

## The Councillor for Equality

The Councillor for Equality is a juridical person whose status was previously established under the laws n. 863/84b and n. 56/87, as well as under the law n. 125 of the tenth of April 1991. Their functions and tasks have been recently redefined by the legislative decree n. 196 of the 23<sup>th</sup> of May 2000. The Councillors for Equality act at a national, regional and provincial level and they work in collaboration with the Ministry of Labour (at a national level), with the Councillor responsible for Labour and with the Employment centre. They are appointed every 4 years by decree of the Ministry of Labour and the Ministry for Equal Opportunities on a regional and provincial basis. They have to know about subjects concerning woman's work, equality and equal opportunity as well as anything related to the labour market. They are members of the regional and provincial Commissions, and they take part in the local partnership tables and in the watchdog Committees. Their office is situated in the Regions and Provinces.

Their aim is to promote and monitor the principles of equality, opportunities and non-discrimination in favour of women and men in the work field. They act as public officials and they have the duty to report some crimes to the judiciary authority. They play the following roles:

- notice situations of gender imbalance;
- promote projects of positive actions throughout the detection of the EU, national and local resources;
- support the active work policies including the educational ones in order to achieve equal opportunities;
- promote the equal opportunities policy from the public and private subjects who operate in the work field;
- cooperate with the Work Bureau in order to implement specific procedures to avoid any transgression of the principles of equality, equal opportunities and to guarantee against any form of discrimination;
- verify the outcomes of the projects related to the positive actions provided for by the law of the 10<sup>th</sup> April 1991, n. 125;
- cooperate with the Councillor responsible for Labour of the local authority

## WOMANSWORDS

What is a *gender discrimination*?

**Gender discrimination** is a discrimination against a person or group on the grounds of sex, sexual orientation, or gender identity. Socially, sexual differences have been used to justify societies in which one sex or the other has been restricted to significantly inferior and secondary roles. While there are non-physical differences between men and women, there is little agreement as to what those differences are. Unfair discrimination usually follows the gender stereotyping held by a society.

What is a *direct discrimination*?

If an employer treats a black worker differently from how they would treat a white worker in the same circumstances. The fundamental question is whether a person is treated differently due to their race, colour, sex or nationality. If it was not for that person being black he/she would have been recruited or promoted etc. **Direct discrimination** is the most obvious form of discrimination.

What is an *indirect discrimination*?

**Indirect discrimination** involves treatment which appears to be neutral or fair but which has the effect of disadvantaging a particular group.

What is a positive action?

The term '**positive action**' refers to a number of methods designed to counteract the effects of past discrimination and to help abolish stereotyping. Action can be taken to encourage people from particular groups to take advantage of opportunities for work and training. This can be done when under representation of particular groups has been identified in the previous year. Under this broad meaning positive action may include initiatives such as the introduction of non-discriminatory selection procedures, training programmes or policies aimed at preventing sexual harassment.

What is *empowerment*?

The term "**empowerment**" means to give power and responsibilities to women, not only from the economic, political and decisional point of view, but above all in order to grow one's competences and abilities and to emphasize one's quality and self-esteem

What is *mainstreaming*?

It is the integration of women in the political field and in the government actions.

What is horizontal segregation?

The concentration of men and women in different kinds of job is known as occupational **segregation**. **Horizontal segregation** is where the workforce of a particular industry or sector is mostly made up of one particular gender. An example of **horizontal segregation** can be found in construction where men make up 90% of the industry's workforce, whereas childcare is almost exclusively a female occupation.

What is vertical segregation?

**Vertical segregation** is where opportunities for career progression within an industry or sector for a particular gender are narrowed. Vertical **segregation** disproportionately affects women more than men.

What is *mobbing*?

This term includes permanent discriminatory behaviours towards working women or workmen by the employers and which can be defined as a real form of psychological persecution or moral violence.

Here there are some examples of typical mobbing behaviours:

- sexual harassment;
- discrimination;
- excessive or a workload with no value;
- assignment of tasks beneath one's professional abilities
- verbal mistreatment from the superiors in front of other colleagues;

- professional downgrading
- the act of defaming a person or his family
- the fact of denying deliberately some information related to work or of giving wrong information
- the act of sabotaging deliberately the execution of a work

However in Italy, unlike France and Switzerland, there isn't a specific law which can suggest rules or grant the protection from any persecutory acts.

Here is some advice in order to resist mobbing:

- not to believe to be unique;
- not to give into depression;
- to collect the records containing the mistreatment suffered
- to denounce mobbing behaviours by taking legal actions

What are the *anti-mobbing codes of conduct*?

The anti-mobbing codes of conduct want to grant the person's dignity . In fact , the aforesaid codes establish that working women and workmen have the right to a safe working place, favourably-disposed to interpersonal relationships at an equal level and to the respect of the freedom and dignity of individuals.

## **WOMEN'S RIGHTS.**

In this section there is a list of women's rights at work and their definitions according to the Italian legislation.

## **MATERNITY BENEFIT.**

It's a financial support in favour of resident mothers, Italian citizens, belonging to the European Union or not, who have the residence permit, for every biological child, adoptee or a foster child. The benefit is given entirely to mothers who haven't any benefits or for difference to mothers who have an inferior benefit. The benefit is given:

- if the working woman has already a kind of social security and she has almost three months of contribution between 9 and 18 months before the birth of the child;
- if the mother is jobless, provided that the range between the date of the lost of rights to social security and the date of the birth of the child is not superior to 9 months
- if the working woman has interrupted the working relationship for resignation during the pregnancy period and she has almost three months of contribution within a period from 18 to 9 months before the birth of the child.

In order to obtain the maternity benefit you have to apply for to INPS within three months since the birth of the child or since the real entry of the child in the family if he has been adopted or into foster care.

## **FAMILY ALLOWANCE.**

Financial support for families with inferior earnings compared to the ones established every year by the law. It is given to:

- employees;
- unemployed;
- workers with a disability;
- the temporarily laid-off workers;
- retired people;
- the self-employed workers in the agricultural field and retired people who were self-employed worked are excluded.

In order to obtain a family allowance all the former self-employed workers should submit an application to their employer and specify the members of family. The other workers have to apply for the INPS (National Social Security Institute). The application may include a self-certification to replace the authentic family certification.

### **LEAVE (Legislative decree 151/2001).**

The legislative decree 151/2001 regulates:

- the maternity and paternity leave or derogatory abstention;
- parental leave (or optional abstention);
- leaves for particular events;
- antenatal permissions;
- adoption and forestage care.

### **MATERNITY LEAVE or DEROGATORY ABSTENTION**

Working women: if there is a single parent (for example: in the case of death of a parent, or the abandonment of a child from a parent, or the fostering of a child to a single parent, or denial of being the parent of the child).

The worker or a working woman, until the child's third birthday, has the right to:

- a payment equal to 30% of the wages, for a period of 6 months;
- for the following 6 months the payment is due only if the earnings of the concerned person is inferior to the amount of 2.5 of the pension

**MULTIPLE BIRTH**: parental leave is possible in this case for every child ( article 32 of the Legislative decree 151/2001 and INPS' Message 569/2001

### **LEAVE FOR PARTICULAR EVENTS**

Regulation

Workers have the right to:

- paid leave for three days a year in the cases provided by article 1 of the Ministerial Decree 278/2000 ( death, severe and well-grounded infirmity of one of the couple even if they are legally divorced)
- non paid leave for a maximum of 2 years during the whole working life under the cases provided by the article 2 of the Ministerial Decree 278/2000 ( situation of severe personal or of a family member hardships, etc..)

## **ANTENATAL ABSENCE FROM WORK**

### Working women

The antenatal permissions are allowed only to pregnant working women where clinical tests coincide with the working hours.

The antenatal permissions are useful for:

- antenatal exams;
- antenatal clinical tests;
- specific medical inspections.

The working women must submit to the employer:

1. the justified records stating:

- the date;
- the exams' timetable;
- the examinations

2. the necessity to carry out the clinical test during the working hours.

## **ADOPTION AND FOSTER CARE**

### Regulation

In case of adoption and foster care are the following:

1. the derogatory abstention:

- for the mother: for the first three months following the entry of the child in the family and the child must be less than 6 years old;
- for the father: in the case in which the mother has renounced to enjoy the abstention or she is dead or the child's custody has been granted to the father only.

2. optional abstention:

- for the adoptive parents or custodian parents during the first 8 years of the child under the same conditions provided for the natural parents.

## **MULTIPLE ADOPTION**

In case of multiple adoptions the same conditions provided for natural parents are valid.

To have any information with regards to the leave matter you can turn to:

- the Trade-union organizations;
- the Councillor for Equality.

## **RIGHTS AND DUTIES CONCERNING FAMILY.**

**Marriage:** a marriage is dissolved by the death of one of the consorts or by divorce

Separation: the separation may be:

- *by mutual consent:* it occurs when the both parents give their consent to the divorce and they lodge an appeal to the judge. When their consent, with regards to the foster and the maintenance of their children, is in contrast with the interest of these, the judge reconvenes the parties concerned showing them the changes they have to take into account in their children's interest
- *judicial:* it occurs when there are such intolerable facts which make the family life extremely hard or which can damage the education of the children. The judicial separation may be applied even by one of the parents.

The judge, announcing the separation, declares to which parent the separation's expenses are to be due.

## **THE JUDICIAL SEPARATION**

The judge who announces the separation:

- declares to which parent the custody the children is given and he takes any measures related to the moral and material interests of the children;
- establishes the conditions under which circumstances the non custodian parent has to contribute to the maintenance, the instruction and the education of the children, as well as to his rights towards his children and their relationships.

## **DUTIES OF THE CUSTODIAN PARENT**

The custodian parent exercises an exclusive authority towards his children and must respect the conditions established by the judge. The most important decisions towards children are adopted by both parents.

In any case the judge can order that the children may be sent under the custody of a third person or of an educational institute.

## **DIVORCE**

Divorce may be applied by the consorts who are legally divorced since three years of their appearance in front of the judge who established the mutual consent separation or the judicial separation decision.

By the divorce, the rights and the duties obtained by the marriage are terminated. The woman loses her husband's surname and the former consorts exclude each others from the inheritance. If the former consorts get married again they continue to maintain the children born during the previous marriage.

The divorce allowance

The divorce allowance is established by the judge who has to take into account:

- the causes of separation;
- the economic conditions and the maintenance of both parents.

The allowance may be paid monthly or paid in a single payment. The allowance is paid off when the beneficial owner gets married again or when the parties who has to pay dies or fails. If the parties who has to pay don't pay the established amount, the other parties can take legal actions in order to obtain what it is due.

### **HOUSEWIVES INSURANCE.**

Since the 1<sup>st</sup> May 2001, the insurance is turned to any housewife whose age is between 18 and 65 years, and who aren't given any wages and whose family has a total annual earning of 9.269,22 euros. The insurance is due in case of accidents or domestic work. In order to obtain it you may apply for to INAIL including a self-certification which testifies the aforementioned requirements.

For further information, you can turn to the “Centro di ascolto sul disagio lavorativo Penelope”

The Councillor of Equality's Beaureau of Potenza,

Telephone number 0971.508532, fax:0971.588541

From Monday to Friday, from 10:00 until 13:00.