



# MOTHERHOOD AND WORK



Dipartimento di Prevenzione  
Servizio per la Prevenzione e Sicurezza negli Ambienti di Lavoro

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## MOTHERHOOD AND WORK

*In the last thirty years Italian laws have particularly stressed the importance of protecting working mothers and babies. Many epidemiological studies have underlined that a lot of harmful factors, in both working and living conditions, can influence the health of women and babies (during pregnancy and breast-feeding). In order to encourage a stronger protection of motherhood and promote the culture of prevention, in these pages we summarize the main contents of the present laws about pregnancy and babies protection in working places.*

According to the **D.Lgs 645/96**, in companies with women in fertile age the employer, supported by a specialist physician, must evaluate the risks for reproduction and enclose this judgement into the “document for the evaluation of risks”, as recommended by article 4 of D.Lgs 626/94. This article says that the employer has to identify duties that are not dangerous for the pregnant and his child’s health and has to modify, if possible, working conditions and schedule. Moreover, this article says that the employer has to inform the workers and their representatives about the risks for pregnancy, for the period immediately following childbirth and that of breast-feeding, and about the measures of prevention that must be adopted.

Azienda ULSS 7  
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## MAIN WORKING RISKS FOR PREGNANCY

**Exposition to chemicals:** smokes, gas, powders, paints, diluents, oils, lead, mercury, pesticides, detergents, etc.

**Exposition to physical agents:** unfavourable microclimate (too hot or too cold), exposition to impacts or blows, vibrations, noise (> 80 dBA), activities involving shaking machines, ionizing and non-ionizing radiations.

**Exposition to biological agents:** biological materials (blood, urine, etc.), both human and animal; infectious diseases through contact with particular population sectors due to either hyper-susceptibility of the subject (insufficient antibodies against rubella and toxoplasma, immuno-suppressive therapy in progress, immuno-depression, etc.) or ongoing epidemic (measles, chickenpox, cytomegalovirus, fifth disease, etc.) .

**Factors connected with working organization:** it is necessary to evaluate the risk of manual movement of loads (maximum 5 kg in one hour), repetitious movements of upper limbs, stressing working rhythms, constrained or incongruous postures, mental and physical fatigue.

**Assistance and treatment activities in departments of infectious, nervous or mental diseases** (including SERT, institutions for psychologically and mentally disturbed people, therapeutical communities, etc.).

**Activities on stairs or fixed/mobile scaffolding.**

**Activities on transports.**

**Vertical posture for longer than half working hours.**

**Activities of foot-operated machines when to activate the machine is necessary to lift up and to move the entire leg.**

**Night shift** (from 0.00 to 6.00)

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### SPISAL ULSS 9

#### Sede di Treviso

Via Castellana, 2 - 31100 TREVISO (TV)  
Tel. 0422 323820 fax 0422 323743

#### Sede operativa di Oderzo

Via Manin, 33 - 31046 ODERZO (TV)  
Tel. 0422 715648 – 715649

### DIREZIONE PROVINCIALE DEL LAVORO

Via Fonderia 55 - 31100 TREVISO  
Tel. 0422 695111

### INPS

#### Sede Treviso

Viale Trento e Trieste, 6 - 31100 TREVISO  
Tel. 0422 58100

#### Sede Conegliano

Via Pittoni - 31015 CONEGLIANO (TV)  
Tel. 0438 364711

#### Sede Pieve di Soligo

Via Chisini, 51/A - 31053 PIEVE DI SOLIGO (TV)  
Tel. 0438 984411

#### Sede Oderzo

Via Cesare Battisti, 54 - 31046 ODERZO (TV)  
Tel. 0422 714811

#### Sede Montebelluna

Via Pastro, 10 - 31044 MONTEBELLUNA(TV)  
Tel. 0423 281411

#### Sede Castelfranco Veneto

Via Piccinini, 7 - 31033 CASTELFRANCO VENETO (TV)  
Tel. 0423 424011

## REFERENCE LAWS:

- **L. n.1204 del 30/12/1971** "Protection of working mothers.
- " Application rule of L. 1204/71 on protection of working mothers"
- **L. n.903 del 09/12/1977** "Equal treatment of men and women at work"
- **D.Lgs. n.626 del 09/09/1994** "Application of EEC directives on the improvement of workers' safety and health at workplace"
- **D.Lgs. n.645 del 25/11/1996** "Application of Dir. 92/85/CEE on the improvement of safety and health at workplace of women during pregnancy and breast-feeding"
- **L. n.25 del 05/02/1999** "Indications to enforce obligations deriving from EEC membership, 1998 EEC law"
- **L. n.53 del 08/03/2000** "Indications to support motherhood and fatherhood, the right of treatment and formation, and to coordinate city schedules"
- **D.Lgs. n.151 del 26/03/2001** "Consolidation act of the provisions of the law for the support of mother- and fatherhood, according to the rules laid down by the article n. 15 of the statute n. 53, 8 march 2000"



## Notes

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## MAIN WORKING RISKS FOR THE PERIOD **IMMEDIATELY FOLLOWING CHILBIRTH** *(the first 7 months of the baby's life)*

**Exposition to chemicals:** smokes, gas, powders, paints, diluents, oils, lead, mercury, pesticides, detergents, etc.

**Exposition to physical agents:** noise, vibrations (compressed air tools, tools with flexible axis, motor-saws, riveters, etc.), ionizing, electromagnetic fields and laser.

**Exposition to biological agents:** exposition to biological materials (blood, urine, etc.), both human and animal; it is necessary to evaluate the possibility of getting infectious diseases in particular cases of hyper-susceptibility of the subject (patients undergoing immuno-suppressive therapy, immuno-depressed patients, etc.).

**Factors connected with working organization:** it is necessary to evaluate the risk of manual movement of loads with reference to the kind of activity carried out.

**Assistance and treatment activities in departments of infectious, nervous or mental diseases** (including SERT, institutions for psychologically and mentally disturbed people, therapeutical communities etc.

**Night shift** *(from 0.00 to 6.00) is forbidden till the first year of the child.*

*For further information apply to SPISAL.*



## WHAT A PREGNANT WORKER HAS TO DO

*Every pregnant worker has to communicate her state to the employer, she can ask him, the workers' representatives, the representative of the safety and prevention service or the company competent physician about the risks for pregnancy individuated at workplace and about preventive measures adopted. In order to guarantee her baby's and herself health, she can also ask further information, to the SPISAL of the local ULSS, on the risks at workplace, on her rights and on how to make them respected.*

## CAN A WORKING WOMAN BE DISMISSED DURING MATERNITY?

It is **not possible to dismiss** a working mother before her baby's first year.

The same is **not true** for those who:

- have a determined contract of work;
- work in a company that went bankrupt;
- were dismissed for a serious fault.

A working woman can benefit from **voluntary dismissal** approved by the Provincial Direction of Work.

*For further information apply to the Provincial Direction of Work.*

## WHAT ARE THE RIGHTS OF A WORKING MOTHER WITH A DETERMINED CONTRACT

The working mother with a determined contract that will expire before the period of obligatory interruption of activity can **benefit from indemnity** two months before and three after delivery.

*For further information apply to INPS.*

## IS THERE ANY FISCAL CONTROL DURING INTERRUPTION OF ACTIVITY AT RISK OR PREGNANCY AT RISK?

INPS can't control the working pregnant during the period of abstention for pregnancy at risk or job at risk.

*For further information apply to INPS.*

## WHAT ARE THE PARENT'S RIGHTS IF THEIR CHILD IS ILL ?

Both parents can stop working, by turns, if their child is ill:

- Without time limits till their child's third year;
- Five days a year, each parent, between the third and eighth year.

*For further information apply to INPS.*



## PERIODS OF REST

The working mother can benefit from daily permission **within the first year of her baby**. The father can benefit of this permission only if he is an employee.

### WHO CAN BENEFIT FROM PERIODS OF REST?

- **the mother working six or more hours a day** can benefit every day from two periods of 1-hour rest (hours of nursing)
- **If the mother works less than six hours a day**, she can benefit only from 1-hour rest every day
- **The father, if he is an employee**, can benefit from the periods of rest in place of the mother even if she is not an employee
- The periods of rest double in case of twin-birth.

For further information apply to INPS.



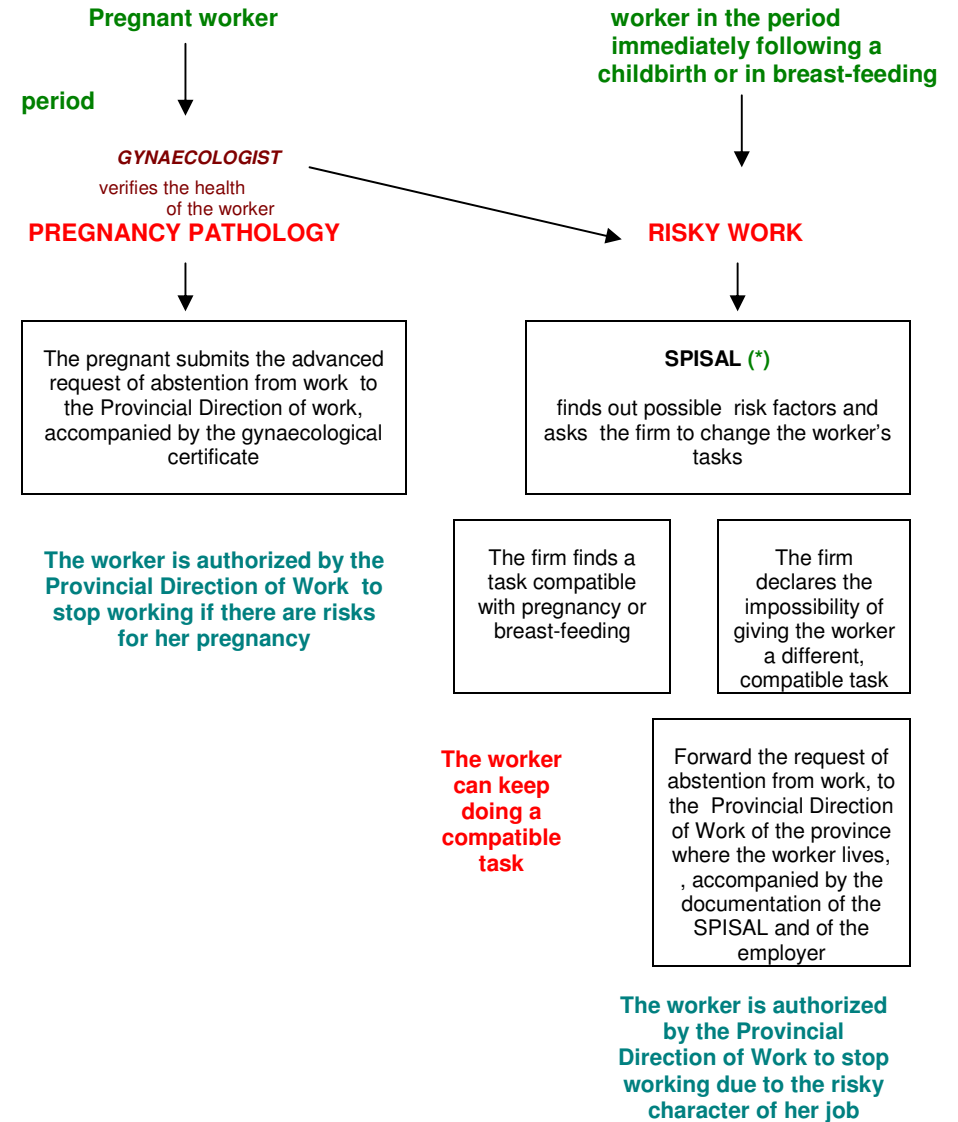
## HELPFUL ADVICE

### HOW THE WORKING MOTHER WILL BE PAID?

- The remuneration is about 80% of the salary (paid by the employer on behalf of INPS) during the period of obligatory abstention from job, including the abstention for risky job (during pregnancy and for seven months after childbirth). The other 20% will be paid by the company (if provided in the national contract). For the self-employed the retribution is 80% of the "conventional" retribution established by the law (art.68 D. Lgs 151/01).
- The remuneration is about 30% of the salary during the first six months of optional abstention. The wages for the other months will be calculated on income basis.
- The periods of rest are fully paid (100%).
- The abstention for child's disease is not paid, but the company pays contributions.

For further information apply to INPS or the union.

## AGREEMENT BETWEEN SPISAL AND THE PROVINCIAL DIRECTION OF WORK



(\*) SPISAL operators help the worker throughout the procedure, preparing the request of abstention from work.



## PROCEDURE TO FOLLOW DURING PREGNANCY

### PRENATAL TEST

If the pregnant must do a prenatal test during working hours, she must be given paid permission.

### GYNAECOLOGICAL EVALUATION

The gynaecologist evaluates the possibility of complications in pregnancy and the risks for both mother and child derived from the prosecution of activity.

## EARLY ABSTENTION FROM JOB

### WHO CAN BENEFIT FROM EARLY ABSTENTION FOR PREGNANCY AT RISK ?

If the gynaecologist finds out pathologies of pregnancy, the pregnant worker must send the Provincial Direction of Work the following documents:

- The certificate of the gynaecologist attesting the pathology (if the gynaecologist is not a dependant of the National Health Service, or does not work on convention terms, the woman has to validate it by the doctor of her district).
- The application for abstention from job for pregnancy at risk.

*For further information apply to your gynaecologist or to the Provincial Direction of Work.*

## OPTIONAL ABSTENTION

*Both parents can benefit from a period of optional abstention from job within the eighth year of their baby.*

### WHO CAN BENEFIT FROM OPTIONAL ABSTENTION ?

- At the end of obligatory abstention, that includes the period of abstention for puerperium and lactation (seven months), **the working mother** can benefit from six further months of optional maternity (within the eighth year of her baby).
- **The father, if an employee**, can ask for six months (seven in some cases) of optional abstention from job after the birth (within the eighth year of his baby). **If parents** want to use optional abstention, they can benefit from a total period of ten months (eleven in some cases) that they can use together or separately.
- **A single** can ask for ten months of optional abstention within the eighth year of the baby.
- **Adoptive parents** can benefit from optional abstention like natural parents .
- **The self-employed worker** can ask for three months of optional abstention within the first year of her baby.

The application for optional abstention must be submitted to INPS, as well as to the employer 15 days in advance .

In case of twin-birth the last of the period is doubled.

*For further information apply to INPS.*

### WHO CAN'T BENEFIT FROM OPTIONAL ABSTENTION ?

**who work for daily help and work at home.**

*For further information apply to INPS.*



## PROCEDURE TO FOLLOW DURING THE PERIOD OF **PUERPERIUM AND LACTATION**

The Italian law indicates the first seven months of a child's life as the period of puerperium and lactation. Besides the 3-months period of obligatory abstention after delivery (four months in case of flexibility of obligatory abstention), the working mother can also benefit from.

### ABSTENTION FOR JOB AT RISK

#### WHO CAN ASK FOR ABSTENTION UNTIL THE SEVENTH MONTHS OF THE BABY'S LIFE

If the working woman thinks or discovers that the work done during pregnancy is among those considered harmful for her and her child's conditions, and consequently prohibited by the law, she can apply to **SPISAL**, no later than the third month of the baby's life. SPISAL will:

- find out the dangers for puerperium and lactation;
- ask the company to assign the worker to a job more suitable to her conditions.

If not better jobs are available in the company, SPISAL will write a certificate attesting the dangers and help her to write an application to interrupt the activity. The application, with the documentation collected by SPISAL, has to be sent to the Provincial Direction of Work that must send a written authorization to stop working to both the worker and the employer.

*For further information apply to SPISAL.*

#### WHO CAN BENEFIT FROM EARLY ABSTENTION<sup>A</sup> FROM A RISKY JOB?

If a pregnant worker is informed (by the gynaecologist, the workers' representative for safety, the union, the employer, SPISAL, etc.) or thinks that her job is detrimental to her pregnancy conditions, she can ask SPISAL:

- to find the factors of risk for pregnancy;
- to ask the company to move her into a less risky job;
- if no better jobs are available in the company, to write a certificate attesting the dangers and help her to write an application to interrupt the activity. The woman must send this application, with the documentation collected by SPISAL, to the Provincial Direction of Work, that must send a written authorization to stop working to both the worker and the employer.

*For further information apply to the SPISAL of the ULSS where the company is located.*

#### WHO CAN BENEFIT FROM AN EARLY ABSTENTION FROM JOB IN THE THREE MONTHS BEFORE DELIVERY?

If the job of the pregnant worker is not a risky one, but may result "heavy and prejudicial" under particular circumstances, she can benefit from an early abstention from job starting three months before assumed delivery (**from the 7<sup>o</sup> month of pregnancy**). It is SPISAL who will evaluate the situation, prepare a certificate and help the worker in writing an application to interrupt her activity. The woman must send this application, with the documentation collected by SPISAL, to the Provincial Direction of Work, that must send a written authorization to stop working to both the worker and the employer.

*For further information apply to the SPISAL of the ULSS where the company is located.*

## PERIOD OF OBLIGATORY ABSTENTION

### OBLIGATORY ABSTENTION

All pregnant workers can benefit from a period of obligatory abstention from job, lasting 5 months as a whole: two months before and three after birth. This period (5 months) can be used also in case of premature birth. In any case the worker must submit the certificate of assisted delivery to both her firm and INPS.

*For further information apply to INPS.*

### FLEXIBILITY OF THE PERIOD OF OBLIGATORY ABSTENTION

The pregnant workers can continue her activity until **one month before** delivery and consequently abstain from work **for the following four months**. This right is not given to women who have stopped working in advance, with the authorization of the Provincial Direction of Work for either a risky job or a risky pregnancy. If complications emerged in the first period of pregnancy have ceased later on, the gynaecologist must certify the lack of contraindications to resume activity. The pregnant workers must apply to her employer, enclosing the following documents:

- **certificate of the gynaecologist** attesting both the absence of pathologies and the lack of dangers for mother's and child's health derived from the means of transport to the working place. The certificate must contain the expiry of flexibility (work can be carried on until, and not later than, one month before the assumed delivery);
- **certificate of the doctor of the company** attesting the absence of dangers for mother's and child's health due to the kind of job performed, working hours and environmental conditions.

If the company doesn't have the obligation of **sanitary care** and, consequently, of appointing a qualified doctor is sufficient the certificate of the gynaecologist.

*For further information apply to INPS.*

**REMEMBER THAT :** **Within the end of the 7th month of pregnancy** all workers must have the INPS application form for obligatory abstention (in possession of the gynaecologist himself or INPS) filled in by the gynaecologist. The workers must submit the application to both INPS and the company.

*For further information apply to the gynaecologist or to INPS.*