

MATERNITY

General information

A domestic worker's pregnancy gives rise to various maternity protection measures. During the period of compulsory abstention from work (maternity leave) she is entitled to (i) retain her job, (ii) do no work and (iii) receive a maternity allowance instead of pay.

From the start of pregnancy until the start of her maternity leave she may only be dismissed for a serious fault which makes it impossible for the employment relationship to continue even temporarily.

This protection is not statutory but is enforceable under the collective labour agreement.

The maternity leave period covers:

- the two months before the expected date of confinement;
- the period between the expected date of confinement and the actual date;
- the three months following the confinement.

An arrangement known as "flexible maternity leave" has recently been introduced: this allows the worker to put off her maternity leave until one month before the expected date of confinement and then continue it up to four months after the birth of her child.

Maternity allowance

During the period of maternity leave the worker is entitled to a maternity allowance from the INPS at 80% of the contractual wage rate on which national insurance contributions have been paid. This calculation only takes into account periods of employment as a domestic worker. A domestic worker is entitled to the financial benefits of maternity protection only if:

- 52 weekly national insurance contributions have been paid or fallen due (including any relating to other sectors than domestic work) in the 24 months preceding the period of maternity leave;

or, alternatively

- at least 26 weekly national insurance contributions have been paid or fallen due (including any relating to other sectors than domestic work) in the 12 months preceding the period of maternity leave.

State maternity allowance

Mothers resident in Italy who are either Italian citizens, EU nationals or non-EU nationals with an 'EC long-stay permit', are entitled to maternity allowance for each child born, adopted, or fostered with a view to adoption.

The allowance is payable if the mother:

- leaves her job voluntarily during the pregnancy and has paid at least 3 months' contributions during the period between 18 months and 9 months prior to the child's birth (or entry into the family, in the case of adoption or fostering);

- has previously been entitled to an INPS benefit (e.g. sickness or unemployment benefit), having worked at least three months, provided no more than nine months have elapsed between the date of ending of entitlement to INPS benefit and the date of the child's birth or entry into the family.

Applications for the allowance must be submitted to the INPS within 6 months of the birth, adoption or fostering.

If the INPS cannot grant the application it is then automatically forwarded to the relevant local authority so that the applicant can receive Local Authority Maternity Allowance