

Decree Implementing the Pay Transparency Directive

On June 1, 2026, Legislative Decree No. 96/2026 was published in the Italian Official Gazette (*Gazzetta Ufficiale*), transposing Directive (EU) 2023/970 (the *Pay Transparency Directive*) into Italian law, introducing provisions to address the gender pay gap. The decree, in force from 7 June 2026, introduces a comprehensive system of information obligations, monitoring mechanisms and protection tools aimed at strengthening the principle of equal pay for women and men doing equal work or work of equal value.

The discipline applies to employees (including those on fixed-term and/or part-time contracts), including executives and apprentices, hired by employers in the public or private sector. Domestic workers and on-call workers, as well as coordinated and continuous collaborators, are excluded from the scope of the decree.

Key changes from the initial draft

The final version of the decree introduces several significant changes compared to the initial draft, including: clearer definition of equal work and work of equal value, the inclusion of apprentices within the scope of application; the introduction of an annual limit on the exercise of the individual right to pay information; the obligation for the employer to confirm the accuracy of reported data; a fixed 60-day deadline for responding to requests for clarification; and the extension of pay comparison tools to decentralized and supplementary collective bargaining.

NCBA presumption of compliance and benchmark for same work and work of equal value

Compared to the European standard, the Italian measure assigns a fundamental role to national collective bargaining agreements (NCBAs), providing that *'the application of a NCBA entered into by trade unions that are comparatively more representative at national level, including professional classification, grading and remuneration systems, constitutes a presumption of compliance with the principles of equal pay and transparency'*, without prejudice to possible proof of discriminatory conduct.

NCBAs, as they are suitable for ensuring pay determination and classification systems based on objective and gender-neutral criteria, also work as criteria for identifying *equal work* and *work of equal value*, for which equal pay must be guaranteed.

In addition to the provisions of collective bargaining – as mentioned, including decentralized and supplementary collective bargaining – company classification and professional evaluation systems are also permitted, provided they are based on objective and gender-neutral criteria.

Transparency prior to hiring and during the employment relationship

Other key measures include the obligation to indicate initial remuneration or remuneration range in job posts, the prohibition on asking candidates for information about their pay history, and the obligation to conduct gender-neutral selection procedures.

During the employment relationship, employers must make the criteria for determining remuneration and pay progression accessible (the latter obligation is excluded for companies with fewer than 50 employees) and provide (at the request of workers or their representatives) written information on average remuneration levels, broken down by gender, for categories performing the same work or work of equal value. This right may be

exercised no more than once per year.

Reporting obligations

Employers with at least 100 employees are required to report to the monitoring body to be established at the Ministry of Labour, on the gender pay gap (average and median), variable components and distribution in pay quartiles, according to the following timetable: (i) by June 2027 and annually for companies with at least 250 employees, (ii) by June 2027 and every three years for companies with 150–249 employees, and (iii) by June 2031 and every three years for companies with 100–149 employees. Employers must respond to requests for clarification within sixty days.

If the data reveals a gap of 5% or more in any category and the employer does not provide an objective justification or correct the difference within six months, a joint pay assessment with employee representatives is required.

Legal protection and sanctions

The decree expressly refers to the means of protection provided for in the Italian Equal Opportunities Code (Legislative Decree 198/2006). Actions may also be taken, by delegation, by employee representatives, trade unions and associations with a legitimate interest, including exclusion from public procurement in the most serious cases.

The existing mechanisms for urgent and ordinary protection remain applicable, with the possibility of compensation for non-pecuniary damage. In the event of proven discrimination, the administrative sanctions and consequences provided for in the Italian Equal Opportunities Code also apply.

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