

– Italy and the European Social Charter –

Signatures, ratifications and accepted provisions

Italy ratified the 1961 European Social Charter on 22/10/1965 and the Revised Social Charter on 5/07/1999, accepting 97 out of 98 paragraphs.

It ratified on 3/11/1997 the 1995 Additional Protocol providing for a system of collective complaints, but has not made yet a declaration enabling national NGOs to submit collective complaints.

The Charter in domestic law

Statutory ad hoc incorporation into domestic law based on Act No. 30/1999 (*Legge recante ratifica ed esecuzione della Carta Sociale europea, riveduta, con annesso, fatta a Strasburgo il 3 maggio 1996*).

Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	
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15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	
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23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1	
31.2	31.3							Grey = Accepted provisions				

Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted [reports concerning Italy](#) in 2004, 2009, 2014 and 2019. In this latest report, the Committee considered that Italy could accept Article 25.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

Monitoring the implementation of the European Social Charter ¹

I. The collective complaints procedure ²

Collective complaints (under examination)

Associazione professionale sindacale dirigenti area istruzione e ricerca (Dirigentiscuola) v. Italy (Complaint No. 223/2023)

The complaint was registered on 15 March 2023.

Sindacato Autonomo Comitato Nazionale Pompieri (CO.NA.PO.) v. Italy (Complaint No. 215/2022)

Sindacato Autonomo Comitato Nazionale Pompieri (CO.NA.PO.) v. Italy (Complaint No. 214/2022)

The Committee decided on 23 May 2023 to join the two complaints Nos. 214/2022 and 215/2022 with a view to examining the admissibility of these complaints in a single decision. The Committee **declared** the complaints admissible on 4 July 2023.

Associazione Sindacale Militari (ASSO.MIL.) v. Italy (Complaint No. 213/2023)

The Committee **declared** the complaint admissible on 23 May 2023.

Associazione Professionale e Sindacale (ANIEF) v. Italy (Complaint No. 200/2021)

The Committee **declared** the complaint admissible on 24 March 2022.

Confederazione Generale Sindacale CGS, Federazione GILDA-UNAMS and Sindacato Nazionale Insegnanti Di Religione Cattolica v. Italy (Complaint No. 192/2020)

The Committee **declared** the complaint admissible on 9 December 2020.

Sindacato autonomo Pensionati Or.S.A. v. Italy (Complaint No. 187/2019)

The Committee **declared** the complaint admissible on 20 October 2020.

Amnesty International v. Italy (Complaint No. 178/2019)

The Committee **declared** the complaint admissible and decided to indicate immediate measures on 4 July 2019.

Collective complaints (proceedings completed)

1. Complaints inadmissible or where the Committee has found no violation

a. Inadmissibility

Comitato Nazionale Quadri Direttivi della Pubblica Amministrazione (CO.N.QUA.DIR - P.A.) and Cassa Mutua Nazionale tra i Cancellieri e Segretari Giudiziari v. Italy (Complaint No. 202/2021)

The Committee **declared** the complaint inadmissible on 18 May 2020.

Sindacato Autonomo Europeo Scuola ed Ecologia (SAESE) v. Italy (Complaint No. 194/2020)

The Committee **declared** the complaint inadmissible on 11 December 2020.

Sindacato Autonomo Europeo Scuola ed Ecologia (SAESE) v. Italy (Complaint No. 186/2019)

The Committee **declared** the complaint inadmissible on 20 October 2020.

¹ The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

² See for details on the collective complaints procedure the relevant web page.

Associazione Medici Liberi v. Italy (Complaint No. 177/2019)

The Committee [declared](#) the complaint inadmissible on 6 December 2019.

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

The Committee [declared](#) the complaint inadmissible on 18 March 2019

Movimento per la libertà della psicanalisi – Associazione culturale v. Italy (Complaint No. 122/2016)

The Committee [declared](#) the complaint inadmissible on 24 March 2017

b. No violation

Nursing Up v. Italy (Complaint No. 169/2018)

- No violation of Article 6§2 (right to bargain collectively - negotiation procedures)

[Decision on the merits of the Complaint No. 169/2018.](#)

Follow up:

[Resolution CM/ResChS\(2023\)2](#)

Sindacato autonomo Pensionati Or.S.A. v. Italy (Complaint No. 167/2018)

- No violation of Article 12§3 (right to social security - development of the social security system)

[Decision on the merits of the Complaint No. 167/2018](#)

Follow up:

[Resolution CM/ResChS\(2023\)5 of the Committee of Ministers on 6 September 2023](#)

Confederazione Generale Sindacale (CGS) - Federazione dei Lavoratori Pubblici e Funzioni pubbliche (FLP) v. Italy (Complaint No. 161/2018)

- No violation of Article 6§2 (right to bargain collectively - negotiation procedures)

[Decision on the merits of the complaint No.161/2018](#)

Follow up:

[Resolution CM/ResChS\(2023\)1](#)

Associazione Professionale e Sindacale (ANIEF) v. Italy (Complaint No. 159/2018)

- No violation of Article 1§2 (Right to work - freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)).

[Decision on the merits of Complaint No. 159/2018](#)

Follow up:

[Resolution CM/ResChS\(2022\)4](#)

Unione sindacale di base –settore pubblico impiego (USB) v. Italy (Complaint No. 153/2017)

- No violation of Article 1§2 (Right to work - freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)).

[Decision on the merits](#)

Follow up:

[Resolution CM/ResChS\(2022\)1](#)

Unione sindacale di base –settore pubblico impiego (USB) v. Italy (Complaint No. 152/2017)

- No violation of Article 1§2 (Right to work - freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)).
- No violation of Article 10§3 (Right to vocational training - vocational training and retraining of adult workers).

[Decision on the merits of Complaint No. 152/2017](#)

Follow up:

[Resolution CM/ResChS\(2022\)3](#)

Unione Nazionale Dirigenti dello Stato (UNADIS) v. Italy (Complaint No. 147/2017)

The Committee [declared](#) the [complaint admissible](#) on 12 September 2017.

- No violation of Article 1§2 (Right to work - freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)).

[Decision on the merits of the Complaint 147/2017](#)

Follow up:

[Resolution CM/ResChS\(2021\)4](#)

Unione Italiana del Lavoro U.I.L. Scuola – Sicilia v. Italy (Complaint No. 113/2014)

- No violation of Article 12 (right of all workers and their dependants to social security)

[Decision on the merits of 24 January 2018](#)

- [Resolution CM/ResChS \(2018\) 5 on 4 July 2018](#) of the Committee of Ministers

Association for the Protection of all Children Ltd - APPROACH Ltd v. Italy (Complaint No. 94/2013)

- No violation of Article 17 (right of children to social, economic and legal protection).

[Decision on the merits of 5 December 2014.](#)

World Organisation against Torture (OMCT) v. Italy (Complaint No. 19/2003)

- No violation of Article 17 (right of children to social, economic and legal protection).

[Decision on the merits of 7 December 2004.](#)

European Federation of Employees in Public Services (EUROFEDOP) v. Italy (Complaint No. 4/1999)

- No violation of Article 5 (right to organise) and 6 (right to collective bargaining).

[Decision on the merits of 4 December 2000.](#)

2. Complaints where the Committee has found a violation which has been remedied

Associazione sindacale "La Voce dei Giusti" v. Italy (Complaint No. 105/2014)

- Violation of Article E (non-discrimination) taken in conjunction with Article 10§3 a) and b) (the right to vocational training)

[Decision on the merits on 18 October 2016.](#)

Follow up:

- [Resolution Res/CM ChS \(2017\) 4 on 5 April 2017](#) of the Committee of Ministers.

- [Assessment of the European Committee of Social Rights on the follow-up](#) (6 December 2018).

- [2nd Assessment of the European Committee of Social Rights on the follow-up](#) (March 2021).

Associazione Nazionale Giudici di Pace v. Italy (Complaint No. 102/2013)

- Violation of Article E (Non-discrimination) taken in conjunction with Article 12§1 (the right to social security)

[Decision on the merits of 5 July 2016.](#)

Follow up:

- [Resolution Res/CM ChS \(2017\) 3 on 5 April 2017](#) of the Committee of Ministers.

- [Assessment of the European Committee of Social Rights on the follow-up](#) (6 December 2018).

- [2nd Assessment of the European Committee of Social Rights on the follow-up](#) (March 2021).

Centre on Housing Rights and Evictions (COHRE) v. Italy (Complaint No. 58/2009)

- Violation of Article E taken in conjunction with Article 19§8 (right of migrant workers and their families to protection and assistance – guarantees concerning deportation)

[Decision on the merits of 25 June 2010.](#)

Follow up:

- [Resolution CM/ResChS\(2010\)8 on 21 October 2010](#) of the Committee of Ministers.

- [Assessment of the European Committee of Social Rights on the follow-up](#) (4 December 2015)

- [2nd Assessment of the European Committee of Social Rights on the follow-up](#) (6 December 2018)

3. Complaints where the Committee has found a violation and where progress has been made but not yet examined by the Committee

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4. Complaints where the Committee has found a violation and where progress has been made but which has not yet been remedied

Centre on Housing Rights and Evictions (COHRE) v. Italy (Complaint No. 58/2009)

- Violation of Article E taken in conjunction with Article 16 (right of the family to social, legal and economic protection);

- Violation of Article E taken in conjunction with Article 19§1 (right of migrant workers and their families to protection and assistance – assistance and information on migration);
- Violation of Article E taken in conjunction with Article 19§4.c (right of migrant workers and their families to protection and assistance – equality regarding accommodation);
- Violation of Article E taken in conjunction with Article 30 (right to be protected against poverty and social exclusion);
- Violation of Article E taken in conjunction with Article 31§1 (right to housing – adequate housing);
- Violation of Article E taken in conjunction with Article 31§2 (right to housing – reduction of homelessness);
- Violation of Article E taken in conjunction with Article 31§3 (right to housing – affordable housing).

[Decision on the merits of 25 June 2010.](#)

Follow up:

- [Resolution CM/ResChS\(2010\)8 on 21 October 2010](#) of the Committee of Ministers.
- [Assessment of the European Committee of Social Rights on the follow-up \(4 December 2015\)](#)
- [2nd Assessment of the European Committee of Social Rights on the follow-up \(6 December 2018\)](#).
- [3rd Assessment of the European Committee of Social Rights on the follow-up \(January 2021\)](#).
- [4th Assessment of the European Committee of Social Rights on the follow-up \(28 January 2022\)](#).

5. Complaints where the Committee has found a violation which has not yet been remedied

Unione sindacale di base Settore pubblico impiego (USB) v. Italy (Complaint No. 170/2018)

The Committee [declared](#) the complaint admissible on 3 July 2019.

- Violation of Article 1§2 (Right to work - freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)).
- Violation of Article E (Non-discrimination) taken in conjunction with Article 12§1 (the right to social security).

[Decision on the merits of the Complaint No. 170/2018.](#)

Follow up:

[Recommendation CM/RecChS\(2022\)21](#) of the Committee of Minister of 3 November 2022

Associazione Professionale e Sindacale (ANIEF) v. Italy (Complaint No. 146/2017)

- Violation of Article 1§2 in respect of public education staff not registered in the ERE lists and recruited under successive contracts with interruptions for an overall length of more than 36 months ((right to work – freely undertaken work)

[Decision on the merits of 7 July 2020.](#)

[Recommendation CM/RecChS\(2021\)18](#) of the Committee of Minister of 16 June 2021

Confederazione Generale Sindacale (CGS) v. Italy (Complaint No. 144/2017)

The Committee declared the [complaint admissible](#) on 12 September 2017.

- no violation of Article 1§2 (right to work – freely undertaken work) in respect of public sector staff, including public education staff registered in the ERE lists, recruited under successive contracts for an overall length of more than 36 months;
- violation of Article 1§2 (right to work – freely undertaken work) in respect of public education staff not registered in the ERE lists and recruited under successive contracts with interruptions for an overall length of more than 36 months.

[Decision on the merit of 9 September 2020](#)

[Recommendation CM/RecChS\(2021\)17](#) of the Committee of Minister of 16 June 2021

University Women of Europe (UWE) v. Italy (Complaint No. 133/2016)

- Violation of Article 4§3 (Right to a fair remuneration - non-discrimination between women and men with respect to remuneration)
- Violation of Article 20 (Right to equal opportunities and treatment in employment and occupation without sex discrimination)

[Decision on the merits of 6 December 2019.](#)

Follow up:

[Recommendation CM/RecChS\(2021\)10](#) (Adopted by the Committee of Ministers on 17 March 2021 at the 1399th meeting of the Ministers' Deputies)

Confederazione Generale Italiana del Lavoro (CGIL) v. Italy (Complaint No. 158/2017)

- Violation of Article 24 (right to protection in cases of termination of employment)

Decision on the merits of Complaint No. 158/2017.

Follow up:

Resolution CM/ResChS(2020)2 of the Committee of Ministers of 11 March 2020

UGL-CFS and SAPAF v. Italy (Complaint No. 143/2017)

- Violation of Article 5 (right to organise)
- Violation of Article 6 (right to bargain collectively)

Decision on the merits of Complaint 143/2017.

Confederazione Generale Italiana del Lavoro (CGIL) v. Italy (Complaint No. 140/2016)

- violation of article 5 (right to organise)
- violation of article 6§2 (right to bargain collectively - negotiation procedures)
- violation of article 6§4 (right to bargain collectively - collective action)

Decision on the merits of Complaint 140/2016

Follow up:

- Resolution CM/ResChS(2019)6 of the Committee of Ministers of 11 September 2019.

- Assessment of the European Committee of Social Rights on the follow-up (28 January 2022).

Confederazione Generale Italiana del Lavoro (CGIL) v. Italy (Complaint No. 91/2013)

- Violation of Article 11 (the right to health);
- Violation of Article E read in conjunction with Article 11 of the Charter (the right to health);
- Violation of Article 1§2 of the Charter (right to work – freely undertaken work); i) first ground
- Violation of Article 26§2 of the Charter

Decision on the merits of 12 October 2015.

Follow up:

- Resolution Res/CM ChS (2016)3 on 6 July 2016 of the Committee of Ministers.

- Assessment of the European Committee of Social Rights on the follow-up (6 December 2018).

- 2nd Assessment of the European Committee of Social Rights on the follow-up (January 2021).

- 3rd Assessment of the European Committee of Social Rights on the follow-up (28 January 2022).

International Planned Parenthood Federation – European Network (IPPF EN) v. Italy (Complaint No. 87/2012)

- Violation of Article 11 (the right to health)
- Violation of Article E taken in conjunction with Article 11 (the right to health)

Decision on the merits of 10 September 2013.

Follow up:

- Resolution Res/CM ChS (2014) 6 on 30 April 2014 of the Committee of Ministers.

- Assessment of the European Committee of Social Rights in the follow-up (6 December 2018).

- 2nd Assessment of the European Committee of Social Rights on the follow-up (January 2021).

- 3rd Assessment of the European Committee of Social Rights on the follow-up (28 January 2022).

European Roma Rights Centre (ERRC) v. Italy (Complaint No. 27/2004)

- Violation of Article E taken in conjunction with Article 31§1 (right to housing – adequate housing);
- Violation of Article E taken in conjunction with Article 31§2 (right to housing – reduction of homelessness);
- Violation of Article E taken in conjunction with Article 31§§1 and 3 (right to housing – adequate housing and affordable housing).

Decision on the merits of 7 December 2005.

Follow up:

- Resolution ResChS(2006)4 on 3 May 2006 of the Committee of Ministers.

- Assessment of the European Committee of Social Rights on the follow up (4 December 2015)

- 2nd Assessment of the European Committee of Social Rights on the follow-up (6 December 2018).

- 3rd Assessment of the European Committee of Social Rights on the follow-up (January 2021).

- 4th Assessment of the European Committee of Social Rights on the follow-up (28 January 2022).

II. Reporting system³

Reports submitted by Italy

Between 1967 and 2023, Italy submitted 20 reports on the application of the 1961 Charter and 22 reports on the application of the Revised Charter.

The [21st report](#), submitted on 1/03/2022, concerns the accepted provisions relating to thematic group 3 "Labour Rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29).

Conclusions with respect to these provisions have been published in March 2023.

The [22nd report](#), submitted on 21/02/2023, concerns the follow-up given to the relevant decisions of the Committee in the framework of the collective complaints' procedure.

The assessments of the Committee on the follow up to decisions in complaints will be published in January 2024.

³ Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

Situations of non-conformity ⁴

Thematic Group 1 "Employment, training and equal opportunities" - Conclusions 2016

According to the applicable rules, Conclusions 2020 only refer to the information submitted by the Italian Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints' procedure (see above).

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2016.

► *Article 1§1 – Right to work – Policy of full employment*

The employment policy efforts have not been adequate in combatting unemployment and promoting job creation.

► *Article 18§1 – Right to engage in a gainful occupation in the territory of other Parties – Applying existing regulations in a spirit of liberality*

It has not been established that the existing regulations are applied in a spirit of liberality.

► *Article 18§3 – Right to engage in a gainful occupation in the territory of other Parties – Liberalising regulations*

The regulations governing access to the labour market by foreign workers who are nationals of non-EEA States Parties to the Charter are too restrictive.

► *Article 24 – Right to protection in cases of termination of employment*

Employees undergoing a probational period of 6 months are not protected against dismissal.

Thematic Group 2 "Health, social security and social protection" - Conclusions 2017

According to the applicable rules, Conclusions 2021 only refer to the information submitted by the Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2017.

► *Article 3§4 - Right to safe and healthy working conditions - Occupational health services*

It has not been established that there is a strategy to progressively provide access to occupational health services for all workers in all sectors of the economy.

► *Article 12§3 - Right to social security - Development of the social security system*

It has not been established that measures were taken to raise the system of social security to a higher level.

► *Article 12§4 - Right to social security - Social security of persons moving between States*

- Equality of treatment in respect of access to family benefits is not guaranteed to nationals of all other States Parties;
- The length of residence required to be entitled to social allowance (ten years), for foreign nationals who are not covered by the EU regulations or by an agreement entered into with Italy, is excessive.

► *Article 13§1 - Right to social and medical assistance - Adequate assistance for every person in need*

The level of social assistance is not adequate.

► *Article 23 - Right of elderly persons to social protection*

The level of contributory and non-contributory old-age pensions is manifestly inadequate.

► *Article 30 - Right to protection against poverty and social exclusion*

There is no adequate overall and coordinated approach to combating poverty and social exclusion.

Thematic Group 3 "Labour rights" - Conclusions 2022

⁴ Further information on the situations of non-conformity is available on the [HUDOC database](#).

► *Article 2§2 - Right to just conditions of work - Public holidays with pay*
Work performed on a public holiday is not adequately compensated.

► *Articles 2§4 – Right to just conditions of work - Elimination of risks in dangerous or unhealthy occupations*

- It has not been established that the risks inherent in dangerous or unhealthy occupations have been sufficiently eliminated or reduced, and
- Not all workers performing dangerous or unhealthy work are entitled to appropriate compensation measures, such as reduced working hours or additional paid leave.

► *Article 2§7 - Right to just conditions of work – Night work*
Employee representatives are not consulted regularly on the conditions relating to night work and on measures taken to reconcile employees' needs and the special nature of night work.

► *Article 4§1 - Right to a fair remuneration - Decent remuneration*
It has not been established that the minimum wage ensures a decent standard of living.

► *Article 4§3 - Right to a fair remuneration - Non-discrimination between women and men with respect to remuneration*
The obligation to recognise and respect the principle of transparency of remuneration in practice is not complied with.

► *Article 4§4 – Right to a fair remuneration – Reasonable notice of termination of employment*
Notice periods are manifestly unreasonable for certain workers with up to five years of service, with five to 10 years of service, and with more than 14 years of service.

► *Article 5 - Right to organise*

- The restriction on the right to organise of members of the Guardia di Finanza is excessive;
- There is absolute prohibition on members of Guardia di Finanza from joining "other trade unions" .

► *Article 6§2 - Right to bargain collectively - Negotiation procedures*
The representative bodies of Guardia di Finanza are not provided with means to effectively negotiate the terms and conditions of employment, including remuneration.

► *Article 6§3 - Right to bargain collectively - Conciliation and arbitration*
It has not been established that there are any conciliation, mediation and/or arbitration machinery for the settlement of labour disputes in the collective bargaining process.

Thematic Group 4 "Children, families, migrants" - Conclusions 2019

► *Article 7§1 – Right of children and young persons to protection – Prohibition of employment under the age of 15*
The legislation on prohibition of employment under the age of 15 is not enforced in practice.

► *Article 7§2 – Right of children and young persons to protection - Prohibition of employment under the age of 18 for dangerous or unhealthy activities*
The labour inspectorate does not undertake inspection visits in training places where some tasks considered dangerous or unhealthy could be carried out by persons under the age of 18.

► *Article 7§3 – Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education*
The legislation on the prohibition of employment of children subject to compulsory education is not effectively applied.

► *Article 7§4 – Right of children and young persons to protection – Length of working time*
It has not been established that the working hours of young persons between the ages of 15 and 16 are reasonable.

► *Article 7§5 - Right of children and young persons to protection – Fair pay*

- It has not been established that the minimum wage paid to young workers is fair.
- It has not been established that the minimum allowances paid to apprentices are fair.

► *Article 8§2 - Right of employed women to protection of maternity - Illegality of dismissal*

Adequate compensation may not be provided for in cases of unlawful dismissal during pregnancy or maternity leave if the woman concerned does not wish to be reinstated.

► *Article 16 - Right of the family to social, legal and economic protection*

- It has not been established that equal access to family benefits is ensured for nationals of other States Parties;
- Family allowances do not represent a sufficient additional income for a considerable number of families;
- Roma and Sinti families are not adequately protected with respect to housing, including in terms of eviction procedures and access to social housing.

► *Article 17§2 – Right of children and young persons to social, legal and economic protection – Free primary and secondary education – regular attendance at school*

It has not been established that the measures taken to improve access for Roma children to education are sufficient.

► *Article 19§1 - Right of migrant workers and their families to protection and assistance - Assistance and information on migration*

The measures against misleading propaganda concerning emigration, in particular to prevent racism and xenophobia in politics, and, more particularly, misleading propaganda against Roma and Sinti migrants, were not sufficient.

► *Article 19§4 - Right of migrant workers and their families to protection and assistance - Equality regarding employment, right to organise and accommodation*

It has not been established that the State has taken adequate practical steps to eliminate all legal and de facto discrimination concerning the access to accommodation.

► *Article 19§10 - Right of migrant workers and their families to protection and assistance - Equal treatment for the self-employed*

The grounds of non-conformity under Articles 19§1 and 19§4 apply also to self-employed migrants.

► *Article 27§3 – Right of workers with family responsibilities to equal opportunity and treatment - Illegality of dismissal on the ground of family responsibilities*

- Workers with family responsibilities with respect to members of their immediate family requiring care and support are not protected against dismissal,
- Adequate compensation is not provided for in cases of unlawful dismissal on grounds of family responsibilities if the worker concerned does not wish to be reinstated.

► *Article 31§1 – Right to housing - Adequate housing*

The situation is not in conformity because of the inadequate living conditions of Roma and Sinti in camps and similar settlements.

► *Article 31§2 – Right to housing - Reduction of homelessness*

- The steps taken to reduce the number of homeless persons are insufficient;
- Evictions of Roma and Sinti continue to be carried out without due regard for the necessary procedural safeguards to guarantee full respect of every individual's human dignity.

► *Article 31§3 – Right to housing - right to affordable housing*

- It has not been established that nationals of other States Parties to the Charter lawfully residing or regularly working in Italy are entitled to equal treatment with regard to access to social housing;
- It has not been established that sufficient resources have been invested throughout the country to improve access for Roma and Sinti to social housing without discrimination in practice;
- Nationals of other States Parties to the Charter lawfully residing or regularly working in Italy are not entitled to equal treatment with regard to access to housing benefits because the length of residence requirement is excessive.

The Committee has been unable to assess compliance with the following rights:

Thematic Group 1 "Employment, training and equal opportunities"

- ▶Article 1§2 - Conclusions 2016
- ▶Article 1§3 - Conclusions 2016
- ▶Article 1§4 - Conclusions 2016
- ▶Article 10§3 - Conclusions 2016
- ▶Article 10§4 - Conclusions 2016

According to the applicable rules, Conclusions 2020 only refer to the information submitted by the Italian Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

Thematic Group 2 "Health, social security and social protection"

- ▶Article 3§1 - Conclusions 2017
- ▶Article 3§2 - Conclusions 2017
- ▶Article 3§3 - Conclusions 2017
- ▶Article 12§1 - Conclusions 2017
- ▶Article 13§2 - Conclusions 2017
- ▶Article 14§1 - Conclusions 2017

According to the applicable rules, Conclusions 2021 only refer to the information submitted by the Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2017.

Thematic Group 3 "Labour rights"

- ▶Article 2§1 - Conclusions 2022
- ▶Article 4§5 - Conclusions 2022
- ▶Article 6§1 - Conclusions 2022

Thematic Group 4 "Children, families, migrants"

- ▶Article 7§10 - Conclusions 2019
- ▶Article 8§3 - Conclusions 2019
- ▶Article 17§1 - Conclusions 2019
- ▶Article 19§3 - Conclusions 2019
- ▶Article 19§6 - Conclusions 2019
- ▶Article 19§8 - Conclusions 2019
- ▶Article 19§12 - Conclusions 2019

III. Examples of progress achieved in the implementation of the rights under the Charter (non-exhaustive list)

Thematic Group 1 "Employment, training and equal opportunities"

- ▶ Prohibition of discrimination in employment on grounds of religion, personal convictions, disability, age and sexual orientation (Act No. 216/2003).
- ▶ Extension of the range of possible forms of discrimination covered by Article 44 of the Consolidated Immigration Act, by adding to the list discrimination on grounds of national origin, language or skin colour. Discrimination cases involving any of the prohibited grounds are now dealt with under urgent/fast-track procedure rather than under the ordinary procedure. (Legislative decree 150/2011).
- ▶ Introduction of the principle of equal treatment between men and women in the Constitution, Article 51 (Act No. 1/2003).
- ▶ Gender mainstreaming in the labour market (implementing Decree No. 276/2003 concerning Act No. 30/2003 - Biagi Law).
- ▶ Strengthening of measures to combat discrimination on the ground of sex (Legislative Decree No. 5 of 25 January 2010, transposing Directive 2006/54/EC and amending the Code of Equal Opportunities): in particular, the amendments introduced have reinforced the prohibition of discrimination, both direct and indirect, on any aspect or condition relating to pay for the same work or work to which equal value is attributed. Similarly, collective agreements are now expected to include specific measures to prevent discrimination on the ground of sex, particularly with regard to pay. Introduction, for all enterprises employing more than 100 employees, of the obligation to report every two years on the situation of gender in each profession regarding recruitment, training and promotion.
- ▶ Legal protection of persons with disabilities against discrimination, including in the field of education and training (Act No. 67/2006).
- ▶ Obligation for public and private employers to provide reasonable accommodation, in order to ensure equal treatment of persons with disabilities at work (Legislative Decree No. 76/2013). The right to reasonable accommodation also applies to employees with disabilities wishing to work from home or telework (Decree-Law No. 179 of 18 October 2012, amending Law No. 68/99).
- ▶ Seafarers and civil aviation personnel who desert their post or refuse to obey orders, in cases where there is no real threat to the safety of the vessel or aircraft, are no longer exposed to prison sentences (amendment of the Navigation Code, Articles 1091 and 1094, in 2013).
- ▶ Education and Training Reform Act (No. 53/2003).

Thematic Group 2 "Health, social security and social protection"

- ▶ Adoption of a National Waiting-List Plan (2010-2012) aimed at reducing waiting lists and guaranteeing suitable access for citizens to health services.

Thematic Group 3 "Labour rights"

- ▶ Regulation of working time in public and private sectors, as well as night work (Legislative Decree No. 66/2003).
- ▶ Extension to seafarers of certain rights concerning working hours and annual leave (Legislative Decree No. 108/2005).
- ▶ Recognition of the right to postpone annual leave in the event of illness (Constitutional Court, judgment No. 616/1987, plenary Court of Cassation, judgment No. 1947/1998).

▶Setting-up into domestic law of a general framework for informing and consulting employees (Legislative Decree No. 25 of 6 February 2007, transposing Directive 2002/14/EC).

▶Introduction of measures against sexual harassment (Legislative Decree No. 198/2006, as amended by Legislative Decree No. 5/2010, establishing a "Code of Equal Opportunities between Women and Men").

Thematic Group 4 "Children, families, migrants"

▶Measures against violence in family relations (Acts No. 154/2001 and No. 304/2003).

▶Provision for parental leave and extension of benefits for parents of disabled children (Act No. 53/2000).

▶Granting of 5 months "maternity cheques" to female domestic employees not qualifying for maternity benefits (Act No. 448/1998).

▶Status of Children Act (No. 149/2001).

▶Compulsory education until the age of 15 (Act No. 30/2000, Section 1.3).

▶Prohibition to dismiss domestic employees during the compulsory period of maternity leave (national collective agreement on domestic employment of 16 July 1996).

▶Prohibition of night work by women between midnight and 6 am from confirmation of pregnancy until the child's first birthday. Female wage earners with a child under 3 years of age cannot be required to perform night work, nor may wage earners of either sex with a disabled dependant (Legislative Decree of 08/04/2003).

▶Protection from hazardous forms of work of women who are pregnant, have recently given birth or are breastfeeding (Legislative Decrees No. 645/1996 and No. 25/1999).

▶Mandatory medical examination of young workers prior to their employment and periodical examinations during the employment - minors may only be employed in hazardous work for the purpose of vocational training, under the supervision of a competent instructor and only for the time necessary (Legislative Decree No. 345/1999).

▶The Constitutional Court has found in 2018 (20/07/2018) that the conditions of access applied to third-country nationals with regard to housing benefits granted for the payment of rent were unconstitutional. The CC held that it was manifestly unreasonable and arbitrary to set a 10-year national residence requirement or a 5-year regional residence requirement for third country nationals to be entitled to housing benefits of this type.