



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

24 May 2018

Case Document No. 1

Sindacato Autonomo Europeo Scuola ed Ecologia (SAESE) v. Italy
Complaint No. 166/2018

COMPLAINT

Registered at the Secretariat on 7 May 2018



Object: Collective complaint against the “Fornero Law” (Pensions) – Italy

*We consider that the “Fornero Law” (Decree-Law 201/2011) violates Article (Part II) of the European Social Charter, which [provides that] with a view to ensuring the effective exercise of the right to protection of health, the Parties undertake ... in cooperation with public or private organisations, to take appropriate measures designed inter alia to prevent as far as possible epidemic, endemic and **other** diseases, as well as accidents.*

The other diseases also include psychological illnesses such as burnout syndrome.

The intensification of productive activity has resulted in an increase in workloads, and consequently of the risk of an exhausting impact for workers.

In Italy the old-age pension is a pension benefit that is disbursed above a certain age, subject as a rule to a **contribution history of at least 20 years**.

*As of 1 January 2012 the Fornero Law (Decree-Law 201/2011) has in general tightened the eligibility prerequisites, setting them at **66 years** for men (employees and self-employed) and female public sector workers; **62 years** for female private sector workers; and **63 years and 6 months** for female self-employed and quasi self-employed workers.*

*For these categories, the reform in question provided for a gradual increase in the retirement age with the objective of **equalising** the retirement age for men and women, which occurred on 1 January 2018. Thereafter, in line with changes in **life expectancy**, workers will retire at 67 in 2020 and at 70 in 2050.*

SAESE

Sindacato Autonomo Europeo Scuola ed Ecologia [Autonomous European Trade Union for Schools and Ecology]



*In order to acquire the right to an old-age pension workers must have a contribution history of 20 years, failing which they must work until **70 years of age** and have made at least 5 years of **effective contributions**.*

It must be clarified that the retirement age of 70 years is also subject to adjustment in line with life expectancy, and hence will be increased to 70 years and 7 months as of 2016.

Since 1992 – the year in which the so-called “baby pensions” were abolished by the Amato reform – four further pensions reforms have been adopted, which currently enable teachers to retire at the age of 67.

*The situation has therefore radically changed, although the institutions have not carried out even minimal checks in relation to the health of teachers. Moreover, all of this has occurred notwithstanding Article 28 of the Consolidated Act on the protection of workers’ health, which requires monitoring and prevention of **Work-Related Stress (WRS)** in the **helping professions**, placing particular emphasis on the **gender** and **age** of the worker.*

However, the variables mentioned above are particularly significant precisely within the schools’ sector: 82% of teachers are women, and their average age is 52. In fact, scientific studies tell us that the risk of depression among women is 2.5 times greater than in men (due to the menstrual hormone cycle), and may even be five times greater during the perimenopause.

Thus, only limited (albeit certified) data are required in order to comprehend the leap in the dark made by the legislator in failing to carry out a scientific assessment of the state of health of teachers as a professional category when reforming their pension arrangements. The situation becomes even more alarming if the figures for France and Great Britain from 2005 and 2009 respectively are considered, which acknowledge teachers as the professional category that is most exposed to the risk of suicide.

This is not to mention “Quota 96” workers who, as a result of a mere error, which was subsequently recognised (two years later) by Fornero, were refused permission to retire when they were only a few steps short of that cherished goal.

SAESE

Sindacato Autonomo Europeo Scuola ed Ecologia [Autonomous European Trade Union for Schools and Ecology]



Needless to say, whilst Fornero is to be regarded as the main person responsible, the Italian Government also made its own contribution by rejecting the corrective amendments unanimously approved by the Italian Parliament in August 2014.

Date: 6 May 2018

**Yours
faithfully,**

**Signed: Prof. Francesco
Orbitello President and
Treasurer of the SAESE**