

## *Lights and shadows in the remuneration-pension system of religious workers in Italy*

The budget Law n. 213, 30 December 2023, effectively emptied the benefit produced following the revaluation of the social allowance for religious persons of foreign nationality operating in Italy, effective from 2024 for all citizens, including religious persons, with at least 67 years' age.

The pension revaluation, set in the increase equal to 31.14 euros per month on the social allowance, entailed considerable economic support for the ecclesiastical bodies (Congregations and Orders) to which the religious belong. The recent State budget provisions, however, have a heavy impact on foreign religious people residing in Italy, but without (or waiting for) a regular residence permit, as they tighten the entry conditions to benefit from the services provided by the National Health Service. The aforementioned l. 213/2023 in fact establishes, regarding the amount of the annual contribution that these religious must pay, a rise from the more accessible 387.34 euros, to the current two thousand euros. An increase which, although smaller (from 149 to 700 euros), does not exempt even religious people still in the training phase of their studies.

This framework is connected with the critical situation relating to the more general remuneration-pension regime affecting religious people in Italy, as a consequence of the crisis of welfare State model and the well-known bottleneck that has loomed for years on the economic treatment reserved for workers who start to conclude the activity age: a period made even more complex by the sudden flare-ups of inflation and the consequent increase in the living cost, as well as by the progressive expansion of the number of beneficiaries of social security check, due to the increase in the elderly population segment.

From this point of view, the legislator has tried to remedy this state of affairs with the increase in minimum pensions (from 567.94 to 598.60 euros) for 2024, corresponding to the minimum treatment of old-age pensions, extended between other to disability pensions, managed by the Clergy Fund: a treatment evidently applicable when the religious satisfies legal conditions to obtaining the allowance (66 years of age with 40 years of contributions, or 69 years of age with 20 years of contributions).

That the regulatory landscape on the subject is characterized by compensatory mechanisms aimed at plugging system flaws, in a context in which more shadows than lights emerge, seems attested by various signals, exemplified by the affair linked to the so-called "superminimum" and to the even more significant reduction in the pension allowance imposed on priests receiving a double pension.

In the first case, the so-called "superminimo", this is a measure to increase the minimum amount by 2.7 percent, equal to 16.16 euros per month, which however meets a maximum ceiling that cannot exceed the amount of 614.77 euros. Furthermore, this increase is affected by significant structural limitations, given that it can be used by the limited circle of priests who have paid contributions for a period not exceeding 22 years.

In the second case, regulatory rigor is intertwined with an even more evident legal illogicality. Priests who are legitimately entitled to two different pensions, obtained on the basis of the prescribed payments, are subjected to the ax of a one third of the pension reduction (equal to 199.53 euros), for an unspecified reason linked to the collection of two annuities. The doubts about the legitimacy of this legislation, which seems to be based exclusively on cash needs, rely on the criterion of recognition of a minimum margin of intangibility of the guaranteed income range, according to a position expressed by the Council in one of its not recent decisions (ruling . n. 566, of 13 December 1989).

This sentence admitted the “reasonable reduction of pension treatment (only) in the case of competition with another paid benefit (such as) compensation deriving from the pensioner, following new activity”.

The contradictory social security policy, a product of the current economic crisis times, finds further confirmation in remuneration provided for in line with the aforementioned budget law in force for 2024, which rises to an additional 21 euros to the monthly allowance (of 1049 euros gross per month).

The advantageous treatment, established by the CEI, with a modification of the calculation unit for the measurement of priests remuneration (so-called “base-point”) and managed by the Central Institute for the Support of the Clergy, also provides for the “supplementary treatment” for the lowest salaries (within 15 thousand euros), which will benefit not only Italian priests, but also foreign priests engaged in full-time missions in Italy.

These measures, however, do not eliminate or reduce the problem, highlighted above, of healthcare for foreign religious people in Italy, the economic sustenance burden of which falls entirely on the shoulders of the respective religious Houses and which requires an agreed solution between State and competent ecclesial bodies converging in the Dicastery for the Institutes of Consecrated Life and the Societies of Apostolic Life.

The problem appears not to be easy and, much less, to be resolved quickly, not only because the aforementioned legislative provisions harmonize with the political orientations regarding the status of non-European foreigners, but also due to the negotiation process structural fragility. The IEC, as a natural interlocutor with the Government, is in fact devoid of previous experience in this delicate discipline, nor can it count on the guarantees of a concordat regulatory framework, given that the Villa Madama Agreements are silent on the subject for ecclesiastics healthcare. In any case, a discussion table between the representatives of the two authorities appears unavoidable even in the rather realistic hypothesis of having to activate forms of private healthcare.

**Fabio Vecchi**