31/08/2026 RAP/ RCha /NLD/17(2025)

EUROPEAN SOCIAL CHARTER

Response to CGIL's comments on the
17th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF THE NETHERLANDS
Articles 2, 3, 4, 5, 6, and 20

Reponse registered by the Secretariat on
31 August 2026

CYCLE 2025

<u>Response to the CGIL's comments on the 23rd revised European Social Charter.</u>

Article 2 – The right to just conditions of work, paragraph 1 - reasonable daily and weekly working hours.

Working Time Compliance Monitoring

With regard to the CGIL's observations concerning the effectiveness of inspections relating to working hours, rest periods, and overtime work, it should be noted that verifying compliance with the legislation in force in this area falls within the scope of the ordinary inspection activities carried out by the National Labour Inspectorate (Ispettorato Nazionale del Lavoro).

The planning of inspections by the labour inspectorate considers the sectors and production areas presenting a higher risk of non-compliance, depending on the specific production contexts of the various territories. These include the sectors expressly referred to in the observations themselves, namely logistics and transport, private security, healthcare, digital platforms, maritime work, and other economic contexts characterised by highly intensive working patterns.

With regard to the alleged lack of information on the results of inspection activities, it should be noted that data concerning completed inspections, including data on violations identified and measures adopted, are regularly monitored across the various productive sectors and published in the "Activities, Studies and Statistics" section of the National Labour Inspectorate's website.

In particular, in connection with inspections carried out in the area of working hours and rest periods over the last three-year period (2023–2025), the inspection staff of the Inspectorate territorial offices safeguarded the rights of 18,147 workers affected by the violations identified, of whom 4,939 were employed in the Ateco sectors corresponding to the aforementioned productive areas highlighted in the observations.

It should also be noted that detailed data relating to individual types of infringement are available only with regard to the outcome of inspections carried out by the INL's civilian inspection staff, and not in relation to inspections conducted by the NIL's military inspection staff (carabinieri labour inspectorate unit).

Against this background, the more detailed findings of the inspection activities carried out by the INL's civilian inspection staff in the Ateco sectors corresponding to the aforementioned productive areas identified by the CGIL are set out below (Ateco 2007: H Transport and Storage, J Information and Communication Services, N Administrative and Support Service Activities, etc., Q Human Health and Social Work Activities; Ateco 2025: H Transport and Storage, K Telecommunications, Computer Programming, etc., O Administrative and Support Service Activities, etc., R Human Health and Social Work Activities):

- **288 workers** affected by **375 violations** concerning the exceeding of statutory working-hour limits;
- **1,550 workers** affected by **1,938 violations** concerning daily rest periods;
- **819 workers** affected by **1,268 violations** concerning weekly rest periods;
- **1,721 workers** affected by **2,054 violations** concerning overtime work;
- **227 workers** affected by **248 violations** concerning night work;
- **820 workers** affected by **865 violations** concerning entitlement to annual leave.

During the three-year period under review, administrative fines were also imposed, amounting to a total of approximately **EUR 368,500.00**.

It is worth emphasising that inspections are not limited to a formal examination of company records, but are aimed at reconstructing the actual working time performed. To this end, the inspection staff jointly assess the evidence gathered during the investigation, which may include the **Single Employment Register (Libro unico del lavoro)**, payslips, attendance records, shift schedules, service orders, company documentation, and statements from workers and other persons with knowledge of the facts.

The need to verify the consistency between the documentary evidence and the work actually performed makes these inspections particularly complex and multifaceted. The reconstruction may concern a large number of workers and periods extending over a considerable length of time, potentially covering several years, considering the five-year limitation period applicable to administrative sanctions and the separate limitation periods applicable to any wage and social security claims.

This may require the detailed examination and cross-referencing of a substantial volume of data concerning shift patterns, attendance, rest periods, overtime work, on-call arrangements, and flexible or fragmented working-time arrangements. An adequate inspection therefore requires a thorough investigation and the deployment of inspection resources proportionate to the number of workers involved, the time span covered by the investigation, and the complexity of the checks to be carried out.

Violations relating to working hours may also come to light during inspections having a broader scope, concerning the proper recording and remuneration of work performed, the payment of social security contributions, the legal classification of the employment relationship, or the existence of conditions amounting to labour exploitation. Accordingly, when interpreting data on inspection activities, it should be borne in mind that violations concerning working time may also be identified in the context of inspections that are not specifically classified as relating to Legislative Decree No. 66/2003, “Implementation of Directives 93/104/EC and 2000/34/EC concerning certain aspects of the organisation of working time”.

From an inspection perspective, the expression **“abuse of overtime”** may encompass a range of different situations. It may refer to exceeding the maximum average weekly working time, failure to record working hours, failure to pay, or incorrect payment of, the relevant remuneration and overtime premiums, the use of overtime in breach of statutory or collective bargaining rules, or the impairment of daily and weekly rest periods. Accordingly, the purpose of an inspection is to identify the conduct that actually occurred and the resulting wage, social security, or sanctioning provisions that apply.

With regard to work carried out through digital platforms, a distinction must be made between **self-employment, hetero-organised collaboration, and employment under a subordinate relationship**. Inspection activities may examine the correct legal classification of the relationship and, where the conditions set out in Article 2 of Legislative Decree No. 81/2015 (“Comprehensive regulation of employment contracts and revision of the rules governing job duties pursuant to Article 1 of Law No. 183 of 10 December 2014”) or the elements of a subordinate employment relationship are present, the relevant protections shall apply, including those concerning maximum working hours, breaks, and rest periods, in accordance with the guidance provided in **INL Circular No. 7 of 30 October 2020**.

- Sanctions framework

Non-compliance with the maximum average weekly working time, daily rest, weekly rest, and annual leave requirements is subject to the specific sanctions provided for under Article 18-bis of Legislative Decree No. 66/2003. The legislation calibrates the sanctions according to the personal and temporal scope of the conduct, in some cases through a progressive tiered system.

Indeed, for violations concerning maximum weekly working time and weekly rest, the applicable sanctions increase depending on the number of workers affected or the number of reference periods in which the infringement occurred. Similarly, in the case of violations concerning daily rest, account is taken of the number of workers involved and the number of 24-hour periods affected. At the highest tiers, payment at a reduced rate is not permitted.

This structure makes it possible to tailor the sanctions to the personal or temporal scope of the conduct. However, it also means that the number of violations cannot automatically be equated with the number of enforcement measures adopted or with the amount of fines imposed. Multiple workers or periods affected may result in the application of a higher sanction bracket; conversely, different types of infringement may lead to the adoption of multiple enforcement measures.

Accordingly, any statistical reporting should, to the extent permitted by the information systems, keep separate the infringements identified, the workers and periods concerned, the sanctions imposed, the amounts assessed and those actually collected, as well as any associated recovery of unpaid wages and social security contributions relating to work that was not recorded or remunerated.

Maritime Work

With regard to daily and weekly working-time limits, the CGIL notes that, although the Italian legal framework is consistent with EU legislation, there is nevertheless a gap between the requirements laid down by law and their effective implementation, with the result that excessive working hours and reduced rest periods are found in many sectors.

In particular, concerns have been raised in the maritime sector regarding discrepancies between the working hours recorded in ship's logs and those actually worked, the frequent use of extended work shifts, and requirements for workers to remain constantly available to perform duties extending well beyond their declared working hours, with clear repercussions for safety, crew welfare, and the proper enforcement of the applicable rules.

In this regard, reference should be made to the role assigned by Legislative Decree No. 32/2016, "Implementation of Directive 2013/54/EU of the European Parliament and of the Council dated 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention 2006", to the Ministry of Infrastructure and Transport and the Harbour Master's Offices (Capitanerie di Porto) with regard to inspections on board ships, in their capacity as the competent authorities responsible for implementing the **Maritime Labour Convention (MLC) No. 186 of 2006**, adopted by the International Labour Organization (ILO) and ratified in Italy by Law No. 113 of 23 September 2013.

Article 4 of the aforementioned Legislative Decree No. 32/2016 entrusts these authorities, in agreement with the General Command of the Harbour Master's Corps and the National Labour Inspectorate, with planning specific inspection campaigns aimed at verifying living and working conditions on board ships. Such campaigns are to be based on inspection reports, as well as on statistical findings and specific research concerning accidents involving maritime workers.

The allocation of responsibilities between the National Labour Inspectorate and the Harbour Master's Offices is governed by the principle of the location of the risk and the nature of the activity, supplemented by cooperation protocols designed to avoid duplication of inspections.

In this context, the National Labour Inspectorate (INL) focuses its activities on shore-based areas, quays, and port hinterland areas. Its primary responsibilities concern the legality of employment relationships, combating undeclared work, and verifying compliance with collective bargaining agreements. In coordination with the Local Health Authorities (ASLs), the INL also monitors compliance with occupational health and safety prevention and protection measures.

The Harbour Master's Office (Capitaneria di Porto), by contrast, has exclusive responsibility for inspections on board ships and in areas closely connected to ship-to-shore operations (Article 3 of Legislative Decree No. 272/1999, "Alignment of the legislation on the safety and health of workers engaged in port operations and services, as well as in the maintenance, repair and conversion of ships in port areas, pursuant to Law No. 485 of 31 December 1998"). It exercises judicial police and technical inspection functions with regard to navigation safety, commercial loading and unloading operations affecting the stability of the vessel, and the protection of seafarers' working conditions, operating pursuant to the Italian Navigation Code.

Accordingly, inspections concerning compliance with working-time limits and minimum rest periods also fall within the inspection remit of the INL, whereas matters specifically relating to the maintenance and reliability of official on-board records require the necessary coordination with the Maritime Authority.

At present, no specific data are available that would make it possible to assess the prevalence of the issues reported, particularly with regard to short-sea shipping and port towage.

Management of Inactive On-Call Periods

With regard to the **remuneration of inactive periods during on-call duty**, the CGIL notes that the Italian legal system does not contain a general statutory framework comprehensively regulating this matter, which is governed primarily by collective bargaining and national and European case law.

In this regard, it calls for legislative intervention to clearly define what constitutes "inactive" working time during on-call duty, thereby enabling inspectors to impose appropriate sanctions for conduct that does not comply with the applicable legal requirements.

In this connection, it should be clarified that **on-call duty** consists of an obligation on the part of the worker, outside normal working hours, to remain contactable and available to intervene if required. Where the worker is free to remain at home or in another location of their choice and is not required to perform any work, the relevant period is not normally classified as "working time", but rather as an intermediate situation between work and rest. The Italian Supreme Court (Court of Cassation) has consistently held that on-call duty constitutes an ancillary and instrumental service distinct from the actual performance of work, and that its performance restricts, but does not preclude, the enjoyment of rest time (Italian Court of Cassation, Labour Division, 27 October 2021, No. 30301).

Although inactive periods during on-call duty are generally not classified as actual working time, they are normally remunerated.

Remuneration generally takes the form of an **on-call allowance**, granted in consideration of the obligation imposed on the worker and the restriction on their personal freedom during the period of availability. This allowance is payable even where no call is received and, consequently, no work is actually performed. Italian case law recognises that the obligation to remain readily available gives rise to entitlement to specific additional remuneration over and above normal pay (see Italian Court of Cassation, Labour Division, 27 July 2017, No. 18654, which held that the on-call allowance is payable by reason of the availability obligation imposed on the worker, regardless of whether the worker is actually called in to perform duties).

The amount of the allowance is normally determined by national, sectoral, or company-level collective bargaining. Collective agreements generally provide for compensation calculated on an hourly or daily basis, or per on-call shift, and may establish different amounts depending on whether the on-call duty takes place on working days, public holidays, or during night-time hours.

A significant example is provided by the **National Collective Labour Agreement (CCNL) for the Public Healthcare Sector for the 2016–2018 period**, Article 28 – *On-call Service*, which defines on-call duty as follows: "*immediate availability of the employee*, with an obligation to reach the facility within the prescribed time limits." The agreement provides for a specific allowance for each on-call shift, even where the employee is not called in. Under the contractual provisions, a **12-hour on-call shift** is subject to a dedicated allowance, which may be increased through supplementary collective bargaining.

Where a worker is called upon to intervene during an on-call period, the time spent carrying out the intervention is considered **actual working time**.

In such cases, in addition to the on-call allowance accrued for the period of availability, the worker is entitled to remuneration corresponding to the hours actually worked, including any premiums provided for by law or collective bargaining for overtime, night work, or work performed on public holidays.

The case law of the **Court of Justice of the European Union (CJEU)**, subsequently reflected in the case law of the Italian Court of Cassation, has clarified that the classification of on-call time depends on the intensity of the constraints imposed on the worker.

Where the worker is required to remain at the workplace or is subject to obligations that objectively and significantly restrict their ability to manage their time freely and pursue their personal interests, the entire on-call period may be classified as **working time**. In such circumstances, the mere payment of an on-call allowance is not sufficient, as the remuneration regime applicable to working time must apply **(CJEU, Case C-518/15, Matzak)**.

In this regard, it should be noted that, as of today, the aforementioned European case-law constitutes **established law (diritto vivente)** within each Member State of the European Union, including Italy, and is directly and immediately applicable by virtue of the principle of the **primacy of EU law**, under which EU law prevails over incompatible national provisions, as well as pursuant to Article 19 of the Treaty on European Union (TEU), according to which the Court of Justice of the European Union ensures "that in the interpretation and application of the Treaties the law is observed."

This provision confers upon the Court the role of authoritative interpreter of EU law and requires Member States to ensure effective judicial protection in the fields covered by EU law.

It follows that the interpretations provided by the CJEU do not constitute mere guidance, but represent the legally correct interpretation of EU law, which is binding on national authorities.

It is therefore considered that the obligation to remunerate workers for inactive on-call periods derives

directly from the aforementioned judgments where the relevant conditions are met, namely, where there are constraints that objectively and significantly restrict the worker's ability to manage their time freely and pursue their personal interests.
However, where the on-call period cannot be classified in its entirety as working time, the determination of the amount of the on-call allowance must necessarily be left to collective bargaining, including second-level collective bargaining, since a general and abstract statutory provision would be ill-suited to the wide range of situations that may arise in practice across different sectors of employment.

Platform Workers

With regard to the matters raised concerning platform workers, it should be noted that the draft legislative decree transposing **Directive (EU) 2024/2831** was approved at the preliminary Council of Ministers meeting (*preconsiglio*) on 23 July 2026 and is currently following the relevant legislative procedure.
Lastly, it should be recalled that the Directive sets **2 December 2026** as the deadline by which Member States are required to transpose it.

Workloads of Doctors who are not conscientious objector

With regard to the observations made by the CGIL concerning, specifically, direct and indirect discrimination against doctors who do not exercise conscientious objection in departments where voluntary termination of pregnancy (IVG) procedures are performed, due to excessive workloads, the allocation of duties, and limited career opportunities, that has its roots in the substantial shortage of doctors who do not exercise conscientious objection, which is said to prevent the full implementation of Law No. 194/1978 "Rules for the protection of maternity and the voluntary termination of pregnancy", the following is shown.
It should be emphasised that, since 1980, Italy has had in place the **Epidemiological Surveillance System for Voluntary Terminations of Pregnancy (IVG)**, involving the Ministry of Health, the National Institute of Health (ISS), ISTAT, the Regions and the two Autonomous Provinces, as well as the facilities within the hospital and community healthcare network. The phenomenon of voluntary termination of pregnancy is therefore monitored through systems that have been well established over time.
Over all these years, the Surveillance System has made it possible to monitor trends in voluntary termination of pregnancy, provide data and related analyses for the Minister of Health's annual report to Parliament, respond to specific queries, and provide guidance for further research and in-depth studies.
The knowledge acquired has enabled the development of strategies and operational models for prevention and health promotion, as well as for improving the effectiveness and efficiency of the services involved in carrying out termination procedures, and for assessing the effectiveness of prevention programmes implemented.
The **Epidemiological Surveillance System for Voluntary Terminations of Pregnancy** has been identified as one of the systems of national and regional importance provided for by the **Decree of the President of the Council of Ministers of 3 March 2017**, entitled "Identification of surveillance systems and registers for mortality, tumours and other diseases." The **National Institute of Health (ISS)** is the national-level institution within which the System is established, while the Regions are required to have regional reference centres operating in coordination with the ISS.
Each year, the Minister of Health submits a report to Parliament pursuant to Article 16 of Law No. 194/1978. The latest Ministerial Report, concerning the final data for 2023, was submitted to Parliament on 6 March 2026. The Report contains a specific chapter devoted to conscientious objection and the activities of family counselling centres in relation to voluntary termination of pregnancy (IVG), based on information provided by the Regions for each individual facility.
In order to identify any critical issues and monitor the full implementation of Law No. 194/1978, in 2013 the Ministry of Health established a permanent **"Technical Working Group"**, to which representatives of the regional health departments were invited. Its purpose was to establish monitoring not only of individual hospital facilities but also of family counselling centres. As agreed with representatives of all the Regions, a number of monitoring indicators were identified (in particular, the **indicator concerning**

the average weekly IVG workload per non-objecting gynaecologist), in order to assess the proper implementation of the law at local level and identify any critical issues that might not emerge from the overall regional picture.
Article 9 of Law No. 194/1978, provides as follows:
"Healthcare personnel and staff performing auxiliary activities are not required to take part in the procedures referred to in Articles 5 and 7 or in pregnancy termination procedures where they exercise conscientious objection by means of a prior declaration. The objector's declaration must be communicated to the Provincial Medical Officer and, in the case of hospital or clinic employees, also to the medical director, within one month of the entry into force of this Law, or of obtaining professional qualification, or of being employed by an institution required to provide services directly related to the termination of pregnancy, or of entering into an agreement with social security institutions involving the provision of such services."
"*Conscientious objection may always be withdrawn or declared even outside the time limits referred to in the preceding paragraph; in such cases, however, the declaration shall take effect one month after it has been submitted to the Provincial Medical Officer. Conscientious objection exempts healthcare personnel and staff performing auxiliary activities from carrying out procedures and activities specifically and necessarily aimed at terminating the pregnancy, but not from providing care before and after the procedure. Hospital authorities and authorised clinics are in all cases required to ensure that the procedures provided for in Article 7 are carried out and that pregnancy termination procedures requested in accordance with Articles 5, 7 and 8 are performed. The Region shall monitor and ensure implementation, including through the redeployment of personnel. Conscientious objection may not be invoked by healthcare personnel or staff performing auxiliary activities where, given the particular circumstances, their personal intervention is indispensable to save the life of a woman in imminent danger."*
It is therefore established by Law No. 194/1978 that healthcare facilities (hospitals and accredited clinics) are in all cases required to ensure that the procedures provided for in Article 7 are carried out and that requested pregnancy termination procedures are performed in accordance with Articles 5, 7, and 8 of the Law. The Regions are responsible for monitoring and ensuring implementation, including through the redeployment of personnel.
One of the principles established by the Law is therefore the right of healthcare professionals to exercise conscientious objection. However, in accordance with the institutional framework established by the **2001 reform of Title V of the Italian Constitution**, the Regions are required to implement the necessary organisational measures to ensure that women seeking voluntary termination of pregnancy are able to exercise their rights and that the procedures provided for by Law No. 194/1978 are properly carried out.
To identify any critical issues concerning the impact that the exercise of conscientious objection by healthcare personnel may have on women's access to voluntary termination of pregnancy (IVG) in accordance with the requirements established by law, the Ministry of Health calculates a specific monitoring indicator: **the average weekly IVG workload per non-objecting gynaecologist, calculated on the basis of 44 working weeks per year.**
For **2023**, the data for **Indicator 3 – average weekly IVG workload per non-objecting gynaecologist** show an average workload of **0.8 IVGs per week per non-objecting gynaecologist**, with some regional variation: from a minimum of **0.3 cases in Valle d'Aosta** to a maximum of **5.9 cases in Molise**. **The national figure has declined significantly in recent years.**
It should be noted that the concentration of healthcare services, including IVG services, in certain facilities may result from planning decisions by regional authorities aimed at rationalising healthcare networks within their respective territories. Nevertheless, detailed monitoring such as that presented in the Annual Report on IVG to Parliament, through the indicators agreed upon with the Regions, is an essential tool for effectively assessing service provision and the workloads of non-objecting gynaecologists, as well as for supporting the Regions in the effective planning of healthcare services.
Furthermore, it should be recalled that, with regard to the organisation of regional healthcare services, it is possible to implement both **staff mobility arrangements and differentiated recruitment measures**.

Article 3 - The right to safe and healthy working conditions, paragraphs 1, 2 and 3
With reference to the observations submitted by the Italian General Confederation of Labour (CGIL) concerning the 23rd National Report presented by the Italian Government on the implementation of the European Social Charter, with particular regard to Article 3 on the "Right to Safe and Healthy Working Conditions" (paragraphs 1, 2 and 3), and having taken into account the contributions provided by the competent public authorities within their respective areas of responsibility, the following information is submitted.

Article 3, Paragraph 1 – National Policy on Occupational Safety, Workers' Health and the Working Environment.

With regard to Article 3, paragraph 1, the trade union organization observes that the Italian legal framework still lacks a comprehensive regulatory framework and a systematic assessment of psychosocial risks, as the current legislation is considered to focus primarily on work-related stress. The organization further points out the absence of a comprehensive regulatory framework governing occupational diseases associated with such risks.
The trade union also highlights the lack of a structured national regulatory framework addressing **risks arising from climate change**, particularly those related to exposure to extreme temperatures. In addition, it considers the **protection afforded to platform workers (riders) and self-employed workers to be inadequate**.
In this regard, it should first be noted that the national occupational health and safety system is based on a comprehensive legal framework established by Legislative Decree No. 81 of 2008, which, as a general rule, applies to all public and private sectors of economic activity and to all categories of workers, in accordance with the principle of substantive protection irrespective of the type of employment relationship.
Article 28 of the above-mentioned Legislative Decree expressly provides that risk assessment must cover "*all risks to the safety and health of workers, including those affecting groups of workers exposed to*

specific risks." Article 17 of the same Decree requires employers to identify and assess all hazard factors actually present within the workplace and, consequently, to prepare the Risk Assessment Document.
Furthermore, within the Italian legal system, a number of measures have been undertaken in line with the EU Strategic Framework on Health and Safety at Work 2021-2027, one of whose key objectives is to "improve the prevention of work-related accidents and occupational diseases." The Framework calls for cooperation between Member States and the social partners in order to anticipate and address emerging risks arising from changes in the world of work.
On 16 December 2025, the Committee referred to in Article 5 of Legislative Decree No. 81/2008, responsible for steering and evaluating active policies and for the national coordination of labour inspection activities in the field of occupational health and safety, approved the **National Strategy on Health and Safety in the Workplace 2026-2030**, which was subsequently endorsed by the **State-Regions Conference through a formal agreement on 21 May 2026**.
This strategic document, developed through the joint efforts of the Ministry of Health, the Ministry of Labour and Social Policies, the Regions, the National Institute for Insurance against Accidents at Work (INAIL), the National Labour Inspectorate (INL), and the social partners, translates into the national context the principles and objectives enshrined in the EU Strategic Framework on Health and Safety at Work.
This is a structured and nationally binding action plan dedicated to the prevention of workplace accidents and the protection of workers' health, which further strengthens cooperation among the State, the Regions and the competent authorities.
Furthermore, the Ministry of Labour and Social Policies, together with INAIL and the National Labour Inspectorate (INL), recognizes the promotion of a culture of health and safety as a fundamental pillar in preventing occupational accidents. On 12 February 2026, by **Ministerial Decree No. 20 of the Minister of Labour and Social Policies, the Integrated Plan for Health and Safety in the Workplace 2026** was adopted. Building on the 2025 Integrated Plan, it aims to:

1. raise awareness and provide training for young people and workers;
2. support businesses;
3. strengthen workplace protections; and
4. implement targeted and coordinated inspection and enforcement activities.

With regard to the observations concerning the **management of psychosocial risks** in general, including risks associated with gender differences as well as violence and harassment in the workplace, it should be noted that, as already stated above, under the provisions of Legislative Decree No. 81/2008, employers are required to assess and manage all risks that may affect workers' health and safety, including those liable to undermine an individual's psychological and relational well-being.

In the past few years, also in light of the principles established by **ILO Convention No. 190 on Violence and Harassment in the World of Work, ratified by Italy through Law No. 4 of 2021**, the national framework has progressively strengthened the tools available for the prevention and mitigation of psychosocial risks, promoting organizational, training and procedural measures aimed at ensuring working environments that are safe, inclusive and respectful of human dignity.
Within this context, **Article 5 of Decree-Law No. 159/2025, converted with amendments into Law No. 198/2025 and entitled *"Urgent Measures for the Protection of Health and Safety in the Workplace and in the Field of Civil Protection"***, further reinforced the prevention system by introducing, among the general protective measures set out in Article 15 of Legislative Decree No. 81/2008, the planning of specific interventions aimed at preventing and combating violent or harassing behaviour directed against workers.
This provision is of particular significance because it expressly recognizes that harassment, psychological violence, discrimination, bullying and other forms of physical or verbal aggression constitute risk factors for workers' health and safety, on an equal footing with other occupational risks covered by employers' prevention obligations. As a result, it strengthens employers' duty to adopt appropriate organizational, procedural and training measures to prevent and address such phenomena.

Consistent with this legislative development, INAIL has revised, within the OT23 model for 2027, the measure that enables companies to qualify for a reduction in insurance premiums for prevention purposes, by requiring the adoption of a structured system of measures aimed at combating harassment and violence in the workplace. In particular, the measure encourages the establishment of dedicated procedures for reporting incidents, promptly addressing cases, protecting the individuals involved, and resolving disputes.
Access to this benefit is conditional upon the adoption of one or more company procedures governing the entire process for handling reports, as well as the implementation of specific training activities for all personnel. Furthermore, the model promotes an integrated approach to prevention through the involvement of qualified professionals, such as psychologists with expertise in workplace and interpersonal dynamics.
Lastly, with specific reference to the observations submitted under Article 3, paragraph 1, concerning the "National Policy on Occupational Safety, Health and the Working Environment", and in particular to issues relating to the recognition of **occupational diseases associated with work-related stress**, it should be noted that this area requires greater scientific certainty, given the multifactorial nature of mental health disorders. At present, such conditions are not included in the official schedules of occupational diseases; however, they may still be reported and assessed as **"**non-scheduled occupational diseases**"**.
By contrast, since 2004, *chronic adjustment disorder and chronic post-traumatic stress disorder* (PTSD) caused by "dysfunctions in work organization" have been included in the List of Occupational Diseases Subject to Mandatory Reporting for epidemiological and statistical purposes.
The Commission Recommendation (EU) 2025/2609 of 18 December 2025 on the European Schedule of Occupational Diseases (as was the case with the previous 2022 Recommendation) contains no reference to such conditions, either in Annex I (European List of Occupational Diseases) or in Annex II (Complementary List of Diseases Suspected of Being Occupational in Origin Which Should Be Reported and May in Future Be Included in Annex I of the European Schedule). In paragraph 7, however, the Recommendation encourages Member States "to promote research into diseases related to occupational activity, particularly those listed in Annex II and psychosocial disorders associated with work."

As to the **climate emergency**, the increase in average ambient temperatures caused by climate change may have significant effects on workplaces and, consequently, on workers' health. Rising temperatures can lead not only to a higher incidence of heat-related illnesses and an increased risk of accidents resulting from fatigue and reduced concentration, but also to alterations in the properties of materials, equipment and chemical substances present in the working environment. The impact of climate change on workplaces can therefore no longer be regarded as a merely seasonal emergency. Rather, it constitutes a structural and bioclimatic risk that requires clear and effective legal responses. The phenomenon affects sectors unevenly: although agriculture, construction, transport and industry remain among the most exposed sectors, the risk is increasingly extending beyond the traditional boundaries of outdoor work. Indeed, as a result of the urban heat island effect, inadequate ventilation and insufficient cooling systems, workers in the service sector and in indoor environments are also becoming increasingly exposed, turning heat stress into a broader public health concern.
In response to this changing risk landscape shaped by climate change, the Italian experience demonstrates how the regulatory framework can evolve in order to anticipate and address the phenomenon through a comprehensive and systematic approach.
The risk assessment required under Article 28 of Legislative Decree No. 81 of 2008 must take into account all risks to workers' health and safety, in accordance with both Article 180, concerning microclimatic conditions, and Annex IV "*Workplace Requirements*" of the same Legislative Decree.
However, to ensure that this principle does not remain merely abstract in the face of increasingly extreme climatic conditions, the **Ministerial Decree of the Minister of Labour and Social Policies No. 95 of 9 July 2025 adopted the "*Framework Protocol for the Adoption of Measures to Mitigate Occupational Risks Related to Climate Emergencies in the Workplace*."**
In particular, **Annex A** provides that:
"*Without prejudice to the measures for the prevention of risks associated with different climatic conditions*

specifically provided through guidance and measures issued by the Ministry of Health for the general population, specific aspects related to the performance of certain work tasks must be taken into consideration across different sectors, territories, work activities, and industrial and production processes. These aspects may be addressed through targeted collective bargaining measures, including the conclusion of specific agreements between the parties at the various levels, with a view to strengthening protections by adopting agreed procedures for the prevention of risks arising from climate emergencies.
It is well established that climate change represents a threat, particularly in certain working environments where tasks are carried out outdoors (so-called outdoor work), as well as for indoor workers who are required to perform their duties under conditions that do not adequately meet minimum protection standards. Therefore, in order to ensure the timely implementation of all preventive and protective measures in the event of adverse heat-related weather conditions, employers must make use of the official weather forecast and warning bulletin applicable to their city (...), or other appropriate instruments, while carrying out continuous preventive monitoring of meteorological conditions."
Workers are entitled to a working environment in which risks to health and safety, including those arising from microclimatic conditions and solar radiation, are properly controlled and managed. Therefore, without prejudice to the obligation to fully implement Legislative Decree No. 81 of 9 April 2008, which already provides the general legal framework for the protection of workers, employers "(...) *shall refer to any implementing agreements of this Framework Protocol concluded at national sectoral, territorial or company level, in order to address, through a shared approach, the need to mitigate risks arising from climate emergencies, including exposure to high temperatures, with a view to ensuring the full protection of workers' physical and psychological well-being*."
The aforementioned Decree marked a crucial turning point by making it mandatory to incorporate heat stress risk into the Risk Assessment Document, based on official weather alerts, and by codifying organizational adaptation measures such as the rescheduling of work shifts to cooler periods of the day, mandatory technical breaks, and the provision of specific personal protective equipment (PPE).
Within the broader framework established by the National Protocol on Climate Emergencies, the National Labour Inspectorate has stepped up inspection activities and issued detailed operational guidelines for enforcement in sectors considered to be at greater risk, including agriculture, construction, logistics, and platform-based delivery services (*riders*), among others. Through specific measures, such as Note No. 5484/2026, the Inspectorate has promoted the transition from a purely emergency-based approach to a structured and planned management of heat stress risks.
Such Note No. 5484/2026 draws the attention of labour inspection offices to the increasing frequency of extreme weather events and to the need to verify that employers have properly assessed and managed the risks arising from exposure to heat and solar radiation, in accordance with Legislative Decree No. 81/2008.
Failure to assess such risks, or the carrying out of an inadequate assessment, gives rise to the application of the sanctions provided for by law.
More generally, in recent years the National Labour Inspectorate (INL) has progressively strengthened its commitment to the prevention and mitigation of risks associated with heat waves.
The INL's action has developed through a coordinated set of activities involving policy guidance, inspection and enforcement, and the promotion of preventive measures. At the operational level, specific guidance notes have been issued to territorial offices with the aim of ensuring a consistent inspection approach throughout the country and drawing employers' attention to their obligation to assess microclimatic risks and to adopt appropriate preventive and protective measures.

As to the protection afforded to **platform workers (riders)**, the recent provisions contained in Chapter III, "*Measures for the Prevention of and Combating Digital Labour Exploitation*", of **Decree-Law No. 62 of 30 April 2026, converted with amendments into Law No. 112 of 25 June 2026**, strengthen the safeguards available to workers engaged through digital platforms, with particular attention to occupational health and safety issues and to the risks arising from forms of work organization managed through algorithmic and digital tools.
More specifically, Decree-Law No. 62 of 2026, as converted into Law No. 112 of 2026, introduced

paragraph 3-bis into **Article 47-septies of Legislative Decree No. 81 of 2015**, which provides as follows: *"In addition to the mandatory training activities required under the legislation in force concerning occupational health and safety, a decree of the Minister of Labour and Social Policies, following agreement within the Permanent Conference for Relations between the State, the Regions and the Autonomous Provinces of Trento and Bolzano, shall annually establish the essential basic training activities that the worker referred to in Article 47-bis of this Decree (cf. Legislative Decree No. 81/2015) must complete within the first thirty days from the commencement of the first work assignment, by accessing the platform of the Information System for Social and Labour Inclusion (SIISL) referred to in Article 5 of Decree-Law No. 48 of 2023, converted with amendments into Law No. 85 of 3 July 2023. Patronage institutions may provide assistance to facilitate workers' access to and participation in the courses available through the SIISL platform. Failure to complete the mandatory basic training course within the prescribed time limits shall be reported to the contracting entity. A contracting entity that continues to engage a worker who has been the subject of such a report for a period of three months shall be subject to an administrative fine ranging from EUR 800 to EUR 2,400*."
It should be noted that the aforementioned Article 47-bis of Legislative Decree No. 81 of 2015 refers to *"self-employed workers who perform the delivery of goods on behalf of third parties, within urban areas and by means of bicycles or motor vehicles referred to in Article 47, pars 2 a) of the Highway Code, as set out in Legislative Decree No. 285 of 30 April 1992, through digital or other platforms."*
A further step towards strengthening the regulatory framework is represented by the draft legislative decree implementing Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work, which was approved by the Council of Ministers for preliminary examination on 23 July 2026, pursuant to the delegation provided for in Article 11 of Law No. 91 of 13 June 2025. This measure forms part of a broader effort aimed at ensuring a high level of protection for workers, including emerging risks and psychosocial issues associated with changes in work organisation resulting from technological innovation and digitalisation.

Article 3, Paragraph 2 – Occupational Health and Safety Regulations

With regard to Article 3, paragraph 2, the trade union organization remarks that the Article 1-bis of Decree-Law No. 159 of 2025, converted into Law No. 198 of 2025, allows, in the tourism, hospitality and catering sectors, occupational health and safety training to be completed within 30 days of recruitment or of the commencement of work in the case of temporary employment.
According to the CGIL, this legislative choice lowers the level of preventive protection afforded to workers, exposes newly hired employees to occupational risks before they have received adequate training, and constitutes a derogation from the general principle that health and safety training should be provided at the time of recruitment.
As far as this remark is concerned, it should be clarified that the provision set out in the aforementioned Article 1-bis neither removes nor weakens the obligation to provide occupational health and safety training, nor does it reduce its content, duration or quality. Indeed, the provision fully preserves the training requirements established by Legislative Decree No. 81/2008 and merely introduces a different timeframe for the completion of such training in specific sectors characterized by high levels of seasonality and workforce turnover, without exempting employers from their prevention and protection obligations.
Therefore, the provision does not result in any reduction in the substantive level of protection afforded to workers; rather, it merely provides for a different organizational arrangement regarding the fulfilment of the training obligation.

Article 3, Paragraph 3 – Enforcement Measures for the Application of Occupational Health and Safety

Regulations.

As to Article 3, paragraph 3, the trade union organization raises a number of concerns regarding the **effective enforcement of occupational health and safety legislation and the effectiveness of labour inspection activities**.

Decree-Law No. 159/2025, converted with amendments into Law No. 198/2025, introduced further legislative changes that are relevant to Article 3 of the European Social Charter.

With a view to increasingly focusing inspection activities on **contracting and subcontracting chains**, the legislature introduced an additional sentence into Article 29(7) of Decree-Law No. 19/2024, concerning the so-called **INL Compliance List**, providing that: "*In directing its inspection activities for the purposes of issuing the certificate referred to in the first sentence, the National Labour Inspectorate shall give priority to inspections within its competence concerning employers operating under public or private subcontracting arrangements.*"

Also in the area of contracting and subcontracting, the so-called "**Construction Site Badge**" has been introduced. This measure does not replace the identification card already required under Legislative Decree No. 81/2008 (Articles 18(1)(u) and 26(8)); rather, it adds a further feature, namely the inclusion of a **unique anti-counterfeiting code**. The obligation to provide the badge applies to undertakings operating under contracting and subcontracting arrangements not only in the construction sector, but also in **other activities characterised by a higher level of risk**, which will be identified by a subsequent decree of the Ministry of Labour and Social Policies, following consultation with the social partners.

Decree-Law No. 159/2025 also amended the content of the **preliminary notification** referred to in **Article 99 of Legislative Decree No. 81/2008**, introducing the obligation to indicate the undertakings operating under subcontracting arrangements.

It should be recalled that the preliminary notification does not serve a merely formal purpose; rather, it pursues specific objectives relating to prevention and the planning of inspection activities. It enables the supervisory authorities to know precisely where, when and by whom a construction site will be opened, thereby facilitating the mapping of activities across the territory and the planning of inspection visits.

Another important measure to be noted is the **Points-Based Licence (hereinafter, the "PBL"), which entered into force on 1 October 2024 following the amendment of Article 27 of Legislative Decree No. 81/2008 introduced by Decree-Law No. 19/2024, converted into Law No. 56/2024**. The revised Article 27 established a system based on the allocation of points, designed to reward companies that demonstrate high standards in the prevention and management of occupational health and safety, while penalising companies that show less commitment to health and safety at work.

The Points-Based Licence (PBL) constitutes the mandatory authorisation required for companies and self-employed workers who, regardless of their ATECO classification (Italy's official system for classifying economic activities), operate on temporary or mobile construction sites as referred to in Title IV of Legislative Decree No. 81/2008, namely in one of the categories of workplaces that, according to statistical data, present the highest risk of occupational accidents.

The amendment to Article 27 also affected the obligations of the client (or the works supervisor, where appointed), who, when awarding the execution of works, must verify that companies and self-employed workers engaged, whether operating under contracting or subcontracting arrangements, hold a Points-Based Licence (PBL) or an equivalent authorisation.

The official statistical data currently available, which are useful for assessing the effectiveness of this new measure, are contained in the INL report entitled "Results of Inspection Activities 2025" and relate to the period from the entry into force of the PBL until the end of the year under review (1 October 2024 to 31 December 2025).

The number of Points-Based Licences (PBLs) issued during the above-mentioned period amounted to **479,020**. During inspection activities, **1,088 penalties** were imposed on companies and self-employed workers for failure to comply with the obligation to hold a PBL, as well as **687 penalties** imposed on clients and works supervisors for failing to verify that the required authorisations were held by the undertakings and workers engaged.

Decree-Law No. 159/2025 raised to EUR 12,000 the minimum threshold for the administrative penalty

provided for in Article 27(11) of Legislative Decree No. 81/2008 in cases where a company or self-employed worker operates without the required authorisation or holds a Points-Based Licence (PBL) with a score below the minimum permitted threshold (15 points). Furthermore, the aforementioned Decree introduced paragraph 7-bis into Article 27 of Legislative Decree No. 81/2008, pursuant to which, where the presence of irregular workers is identified during inspection activities, "*the deduction of points shall take place upon notification of the inspection report issued by the competent supervisory authorities*."
This provision constitutes a significant **deterrent against the use of undeclared work**, since, unlike other situations resulting in the deduction of PBL points, this type of infringement produces immediate effects. Not only are five points deducted for each irregular worker identified, thereby creating a concrete risk that the undertaking may fall below the minimum score required to operate on construction sites, but the deduction may also be applied without waiting for the "*outcomes of the final measures adopted against employers, managers and supervisors*" referred to in Article 27(6) before proceeding with the reduction of points. The new provision applies exclusively to infringements committed on or after 1 January 2026.
Finally, it should be noted that the **inspection activities carried out by the National Labour Inspectorate (INL)** constitute one of the instruments through which Article 3 of the European Social Charter is implemented, insofar as they are aimed at verifying compliance with occupational health and safety provisions, ensuring the elimination of hazardous situations, and promoting the continuous improvement of health and safety conditions in the workplace.
In this context, the activities carried out by the National Labour Inspectorate (INL) form part of a broader national prevention policy, consistent with both the EU Strategic Framework on Health and Safety at Work 2021-2027 and the Integrated Plan for Health and Safety in the Workplace adopted by the Ministry of Labour. The planning of inspection activities is in fact guided by criteria based on risk analysis, intelligence gathering, and inter-institutional coordination, **with priority being given to sectors characterised by higher rates of occupational accidents and elevated levels of non-compliance**. With specific regard to occupational health and safety, the national inspection programme provides for the deployment of **specialised teams** dedicated to technical inspections, operating across the main sectors of economic activity, with priority assigned to construction, agriculture, logistics and transport, manufacturing, and other sectors identified on the basis of occupational accident data, including data analysed with the contribution of INAIL. This organisational model makes it possible to direct inspection resources towards those productive sectors and workplaces most exposed to occupational health and safety risks, thereby ensuring the effective use of available resources and a continuous monitoring presence throughout the national territory.
Official data relating to technical inspections show a progressive increase in the proportion of technical inspection activities within the overall number of inspections carried out. This upward trend began in 2022, following the expansion of the Inspectorate's responsibilities, and became particularly noticeable from 2025 onwards as a result of the significant contribution made by newly recruited personnel. Nevertheless, there is no doubt that increasing the human and financial resources dedicated to inspection activities remains an essential factor in improving the protection of workers and enhancing the prevention of occupational accidents.
Lastly, it should be recalled that, under the current Italian legal framework, the National Labour Inspectorate (INL) is not the sole authority responsible for enforcement in the field of occupational health and safety. Pursuant to the current Article 13(1) of Legislative Decree No. 81/2008, supervision of the application of occupational health and safety legislation is carried out by the Local Health Authorities (ASL) with territorial jurisdiction, the National Labour Inspectorate (INL) and, within their respective areas of competence, the National Fire and Rescue Service.

Article 4 – Right to a fair remuneration, para. 3 – Right of men and women to equal pay for work of equal value.

With regard to the observations made by CGIL concerning the provision under consideration, it should be noted, as a preliminary matter, that the Italian legal system has recently **strengthened the safeguards relating to gender pay equality,** through Legislative Decree No. 96 of 7 May 2026, implementing Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023, aimed at strengthening the application of the principle of equal pay for men and women for equal work or work of equal value through pay transparency and the related enforcement mechanisms. In this regard, it should be noted that the assessment of compliance with the revised European Social Charter must necessarily take into account the regulatory developments that have taken place and the measures recently introduced. Their effective implementation requires an adequate period of application and monitoring, which the Confederation does not appear to have taken sufficiently into account.

On the Definition of "Work of Equal Value" and the Assessment Criteria

The principle of equal pay for equal work or work of equal value, as referred to in the 23rd Report, was already enshrined in the national legal framework, in particular in Article 28 of Legislative Decree No. 198 of 11 April 2006 (Code of Equal Opportunities between Men and Women), which reaffirmed the principle already laid down in Article 37 of the Constitution. Legislative Decree No. 96/2026 therefore does not introduce this principle *ex novo*, but rather strengthens its effective implementation by providing a more precise statutory definition of the concept of work of equal value, introducing new pay transparency obligations, and granting workers specific rights of access to information.

The choice to refer to national collective labour agreements does not constitute a gap in the system, but rather an element consistent with the characteristics of the Italian legal framework, which has historically been based on the autonomy of collective bargaining in determining occupational classifications and the corresponding pay structures.

From this perspective, the implementing decree does not merely make a formal reference to collective bargaining, but requires **classification and grading systems to be based on objective and gender-neutral criteria and to be capable of ensuring the full implementation of the principle of equal pay for equal work or work of equal value.**

On Pay Transparency

This aspect, too, calls for emphasis to be placed on the progress introduced by the new legislation.

The decree grants workers the right to request and receive from their employer information on average pay levels, broken down by gender, for workers performing the same work or work of equal value. It also establishes employers' obligations to provide information on the criteria used to determine remuneration and pay progression.

These innovations expand the tools available to workers and their representatives to identify any discriminatory pay disparities, thereby strengthening the objectives pursued both by Directive (EU) 2023/970 and by the revised European Social Charter.

Gender Equality Certification – Updated Data

With regard to the Gender Equality Certification System provided for under Article 46-bis of Legislative Decree No. 198/2006, introduced by Article 4 of Law No. 162 of 5 November 2021, the relevant data have been updated as follows: as of July 2026, 13,775 certifications have been issued and 64 certification bodies are accredited. This result confirms the steady and sustained uptake of the scheme by companies and organisations, significantly exceeding the targets set for the end of 2026.

New Reference Practice UNI/PdR 192:2026

As part of the initiatives promoted by the Minister for Family, Birth Rate and Equal Opportunities to support parenthood and the sharing of care responsibilities, it is worth highlighting the recent reference practice UNI/PdR 192:2026, *"Management System for Work–Family Reconciliation. Requirements for Family Well-being,"* published and entering into force on 14 April 2026.
The reference practice translates the principles of the Code for Businesses in Support of Maternity (an instrument also adopted at the initiative of the Minister for Family) into measurable and certifiable requirements, integrating them with the strategic approach of Family Audit (a management tool available to organisations wishing to certify their commitment to implementing concrete measures to reconcile their employees' work and family lives and promote organisational well-being).
Unlike gender equality certification, which focuses on the gap between women and men, the new reference practice establishes a specific management system dedicated to *work–family reconciliation*, with a particular focus on maternity, paternity and family care responsibilities.
The system is structured around seven areas of intervention, each covered by specific performance indicators (KPIs): *work organisation and time/spatial flexibility; maternity support; parental support; support for care responsibilities; health and well-being; financial support and services for families; professional development and career continuity.*
Among other things, these indicators assess: the promotion of a more balanced use of parental leave by fathers and the recognition of company policies that supplement the statutory allowance or extend the duration of leave; support for caregivers, including the availability of additional leave and flexible working arrangements beyond those required by law; and the protection of career continuity following periods of absence, through the monitoring of career progression and remuneration after leave, as well as minimum thresholds for return to work following maternity leave and retention at 24 months.
In this way, the reference practice addresses, through objective and verifiable parameters, the imbalance in the distribution of care responsibilities, the limited uptake of parental leave by men, and career discontinuity associated with parenthood.

Article 6 – The right to bargain collectively, paragraphs 1, 2 and 4

Article 6, paragraph 1 - Joint Consultations between Employers and Workers; paragraph 2 -Collective Bargaining"; paragraph 4 - The right to collective action.

The observations submitted by the CGIL Trade Union Organization do not in any way reflect the structure and functioning of industrial relations in the contractualized public sector. On the contrary, the current regulatory framework has been further strengthened by the recent *Draft National Collective Labour Agreement (CCNL) for the 2025–2027 period – Central Government Sector*, signed on 9 June 2026. This agreement establishes a highly advanced and modern framework for collaboration, aimed at promoting constructive dialogue and meaningful participation, with the objective of reconciling the delivery of public services with the interests of workers, while fostering conflict prevention and enhancing the quality of organizational decision-making.
Within this framework, a comprehensive and well-structured system of participation between public employers and trade unions has been established, encompassing information, consultation, supplementary collective bargaining, and workers' assemblies. Furthermore, the role of Joint Committees has been strengthened, establishing them as robust and widely implemented bodies that provide a permanent forum for consultation and analysis between workers' representatives and public employers.
More specifically, new forms of participation have been introduced through the **Joint Committee for Innovation**, to be established within each public administration within 30 days of the signing of the collective agreement. The Committee is entrusted with examining complex pilot, technological, and organisational projects and with putting forward practical proposals on issues of strategic importance for the well-being of employees and the development of the Public Administration, including the quality of

working life, training policies, and measures to prevent work-related stress and burnout.
In line with the challenges posed by the current context, the Committee is also expressly entrusted with monitoring the ecological and digital transition processes. Its mandate specifically includes assessing the impact of, and promoting the responsible use of, Artificial Intelligence systems within workplace processes.
Furthermore, at the national level, complementing this participatory framework and in full accordance with the spirit of Article 6(1) of the European Social Charter, the **Sectoral Joint Observatory**, operating within ARAN, serves as a permanent forum for dialogue on collective bargaining issues of general relevance. Its purpose is to prevent disputes and promote the consistent and uniform application of collective agreement provisions.
Moreover, the system of industrial relations established by the National Collective Labour Agreements governing the public sector has consistently incorporated and promoted the principles of information and consultation on an equal footing, leaving no room for arbitrariness or the withholding of information. **Information** is established as a mandatory obligation on public administrations, to be provided either prior to or following the adoption of relevant measures through structured written information flows designed to communicate data and factual elements concerning organisational and managerial matters affecting working conditions.
Furthermore, the **National Collective Labour Agreements (CCNLs)** lay down detailed rules governing the timing and procedures through which trade union representatives may request **consultation** on matters that have been the subject of information. This ensures genuine participation and promotes the pursuit of shared solutions before unilateral decisions are adopted by the administration.
Finally, to ensure compliance with these obligations, the **Draft National Collective Labour Agreement (CCNL) for the 2025–2027 period** provides for an explicit safeguard mechanism. Where a public administration fails to establish the **Joint Committee for Innovation** within the prescribed timeframe, all matters falling within its remit automatically become subject to trade union consultation, thereby preventing any breakdown in industrial relations or unilateral action by the administration.
This institutional framework effectively precludes the risk of the “marginalisation of the social partners” alleged by the complainant trade union.
With regard to the CGIL’s observations concerning the alleged unreliability of collective bargaining coverage data and the purported risk of circumvention of the most representative collective agreements, it should likewise be emphasised that such concerns are entirely inapplicable to the public sector, which is governed by a well-defined legal framework and established principles, including:
Certainty of the application of collective agreements: Public administrations are required by law to apply, automatically and exclusively, only those National Collective Labour Agreements (CCNLs) that have been lawfully concluded by ARAN and the trade union organisations whose representativeness within the relevant sector has been officially certified as exceeding the 5% threshold. Consequently, phenomena such as "pirate" collective agreements or collective bargaining dumping do not exist in the public sector.
Transparency and monitoring mechanisms: The public sector is subject to stringent statutory transparency requirements (Legislative Decree No. 33/2013). The costs arising from collective bargaining, staffing levels, and the application of collective agreements are certified annually by the Ministry of Economy and Finance through the *Annual Personnel Accounts (Conto Annuale)* and are subject to oversight by the Court of Auditors.
The proactive role of ARAN: ARAN plays an active role in ensuring the smooth and orderly conduct of both collective bargaining procedures and their implementation. The Agency chairs collective bargaining negotiations and coordinates the implementation phase, ensuring the timely publication of draft agreements and final collective agreements on its official website, a prerequisite for the legal and financial effects of those agreements to take effect.
In addition, ARAN receives electronically and maintains, in a publicly accessible database, the full text of all supplementary collective agreements that public administrations are required to transmit, together with the accompanying technical and explanatory reports. This system ensures continuous and centralised monitoring of remuneration policies and organisational developments across the entire public sector.

In essence, the current legal and collective bargaining framework governing public employment in Italy, which is subject to continuous and ongoing development, has been further strengthened by the innovative participatory mechanisms introduced from the outset in the **National Collective Labour Agreement (CCNL) for the 2025–2027 period – Central Government Sector**. This framework ensures the full, systematic, and effective implementation of Article 6(1) of the European Social Charter.
The mechanisms for joint consultation have been institutionalised, trade union information flows are mandatory and subject to sanctions in cases of anti-union conduct, and transparency regarding data on the application of collective agreements is fully ensured.
Furthermore, CGIL considers that collective bargaining in the sector concerned is not adequately promoted and alleges that the right to strike cannot be exercised. It further highlights the alleged incompleteness of the responses provided by the Italian Government on this matter with regard to personnel belonging to the Guardia di Finanza, the Carabinieri, and the Prison Police.
In this regard, the following information is provided;
As a preliminary point, it should be noted that Article 5 of the European Social Charter (revised), while recognising the right of association of all workers and employers, leaves it to national legislation to determine the extent to which the guarantees provided for therein apply to personnel belonging to the police forces and the armed forces, taking into account the specific nature of the duties performed by military personnel.
The European Social Charter (revised) itself therefore recognises the specific nature of the status of personnel belonging to the Security and Defence Sector, leaving national legislation to establish the rules necessary to reconcile trade union freedom with the fundamental need to safeguard the sovereignty, security, and democratic character of each State.
Against this background, it should be noted that, with the entry into force of Law No. 46 of 28 April 2022, entitled *"Rules on the exercise of trade union freedom by personnel of the Armed Forces and military police forces, as well as delegation to the Government for regulatory coordination"* (the relevant provisions of which have been incorporated into the *Code of the Military Order* – COM), full recognition of trade union rights has been extended to personnel belonging to the military police forces (the Carabinieri and the Guardia di Finanza) and to the Armed Forces (the Italian Army, Navy, and Air Force).
This measure completed the process of extending trade union rights throughout the entire Security and Defence Sector, a process that began with Law No. 121 of 1 April 1981 and was subsequently continued through Law No. 395 of 15 December 1990. These laws respectively recognised trade union rights for personnel of the State Police and for personnel of the Prison Police Corps.
The system introduced by the aforementioned Law No. 46 of 2022 combines the principles governing the military order with those underlying trade union freedom, thereby achieving the necessary balance between the fundamental values enshrined in Articles 52 and 39 of the Italian Constitution.
The legislature has, in fact, introduced trade union representation within the military sphere and adapted it to the overriding public interest in preserving the full operational effectiveness of the military system, thereby safeguarding the fundamental constitutional values relating to the defence and security of the State.
More specifically, Law No. 46 of 2022 (Article 1475 of the *Code of the Military Order* – COM) recognised the right to establish and join professional associations of a trade union nature among military personnel (hereinafter **APCSMs**) for the purpose of carrying out trade union activities and participating in collective bargaining.
The legislation introduced specific provisions aimed at ensuring full compliance with the principles of internal cohesion, neutrality, efficiency, and operational readiness of the Armed Forces and military police forces, as well as adherence to the principles of democracy, transparency, and participation within each individual association.
In order to carry out trade union activities, APCSMs must obtain national recognition through registration in specific registers maintained by the Ministry of Defence and the Ministry of Economy and Finance.
In this regard, it should be clarified that such registration is intended to verify the fulfilment of the requirements established by law, thereby ensuring compliance with the above-mentioned principles of democracy, transparency, and participation, which APCSMs are required to uphold in the exercise of their

trade union activities.
Under the trade union system established by Law No. 46 of 2022, all APCSMs registered in the relevant lists are entitled to carry out trade union activities in favour of their members. Those representing a significant percentage of the effective personnel strength of the individual Armed Force or military police force are entitled to benefit from paid trade union prerogatives (trade union secondments and paid leave) as well as unpaid prerogatives (leave of absence and unpaid trade union permits), and they participate actively at national-level collective bargaining (Articles 2 and 7 of Legislative Decree No. 195 of 12 May 1995, concerning *"Implementation of Article 2 of Law No. 216 of 6 March 1992, on procedures for regulating the terms and conditions of service of personnel of the Police Forces and the Armed Forces"*).
The law grants access to collective bargaining negotiations and trade union facilities to APCSMs recognised as representative at national level, by establishing a minimum membership threshold equal to 4% of the total effective personnel strength of the relevant Armed Force or military police force, as recorded on 31 December of the year preceding that in which the representativeness of the associations concerned must be determined.
This threshold is set at 3% for inter-force APCSMs. During the transitional period, the above-mentioned percentages were reduced by two percentage points for the 2022–2024 bargaining period and by one percentage point for the 2025–2027 bargaining period.
With regard to the most recent collective bargaining rounds, the ministerial decrees identifying trade union representativeness and allocating trade union prerogatives within the Security and Defence Sector for the 2022–2024 and 2025–2027 bargaining periods are attached, together with the decrees identifying representativeness for the management bargaining areas for the 2018–2020, 2021–2023, and 2024–2026 periods.
More specifically, the decrees identifying the representative trade union organisations and the representative APCSMs grant them the authority to participate in collective bargaining.
Pursuant to the aforementioned legal provisions, and with the participation of the APCSMs, the following trade union agreements have been settled:
Agreement for non-managerial personnel of the Armed Forces, for the 2022–2024 period, signed on 18 December 2024 and implemented through Decree of the President of the Republic No. 52 of 24 March 2025;
Agreements for non-managerial personnel of the civil and military police forces, for the 2022–2024 period, signed on 18 December 2024 and implemented through Decree of the President of the Republic No. 53 of 24 March 2025;
Agreement for managerial personnel of the Armed Forces, for the 2018–2020 period, signed on 6 August 2025 and implemented through Decree of the President of the Republic No. 202 of 4 December 2025;
Agreements for managerial personnel of the civil and military police forces, for the 2018–2020 period, signed on 6 August 2025 and implemented through Decree of the President of the Republic No. 203 of 4 December 2025;
Agreement for managerial personnel of the Armed Forces, for the 2021–2023 period, signed on 6 August 2025 and implemented through Decree of the President of the Republic No. 204 of 4 December 2025;
Agreements for managerial personnel of the civil and military police forces, for the 2021–2023 period, signed on 6 August 2025 and implemented through Decree of the President of the Republic No. 205 of 4 December 2025;
Agreement for non-managerial personnel of the Armed Forces, for the 2025–2027 period, signed on 15 July 2026;
Agreements for non-managerial personnel of the civil and military police forces, for the 2025–2027 period, signed on 15 July 2026.
The conclusion of the aforementioned trade union agreements demonstrates that collective bargaining has been regularly conducted in recent years, achieving significant results both in economic and regulatory terms.
At the conclusion of the most recent collective bargaining round, the Government also undertook, among other commitments, to promote, starting from September 2026, the opening of a consultation forum aimed at reviewing and updating Law No. 46 of 2022, as well as introducing certain amendments to the

current framework of trade union relations.
The commitment undertaken upon the signing of the trade union agreements for the 2025–2027 period demonstrates the Government's particular attention to the specific needs of APCSMs and its intention to identify appropriate measures to broaden the safeguards provided for by Law No. 46 of 2022, while always ensuring the necessary balance among all the constitutional values at stake.
Lastly, it should be noted that the prohibition on exercising the right to strike, provided for under Article 1475(4) of the *Code of the Military Order* (COM), is based on the fundamental need to ensure national defence and security, which cannot be guaranteed without preserving unity of command and continuity in the performance of institutional functions.
The right to strike – enshrined in Article 40 of the Italian Constitution and regulated by Law No. 146 of 12 June 1990, entitled *"Rules on the exercise of the right to strike in essential public services and on the safeguarding of constitutionally protected individual rights. Establishment of the Guarantee Commission for the implementation of the law"* – must necessarily be balanced against other fundamental rights of constitutional standing.
The defence of the homeland and internal and external security, which the Armed Forces and military police forces are entrusted with ensuring, take precedence over the exercise of the right to strike.
It should be noted that Article 1482 of the *Code of the Military Order* (COM) provides for specific procedures for the resolution of labour disputes, authorising APCSMs to initiate conciliation proceedings before the Central Conciliation Commission established at the Ministry of Defence or, in cases concerning disputes related to anti-union conduct, before the Ministry of Economy and Finance. Such anti-union conduct consists in the unjustified denial of trade union rights and prerogatives.
Furthermore, Article 1480-bis of the *Code of the Military Order* (COM) provides that, for the exercise of the right of trade union association, military personnel may, outside working hours, hold demonstrations in places open to the public without wearing the uniform.
In light of the foregoing, no violation of workers' collective rights can be identified, particularly with regard to Article 6 of the European Social Charter.

Article 20 – The right to equal opportunities and equal treatment in matters of employment and

occupation, without discrimination on the grounds of sex

On Women's Employment

With regard to public incentives, the provisions of Decree-Law No. 62 of 30 April 2026, converted with amendments into Law No. 112 of 25 June 2026 (*Urgent Provisions on Fair Wages, Employment Incentives and Combating Digital Labour Exploitation*), are of particular importance. Under these provisions, eligibility for the new public benefits is conditional upon employers applying the so-called "*fair wage*" requirement.

The measure, which entered into force on 1 May 2026, forms part of the broader framework of policies aimed at promoting stable and quality employment, while also strengthening efforts to combat digital labour exploitation, with total funding of approximately €1 billion for the 2026–2028 period.

In this regard, it should be emphasised that the introduction of the aforementioned concept of "fair wage" constitutes the central element of the decree. It is defined as remuneration that is no lower than that provided for under national collective labour agreements concluded by trade unions and employers' organisations that are comparatively the most representative. This principle does not introduce a statutory minimum wage; rather, it strengthens the role of collective bargaining and aims to combat the proliferation of so-called "pirate" collective agreements. Moreover, access to public incentives is conditional upon compliance with this remuneration standard, thereby introducing a significant form of social conditionality into labour market policies.

Article 1 introduced a new 100% exemption from social security contributions for employers hiring women in disadvantaged circumstances, for a maximum period of 24 months and up to a ceiling of €650 per employee (increased to €800 in the Single Special Economic Zone in Southern Italy). The measure is intended to address certain labour market imbalances, in particular the low participation of women in the labour market, which is more pronounced in Southern Italy.

The measure builds on and reorganises the various incentives introduced in previous years to promote women's employment, while limiting eligibility for the benefit to employers that guarantee a level of "fair wage."

On Occupational Segregation of Women

It should be noted that the framework of measures adopted **to promote equality between women and men in the labour market** has recently also been strengthened through the transposition of Directive (EU) 2023/970 on pay transparency, implemented by the aforementioned Legislative Decree No. 96 of 7 May 2026.

Although this legislative measure is not specifically aimed at combating the occupational segregation of women, it contributes to **strengthening the effective implementation of the principle of equal opportunities** through pay transparency measures, monitoring of gender pay disparities, and the promotion of objective criteria in recruitment and career progression processes.

The measure therefore forms part of a broader strategy aimed at reducing gender inequalities in the labour market and promoting fairer conditions for access to employment and professional development across all occupational sectors.

From this perspective, the assessment of progress made in the field of gender equality cannot be reduced solely to an increase in women's representation in technical and scientific occupations. As highlighted by the OECD in its 2026 report *Pay Transparency in Progress: Valuing Jobs, Closing Gender Pay Gaps* — available at the following link: Pay Transparency in Progress | OECD — a key element of equality policies also lies in recognising and appropriately valuing, in economic terms, occupations predominantly held by women, through the application of the principle of equal pay for work of equal value and the adoption of gender-neutral job evaluation and classification systems.

In this regard, particular attention should be drawn to paragraph 1.2, *"The principle of equal pay for work of equal value is a cornerstone of gender equality in the labour market."*

On Work–Life Balance

Parental Leave

Extension of the child's age limit – Article 1, paragraph 219, of Law No. 199 of 30 December 2025 (2026 Budget Law), amending Article 32 of Legislative Decree No. 151 of 26 March 2001 (Consolidated Act on maternity and paternity protection), raised from 12 to 14 the age limit of the child up to which parents may take parental leave, thereby exceeding the European minimum standard, which remains set at 8 years of age.

Although this extension theoretically allows parental leave to be used during later stages of a child's development, it must be considered against an established trend: parental leave continues to be predominantly used during the child's earliest years. The extension represents an improvement upon the minimum standard and is also intended to contribute to a *rebalancing* of parental leave uptake between men and women. The legislative measure therefore forms part of a broader approach aimed at expanding worker-friendly rights beyond the European minimum standard.

In this regard, the data contained in the INPS 2025 Annual Report are particularly significant, showing a marked difference in the behaviour of mothers and fathers. Mothers tend to concentrate their use of parental leave during the child's first few years, often using a substantial portion of their entitlement by the time the child reaches three years of age. Fathers, by contrast, make more limited use of parental leave, but are more likely to spread their leave over time, more frequently using it during later stages of the child's development. This pattern therefore points to later paternal involvement, but one that is gradually increasing.

In light of these dynamics, the decision to extend the child's age limit can be justified from two perspectives. On the one hand, the aim was to extend protection to the more sensitive stages of adolescence, when new needs for parental presence and support arise (including in connection with social phenomena such as social media addiction). On the other hand, raising the age limit facilitates a more balanced use of parental leave between parents, particularly encouraging greater participation by fathers, who are less inclined to take leave during early childhood.

At the same time, the increase in the allowance to 80% is granted only where parental leave is taken during the child's first six years of life, thus continuing to encourage the early use of leave, in line with the typical needs of early childhood and with the objective of the Directive. Against this backdrop, extending the time frame does not alter this approach but rather complements it, giving parents greater flexibility, including the possibility of reserving part of their leave for later stages of their child's development. This is also consistent with the fact that parental leave entitlements under Italian legislation are longer than those provided for at European level; consequently, reserving a *"portion for adolescence"* does not entail a reduction in the *"portion for early childhood."*

Mandatory Paternity Leave

In Italy, paternity leave has been regulated since 2001. Indeed, Article 28 of Legislative Decree No. 151/2001 provides for a father's right to take leave for a period corresponding to the duration of the maternity leave to which the mother would have been entitled (or for the unused portion thereof) in cases where the mother is unable to take such leave due to particularly serious circumstances (death, serious illness, abandonment of the child by the mother and, more generally, in all cases where the child has been placed exclusively in the father's care). This is, in effect, a "derived right" arising from maternity leave, which is therefore granted to the father where the mother is physically or legally unable to take it.

Paternity leave as an autonomous right of the father had already been introduced in Italy by Law No. 92 of 28 June 2012 (Article 4, paragraph 24). It was, however, an experimental and essentially symbolic measure, since its duration was limited to just one day. Over time, the duration of this leave was progressively extended, reaching 10 working days in 2021. Most recently, Legislative Decree No. 105 of 30 June 2022, transposing Directive (EU) 2019/1158 (*Work–Life Balance*), made this measure permanent by incorporating it into the Consolidated Act on maternity and paternity (Article 27-bis) and setting its duration at 10 days, doubled in the case of multiple births.

The father may take the leave during the period beginning two months before the expected date of delivery and ending five months after the child's birth. This period takes into account the fact that maternity leave — with a total duration of five months — may be taken by the mother from two months before the expected date of delivery until three months after the birth or, in the absence of medical contraindications, under more flexible arrangements (at her choice, from one month before and up to four months after the birth, or by taking the entire five-month period following the child's birth). The periods during which the two types of leave may be taken are therefore structured in such a way as to allow parents to use the benefit concurrently.

The paternity leave provided for under Article 27-bis is mandatory and constitutes a right guaranteed to all workers.

The option of further extending the overall duration of mandatory paternity leave could not be implemented when the *Work–Life Balance* Directive was transposed, due to budgetary constraints.

Although, as a general rule, the Italian legal system does not recognise the concept of a "second equivalent parent" (while civil unions between same-sex persons are legally recognised), in certain specific cases involving "adoption", the courts have recognised such status for the non-biological parent (see, in particular, Supreme Court of Cassation, Civil Division I, judgment No. 12962 of 22 June 2016). In the Italian legal system, judgments of the Constitutional Court have, in substantive terms, legal force comparable to that of statutory provisions.

In such cases, the non-biological parent has been recognised under domestic law as a *"second equivalent parent"*, with the consequent entitlement to mandatory paternity leave. This extension has also been applied to a female couple registered as parents in the civil status records, in which the worker who was the *"intended parent"* became entitled to mandatory paternity leave following Constitutional Court judgment No. 115 of 21 July 2025.

On Harassment and Violence in the Workplace

With regard to measures aimed at combating workplace harassment, it should be noted that the Italian anti-discrimination legal framework provides a high level of protection. It is founded, in general terms, on constitutional principles and on Article 2087 of the Civil Code, which requires employers to adopt measures that "*are necessary to protect the physical integrity and moral well-being of workers*". The framework is governed primarily, however, by Legislative Decree No. 198 of 11 April 2006, which has been progressively updated in line with European principles transposed through national legislation.

In this regard, Law No. 162 of 5 November 2021 (Article 2) is particularly relevant, as it broadened the concept of *direct and indirect discrimination* by amending Article 25 of Legislative Decree No. 198/2006. The prohibition of direct discrimination was extended to female and male candidates during recruitment and selection processes, while the concept of indirect discrimination was expanded to include organisational practices that may adversely affect career progression, which are generally more difficult to identify. In addition, protection against discrimination related to pregnancy and the exercise of maternity and paternity rights was strengthened through the introduction of paragraph 2-bis into Article 25 of the Code.

Furthermore, Article 26 of Legislative Decree No. 198/2006 regulates harassment and sexual harassment in the workplace, classifying them as forms of gender discrimination. Article 26-bis (retaliation) extends protection against retaliation suffered by those who lodge a complaint or take action to assert the principle of equal treatment, while Article 27 establishes the prohibition of discrimination in access to employment.

This framework also includes the amendment to the aforementioned Article 26 introduced by Law No. 205 of 27 December 2017 (2018 Budget Law), which added paragraph 3-*ter*. By referring to Article 2087 of the Civil Code, this provision requires employers to "*ensure working conditions that safeguard the physical and moral integrity and dignity of workers, including by agreeing with workers' trade unions on the most appropriate information and training initiatives to prevent sexual harassment in the workplace*."

It further provides that "*companies, trade unions, employers and workers shall undertake to ensure that the workplace remains an environment in which everyone's dignity is respected and interpersonal relationships based on the principles of equality and mutual fairness are fostered*."

It has also been argued that the ratification of ILO Convention No. 190 of 2019 *on the elimination of violence and harassment in the world of work* has not produced tangible results.

Italy's ratification of this Convention, enacted through Law No. 4 of 15 January 2021, is leading to

significant developments, as anti-discrimination law is also being linked to the regulatory framework governing occupational health and safety.
ILO Convention No. 190 did not directly amend Legislative Decree No. 81 of 9 April 2008 (Consolidated Act on Occupational Health and Safety), but it has had a significant impact on its interpretation, particularly with regard to Article 28 concerning risk assessment. The Convention recognises violence and harassment in the world of work as factors that may undermine workers' health, safety and dignity, requiring Member States to adopt a preventive and integrated approach to addressing them.
In this context, the aforementioned Article 28 of Legislative Decree No. 81/2008, which requires employers to assess **"all risks" to workers' health and safety**, assumes a broader scope. While the provision already expressly included work-related stress, the ratification of Convention No. 190 has strengthened the approach whereby risk assessments must also take into account psychosocial risks arising from violence, harassment, sexual harassment, bullying, third-party aggression and other situations capable of causing physical or psychological harm.
Consequently, the Risk Assessment Document (*Documento di Valutazione dei Rischi* – DVR) should not be limited to an analysis of traditional physical, chemical or ergonomic risks, but should also consider organisational and relational factors that may contribute to the occurrence of violence and harassment. This is particularly relevant in sectors involving significant interaction with the public, such as *healthcare, education, transport, social services and public administration*.
ILO Convention No. 190 has therefore contributed to strengthening an evolving interpretation of Article 28, aimed at providing comprehensive protection to working people. From this perspective, prevention is no longer concerned solely with occupational accidents and diseases in the traditional sense, but also with protecting psychological integrity, dignity and organisational well-being through appropriate measures for risk assessment, training, information and the management of reports of violent or harassing behaviour.
It should also be noted that the principles established by the Convention, which recognises violence and harassment as a threat to the principle of equal opportunities and as phenomena incompatible with decent work, in the sense described above, are guiding prevention, protection and safeguarding measures developed at national level.
In this regard, particular mention should be made of **the National Strategic Plan to Combat Violence against Women and Domestic Violence 2025–2027**, adopted by the Minister for Family, Birth Rate and Equal Opportunities on 16 September 2025.
It should also be recalled that, in accordance with the Istanbul Convention and national legislation on the prevention of and fight against male violence against women (in particular, Decree-Law No. 93 of 14 August 2013, converted, with amendments, into Law No. 119 of 15 October 2013), since 2015 Italy has had a National Plan as its main instrument for planning, guiding and coordinating public policies in this field. The Plan translates the "four Ps" approach established by the Istanbul Convention (*prevention, protection, prosecution of perpetrators and integrated policies*) into national administrative action and provides the framework within which strategic objectives, intervention priorities and operational measures are defined to prevent and combat violence against women and domestic violence.
With specific regard to violence and harassment in the world of work, the 2025–2027 Plan, under the Prevention Pillar, identifies a priority aimed at supporting "*actions to promote empowerment, financial autonomy and a gender-sensitive approach in labour policies for all women, as a means of preventing and combating male economic violence and workplace harassment*." The Plan recognises, in fact, the close relationship between women's empowerment, economic independence and women's ability to pursue their personal and professional goals, while consciously making full use of their skills and potential. Such awareness represents an essential tool for preventing and combating gender discrimination and the various forms of economic and workplace violence.
From this perspective, the Plan also emphasises the need to promote, among men in both current and future generations, greater awareness of the value of women's skills and resources, as well as of the importance of professional identity in shaping personal identity, particularly for women.
Accordingly, priority is given to the development of financial literacy programmes, including through the preparation and dissemination of informational tools such as practical guides drafted in clear, accessible

and, at the same time, rigorous language.
Finally, particular attention is devoted to the prevention of and fight against workplace harassment, also in light of the aforementioned law ratifying Convention No. 190, with the aim of raising public awareness of the nature, seriousness and consequences of such conduct, while strengthening people's ability to recognise, prevent and effectively address it.

On Equality Bodies and Governance Tools

With regard to the observations concerning the alleged weakening of the role of equality advisers, it should be emphasised that the purpose of Legislative Decree No. 91 of 7 May 2026 — transposing Directives (EU) 2024/1499 and 2024/1500 on equality bodies — was, on the contrary, precisely to strengthen the role of the bodies responsible for ensuring protection against discrimination, through a comprehensive rationalisation and restructuring of the existing system. This reform, however, fully incorporated the functions previously performed by the national equality advisers and the National Equality Committee.
Equality bodies have been granted stronger guarantees of **independence and organisational and financial autonomy**, as well as powers to assist victims of discrimination, conduct investigations and monitoring, and participate in and provide support in judicial proceedings.
In practice, in line with the objectives of the European directives, the reform was implemented with a view to improving the overall efficiency of the system, including by preventing duplication and gaps in protection, while also enabling intersectional forms of discrimination to be identified.
Previously, the system of protections was excessively fragmented due to limited resources, an issue that had been raised for years by the equality advisers. Indeed, until 2015, Article 18 of the Code of Equal Opportunities provided for a National Fund for the activities of the Equality Advisers, intended to finance the activities of all Equality Advisers (national, regional and provincial).
These activities included expenses relating to their initiatives, fees for any experts engaged, costs associated with legal proceedings, payment of allowances, reimbursements and remuneration for the leave to which they were entitled, as well as the operation and activities of the national network of Equality Advisers (now the National Conference of Equality Advisers) and any costs arising from agreements with local authorities for the organisation and operation of the Equality Advisers' offices.
As is well known, following the reform introduced by Legislative Decree No. 151 of 14 September 2015 (Article 35, paragraph 1), concerning Articles 17 and 18 of the aforementioned Code, the financial burden of supporting the activities of Regional Equality Advisers, as well as those operating in Metropolitan Cities and other wider territorial areas, was placed on the entities to which they belong. Due to the lack of resources, difficulties also arose regarding the costs of legal representation for victims of discriminatory conduct.
The lack of resources available to the equality advisers resulted over the years in limited effectiveness in anti-discrimination litigation, as in many cases the advisers had difficulty engaging lawyers in private practice. By contrast, the current framework expressly provides for equality bodies to have the option of relying on the State Attorney's Office, which, in addition to having strong technical expertise, has a structure organised around Courts of Appeal districts and therefore offers extensive territorial coverage and a widespread capacity to intervene.
With regard to discrimination perpetrated by public authorities, Legislative Decree No. 91/2026 introduced Article 39-*bis* into Legislative Decree No. 198/2006 on alternative dispute resolution. It provides that the equality body must promote an attempt at conciliation pursuant to Article 410 of the Code of Civil Procedure. In the course of the conciliation proceedings, the respondent public administration may be required to submit a binding plan for eliminating the discriminatory practices, to be implemented within a period not exceeding 120 days. Recourse to mediation is free of charge for the applicant.
Finally, it should be emphasised that substantial financial resources have been allocated to the equality body under Article 6 of Legislative Decree No. 91/2026, amounting to **€7,600,001 per year as from 2027**.
In conclusion, the entire anti-discrimination framework outlined above (Articles 25, 26, 26-*bis* and 27),

already established under the Code of Equal Opportunities, is now supported by bodies equipped with enhanced tools and powers (the national equality body and the territorial network of equality advisers) to assist victims, monitor discriminatory practices and promote the effective implementation of the legislation, thereby making the protection system more effective.

Gender Balance in Management and Supervisory Bodies (Golfo-Mosca Law) – Updated Data

For completeness, the latest data on gender balance in the management and supervisory bodies of listed companies are also reported, pursuant to Law No. 120 of 12 July 2011 (Golfo-Mosca Law), as amended by Law No. 160 of 27 December 2019, and updated in light of the latest CONSOB Report on corporate governance (2025 edition, published on 2 July 2026).

At the end of 2025, women held **nearly 44% of all board director positions** and **41% of positions on supervisory bodies**, both figures exceeding the statutory threshold of two-fifths (40%) of the body established by Law No. 160/2019.

In nearly one in five companies, women were equally or more highly represented than men on the board of directors, with a steady increase over the past three years: **19% in 2025**, compared with **15.2% in 2023** and **15.9% in 2024**.

On the Practical Implementation of Legislation on Equal Pay, Equal Opportunities and the Prohibition of Discrimination between Male and Female Workers

With regard to the observations made by the trade union confederation from a more practical perspective, the implementation of legislation on equal pay, equal opportunities and the prohibition of discrimination between male and female workers relies to a significant extent on the role played by the inspection staff of the Territorial Labour Inspectorates (ITLs) — the local branches of the National Labour Inspectorate (INL) — in carrying out inspection and supervisory activities across different business contexts.

The INL also works closely with the National Equality Adviser, both at central and territorial level, to exchange information and good practices aimed at ensuring the effective protection of equal treatment in employment relationships.

In this regard, reference should be made to the new **2025 Memorandum of Understanding between the INL and the Office of the National Equality Adviser**, signed on 15 May 2025, aimed at **strengthening institutional cooperation to prevent and combat gender discrimination, improve data sharing, and sanction violations of equal opportunities legislation in the workplace**.

The Memorandum establishes even more effective operational procedures for identifying and combating discrimination in the workplace, including through the prompt reporting of discriminatory practices, the structured sharing of statistical data and inspection findings, and the launch of training and information initiatives at both national and territorial level for labour inspectors and Equality Advisers, among other measures.

During the 2023–2025 three-year period, the Agency's inspection staff identified and sanctioned violations attributable to discriminatory practices in the workplace, including breaches of legislation protecting maternity and parenthood, involving **547 workers** affected by the violations identified.

The National Labour Inspectorate therefore ensures, within the scope of the powers conferred by the legislation in force and through its inspection staff operating across the various territories, continuous oversight of compliance with labour protections, occupational health and safety requirements, and the principle of non-discrimination. This is achieved through targeted inspections in the sectors most at risk, together with the adoption of the resulting sanctions and measures to remedy violations where this is possible. The results of these activities are monitored and presented in the annual reports published on the institutional website: (https://www.ispettorato.gov.it/attivita-studi-e-statistiche/monitoraggio-e-report/rapporti-annuali-sullattivita-di-vigilanza-in-materia-di-lavoro-e-previdenziale/

It should also be noted that, with regard to aspects more specifically related to equal pay and pay transparency, the inspection services, in the course of their supervisory and monitoring activities, verify employers' effective compliance with their information and reporting obligations, as well as the

completeness and accuracy of the data provided. They also examine the duties actually performed, the occupational classification assigned, the remuneration criteria applied and the pay received, with a view to identifying any wage differences.
Where the conditions laid down in Article 10[1] of Legislative Decree No. 96/2026 are met, the joint assessment of remuneration is aimed at identifying the measures necessary to eliminate unjustified pay disparities. If no agreement is reached at company level, the INL (National Labour Inspectorate) and the territorially competent equality bodies may be invited to participate in the procedure; the measures also include the analysis or establishment of gender-neutral job evaluation and classification systems.

Article 24 – The right to protection in cases of termination of employment

With regard to the observations made by CGIL concerning the national framework governing dismissals, it should be noted, as a preliminary matter, that this article was not among those examined in the 23rd

[1] Article 10
Joint Pay Assessment
1. Employers subject to the obligation to provide pay information pursuant to Article 9 shall carry out, together with workers' representatives, a joint pay assessment where all of the following conditions are met:
a) the pay information reveals a difference in the average pay level between female and male workers of at least 5 per cent in any category of workers;
b) the employer has not justified such difference in the average pay level on the basis of objective and gender-neutral criteria;
c) the employer has not remedied such unjustified difference in the average pay level within six months from the date on which the pay information was provided.
2. The joint assessment shall be aimed at identifying, remedying and preventing unjustified pay differences between female and male workers and shall include:
a) an analysis of the proportion of female and male workers in each category of workers;
b) information on the average pay levels of female and male workers and on the complementary or variable components of pay, for each category of workers;
c) any differences in the average pay levels between female and male workers in each category of workers;
d) the reasons for such differences in the average pay levels, based on objective and gender-neutral criteria, where applicable, jointly established by the workers' representatives and the employer;
e) the proportion of female and male workers who have benefited from an increase in pay following their return from maternity or paternity leave, parental leave or carers' leave, where such an increase occurred in the relevant category of workers during the period in which the leave was taken;
f) measures to address pay differences that cannot be justified on the basis of objective and gender-neutral criteria;
g) an assessment of the effectiveness of the measures resulting from previous joint pay assessments.
3. The employer shall make the findings of the joint assessment available to workers and their representatives and shall communicate them to the monitoring body pursuant to Article 14, as well as to the Labour Inspectorate and the territorially competent equality bodies, upon their request.
4. Within a reasonable period and in cooperation with the workers' representatives, the employer shall adopt the measures identified as necessary to eliminate unjustified pay differences. In the event of failure to reach an agreement at company level, the Labour Inspectorate and the territorially competent equality bodies may be invited to participate in the procedure for implementing such measures.
5. The implementation of the measures shall include an analysis of the gender-neutral job evaluation and classification systems in force within the organisation, or the establishment of such systems, in order to ensure that any direct or indirect pay discrimination based on sex is excluded.

Report of the Italian Government.
In any event, the following should be noted.
The Italian legal system currently provides unlawfully dismissed workers with a comprehensive range of remedies, combining reinstatement and compensatory measures, based on a principle of proportionality linked to the seriousness of the defect identified.
In this regard, it should be noted that Article 24 of the revised European Social Charter requires workers to have access to "adequate compensation or other appropriate relief". The wording of the provision does not, therefore, require Contracting States to adopt a single model of protection, nor does it necessarily prescribe reinstatement as a general remedy, leaving national legislators a significant margin of appreciation in determining the measures best suited to ensuring effective protection.
In this context, the Italian legal system provides for reinstatement in the most serious cases, such as discriminatory or null and void dismissals, or dismissals based on the non-existence of the facts alleged in the circumstances established by law and constitutional case law, while reserving compensatory remedies for other cases of unlawful dismissal.
The legislative amendments introduced over time and the judgments of the Constitutional Court have expanded judicial discretion in determining compensation, allowing for an individualised assessment of the circumstances of each case.
In particular, Judgment No. 194/2018 and subsequent decisions of the Constitutional Court (including Judgments No. 150/2022, No. 22/2024 and No. 128/2024), by eliminating the criterion based solely on length of service, have enabled compensation to be determined on the basis of a range of factors (including *the size of the undertaking, the conduct of the parties, the worker's length of service and the specific circumstances of the employment relationship*). They have also broadened the circumstances in which reinstatement is available, enabling the court to award the worker compensation that is proportionate to the seriousness of the defect and provides effective redress.
Judgment No. 118/2025 further strengthened the protection afforded to workers employed by smaller enterprises, resulting in a significant increase in the maximum compensation that may potentially be awarded. The safeguards available to workers have therefore been strengthened, while taking into account the specific characteristics of the Italian productive system, which is characterised by a strong presence of small and medium-sized enterprises.
The legal framework in this area is therefore characterised by a high degree of individualisation in the assessment of damages, providing effective remedies and remaining compatible with Italy's international obligations. It represents the outcome of a process of adjustment and balancing between constitutionally protected interests, carried out within the margin of appreciation afforded to States in implementing the revised European Social Charter.