the working father (so-called paternity leave), for the entire period or for the residual part that would have been due to the mother, in case of death or serious mother's negligence or neglect, as well in case of exclusive assignment of the child to the father (art. 28 of Legislative Decree 151/2001) (5).

In this situation the same rules that regulate the economic and regulatory treatment of the female worker apply to the father.

Some workers who make the appropriate request have the possibility to take advantage of the flexibility of the leave and can therefore postpone the exit from the working world of 1 month with respect to the terms for compulsory abstention. The total duration of maternity leave is obviously the same, i.e. 5 months, but abstention from work begins from the month preceding the presumed date of birth and lasts up to 4 months later. The workers admitted to this formula are those who do not carry out dangerous, tiring or unhealthy jobs as per art. 7 and 11 of Legislative Decree 151/01 (5). Eligible employees who wish to apply for it must submit a certificate, made by a specialist gynecologist of the National Health Service attesting to the good state of health of the woman and the absence of special contraindications and appropriate written declaration by the Occupational Physician (where applicable by law) in which it is certified that this option does not involve any prejudice to the health of the pregnant woman and the unborn child. If the figure of the Occupational Physician is not provided in the company, the declaration certifying the absence of risks and specific dangers for the health of the woman and the unborn child must be made by the Employer.

In addition to compulsory abstention there is the possibility of taking advantage of the optional abstention or Parental Leave, i.e. the right of both natural parents to abstain from work voluntarily and simultaneously within the first eight years of life of the child (for adoptive children and in custody within the first twelve years of life).

In the case of multiple births, the right to parental leave exists for each child.

The right to voluntary abstention from work is recognized, pursuant to art. 32 Legislative Decree 151/2001 (5) to workers and employees (excluding those at home or domestic servants) holders of one or more working relationships in place, as well as to self-employed mothers for a maximum period of three months.

Parental leave is the responsibility of the requesting parent even if the other parent is not entitled to it because it is not employed or because it belongs to a category other than that of subordinate workers.

As regards the procedures for exercising the right, the new legislation recognizes a total duration not exceeding ten months.

After the period of compulsory maternity leave, the working mother has a continuous or fractioned period of no more than six months.

The working father has an optional continuous or split period of no more than six months.

When there is only one parent, he or she has a continuous or fractional period of no more than ten months.

If the father receives parental leave (continuative or fractional) for at least three months, the total period of

parental leave is elevated to eleven months in total, so the father will have a total period of seven months.
With this provision, the law attempts to urge a change in social attitudes about parental roles, encouraging the use of optional abstention by the father.
Even self-employed women have the right to take parental leave for a maximum of three months within the year of the child's life.
According to the Law n. 104/1992 art. 4, paragraph 1 (22), the mother worker or, alternatively, the worker who is the father of a child with disability in a situation of ascertained seriousness, has the right, up to the eighth year of life of the child, to prolong the parental leave, usable on an ongoing basis or fractional, for a maximum period, including periods of ordinary parental leave, not exceeding three years, or alternatively, in the first three years of the child's life, to a daily allowance of two paid hours, provided that the child not be admitted full-time to specialized institutes, unless, in this case, the presence of the parent is requested by the sanitary staff.
For the purpose of exercising the right to parental leave, working parents must notify, except in cases of objective impossibility, the Employer according to the procedures provided for by the respective collective agreements and, in any case, with a notice period of not less than fifteen days.
The illness of the parent worker or of the parent worker during the period of parental leave interrupts the same period with consequent postponement of the deadline and brings about the economic treatment related to sick leave.
It is clear that in this case it will be necessary to send the relative medical certificate to the company and to communicate explicitly the intention to suspend the leave for the duration of the illness period and eventually to shift its use.
The requesting parent must attach to the application:

1. birth certificate (or substitute declaration) showing paternity or maternity (adoptive parents or carers are required to present the family status certificate which includes the child's name and the provision of custody or adoption);
2. unauthenticated declaration of responsibility of the other parent, showing the period of leave paid for the same child; in the declaration it is necessary to indicate one's Employer or the condition of not having the right to leave;
3. a similar unauthenticated declaration of responsibility of the requesting parent concerning the periods of abstention that may have already occurred for the same child;
4. commitment of both parents to communicate the subsequent changes.

Unlike the compulsory abstention, the period of optional abstention is calculated in seniority, excluding the effects related to the thirteenth month and the Christmas bonus.
During the period of optional abstention, the parent is entitled to a daily allowance equal to 30% of the salary, up to the third year of life of the child, for a maximum period of six months for the two parents as a whole.
Over six months and from the third to the eighth year of life of the child, the indemnity is due only if the individual's income is less than 2.5 times the amount of the minimum pension treatment payable by the insurance company. general mandatory.
Furthermore, the optional abstention constitutes a new hypothesis that gives rise to the right to anticipation of termination benefits.
The credential of the figurative contribution is made by the National Social Security Institution at the request of the worker.
Even if the mother gives birth in a period in which she does not do any work, she can, with a specific application to the National Social Security Institution, request the crediting of the figurative contribution of the period corresponding to the maternity leave (two months before and three months after delivery). In this case the accreditation is recognized on condition that, at the time of application, the interested party can claim at least five years of contribution.
It is also possible to redeem, that is, the payment of contributions in person, even for the period corresponding to parental leave.
The parental leave is paid by the Employer, who anticipates it on behalf of the National Social Security Institution and balances it with the payment of contributions.
For the following categories of workers, however, payment is made directly by the National Social Security Institution:

1. fixed-term agricultural workers
2. permanent agricultural workers
3. temporary or performance show workers
4. fixed-term workers for seasonal work, in the event that the contract does not provide for liquidation by the employer
5. self-employed workers (self-employed workers are not entitled to it).

The National Social Security Institution has considered that the case of the parent was only integrated even if one of the spouses is, even if only temporarily, affected by an illness that does not allow him to take care of the child. The condition of disability must result from a medical certificate issued by a public facility and not be assessed by the INPS registered medical center.
The Labor Inspectorate always has the right to dispose, if necessary and in special cases, of a further period of leave.
The working mother during the 1st year of the child is entitled to 2 permits of 1 hour for breastfeeding, also cumulative during the day. The daily rest periods therefore have the duration of one hour each (in total two hours per day), if the working time is equal to or greater than six hours per day.
The female worker will be entitled to only one rest period of one hour per day if the working time is less than six hours per day.
If the worker can use company facilities such as

crèches or other suitable structure, set up by the Employer in the production unit or in the immediate vicinity of it, the aforementioned periods will have a duration of half an hour each.
These hours must be granted even if there is no real breastfeeding and must be paid, on behalf of INPS by the employer. The benefit is also due to the working father in the following cases:

- if the children are entrusted only to the father
- as an alternative to the dependent working mother who does not use it
- if the mother is not a dependent worker
- in case of multiple birth, the hours of permission are doubled, and the father can take advantage of the additional ones.

In the case of illness of children under the age of three, the female worker has the right to abstain from work without pay.
In particular, both parents have the possibility of taking unpaid days or hours of absence for the duration of any illnesses of the child during the first three years of life of the child, naturally upon presentation of the medical certificate.
Each parent, however, has the right to abstain from work (without pay) for a maximum period of five working days per year if the child is between the ages of three and eight.
Furthermore, the law of November 4, 2010 n. 183 (23) which introduces some news concerning work permits for assistance to family members with disabilities. According to article 24, a public or private employee assisting a family member, relative or similar with a disability in a serious situation is entitled to three days of paid monthly leave. This right is up to one employee for assistance to the same person. If, on the other hand, the child is the disabled person in a situation of seriousness, the right is recognized to both parents, alternatively. The latter can also choose the work place that is closest to them in order to better manage family needs.
There are the same rights of protection even in situations of adoption and custody of children.
Pursuant to art. 26 of Legislative Decree n. 151/2001 (5), maternity leave is up to a maximum of five months for workers who have adopted a minor.
In the case of national adoption, the leave must be taken during the first five months following the actual entry of the minor into the worker's family.
In the case of international adoption, on the other hand, the leave can be used during the period of stay abroad required for the meeting with the child and the formalities related to the adopted procedure, or it can be taken within five months after the entry of the minor in Italy.
In the event that you are faced with the condition of custody of the child, there is a maternity leave of up to three months, which can be taken within five months of entrustment.
All provisions concerning leave for adoption and custody of the minor are also applicable to the father worker, pursuant to art. 31 of Legislative Decree 151/2001 (5).
As already stated above, there is a ban on carrying out night work by ascertaining the state of pregnancy until the child reaches the age of one year.

The Law 92/2012 (3)

Recently, with the Law 92/2012, some innovations have been introduced in the legislative field concerning generally the situation of maternity and paternity and specifically of women workers, including some useful incentives in case of employment of female employees.
In the subsequent implementing legislation (the Decree of December 22th 2012), the Ministry of Labor and Social Policies introduced the following provisions on an experimental basis for the period 2013-2015.
In Article 1 compulsory and optional leave for fathers was introduced. The employee father, within five months of the birth of the child, has the obligation to abstain from work for a day (for which an indemnity is paid by National Social Security Institution equal to 100% of the salary). Within the same period, he may abstain for a further two days, including continuous, upon agreement with the mother and in replacement of the latter in the case of taking maternity leave (also for these two days, a daily allowance for charge of National Social Security Institution equal to 100% of remuneration). The working father is required to provide written notice to the employer of the selected days of abstention from work at least fifteen days before the start of the same.
Furthermore, through the Decree - bis development, i.e. the Legislative Decree 179/2012 (24), converted into Law 221/2012, other changes were introduced aimed at simplifying the operational management of medical certificates attesting justification for the absence of the worker due to illness of the child. The medical certificate of the worker, both in the public sector and in the private sector, must be sent to the National Social Security Institution directly from the doctor in charge of the minor, by computer.
Law 92/2012 (3) extends to the first 3 years of the child's life, always with the aim of protecting dependent parents, whether they are the working father or the working mother, the duration of the period in which the obligation to validate the voluntary resignation by the inspection service of the Ministry of Labor and Social Policy responsible for the territory (Article 55 paragraph 4 of Legislative Decree 151/2001 provided for up to 1 year of age). For the same duration the validation institute is extended also to the case of consensual termination of the working relationship of the father or mother. Furthermore, it is specified that the validation constitutes a suspensive condition for the effectiveness of the termination of the employment relationship.
Article 4 of the decree also provided for the introduction of a contribution for the purchase of childcare services. At the end of the maternity leave period and

in the following eleven months, the working mothers are allowed to request 300 euros per month, for a maximum of six months, to be used alternately for the baby-sitting service or to meet the costs of the services for children, public or private accredited. The application must be submitted to National Social Security Institution indicating how many months you intend to use, with a consequent reduction of the same amount of parental leave. On the basis of the available funds, the National Social Security Institution has the task of carrying out a tender with an online application and drawing up a ranking. The system for the payment of the contribution is the one adopted for work bonuses for ancillary work in the case of a baby-sitting service and direct payment to the structure where the service was actually used in the other case.

The Interministerial Decree of 28 October 2014 (25) determined the criteria and methods of access to the benefit for the years 2014 and 2015. The National Social Security Institution Circular of 16 December 2014 n.169 illustrates how to apply for it.

The bonus, however, as formulated by Law 92/2012, has seen some workers excluded, that is, those exempted totally from the payment of the public network of services for children or private services affiliated; those benefiting from the benefits referred to in the Fund for Policies related to rights and equal opportunities established by Article 19, paragraph 3, of Legislative Decree 223/2006, converted by law 248/2006 (26); those belonging to the public administration.

Furthermore, the imposed restrictions have led to such a number of appeals over time to bring the Ministry of Social Policies to suspend the measure.

Despite this, the news announced by the Renzi government is recent, concerning the wish to re-enter a Bonus Baby Sitter, which could be a valid method of encouraging female workers not to abandon work after giving birth to their children, also extended to employees of the public employment and increased to 600 euros per month. Soon the interministerial decree containing the new criteria for granting the grant will be published.

Important news also in the Legislative Decree 216/2012 (Urgent provisions aimed at avoiding the application of EU sanctions) merged into the 2013 Stability Law (Law 228/2012) (27). The provision entrusts collective bargaining to the possibility of providing rules that allow parents (fathers and mothers) to manage parental leave by dividing it into hours, for example choosing to work even half a day (with compensation of 30% salary).

In this way it is possible to extend the prefixed limits that were articulated in integral working days and that provided for six months for each parent, up to a maximum of ten months in total (11 in case the father remains home for three consecutive months). The 2013 Stability Law also included the independent fishermen of small-scale sea fishing among the subjects to which the maternity protection provisions for self-employed women apply.

New reform - "JOBS ACT"

The Council of Ministers, on the proposal of the President of the Council of Ministers and the Minister of Labor and Social Policies, in agreement with the Minister of Economy and Finance and with the Minister for Simplification and Public Administration, issued a Decree Legislation containing provisions aimed at providing experimental measures aimed at protecting the maternity of female workers and encouraging opportunities for reconciliation of life and work times for the generality of workers. This is a provision that aims to intervene substantially on Legislative Decree 26 March 2001 n. 151, "Consolidated Law on the protection and support of maternity and paternity" and provides measures to support parental care, protection of the maternity of women workers. With Legislative Decree No. 80/2015 (28), one of the decrees implementing the so-called Jobs Act, which came into force on June 25th 2015, the legislator redesigned the aforementioned legislation on parental leave, introducing a series of changes aimed specifically at extending the right to leave work of parental workers.

Decree on maternity leave, leave and new children

The new Legislative Decree focuses primarily on the prohibition of assigning women to compulsory maternity leave to work, making it more flexible to use them in certain circumstances such as situations of premature birth or hospitalization of the newborn.

The Decree, in fact, in article 2 reads as follows:

"(Amendments to Article 16 of Legislative Decree 26 March 2001, No. 151 on the prohibition of the employment of women)

1. To the legislative decree 26 March 2001, n. 151, the following changes have been made:

a) in Article 16, paragraph 1, letter d) is replaced by the following: d) during the days not taken before the birth, if the birth takes place in advance of the presumed date. These days shall be added to the period of maternity leave after childbirth, even if the sum of the periods referred to in points (a) and (c) exceeds the total limit of five months".

b) after Article 16 the following is inserted:

"Art. 16-bis (Postponement and suspension of maternity leave).

1. In the case of hospitalization of the newborn in a public or private facility, the mother has the right to request the suspension of maternity leave for the period referred to in Article 16, paragraph 1, letters c) and d), and to enjoy the leave, in whole or in part, from the date of discharge of the child.
2. The right referred to in paragraph 1 may be exercised only once for each child and is subject to the production of a medical certificate stating that the state of health of the woman is compatible with the resumption of work".

In the first case, therefore, the days of compulsory abstention not taken before the birth are added to the

period of maternity leave post-partum even when the sum of the two periods exceeds the total limit of five months; in the second case the possibility of taking a maternity leave in case of hospitalization of the newborn is foreseen, followed by the presentation of suitable medical certification attesting the good state of health of the mother for the return of the same to work. Both solutions are therefore useful to favor the mother-child relationship without underestimating the mother's good health.

With the law 92/2012 was introduced on an experimental basis for the years 2013 to 2015 a real obligation to abstain from work also head a working father, lasting one day and within five months after the birth of his son. Law 208/2015 (2016 Stability Law) (29) subsequently extended the application of this mandatory leave to subsequent years, extending its duration to two days.

The Decree also intervenes in matters of paternity leave and extends, to all categories of workers, the faculty to take leave from the father in cases where the mother is unable to use it for natural or contingent reasons, art. 5:

"(Amendments to Article 28 of Legislative Decree 26 March 2001, No. 151 on paternity leave)

1. In Article 28 of Legislative Decree 26 March 2001, n. 151, the following changes have been made:

a) after paragraph 1 the following are inserted: "1-bis. The provisions referred to in paragraph 1 shall also apply if the mother is an independent worker entitled to the allowance referred to in Article 66.

1-ter. The indemnity referred to in Article 66 is due to the self-employed father, upon request to the INPS, for the entire duration of the maternity leave or for the residual part that would be paid to the worker in case of death or serious mother's illness or of abandonment, as well as in case of exclusive custody of the child to the father";

b) paragraph 2 is replaced by the following: "2. The father worker who intends to make use of the right referred to in paragraphs 1 and 1-bis presents to the employer the certification relating to the conditions set out therein. In case of abandonment, the working father makes a declaration pursuant to Article 47 of the Decree of the President of the Republic of 28 December 2000, n. 445. National Social Security Institution provides ex officio administrative checks necessary for the payment of the indemnity referred to in paragraph 1-ter".

Another important innovation brought about by the Decree provides for a maximum extension of the time frame for the use of parental leave from the current 8 years of the child's life to 12. The partially paid one (30%) is taken from the child's 3 years of age to 6 years; unpaid from the 6 years of the child's life to 12 years, articles 8 and 9:

Article 8: "(Amendments to Article 33 of Legislative Decree 26 March 2001, No. 151 on the extension of parental leave)

1. In article 33, paragraph 1, of Legislative Decree 26 March 2001, n. 151, the words:

"By the end of the child's eight year old" are replaced by the following: "by the end of the child's twelfth year";

Art. 9: "(Amendments to Article 34 of Legislative Decree No. 151 of March 26, 2001, on economic and regulatory matters)

1. Article 34 of Legislative Decree 26 March 2001, n. 151, the following changes have been made:

a) in paragraph 1, the words "until the third year" are replaced by the following: "until the sixth year"

b) paragraph 3 is repealed".

Moreover, the employee will have the possibility to choose the Parental Leave or to switch to a 50% part-time working time, art. 7:

(Amendments to Article 32 of Legislative Decree 26 March 2001, No. 151 on parental leave)

1. In article 32 of Legislative Decree 26 March 2001, n. 151, the following changes have been made:

a) in paragraph 1 the words "in the first eight years of his life" are replaced by the following: "in the first twelve years of his life"

b) after paragraph 1-bis the following paragraph is inserted: "1-ter. In case of non-regulation, by collective bargaining, also at company level, of the methods for using parental leave on an hourly basis, each parent can choose between daily and hourly use. The use on an hourly basis is allowed in the amount equal to half the average daily time of the four-week or monthly pay period immediately preceding that during which the parental leave begins. The cumulability of hourly use of parental leave is excluded with the permits or rest periods referred to in this legislative decree"

c) paragraph 3 is replaced by the following: "3. For the purposes of exercising the right referred to in paragraph 1, the parent is required, except in cases of objective impossibility, to notify the employer according to the methods and criteria defined by the collective agreements and, in any case, with a notice period of not less five days indicating the beginning and end of the leave period. The notice period is 2 days in the case of parental leave on an hourly basis".

Furthermore the Decree:

- emphasizes also the cases of adoption or custody (the possibility of benefiting from parental leave from entering the family is included, while the total duration of the leave remains unchanged and norms are introduced to protect, in a more extended, parenting precisely in the case of adoptions and assignments)
- extends maternity benefits to self-employed women and those in the agricultural sector
- issues an innovative provision on teleworking that provides benefits for private employers who use them with the aim of favorably participating in the support of their employees with special needs towards the family (Article 22: "1. Employers private workers who make use of the teleworking institute for reasons related to the needs of parental care

under collective agreements, benefit from the exclusion of workers admitted to teleworking from the calculation of the numerical limits provided for by laws and collective agreements for the application of particular regulations and institutes")
- introduces a provision in favor of women victims of gender-based violence, which grants them a leave and allows them to be placed in duly certified protection paths. In this way, these employees have the right to abstain from work for a maximum of three months for reasons connected with these paths, having ensured full remuneration, the accrual of holidays and other related institutions (article 23).

All these changes, initially planned for experimental purposes only for the year 2015, were subsequently rendered definitive and structural by Legislative Decree 148/2015 (30), which came into force on September 24th 2015.

The introduction of the possibility to grant the working mother, at the end of the period of maternity leave and as an alternative to the use of parental leave, the payment of vouchers for the purchase of baby-sitting services dates back to the 2012 labor market reform or to meet the costs of public services or private services accredited for children. Law 208/2015 has extended the application of this measure.

The law guarantees the retention of the job for the mother worker, or the parent worker who has taken leave, through the prohibition of dismissal from the beginning of pregnancy until the child has reached one year of age, the obligation to validate the resignation presented in this same period before the Provincial Labor Directorate, as well as the right to keep one's job and to re-enter the same production unit to which it was previously employed, with the same tasks.

In the event of dismissal sentenced during the maternity period, the law provides that the dismissal must be considered void and establishes:

- the reintegration order of the worker in the workplace
- the sentence of the employer to compensation for the damage, to the extent of the remuneration accrued from the day of the dismissal until that of the actual reinstatement, deducting only what received through another occupation (the compensation cannot be less than five months' salary)
- the payment of social security and welfare contributions for the entire period between dismissal and reintegration
- the optional right in favor of the worker, i.e. the possibility for the latter to choose, instead of reintegration, the payment of an indemnity equal to fifteen months.

Budget Law 2017: "the family package" (31)

The new 2017 Budget Law provides for the introduction of new provisions to protect maternity and paternity, as well as financial aid for the family for the first years of life of the child.

The main reforms are as follows:

- Abstention of the working father: the 2017 Budget Law also extends the two-day compulsory paternity leave to 2018, not alternative to maternity leave, to be used within five months of the birth, adoption or custody of the child. For 2018 it is established that these days become four and that they can also be used during the period of abstention of the mother after childbirth.
- Baby bonus: it is a monthly allowance to which parents of a child under three are entitled; the amount varies with the ISEE of the family unit.
- Baby-sitter bonus: even in 2018 you will be able to enjoy baby-sitter and nursery vouchers for mothers who renounce parental leave or have not used the entire period of leave. A bonus of 600 euros is recognized for a maximum of 3 or 6 months. This facility is also extended to foster or adoptive mothers.
- Bonus mothers tomorrow: the National Social Security Institution circular 39/2017 established that from 1 January 2017, women who have:
  or completed the 7th month of pregnancy
  or given birth, even before the eighth month
  or adopted or taken into custody a minor.
- Nest bonus: is a voucher up to 1000 euros per year for families with children up to three years enrolled in the nursery, regardless of income, in order to help parents pay the fee.

Budget Law 2018 (32)

The Budget Law 2018 defined the set of family bonuses that can be requested in the year just begun. This is basically a confirmation of most of the measures already introduced in recent years, which have simply been extended and not stabilized.

- Baby bonus extended, but only for one year: the Baby Bonus has been extended but only for new born or adopted in 2018 and only for one year (no more for three).

For families with an ISEE income of € 25,000 per year, the financial contribution is € 80 per month. For those with an ISEE income of € 7,000 or less, the child bonus amount is € 160 per month.

- Confirmed mothers bonus tomorrow, baby sitter and nursery school: The Budget Law did not provide for new conciliation measures but reconfirmed some bonuses introduced with previous legislative measures.
- State maternity allowance: among the bonuses destined to the family we also point out the maternity allowance of the State, an allowance addressed to the working or precarious mothers guaranteed for a maximum of 5 months.
- Maternity allowance of the Municipality: the 2018 Maternity Allowance is a contribution that is due to the unemployed and housewife mothers in the event of pregnancy.

References

1. Decreto Legislativo 25 febbraio 2000, n. 61. "Attuazione della direttiva 97/81/CE relativa all'accordo quadro sul lavoro a tempo parziale concluso dall'UNICE, dal CEEP e dalla CES". Available from: http://www.dplmodena.it/legge61-00-Fin08.pdf
2. Legge 24 giugno 1997, n. 196. "Norme in materia di promozione dell'occupazione". Available from: http://www.camera.it/parlam/leggi/97196l.htm
3. Legge 28 giugno 2012, n. 92. "Recante disposizioni in materia di riforma del mercato del lavoro in una prospettiva di crescita". Available from: http://www.gazzettaufficiale.it/eli/id/2012/07/03/012G0115/sg
4. Accordo Interconfederale per il recepimento dell'accordo-quadro europeo sul telelavoro concluso Il 16 Luglio 2002 Tra UNICE/UEAPME, CEEP E CES. Available from: https://www.cliclavoro.gov.it/Aziende/Documents/accordo_interconfederale_telelavoro_9_6_2004.pdf
5. Decreto legislativo 151/2001. "Testo Unico disposizioni in materia di tutela e sostegno della maternità e della paternità". Available from: http://www.camera.it/parlam/ leggi/deleghe/01151dl.htm
6. Decreto legislativo 9 aprile 2008, n.81. Testo unico sulla salute e sicurezza sul lavoro. Available from: http://www.lavoro.gov.it/documenti-e-norme/studi-e-statistiche/Documents/Testo%20Unico%20sulla%20Salute%20e%20Sicurezza%20sul%20Lavoro/Testo-Unico-81-08-Edizione-Giugno%202016.pdf
7. Haywood L Brown, MD F Bayard. Fisiologia della gravidanza. 2018. http://www.msdmanuals.com/it-it/professionale/ginecologia-e-ostetricia/approccio-alla-donna-in-gravidanza-e-assistenza-prenatale/fisiologia-della-gravidanza
8. Burdorf A, Brand T, Jaddoe VW, et al. The effects of work-related maternal risk factors on time to pregnancy, preterm birth and birth weight: the Generation R Study. Occup Environ Med. 2011 Mar;68(3):197-204.
9. Bramwell RS, Davidson MJ. Visual display units and pregnancy outcome: a prospective study. J Psychosom Obstet Gynaecol. 1993 Sep;14(3):197-210.
10. Commissione delle Comunità Europee. 2000. Comunicazione della commissione sulle line direttrici per la valutazione degli agenti chimici, fisici e biologici, nonché dei processi industriali ritenuti pericolosi per la sicurezza o la salute delle lavoratrici gestanti, puerpere o in periodo di allattamento (direttiva 92/85/CEE del Consiglio). Available from: https://web.infn.it/CUG/images/alfresco/NormativaNazionale/2000-10-05_Linee_Direttrici_UE.pdf
11. Penkov A. Influence of occupational vibration on the female reproductive system and function. Akush Ginekol (Sofiia). 2007;46(3):44-48.
12. Makowiec-Dabrowska T, Hanke W, Sobala W, et al. Risk of certain obstetric pathologies in women employed in working conditions non-complying with the current legal status on work load and working conditions appropriate for pregnant women. Med Pr. 2003;54(5):415-425.
13. Tomei G, Anzani MF, Casale T, et al. Extra-noise effects of noise. G Ital Med Lav Erg. 2009;31(1):37-48.
14. INAIL. 2002. Donna, salute e lavoro. La lavoratrice in gravidanza. Available from: https://www.inail.it/cs/internet/comunicazione/pubblicazioni/catalogo-generale/donna-salute-e-lavoro-la-lavoratrice-in-gravidanza.html
15. Akushevich IV, Veremeyeva GA, Dimov GP, et al. Modeling deterministic effects in hematopoietic system caused by chronic exposure to ionizing radiation in large human cohorts. Health Phys. 2010 Sep;99(3):322-329.
16. Thome C, Chambers DB, Hooker AM, et al. Deterministic Effects of the Eye Following Ionizing Radiation Exposure: is There Evidence to Support at Reduction in Threshold Dose? Health Phys. 2018 Mar;114(3):328-343.
17. Hammer GP, Scheidemann-Wesp U, Samkange-Zeeb F, et al. Occupational exposure to low doses of ionizing radiation and cataract development: a systematic literature review and perspectives on future studies. Radiat Environ Biophys. 2013 Aug;52(3):303-319.
18. Commission of the European Communities, 2010. COMMUNICATION FROM THE COMMISSION on guidelines for the assessment of chemical, physical and biological agents, as well as industrial processes deemed dangerous for safety or the health of pregnant workers, workers who have recently given birth or are breastfeeding, available from: https://web.infn.it/CUG/images/alfresco/NormativaNazionale/2000-10-05_Linee_Direttrici_UE.pdf
19. Decreto Legislativo 25 novembre 1996, n. 645. "Recepimento della direttiva 92/85/CEE concernente il miglioramento della sicurezza e della salute sul lavoro delle lavoratrici gestanti, puerpere o in periodo di allattamento". Available from: http://www.camera.it/parlam/leggi/deleghe/96645dl.htm
20. Decreto Presidente Repubblica 1976 n. 1026, Regolamento di esecuzione della Legge 30 dicembre 1971 n. 1204, sulla tutela delle lavoratrici madri. Available from: http://pariopportunitafaenza.racine.ra.it/scarica/normativa_nazionale/20_dpr_25111976_n_1026_reg_l_1204.pdf
21. Legge 125/91. "Azioni positive per la realizzazione della parità uomo-donna nel lavoro". Available from: http://www.cifnazionale.it/azionipositive/legge125_1991.pdf
22. Legge 5 febbraio 1992, n. 104. "Legge-quadro per l'assistenza, l'integrazione sociale e I diritti delle persone handicappate". Available from: http://www.handylex.org/stato/l050292.shtml
23. Legge 4 novembre 2010, n. 183. "Deleghe al Governo in materia di lavori usuranti, di riorganizzazione di enti, di congedi, aspettative e permessi, di ammortizzatori sociali, di servizi per l'impiego, di incentivi all'occupazione, di apprendistato, di occupazione femminile, nonché misure contro il lavoro sommerso e disposizioni in tema di lavoro pubblico e di controversie di lavoro." Available from: http://www.gazzettaufficiale.it/gunewsletter/dettaglio.jsp?service=1&datagu=2010-11-09&task=dettaglio&numgu=262&redaz=010G0209&tmstp=1289476641169
24. Testo Coordinato del Decreto-Legge 18 ottobre 2012, n. 179. "Ulteriori misure urgenti per la crescita del Paese". Available from: http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2012-12-18&atto.codiceRedazionale=12A13277
25. Decreto 28 ottobre 2014. "Disposizioni in materia di riforma del mercato del lavoro in una prospettiva di crescita". Available from: http://www.gazzettaufficiale.it/eli/id/2014/12/11/14A09598/sg
26. Legge 4 agosto 2006, n. 248. "Conversione in legge, con modificazioni, del decreto-legge 4 luglio 2006, n. 223, recante disposizioni urgenti per il rilancio economico e sociale, per il contenimento e la razionalizzazione della spesa pubblica, nonché interventi in materia di entrate e di contrasto all'evasione fiscale". Available from: http://www.camera.it/parlam/leggi/06248l.htm
27. Legge 24 dicembre 2012, n. 228. "Disposizioni per la formazione del bilancio annuale e pluriennale dello Stato (Legge di stabilità 2013". Available from: http://www.gazzettaufficiale.it/eli/id/2012/12/29/012G0252/sg
28. Decreto legislativo n. 80/2015, recante misure per la conciliazione delle esigenze di cura, di vita e di lavoro, in attuazione dell'art. 1, commi 8 e 9, della legge 10 dicembre 2014, n. 183.

29. Legge 28 dicembre 2015, n. 208, recante disposizioni per la formazione del bilancio annuale e pluriennale dello Stato (legge di stabilità 2016).
30. Decreto legislativo n. 148/2015, recante disposizioni per il riordino della normativa in materia di ammortizzatori sociali in costanza di rapporto di lavoro, in attuazione della legge 10 dicembre 2014, n. 183.
31. Legge 11 dicembre 2016, n. 232. "Bilancio di previsione dello Stato per l'anno finanziario 2017 e bilancio pluriennale per il triennio 2017-2019". Available from: http://www.gazzettaufficiale.it/eli/id/2016/12/21/16G00242/sg
32. Legge 27 dicembre 2017, n. 205. "Bilancio di previsione dello Stato per l'anno finanziario 2018 e bilancio pluriennale per il triennio 2018-2020". Available from: http://www.governo.it/approfondimento/legge-di-bilancio-2018/8744