

Convention No. 106: Weekly Rest (Commerce and Offices), 1957
Direct request 2002/73

Italy (ratification: 1963)

The Committee takes note of the Government's report. It notes that, under the terms of Law No. 370 of 22 February 1934 concerning Sunday and weekly rest, workers as a general rule are entitled to 24 consecutive hours of weekly rest, which normally falls on a Sunday. Referring to judgements of the Constitutional Court and consolidated case law, the Government states that under the abovementioned law the principle of 24 consecutive hours of weekly rest in respect of each period of seven days remains also valid in cases where the normal weekly rest scheme cannot be applied.

The Committee asks the Government to provide further details on the following points.

Article 7, paragraph 2, and Article 8, paragraph 3, of the Convention. The Committee notes that selected activities (work involving continuous processes, seasonal work and work of public utility), according to Chapter II of Law No. 370, permit special arrangements with regard to regularity, continuity and duration of the weekly rest. These arrangements include alternative rest days of not less than 12 consecutive hours (sections 3, 6, 16 and 17), the suspension of a rest period for six weeks in the year (section 10), every week a period off duty of not less than ten consecutive hours during the ordinary hours of work (section 12) and the division of the weekly rest period of 24 hours into two periods of 12 consecutive hours (section 15). The Committee recalls that *Article 7, paragraph 2*, by reference to *Article 6* of the Convention, provides for persons subject to special weekly rest schemes, in respect of each period of seven days, a rest of a total duration equivalent to at least 24 uninterrupted hours. It further points out that under *Article 8, paragraph 3*, by reference to *Article 6* of the Convention, compensatory rest of the same length must be accorded where temporary exemptions to the weekly rest requirements are made. The Committee requests the Government to indicate the measures taken or envisaged to ensure the application of the Convention in this respect.

The requirements of *Article 7, paragraph 2*, of the Convention also apply to work on a Sunday in the retail sale sector, as regulated in sections 11-13 of Decree Law No. 114/1998 of 31 March 1998 and section 36, paragraph 3, of Law No. 142 of 8 June 1990. The Government is requested to indicate the measures that ensure to all persons covered by special weekly rest schemes the minimum period of 24 consecutive hours in respect of each period of seven days.

Please also supply any collective employment contracts with relevance to weekly rest.