

Convention No. 81: Labour Inspection, 1947

Direct request 2004/75

Italy (ratification: 1952)

The Committee notes the Government's report and the attached documentation. It notes with interest that, according to the Government, measures have been taken to reinforce and rationalize the supervision of working conditions, particularly through section 8 of Act No. 30 of 14 February 2003 announcing decrees to establish a general directorate responsible for the coordination of the activities of the various supervision services and regional directorates. Decrees are also envisaged in the fields of the prevention of individual disputes, industrial relations, special security, administrative procedures and to determine the functions of the inspection council. The Committee would be grateful if the Government would provide a copy of the texts once they are adopted.

1. *Article 3, paragraph 2, of the Convention.* The Committee notes that inspections on tax matters will be combined with those of the National Institute for Industrial Accident Insurance (INPS and INAIL) to combat clandestine employment. The Committee emphasizes that the legal provisions covered by the Convention are those relating to conditions of work and the protection of workers while engaged in their work. The role of the labour inspectorate, under the terms of these provisions of the Convention, is not to control the lawfulness of the employment relationship, but the conditions under which the work is performed. It is extremely important that labour inspectors are not confused with tax controllers. Any such assimilation would have the effect of gravely prejudicing, and even destroying the climate of minimum confidence which should exist in the relations of inspectors with employers and workers. Indeed, operations to identify and prosecute violations of employment legislation generally give rise, both on the part of the employers targeted and the workers engaged by them, due to the manifest reciprocity of their interests, to reactions of hostility and even aggression and violence in relation to inspectors. Whether or not their situation is lawful, the workers covered by the Convention have rights in relation to conditions of work and should be able to benefit from the same protection in certain fields, such as wages, working time and health and safety at the workplace. Workers are an essential source of information on the manner in which the law is applied and on violations committed in workplaces liable to inspection and should not hesitate to turn to inspectors by reason of any lack of clarity in their legal situation.

The Committee requests the Government to provide information on the measures adopted to ensure, in accordance with *Article 3, paragraph 2*, that any further duties which may be entrusted to labour inspectors are not such as to interfere with the effective discharge of their primary duties, as set out in *paragraph 1* (enforcement of the legislation on conditions of work; technical advice and information on its application; and participation in its improvement), or prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.

Article 5(a). The Committee notes that the labour inspectorate is responsible for supervising occupational safety and health in specific sectors, including construction, railways, public works underground and underwater, explosives and hydraulic installations. The Committee also notes that the regions are responsible

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for taking preventive measures in relation to industrial accidents and occupational health through local health units, which are entrusted with powers of inspection. According to the Government, the powers of inspection in the field of occupational safety are exercised jointly by labour inspectors and the communal authorities through health units. The Committee requests the Government to provide copies of the texts governing this sharing of competence and the collaboration procedures referred to above.

Articles 6 and 7. The Committee notes with interest the legislative provisions establishing the allocation of financial resources to improve the training of labour inspectors, hold labour inspection workshops and increase the technical resources of the inspection services, including distance training, with a view to enabling them to discharge the additional duties which will be entrusted to them.

Articles 10 and 16. According to the Government, the number of inspections increased between 2002 and 2004 from 143,336 to 178,637, and the number of workplaces inspected rose from 125,576 to 157,194. The Committee would be grateful if the Government would provide information on the distribution of inspections by type and objective, in particular making a distinction between those targeting conditions of work and those relating to other fields.

Articles 20 and 21. The Committee notes the data on industrial accidents and cases of occupational disease, the personnel of the inspection services and the inspections carried out jointly with the state railway service. Nevertheless, it notes that an annual labour inspection report conforming to the above provisions of the Convention in its form and content has not been communicated. It therefore requests the Government to ensure that the central labour inspection authority complies with its obligation to publish and communicate such a report to the ILO within the established time limits. Guidance on the information that should be contained in the annual report is provided in Paragraph 9 of Recommendation No. 81 which supplements the Convention.