

**Convention No. 138: Minimum Age, 1973**  
**Direct request 2003/74**

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**Italy (ratification: 1981)**

The Committee takes note of the Government's report, and requests it to supply further information on the following points.

*Article 1 of the Convention.* The Committee notes with interest the adoption of Law No. 73 of 23 April 2002 which aims at ending all labour, including child labour, in the informal economy. Priority actions are identified and coordinated by the Interministerial Committee for Economic Planning (CIPE). The Committee asks the Government to provide further information on these actions.

*Article 2, paragraph 1.* The Committee had previously noted that section 3 of Law No. 977 of 17 October 1967, as amended by Legislative Decree No. 345 of 4 August 1999 on the Protection of Children and Adolescents at Work, provides that the minimum age for admission to employment shall be the age at which compulsory education ceases and in no circumstances may be lower than 15 years. It had also noted that this Law applies to young people under 18 years of age having an employment contract or an employment relationship. The Committee had requested the Government to supply information on the measures taken to protect children who work outside an employment contract or employment relationship, such as self-employment and home work. The Government indicates that with regard to *home work*, the provisions laid down in Law No. 977 of 17 October 1967 do not apply to boys and girls except for the provisions of section 3(1), sections 6-11 and 24. The Government also states that the minimum age for admission to home work is 15 years of age and that the employment of minors is subject to employers' compliance with proper working conditions and standards so as to safeguard their health, physical and mental development and morality. Moreover, minors cannot engage in heavy, unhealthy work, and a medical examination ensures that they are fit.

Regarding *self-employment*, the Government indicates that this kind of work does not fall under the legal provisions concerning the employment of children or adolescents and that no such protection exists. The Committee recalls that the Convention applies not only to work performed under an employment contract but to all types of employment or work, including self-employment. It therefore requests the Government to indicate in its next report any measures taken or envisaged to ensure the application of the minimum age of 15 years to all types of work outside an employment relationship such as self-employment.

*Article 2, paragraph 3. Completion of compulsory education.* In its previous comments, the Committee had noted that according to the Government's report and section 1 of Law No. 9 of 20 January 1999 on Urgent Provisions for Higher Compulsory Education, the period of compulsory schooling is extended from eight to ten years as from 1999-2000. The Government indicates that, while waiting for a regulation enforcing the provision raising the period of compulsory schooling, minors are admitted to employment as from 15 years if they have completed at least nine years of compulsory education as provided under section 1, subsection 3 of Decree No. 323/99 implementing section 1 of Law No. 9 of 20 January 1999. The Government further indicates that the new regulation, once adopted will bring the

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age of completion of compulsory schooling to 18 years as provided under section 1(1) of Law No. 9 of 1999. The Committee asks the Government to provide a copy of the regulation enforcing the provisions of section 1 of Law No. 9 of 20 January 1999 once it has been adopted.

*Article 6.* The Committee notes that according to section 6(2) of Law No. 977 of 17 October 1967 as amended in 1999, adolescents (i.e. a person aged 15 to 18 years) shall carry out, for educational or vocational training purposes and for a period of time strictly required by such activity the work processes, operations and tasks listed in Annex I to the abovementioned Law (list of hazardous occupations), provided that the work is performed under the supervision of an experienced person, competent in protection and safety matters, and in compliance with the safety and health measures provided for by the existing legislation. The Committee, in view of *Article 3, paragraph 3*, of the Convention encourages the Government to raise the minimum age for admission to hazardous work performed as part of an educational or vocational training from 15 to 16 years.

*Article 8.* The Committee notes with interest that the Government supplied a copy of Presidential Decree No. 365 of 20 April 1994, which provides for an authorization to be granted by the Provincial Labour Directorate for the employment of children in cultural, artistic, sport or advertising activities and in the entertainment sector. By virtue of section 2 of the abovementioned Decree, the Labour Inspector may authorize a child younger than 15 years and up to 18 years of age to prepare and appear in shows and films on the conditions that it is not harmful to the young worker's physical or psychological development. A child is not allowed to take part in artistic performances after midnight. He/she shall benefit of a rest period of at least 14 consecutive hours and such work shall not prejudice his/her attendance at school.

*Part V of the report form.* The Committee notes with interest that the Government supplied a copy of the 2002 report of the Ministry of Labour and Social Policy and INAIL on data on child work and the report on supervisory activities of the inspection service in 2002. It also notes the Government's indication regarding the increase of about 3.7 per cent in the number of working children in 2001, as well as the increase in unlawful employment. The violations of the child labour provisions increased by 19.52 per cent over the year 2000. The Government states that in most instances, employers have failed to give effect to preventive and periodical medical examination and also do not conform with the provisions on maximum working hours per day or per week, the rest days and public holidays. The Committee asks the Government to give information on the measures envisaged to ensure that the legislation on child labour is applied. The Committee would be grateful if the Government could continue to provide information on the practical application of the Convention, including for example statistical data on the employment of children and young persons, extracts from the reports of inspection services and information on the number and nature of contraventions reported.