

**Convention No. 26: Minimum Wage-Fixing Machinery, 1928**  
**Direct request 2003/74**

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**Italy (ratification: 1930)**

The Committee notes the report provided by the Government and the comments made by the employers' organization CONFINDUSTRIA. The Government recalls that, in accordance with section 2099 of the Civil Code, the fixing of wages, and therefore minimum wages, is a matter for collective bargaining between the social partners. It adds that in the absence of collective agreements it is for the judges to establish, by virtue of the same provision, the remuneration of workers taking into account, where necessary, the opinion of the social partners. CONFINDUSTRIA adds that a collective agreement is only binding on the signatory organizations, but may be adopted and applied by non-member enterprises within the limits set by article 36 of the Italian Constitution. In this regard, recalling that the objective of the Convention is the creation and maintenance of machinery whereby minimum rates of wages can be fixed for workers employed in trades in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and in which wages are exceptionally low, that is lower than the average wage earned in the country by workers in organized industries, the Committee requests the Government to indicate whether there exist at the national level trades or parts of trade answering to these specifications. If so, the Committee wonders whether recourse to judges where there is no applicable collective agreement, as provided by the national legislation, fulfils the requirement set forth in the Convention for the creation of a system for the fixing of minimum wages. In the system that is currently applicable, such wages are fixed on a case-by-case basis and require the initiation of legal action by the worker against the employer. Furthermore, it is not a preliminary arrangement as required by the Convention. Moreover, with regard to the obligation for the social partners to be associated in equal numbers and on equal terms, the Committee notes that, while agreeing with the Government that they may be consulted by the judge for the purposes of determining wages, such consultation does not appear to be compulsory. With a view to enabling it to assess more fully the operation of the minimum wage fixing machinery in practice, the Committee therefore requests the Government to provide information, including statistics, on the number of workers whose wages have been determined by judicial decision, the number of workers who are not covered by collective agreements establishing minimum wages and the branches in which there are no collective agreements fixing minimum wages. The Committee would also be grateful if the Government would provide fuller information on the arrangements for the participation of employers' and workers' organizations in the determination of minimum wages in sectors in which no arrangements exist for the effective regulation of wages by collective agreement or where wages are exceptionally low.

Finally, the Committee would be grateful if the Government would continue to provide information in future reports on changes in minimum wage rates, and in particular on the criteria taken into account for their adjustment, such as the anticipated inflation rate, in the absence of a system of indexation as it existed previously, as well as the measures of supervision intended to ensure the effective enforcement of minimum wage provisions.