

Convention No. 181: Private Employment Agencies, 1997
Direct request 2003/74

Italy (ratification: 2000)

The Committee notes the Government's first report on the application of the Convention, received in November 2002. It also notes the observations that CONFINDUSTRIA made to the Government in June 2002 in which it indicates that the placement activities carried out by private entities continue to encounter many obstacles. CONFINDUSTRIA indicates that the procedures for the authorization of private entities should be simplified in law. It calls for the Government to adopt legislative changes in the near future to promote the activities of private employment agencies. The Committee hopes that the Government will indicate in its next report any changes in law and practice relating to the subjects covered by the Convention. It also requests the Government to provide additional updated information in its next report on the implementation of the following provisions.

1. *Article 2, paragraphs 4 and 5, of the Convention.* The Government indicates that during the period covered by the report (November 2002), the situations envisaged in *Article 2, paragraph 4*, of the Convention did not arise. Under the terms of section 1(3) of Act No. 196 of 1997, the activities of temporary employment agencies appear to be permitted only on an experimental basis, in agreement with the social partners, in certain areas in the agricultural sector and the construction industry. Please provide information on any prohibitions and exclusions relating to the activities of the private agencies covered by the Convention.

2. *Article 8, paragraph 1.* The Government indicates that the national legislation guarantees equality of treatment for migrant workers and their families. Furthermore, Italy applies the corresponding European Union legislation and is bound by association agreements with third countries. The Committee requests the Government to provide information on the measures taken to provide adequate protection for and prevent abuses of migrant workers (including non-Community workers and workers not covered by association agreements), who are recruited or placed in employment in Italy by natural or legal persons providing the services covered by the Convention.

3. *Article 8, paragraph 2.* Please also provide information on any bilateral agreements concluded to prevent abuses and fraudulent practices in the recruitment, placement and employment covered by the Convention.

4. *Article 10.* Please describe the machinery and procedures for the investigation of complaints concerning the activities of any natural or legal persons providing the services covered by the Convention.

5. *Article 11.* Please indicate the manner in which the principal collective agreements are able to protect workers employed by the private employment agencies envisaged in *Article 1, paragraph 1(b)*, of the Convention. In particular, the Committee would be grateful to be provided with additional information on the following subjects:

- points (c), (d), (i). Please indicate the measures taken to ensure adequate protection for the workers employed by private employment agencies in relation

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to hours of work, working time and other working conditions, statutory social security benefits and maternity protection and benefits, and parental protection and benefits;

- point (f). The Committee would be grateful if the Government would provide information on the vocational training fund financed through compulsory contributions by agencies, the various types of training financed and the number of temporary workers who have received training.

6. *Article 12.* The Committee notes that temporary employment agencies and user enterprises show solidarity with regard to the claims of workers who have not been paid by private employment agencies, including their social contributions. It requests the Government to indicate the manner in which responsibilities are allocated, in each of the areas covered by *Article 12*, between the natural and legal persons who provide the services in Italy covered by *Article 1, paragraph 1(b)*, of the Convention and user enterprises.

7. *Article 13, paragraphs 1 and 2.* The Government indicates in its report that associations of private employment agencies and representatives of the most representative trade union organizations, at both the national and provincial levels, are consulted on the establishment of cooperation between the public employment service and private employment agencies. The report also refers to agreements between private employment agencies and the public employment service, particularly in relation to the establishment of a unified information system for job vacancies and applications. The Committee recalls that it referred to the reform of the public employment service in its observation in 2002 on the application of Convention No. 122. It requests the Government to provide information on the cooperation between the public employment service and private employment agencies in such a manner that the public authorities retain final authority for formulating labour market policy.

8. *Article 14.* Please provide extracts from inspection reports and information on the number of workers covered by the measures giving effect to the Convention and the number and nature of the infringements reported (*Part V of the report form*).

9. *Part IV of the report form.* Please state whether national tribunals have handed down decisions involving the interpretation of the legislative texts giving effect to the Convention.