

International Labour Office
Geneva, Switzerland

Legislative Series
1934 — It. 6

ITALY 6

Act and Decree: Employment of Women and Children

A) *Legge 26 aprile 1934, n. 653. Tutela del lavoro delle donne e dei fanciulli. (Gazzetta Ufficiale, 27 aprile 1934, anno 75^o (XII), n. 99, (straordinario) p. 2149.)*

Act no. 653, to safeguard the employment of women and children. Dated 26th April, 1934.

Scope of the Act.

1. The work of women and children in the service of employers shall be governed by the provisions of this Act.

The said provisions shall be observed even with respect to the pupils (irrespective of sex) in training workshops carried on for gain.

The said provisions shall not apply to the following:—

- (a) women and children employed in domestic work inherent in the normal development of family life;
- (b) the wife, parents and relatives (not more distant than the third degree) of the employer, when they live in his household and are maintained by him, except in the cases mentioned in sections 6, 11 and 12;
- (c) women and children working in their own homes, except as provided in section 5;
- (d) women employed in offices belonging to the State, provinces and communes;
- (e) women and children employed in undertakings belonging to the State, in cases where a system not less favourable than that laid down in this Act is prescribed by legislative provisions or regulations;
- (f) women and children employed in agricultural work, except as laid down in section 11;
- (g) children employed on board ship;
- (h) female members of religious orders employed in public relief and charitable institutions.

2. The Minister of Corporations may extend the application of the provisions of this Act either wholly or in part to training workshops not carried on for gain, taking into account the duration of the manual work, the conditions under which it is carried on, and the requirements of the vocational instruction.

In the case of training workshops carried on directly by charitable institutions, the Ministerial regulations shall be issued in agreement with the Minister of the Interior.

The Minister of Corporations, after consultation with the competent industrial associations, may limit the application of some or all of the provisions of this Act in respect of individual undertakings where the work on which the child or woman is employed is not noxious or dangerous, is carried on in healthy surroundings and is not of long duration.

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3. Except where the contrary is specially stated:—

- (a) "children" (fanciulli) shall mean persons (irrespective of sex) who have not attained the age of fifteen years;
- (b) "women under age" (donne minorenni) shall mean women who have attained the age of fifteen years but not the age of twenty-one years.

Persons carrying on training workshops shall be deemed to be employers.

4. The women, children and persons under age mentioned in the following sections who are present in the workplaces to which this Act is applicable shall be deemed to be employed unless it is shown that there are other reasonable and proper grounds for their presence therein.

The onus of such proof shall lie with the employer.

Requirements with respect to age.

5. Children under fourteen years of age shall not be admitted to employment, except where a different age limit is laid down in accordance with the provisions of sections 6 and 7.

6. The following employment shall not be allowed:—

- (a) persons under sixteen years of age shall not be admitted to employment underground in quarries, mines and workings where there is no mechanical traction, and women (irrespective of age) shall not be admitted to employment underground in quarries, mines and workings, even where there is mechanical traction;
- (b) persons under sixteen years of age shall not be allowed to lift weights and transport weights on wheelbarrows and two-wheeled handcarts if such employment is carried on under conditions of special hardship or danger, and shall not be employed in feeding or discharging furnaces in the Sicilian sulphur mines;
- (c) women under age shall not be employed in cleaning and attending to motors, transmission machinery and machines in motion, nor in the dangerous, unhealthy and noxious trades specified under section 10 of this Act;
- (d) persons under sixteen years of age shall not be employed in cinemas, in acting for cinematograph films or in performances given in any public place or any place exposed to the public, with the exception of theatres for the performances of lyrical or dramatic works of an educational character.

Nevertheless, the prefect, with the consent in writing of the parent or guardian, may authorise the employment of a child or children, even if under the age of twelve years, in acting for specified cinematograph films when this is not done late at night or in an unhealthy or dangerous place, and make such authorisation conditional on the observance of the conditions requisite for safeguarding the health and morality of the child;

- (e) persons under sixteen years of age shall not be employed in itinerant trades of any kind, even by their parents, relatives in the ascending line and guardians;
- (f) persons under eighteen years of age shall not be employed in the retail sale of alcoholic beverages.

In this case the prefect, for reasons of morality and public order, may extend the prohibition to women irrespective of age.

The prohibition mentioned under (f) of the employment of persons under eighteen years of age in the retail sale of alcoholic beverages shall not apply to the wife, parents and relatives (not more distant than the third degree) of the employer who live in his household and are maintained by him;

- (g) persons under eighteen years of age shall not be employed in the shunting and haulage of railway waggons.

Requirements with respect to education.

7. By way of exception to section 5 and (d) of section 6 of this Act, the Minister of Corporations, after hearing the opinion of the industrial associations, shall have power to authorise the employment of children who are not under twelve years of age in specified work, provided that such work is compatible with the conditions requisite for safeguarding their health and morality and is necessary in view of special conditions in the undertaking or locality or special technical requirements of the employment or for the purpose of acquiring a complete knowledge of the trade.

In the above-mentioned cases, children shall not be admitted to employment unless, in addition to displaying the requisite physical fitness mentioned in the next section, they have passed the fifth elementary class or the highest elementary class existing in the commune or district in which they reside, except in cases of intellectual incapacity certified by the inspector of schools or the director of education, and cases where an authorisation is granted by the Minister of Corporations after consultation with the Minister of Education in respect of employments restricted to the period of the school holidays.

Physical fitness, preliminary medical examination and medical certificate.

8. Children and women under age shall not be admitted to employment unless it is shown by a medical certificate that they are healthy and fit for the work.

If the health officer is of opinion that any such persons are not physically fit for all or any of the employments mentioned in sections 10 and 11, he shall state in the medical certificate the employments to which they shall not be admitted.

Children and women under age shall not be admitted to employment unless provided with a work-book, the rules for which shall be laid down by the Minister of Corporations in a Decree for that purpose; among the other particulars, the medical report shall be entered in the work-book.

9. The health officers shall be bound to make the medical examinations and to issue the certificates mentioned in the preceding section free of charge.

The medical practitioners of the National Maternity and Child Welfare Institute and of the relief institutions may also be authorised by the Minister of Corporations to make examinations and issue certificates, likewise free of charge.

Dangerous, unhealthy and noxious trades.

10. After consultation with the Superior Health Council and the National Council of Corporations, a Royal Decree shall be issued to promulgate a schedule of dangerous, unhealthy and noxious trades in which children and women under age must not be employed, and of trades in which employment shall not be allowed without the necessary safeguards and guarantees.

Carrying and lifting of weights.

11. The weight of the loads which may be handled by children, persons under seventeen years of age and women irrespective of age who are employed in carrying and lifting weights, including those entailed by employment in agriculture, shall not exceed the following limits:—

(a) carrying in the hands or arms or on the shoulder:—

	kilogrammes
Boys under 15 years of age	15
Boys aged 15—17 years	25
Girls under 15 years of age	5
Girls aged 15—17 years	15
Women over 17 years of age	20

(b) transport by handcarts with three or four wheels on level ground: eight times the weights stated under (a), including the weight of the vehicle;

(c) transport by trucks running on rails; twenty times the weights stated under (a), including the weight of the vehicle.

In the case of pregnant women the prohibition laid down in section 13 of the Act respecting the safeguarding of maternity among working women¹ shall apply.

Night work.

12. Night work shall be prohibited for women irrespective of age and young persons under eighteen years of age in industrial undertakings and the dependencies thereof, except in the cases mentioned in the following sections.

The above prohibition shall also apply to the wife, parents and relatives of the employer as specified in (b) of section 1 when employed by him in undertakings in which other persons are likewise employed.

The prohibition of night work for women irrespective of age and young persons under eighteen years of age may be extended by Royal Decree, after consultation with the National Council of Corporations and subject to the necessary restrictions and conditions, to other classes of undertakings or employments; in cases of direct employment by charitable institutions the Ministry of the Interior shall be consulted in addition.

13. "Night" (notte) shall mean a period of not less than eleven consecutive hours including the interval between 10 p.m. and 5 a.m., except as laid down in the Act respecting bakeries².

¹ See under (B), p. 8 below.

² Bulletin of the International Labour Office (Basle), vol. III, 1908, p. 192.

14. The prohibition of night work shall not apply to persons over sixteen years of age who are employed in the following industries on work which by reason of the nature of the process must be carried on continuously day and night:—

- (a) manufacture of iron and steel: processes in which reverberatory or or regenerative furnaces are used, and galvanizing of iron (sheet metal or wire) (except the pickling process);
- (b) glass works;
- (c) manufacture of paper;
- (d) manufacture of raw sugar;
- (e) gold ore reduction work;

nor to persons employed in other industries specified by a Decree of the Minister of Corporations issued after consultation with the industrial organisations concerned.

15. The prohibition of night work shall not apply to persons who have attained the age of sixteen years and to women irrespective of age in cases of *force majeure* which interfere with the normal working of the undertaking.

The employer shall forthwith notify the corporative inspectorate, stating the facts constituting the case of *force majeure*, the number of women and young persons employed, the hours of work adopted and the presumable duration of the night work.

He shall subsequently notify the inspectorate of the date of the cessation of the night work.

The corporative inspectorate shall be entitled to impose restrictions on night work or suspend it.

An appeal may be made to the Ministry of Corporations against the decision of the inspectorate.

16. The Minister of Corporations shall have power:—

- (a) to reduce the duration of the night period for women to ten hours on not more than sixty days in the year where the employment is subject to the influence of the seasons and in all cases where exceptional circumstances require this;
- (b) to reduce the duration of the night period for women to ten hours in places where the special climatic conditions require this;
- (c) to authorise the night work of women, laying down the conditions for it, during the seasons and in the cases where work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss;
- (d) in exceptionally serious circumstances to authorise the night work of young persons who have attained the age of sixteen years if it is necessary in the public interest.

Hours of work.

17. In cases where, in accordance with the Act respecting the limitation of hours of work³, the eight-hour day may be exceeded, the hours of work shall not exceed ten hours in the day for children and eleven hours

³ Legislative Series, 1923 (It. 1); amendment, 1926 (It. 4); revised text, 1933 (It. 4).

in the day for women and girls over fifteen years of age; farther-reaching restrictions laid down in the said Act shall not be affected hereby.

In the same manner, in employment in shifts the work of each shift shall not exceed eight and a half hours.

The hours of work shall be reckoned from the time of entering the undertaking to the time of leaving it, exclusive only of the breaks mentioned in sections 18 *et seq.*

The system of alternating shifts may be used solely when authorised by collective contracts of employment, or in default thereof by the corporative inspectorate after consultation with the competent industrial associations.

The hours of work of children and of women irrespective of age shall not be continued for more than six hours without interruption. Nevertheless, the corporative inspectorate may in special cases prescribe a reduction of this period to not less than four hours, taking into account the conditions under which the work is done.

The persons mentioned in section 11 shall not be employed in the transport of weights for more than four hours during any one working day.

Breaks.

18. Whenever the hours of work exceed six but not eight hours, they shall be interrupted by a break amounting in all to not less than one hour; if the hours of work exceed eight hours, the break shall not be less than one hour and a half.

The duration of the break may be fixed by collective contracts at one hour if the hours of work exceed eight hours, and at half an hour in employment in shifts.

In default of any provision in the collective contract, the reduction may be authorised by the corporative inspectorate after consultation with the industrial associations concerned.

19. The break of one hour shall be continuous, but a break exceeding one hour may be divided into two periods of not less than half an hour.

Employees shall not be required to perform services of any kind during breaks.

Provisions to ensure health, safety and morality.

20. In cases where the provisions of the regulations respecting industrial hygiene do not apply, the workplaces and the dependencies thereof, dormitories and messrooms:—

- (a) shall be kept clean and satisfy all other conditions necessary to ensure the health and safety of the employees;
- (b) shall provide sufficient air space and ventilation to prevent the atmosphere from being injurious, and shall be maintained in good condition, free from humidity, as far as is compatible with the requirements of the employment and provided with drinking water and with separate latrines for men and women at the rate of at least one for every forty persons.

The corporative inspectorate may prohibit women and children from remaining in the workplaces during breaks.

In the event of failure to satisfy the conditions mentioned in this section, the inspectorate may order such measures and work to be carried out as are necessary for compliance therewith.

An appeal may be made to the Ministry of Corporations against the decision of the inspectorate.

Periodical medical examinations.

21. In the classes of employment and undertakings specified by Decrees of the Minister of Corporations, every employer shall be bound to cause women under age and children to undergo periodical medical examinations in order to ascertain whether they are physically fit to perform the work on which they are employed.

In the employments mentioned in section 10, the employer's obligation to cause the said examinations to be made may be extended by the Minister of Corporations to persons under eighteen years of age and to women irrespective of age.

The above-mentioned examinations shall be made by medical practitioners appointed by the employer.

22. The corporative inspectorate may direct that the examination be repeated if it is of opinion that the state of health of the woman, child or young person under eighteen years of age does not admit of the continuance of the work in which such person is employed.

The inspectorate may also cause the said examination to be made by its own medical officers or by the health officer or a medical practitioner appointed by him or by a medical practitioner of a relief organisation authorised for that purpose.

The medical examination shall be free of charge.

23. If any person is found at the medical examination mentioned in sections 21 and 22 to be unfit for certain work, thenceforward the said person shall not be employed in the said work.

24. If any person is guilty of a contravention of the provisions contained in the first nineteen sections of this Act or the provisions of the Ministerial Decree mentioned in the last paragraph of section 8, for which a heavier penalty is not provided in any other law, he shall be liable to a fine of not less than 5 nor more than 50 lire with respect to each person in employment to whom the contravention applies.

The fine shall not exceed 10,000 lire in all nor be less than 20 lire.

Contraventions of section 20 shall be punished by a fine of not less than 200 nor more than 1,000 lire, and those of sections 21, 22 and 23 shall be punished by a fine of not less than 100 nor more than 500 lire.

25. As from the date of the coming into operation of this Act, the following laws shall be repealed:—

1. the consolidated text of the laws respecting the employment of women and children approved by Royal Decree no. 818 of 10th November, 1907⁴, amended by Act no. 425 of 3rd July, 1910⁵, and Legislative Decree no. 748 of 15th March, 1923⁶, converted into Act no. 473 of 17th April, 1925;

⁴ Bulletin of the International Labour Office (Basle), vol. II, 1907, p. 578.

⁵ *Op. cit.*, vol. VI, 1911, p. 84.

⁶ Legislative Series, 1923 (It. 4).

2. Act no. 886 of 26th June, 1913, respecting the educational requirements for the admission of children to employment in industrial establishments;
 3. Royal Decree no. 1180 of 15th July, 1920, to approve the list of communes for the purposes of the standard of education required by Act no. 886 of 26th June, 1913;
 4. the regulations approved by Decree no. 1136 of 6th August, 1916, for the administration of the Act respecting the employment of women and children;
 5. section 39 (first, second, third and fourth paragraphs) of the General Regulations respecting industrial hygiene approved by Decree no. 530 of 14th April, 1927⁷;
 6. section 76 (second and third paragraphs), section 79 and section 101 (third and fourth paragraphs) of the consolidated text of Act no. 773 of 18th June, 1931⁸, respecting public safety;
 7. section 203 of Decree no. 62 of 21st January, 1929⁹, for the administration of the consolidated text of the Acts respecting public safety dated 6th November, 1926, no. 1848;
 8. section 12 (first paragraph) of legislative Decree no. 1904 of 21st October, 1926¹⁰, to amend Act no. 2277 of 10th December, 1925¹¹, respecting maternity and child welfare.
26. This Act shall come into operation ninety days after the publication in the *Gazzetta Ufficiale* of the Ministerial Decree mentioned in the last paragraph of section 8.

B) *Regio decreto-legge 22 marzo 1934, n. 654. Tutela della maternità delle lavoratrici. (Gazzetta Ufficiale, 27 aprile 1934, anno 75^o (XII), n. 99, p. 2153.)*

Legislative Decree no. 654, respecting the safeguarding of maternity among working women. Dated 22nd March, 1934.

General provisions.

1. The work of women in the service of an employer shall be governed by the following provisions respecting the safeguarding of maternity. The said provisions shall also be observed with respect to pupils in training workshops, subject to the exemptions mentioned in section 2. The said provisions shall not apply to the following cases:—
 - (a) women employed in domestic work inherent in the normal development of family life;
 - (b) the wife, parents and relatives (not more distant than the third degree) of the employer, when they live in his household and are maintained by him;
 - (c) women working in their own homes, except as provided in section 18¹;

⁷ Legislative Series, 1927 (It. 4).

⁸ Ordinary supplement to the *Gazzetta Ufficiale*, 1931, no. 46; see note in Legislative Series Chronological Index for 1931.

⁹ *Gazzetta Ufficiale*, 1929, supplement to no. 26, p. 2; see note in Legislative Series Chronological Index for 1929, p. 89.

¹⁰ Extracts in Legislative Series, 1926 (It. 3, B).

¹¹ Extracts in Legislative Series, 1925 (It. 7).

- (d) women employed in offices belonging to the State, provinces, communes and public relief and charitable institutions;
- (e) women employed in Government educational institutions (even if these are bodies corporate and have administrative autonomy) and in undertakings belonging to the State, provinces, communes and public relief and charitable institutions, in cases where treatment not less favourable than that laid down in the various provisions of this Decree is prescribed by legislative provisions or regulations.

The institutions and undertakings to which the above conditions apply shall be specified by a Decree of the Minister of Corporations issued in agreement with the Minister responsible for supervising the said establishments;
- (f) women employed in agricultural work, except as laid down in section 3.

2. The Minister of Corporations may exempt training workshops from compliance with the provisions of this Decree in cases where, owing to the educational character of the institution, the conditions laid down for the admission of pupils and the supervision exercised over them, the protection provided by the said Decree may be deemed to be unnecessary.

The Minister may also grant total or partial exemption to training workshops in cases where the nature and duration of the work and the hygienic condition of the surroundings in which the work is performed is such that women can be allowed to work there before or after their confinement without prejudice to their physiological condition.

The Ministries responsible for the supervision of the said training workshops may submit recommendations for exemptions to the Ministry of Corporations.

3. A Royal Decree shall be issued on the recommendation of the Minister of Corporations in agreement with the Minister of Agriculture and Forestry, after consultation with the National Council of Corporations, to extend the provisions of this Decree with the necessary modifications to women employed in particularly heavy agricultural work.

The prohibition of the employment of women in work in the rice fields during the last month of pregnancy and the first month after childbirth, laid down in section 82 of Act no. 636 (consolidated text) of 1st August, 1907¹² shall remain in operation.

4. For the purposes of this Decree a woman shall be deemed to be a salaried employee if her employment is covered by section 1 of Legislative Decree no. 1825 of 13th November, 1924¹³, respecting the contract of employment of private salaried employees.

Female apprentices and pupils shall be deemed to be wage-earning or salaried employees.

¹² Equivalent to section 11 of Act no. 337 of 16th June, 1907, relating to the cultivation of rice [Bulletin of the International Labour Office (Basle), vol. III, 1908, p. 180], which was incorporated in the consolidated Public Health Act, no. 636 of 1st August, 1907 (Leggi Usuale, vol. III, p. 3,442).

¹³ Legislative Series, 1924 (It. 3).

Persons carrying on training workshops shall be deemed to be employers.

5. Certificates, documents relating to identification, receipts and all other documents required for the purposes of this Decree shall be exempt from stamp duty and registration fees and shall be issued free of charge.

Forms for certificates shall be supplied free of charge by the National Maternity Fund.

Compulsory and optional interruptions in employment.

6. A woman shall not be employed:—

- (a) during the month immediately preceding the estimated date of confinement as stated in the medical certificate of pregnancy. The rules respecting the said medical certificate shall be laid down in provisions to be issued in accordance with section 31 below;
- (b) if the confinement occurs after the said date, during the whole of the remaining period preceding the confinement;
- (c) during the six weeks following the confinement.

7. By way of exception, the period during which employment is prohibited before the estimated date of confinement and the corresponding period following the confinement may be reduced by the employer at the request of the woman concerned to three weeks in each case, in pursuance of a medical certificate stating that in view of the state of health of the woman, the nature of the work and the conditions under which it is performed, she can be employed without prejudice to her condition.

8. A female wage-earning employee who is pregnant shall have the right to absent herself from work from the beginning of the sixth week preceding the estimated date of her confinement.

A female salaried employee shall be entitled to absent herself from work for a period of three months in all, as provided in the eighth paragraph of section 6 of Legislative Decree no. 1825 of 13th November, 1924¹⁴, respecting the contract of employment of private salaried employees.

Medical certificate of pregnancy.

9. For all the purposes of this Decree, the medical certificate of pregnancy mentioned under (a) of section 6 shall be deemed to be valid with respect to the fixing of the probable date of confinement, notwithstanding any mistake in the prediction.

Retention of posts and other effects consequent upon pregnancy and confinement.

10. The employer shall be bound to keep open the post of a female wage-earning employee during the whole period of her absence from work in accordance with section 6 and the first paragraph of section 8.

If, in consequence of illness arising out of pregnancy or confinement, a woman wage-earning employee must absent herself from work for a period exceeding the periods laid down in section 6 and the first paragraph of section 8, the employer shall be bound to keep her post open for a further period of one month.

¹⁴ Legislative Series, 1924 (It. 3).

In the case of a female salaried employee, the provisions of section 6 of Legislative Decree no. 1825 of 13th November, 1924¹⁴, shall apply.

Accidental miscarriage or miscarriage brought about for therapeutic reasons, exclusive of criminal abortion, shall be deemed to be illness arising out of pregnancy or childbirth for the purposes of interruption in employment and the keeping open of the woman's post.

11. A woman who continues to perform her work regularly after having submitted a certificate of pregnancy to her employer shall not be dismissed during the remainder of the period of pregnancy for which she may be employed, except in case of misconduct constituting a sufficient reason for the termination of the employment, or in case of the indefinite suspension of work in the undertaking or the branch thereof in which the woman is employed.

12. The resumption of work by a woman who has absented herself in virtue of the provisions of this Decree and the provisions mentioned therein shall be a lawful cause for the dismissal without notice or compensation of the person engaged to replace her, provided that such person at the time of engagement was notified of the provisional character of the employment.

Carrying and lifting of weights.

13. A pregnant woman shall not be employed in carrying and lifting weights during the three months preceding the estimated date of her confinement.

Breaks for nursing.

14. For a period of one year reckoned from the birth of the infant, the employer shall grant every mother who nurses her own infant two breaks during the daily hours of work for the purpose of nursing the infant.

The said breaks shall be in addition to those prescribed in sections 18 and 19 of the Act to safeguard the employment of women and children¹⁵. If the employer fails to provide the room for nursing mentioned in section 16, the breaks shall be of one hour each, and during them the woman shall have the right to absent herself from the establishment.

Nevertheless, if the employer provides the said room the breaks shall be of half an hour each, and in this case the woman shall not be entitled to absent herself from the establishment.

With respect to employment in rice fields, the provisions of section 84 of Act no. 636 (consolidated text) of 1st August, 1907, and section 14 of Regulations no. 157 of 29th March, 1908¹⁶, shall remain in operation.

15. Breaks for nursing shall be deemed to be hours of work for the purpose of the duration of the hours of work and the remuneration for them.

Rooms for nursing.

16. The employer shall be bound to provide a room for nursing on the premises of the establishment in every case where not less than fifty women between fifteen and fifty years of age are employed therein.

¹⁵ See under (A), p. 1 above.

¹⁶ Bulletin of the International Labour Office (Basle), vol. III, 1908, p. 194.

The Ministry of Corporations may grant exemption from the obligation to provide rooms for nursing if there are on the premises of the establishment or in the vicinity thereof institutions for the benefit of nursing mothers in which mothers can conveniently nurse their infants, or if on account of other circumstances the said Ministry considers that the need for such rooms does not arise.

17. The room for nursing shall be lighted and well ventilated, and well heated during the cold season. Further, it shall be suitably furnished, kept scrupulously clean and supplied with water.

In the case of undertakings which employ not less than one hundred women between fifteen and fifty years of age, the corporative inspectorate may require that a suitable staff for taking care of the infants during their mothers' hours of work shall be attached to the rooms for nursing.

Compulsory maternity insurance. Scope of its application.

18. Maternity insurance shall be compulsory for women between fifteen and fifty years of age covered by this Decree and women working in their own homes. Salaried employees whose monthly salary exceeds 800 lire and women liable to sickness insurance in the new provinces in accordance with Decree no. 2146 of 29th November, 1929, shall be excluded.

The said insurance shall be administered by the National Maternity Fund.

Women who are not liable to maternity insurance may insure themselves voluntarily, subject to the provisions which may be issued as provided in section 31.

Maternity benefit.

19. The purpose of compulsory maternity insurance shall be to provide benefit amounting to 300 lire in case of childbirth and 100 lire in case of accidental miscarriage or miscarriage brought about for therapeutic reasons after the third month of pregnancy.

20. A woman shall be entitled to maternity benefit if one of the following conditions is satisfied:—

- (a) that she was employed at the date of conception and had been employed for at least a fortnight during the 360 days preceding the childbirth or miscarriage. Conception shall be deemed to have taken place nine months before delivery at term, six months before premature delivery and three months before a miscarriage;
- (b) that the relevant contributions were paid during the two years preceding the childbirth or miscarriage.

21. The right to benefit shall not be subject to assignment, pledge or confiscation.

Forfeiture of the right to benefit.

22. A woman shall forfeit the right to benefit:—

- (a) in the event of a final sentence for infanticide or criminal abortion;
- (b) in a case of miscarriage if the application is not made within thirty days.

23. If a woman performs work for remuneration in the service of another during the compulsory period of absence from work before or after childbirth, she shall forfeit the right to benefit:—

- (a) to the amount of 100 lire if she performs work during the period of compulsory absence from work either before or after childbirth;
- (b) to the amount of 200 lire if she performs work during both the above-mentioned periods.

This provision shall not apply to women who work in their own homes.

Prescription and suspension of legal proceedings.

24. Legal proceedings to obtain benefit shall not be instituted more than one year after the date of the birth or miscarriage.

In the event of penal proceedings against the woman for infanticide or criminal abortion, prescription shall be reckoned from the date of the final acquittal.

Payment of benefit shall be suspended until this date.

Compulsory contributions.

25. The annual contributions for compulsory maternity insurance shall be fixed at 7 lire, of which 3 lire shall be borne by the woman liable to insurance and 4 lire by the employer.

In cases where the woman does not receive remuneration, the whole contribution shall be borne by the employer.

The employer shall be responsible for payment of the contributions, including the share for which the woman is liable. The employer shall deduct this share from her remuneration.

Any agreement contrary to the above provisions shall be null and void.

26. The State shall repay to the National Maternity Fund the sum of 18 lire with respect to every childbirth or miscarriage for which benefit is paid.

An inclusive annual contribution shall be payable, by the organisation responsible for unemployment insurance, at a rate fixed by Royal Decree on the recommendation of the Minister of Corporations in agreement with the Minister of Finance, after consultation with the governing body of the National Fascist Social Provident Institute.

27. The priority laid down in section 1957 of the Civil Code with respect to the claims of the State shall be extended to claims arising out of insurance contributions not paid by an employer.

Social insurance benefits.

28. The periods of compulsory and voluntary absence from work mentioned in this Decree and the provisions referred to therein shall be taken into account for the purposes of the right to benefit under the social insurance system and of the assessment of the amount of the said benefit, even if no contributions have been paid.

The contribution fixed for the lowest wage class shall be deemed to have been paid for insured women with respect to the above-mentioned periods.

Penalties.

29. Every employer who is guilty of a contravention of the provisions of this Decree shall be liable to:—

- (a) a fine of not less than 50 nor more than 200 lire for each woman in his employment in respect of whom the contravention is committed, for a contravention of section 3, 6, 10 or 11 and in case of refusal, opposition or obstruction of the exercise of the right to absence from work as laid down in section 8;
- (b) a fine of not less than 50 nor more than 500 lire for a contravention of section 14, 15 or 16;
- (c) a fine of not less than 100 nor more than 2,000 lire for each woman in his employment in respect of whom the contravention is committed, for a contravention of section 18 or 25;
- (d) a fine of not less than 200 nor more than 500 lire for a contravention of section 13 or the first paragraph of section 17;
- (e) a fine of not less than 50 nor more than 500 lire for a contravention of the second paragraph of section 17.

A fine not exceeding 500 lire may be fixed in the regulations issued for the administration of this Decree for contraventions by an employer of the said regulations.

30. The following measures shall be repealed as from the coming into operation of this Decree:—

- 1. Royal Decree no. 2157 of 24th September, 1923, approving the consolidated text of the Act respecting the National Maternity Fund¹⁷;
- 2. Royal Decree no. 850 of 13th May, 1929¹⁸, converted into Act no. 1289 of 2nd July, 1929, respecting the protection of female wage-earning and salaried employees during pregnancy and confinement;
- 3. Royal Decree no. 1358 of 28th August, 1930¹⁹, to issue regulations for the administration of the above-mentioned Legislative Decree respecting the protection of female wage-earning and salaried employees during pregnancy and confinement;
- 4. the Ministerial Decree of 22nd November, 1930²⁰, to approve the forms for the certificates prescribed by sections 7, 11, 14 and 17 of the above-mentioned Decree no. 1358 of 28th August, 1930;
- 5. section 34 and the last paragraph of section 39 of the regulations respecting industrial hygiene approved by Royal Decree no. 530 of 14th April, 1927²¹.

31. His Majesty's Government is hereby authorised to issue regulations for the administration of this Decree on the recommendation of the Minister of Corporations in agreement with the Ministers of the

¹⁷ Legislative Series, 1923 (It. 3).

¹⁸ Legislative Series, 1929 (It. 3).

¹⁹ Legislative Series, 1930 (It. 8).

²⁰ Gazzetta Ufficiale, 1930, p. 5331.

²¹ Legislative Series, 1927 (It. 4).

Interior, Finance, and Ecclesiastical Affairs and Justice; this Decree shall come into operation on the date of the promulgation of the aforesaid regulations.

32. This Decree shall be submitted to Parliament for conversion into an Act.

The Minister in charge of it shall have power to introduce a Bill for this purpose.

Published in the United Kingdom by
P. S. KING & SON, LTD., 14 Great Smith Street, Westminster.

Distributed in the United States by
THE WORLD PEACE FOUNDATION, 40, Mount Vernon Street, BOSTON, Mass.

E. Birkhäuser & Co., Printers, Basle.

