**Equal pay and pay transparency: measures taken at national level and members’ positions**

The implementation of the equal pay principle in Italy is effective by virtue of the general provisions fixed by the Italian Constitutional Chart, by secondary legislation (including the transposition of European law), collective bargaining and social dialogue.

Indeed, according to the most prominent Eurostat data, our country records the lowest wage differential between men and women across the European Union after Romania (5.2%): 5.3% in 2016 against an EU average of 16.2%.

Principles contained in the Constitutional Chart

Article 3 establishes the equal standing of all citizens before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions.

Article 36 provides that the worker is entitled to remuneration commensurate with the quantity and quality of his work and that it should be in any case sufficient to ensure a free and dignified existence for himself and his family.

Article 37 expressly states that a woman worker shall have the same rights and, for the same work, the same pay as her male counterpart.

Legislation

Cornerstone legislation on equal treatment between workers and women includes:

* Law No 903 of 9 December 1977 on 'Equal treatment for men and women in matters of employment';
* Law No 125 of 10 April 1991 on 'Positive action for the achievement of equality between men and women in employment';
* Legislative Decree no. 196 of 23 May 2000, on "Rules governing the activities of equal opportunities advisers and counsellors and provisions on positive action, pursuant to Article 47 of Law no. 144 of 17 May 1999",
* legislative decree no. 198 of 11 April 2006, on the "Code of equal opportunities for men and women, in accordance with article 6 of law no. 246 of 28 November 2005";
* Legislative Decree no. 5 of 25 January 2010, entitled "Implementation of Directive 2006/4/EC on the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)".

Specifically, the prohibition of pay discrimination laid down in Article 28 of Legislative Decree No 198 of 2006 (as amended by the transposition of Directive 2006/54/EC) provides that:

1. "Any direct or indirect discrimination relating to any aspect or condition of remuneration of the same work or work with equal value shall be prohibited.

2. Occupational classification systems for the purpose of fixing wage levels shall adopt common criteria for men and women and shall be designed in order to eliminate discrimination.

Collective bargaining – Il Patto per la Fabbrica (9 March 2018)

The national level agreements between employers and union, provide for measures to facilitate respect for equal pay for men and women, such as:

- drafting periodic statistical survey, taken on the basis of two-yearly reports, for information purposes on the situation of female workforce in the various work positions within the companies, as well as monitoring of the relative training and career paths;

- monitoring of annual trend in real wages and salaries with reference to the main remuneration institutes;

- analysis of the characteristics of the labour market and of the trend of sector-based female employment with reference to the various types of work relations and the use of legal instruments to deal with crises, restructuring, reorganizations or corporate conversions;

- initiatives aimed at promoting the employment of women in roles connected to new technologies;

- examining problems related to women's access to non-traditional professional activities.

Il Patto per la Fabbrica is an agreement signed by national social partners, CGIL, CISL, UIL and Confindustria on 9 March 2018. The agreement is aimed at defining the contents and guidelines of industrial relations and collective bargaining.

Within these contents and guidelines, the parties pledge to working together to consolidate the favourable conditions for the development of the country's economic and social system, also in view of the transformation processes that put at the centre of the debate - among others - the reduction of gender pay gaps.

Wage transparency - Periodic report on the situation of employers

In our country, companies with more than 100 employees are required to submit every two years, a report on the employment situation of women and men.

The report must include information on the staff employed, on the state of recruitment, training, professional promotion, levels, changing of category and qualification, other conditions of mobility, the intervention of the Wage Guarantee Fund (Cassa integrazione guadagni), dismissals, early retirement, retirement and effectively paid salary. All these data requires information on the share of female workforce.

The report must be sent to the company trade union representatives and to the Regional Equality Counsellor, who will process the results and forward them to the national Equality Counsellor, to the Ministry of Labour and Social Policy and to the Department for Equal Opportunities (Presidency of the Council of Ministers).

Legislative Decree No 152 of 1997 (implementing Directive 91/533/EEC on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship) obliges employers to indicate the worker's pay grade level and position (or the characteristics or a summary description of the job) as well as the initial amount of remuneration in its components and, within one month from its adoption, any subsequent amendment not arising from legislative or regulatory provisions or from collective agreement clauses.

Equality bodies

At the national, regional and local level, an Equality Counsellor is appointed to promote and monitor the implementation of the principles of equal opportunities and non-discrimination between women and men in employment. In the fulfilment of their mandate, equality counsellors serve as public officials and are obliged to report to the judicial authorities any offences of which they become aware in their official position.

The tasks assigned to them include the detection of possible gender imbalances in order to act against discrimination in access to employment, in promotion and vocational training including professional and career progression, in working conditions, remuneration and in relation to complementary collective pension schemes.

Anyone intending to take legal action in response to a violation or any discrimination in working conditions, including pay, can do so by means of the Equality Counsellor.

Where the Regional Equality Counsellor and, in cases of national relevance, the national Equality Counsellor find that there are direct or indirect discriminatory acts, agreements or conduct of a collective nature in breach of working conditions, including pay, even where workers affected by discrimination are not immediately and directly identifiable, they may, before bringing legal proceedings, request the discriminator to draw up a plan for removing the discrimination found. This may be done without prejudice to the right to bring an action before the courts in their capacity as employment judges. Any non-compliance with the sentence is punished with a fine of up to 50,000 euros or imprisonment for up to six months and also involves the payment of a sum of 51 euros for each day of delay in the execution of the measure.