

Italy (ratification: 1971)

The Committee notes the information provided by the Government in reply to its previous comments.

Article 2 of the Convention. Partial payment of minimum wages in kind. With reference to the point raised both under *Article 2, paragraph 1, of the Convention* and *Article 4, paragraph 1, of Convention No. 95* concerning the need to amend section 2099 of the Civil Code which allows for the payment of wages entirely in kind, the Committee notes the Government's indication that by the Note dated 27 May 2002 this question was submitted to the legal office of the Ministry of Labour and Social Policy for consideration and legal opinion. ***Considering that more than five years have lapsed since the request for legal opinion was made, the Committee asks the Government to specify whether such an opinion was ever delivered and whether any follow-up action has been taken or envisaged in this respect. The Committee further requests the Government to refer on this point to its last observation formulated under the Protection of Wages Convention, 1949 (No. 95).***

Article 5 and Part V of the report form. The Committee notes the information provided by the Government concerning the collectively agreed minimum pay rates applicable in agriculture and horticulture. It also notes the statistical data concerning labour inspection activities with respect to illegal employment in agriculture, especially the results of operation "Girasole" conducted in September–December 2005. ***The Committee would be grateful if the Government would provide in its next report up to date information concerning specifically minimum wage-related infringements observed in the agricultural sector and the sanctions imposed, as well as any other particulars bearing on the practical application of the Convention.***

Finally, the Committee wishes to draw the Government's attention to the conclusion of the ILO Governing Body on the continued relevance of the Convention based on the recommendations of the Working Party on Policy regarding the Revision of Standards (GB.283/LILS/WP/PRS/1/2, paragraphs 19 and 40). In fact, the Governing Body has decided that Conventions Nos 26 and 99 are among those instruments which may no longer be fully up to date but remain relevant in certain respects. The Committee therefore suggests that the Government should consider the possibility of ratifying the Minimum Wage Fixing Convention, 1970 (No. 131), which marks certain advances compared to older instruments on minimum wage fixing, for instance, as regards its broader scope of application, the requirement for a comprehensive minimum wage system, and enumeration of the criteria for the determination of minimum wage levels. ***The Committee requests the Government to keep the Office informed of any decision taken or envisaged in this regard.***