



Labour Law Hits

Balance decree: news on work-life balance

November 2022

Legislative Decree No. 105/2022 - the so-called "Balancing Decree": purpose and news

The Balance Decree, which became effective on 13 August 2022, in order to implement EU Directive 2019/1158:

- broadens protections and rights for parents and caregivers;
- improves work/life balance standards;
- implements the sharing of care responsibilities between men and women and gender equality in work and family life.



Mandatory paternity leave

- it lasts for 10 working days (20 days in the case of multiple births), which cannot be split into hours and can also be used non-continuously;
- it is available from 2 months before the expected date of birth until 5 months after the birth, including during the employee's mother's leave;
- it entitles to a daily allowance of the 100% of the salary;
- it applies to all employees, including PA employees, domestic employees and fixed-term agricultural employees and excluding members of the separate social security insurance, self-employed and entertainment employees;
- it is also granted to the fathers who benefit from alternative paternity leave.

Maternity leave for self-employed women

- self-employed women and freelancers, registered with an institution that manages mandatory social security insurance, are entitled to the daily allowance also for periods prior to 2 months before the birth, in the event of serious complications, certified by the competent ASL;
- the allowance is calculated at the same rate as for periods of maternity protection, depending on the category to which the self-employees belong.

Parental leave

... for private sector employees

- it is due until the child's 12th birthday;
- for the duration of 3 months for each of the parents, not transferable to the other;
- a further 3 months in total are granted to both parents, alternatively, for a maximum total compensable period of 9 months;
- in case of a single-parent, the duration is 11 months;
- an allowance of 30% of salary is paid during the leave.

...for the workers enrolled in the separate social security insurance

- it is due until the child's 12th birthday;
- for the duration of 3 months for each of the parents, not transferable to the other;
- within the same period and alternatively, a further 3 months leave for both parents, subject to an overall limit of 9 months;
- it is paid a daily allowance of 30% of the daily income.

...for self-employed fathers

- the father can now also benefit from a parental leave of 3 months, within the first year of the child's life.

Extraordinary leave

- is granted for 2 years during working life in favor of the cohabiting spouse/the party to a civil union of a person with severe disability;
- is also extended to the de facto cohabitant;
- entitled subjects are also father or mother, including adoptive ones, as well as one of the cohabiting children or the cohabiting relative or relative-in-law within the third degree;
- the entitled subjects benefit from an allowance equal to the salary received in the last month of work preceding the leave.



Amendments to Law No. 104/1992

- Also public workers will be entitled to 3 days of monthly paid leave to assist a person with severe disability, including parties to a civil union and de facto cohabitants;
- Within the overall limit of 3 days, the same individual with severe disabilities, upon request, may be assisted by more than one person from among the eligible persons, who may take the leave alternatively with each other.

This change is relevant because (Note no. 9550/2022 of the National Labor Inspectorate Office):

- the principle of the "single contact person for assistance" is superseded
- therefore, as of August 13th, 2022, more than one entitled person may apply for permission to use the leave set forth by Article 33, paragraph 3, Law No. 104/1992, alternatively with each other, for the assistance to the same severely disabled person.



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