

Direct Request (CEACR) - adopted 2010, published 100th ILC session (2011)

Minimum Age Convention, 1973 (No. 138) - Italy (Ratification: 1981)

The Committee notes the Government's report. It also notes the observations of the Confederazione Generale Italiana del Lavoro (CGIL) of 25 May 2010 and 20 September 2010.

National policy. Article 1 of the Convention. Following its previous comments, the Committee notes the Government's statement that it has implemented several measures to combat child labour by way of preventing and controlling school drop-out rates. It notes the Government's information that Ministerial Decree No. 19 of 2008 set up an Inter-Directorate Working Group to prevent and combat school drop-outs. This working group has the following responsibilities: (a) monitoring all actions carried out with regard to preventing school drop-out and ascertain, analyse and check their results; (b) providing targeted and specific training courses for teachers on effective teaching methodology; and (c) maintaining a model register, jointly with the respective regional education offices, of school drop-outs indicating the number of children of compulsory school age who are out of school. The Committee also notes the Government's statement that special attention is being paid to the integration of foreign pupils into education which is based on the principle of universalism as the criterion for every child's right to education, and common schooling without discrimination or separation of classes. The projects implemented for the integration of foreign pupils include the National Plan for the teaching of Italian to foreign students who are recent immigrants, and projects to assist the reception and integration of children belonging to the Roma and Sinti population for which a Memorandum of Understanding was signed with the Nomad Assistance Association and National Seminar.

The Committee further notes the Government's information on the measures taken by the Ministry of Education, Universities and Research to prevent school drop-outs by allocating funds for the purpose of study grants and free textbooks for children from needy families. Furthermore, the national operational programmes for Skills Development funded by the European Special Fund, and Environment for Learning, funded by the European Regional Development Fund, implemented for the years 2007–13, aim at increasing the dissemination of skills and learning capacities of young people and making school more attractive.

Raising the initially specified age for admission to work and age of completion of compulsory schooling. Article 2(2) and (3). The Committee had previously noted that section 1, paragraph 622, of Act No. 296 of 2006 raised the period of compulsory schooling to 10 years as of the 2007-08 school year, thereby raising the minimum age for employment from 15 years to 16 years. The Committee, drawing the Government's attention to Article 2(2) of the Convention had requested the Government to notify the Office, by further declaration, of the subsequent raising of the minimum age from 15 to 16 years. The Committee notes the Government's information that this procedure being discretionary, the Government, after consulting the competent offices of the Cabinet, will consider whether to activate the notification procedure of declaration to the Director-General of the ILO of the new legislative change that raised the minimum age for admission to employment to 16 years. ***The Committee requests the Government to provide information on any progress made in this regard.***

Vocational training and hazardous work. Article 6. The Committee had previously noted that, according to section 6(2) of Act No. 977 of 17 October 1967 as amended in 1999 and 2000, adolescents (i.e. persons aged between 15 and 18 years) may 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. It had requested the Government to take the necessary measures to amend the relevant provisions of Law No. 977/1967 in order to ensure that no person under 16 years of age may be authorized to perform types of hazardous work during vocational training. It had further noted that Act No. 269/2006, which raised the age of compulsory education and, by implication the entry to employment, repealed de facto Act No. 977/1967 as amended by Act No. 262/2000. Noting that the Act No. 269/2006 did not expressly repeal the relevant provisions of Act No. 977/1967, the Committee had observed that Act No. 977/1967 and its amendments continued to be in force. The Committee had therefore requested the Government to indicate the manner in which the Government intended to harmonize the legislation and to avoid the ambiguity between Act No. 977/1967, as amended, and Act No. 262/2006 which set out different ages at which hazardous work may be undertaken by adolescents during vocational training.

The Committee notes the Government's information that in the Italian legal system, any contradictions between rules are resolved by applying inter alia, the chronological criterion as stipulated in article 15 of the Preliminary Provisions of the Civil Code, which states that *lex posterior derogate legi priori*, which means that the most recent rule prevails. Therefore a specific act of repeal is not considered as necessary. The Government further states that the provisions of Act No. 296/2006 which extend compulsory schooling up to the age of 16 years, and generally prohibit any employment before that age, repeals the relevant provisions of Act No. 977/1967 and its subsequent amendments. The Committee observes that the provisions of section 6 of Act No. 977/1967, as amended, read in conjunction with section 1, paragraph 622 of Act No. 296/2006 ensures that no person under 16 years of age shall perform hazardous work during vocational training.

The Committee further notes the Government's indication that Parliament is currently in the process of examining a draft law on labour relations (*collegato lavoro*) under Senate Document 1167-b. According to section 48 of this draft law, compulsory schooling under the aforementioned regulations can also be fulfilled through apprenticeship courses. The Committee notes the comments made by the CGIL that the provisions of this draft law are in contradiction with Act No. 296/2006 on compulsory education. The CGIL is of the view that apprenticeship or training is purely aimed at acquiring a specific job and as such has an employment nature. Moreover, this option appears to be more attractive for children from disadvantaged communities and hence hampers the education of such children. The Committee notes, however, the Government's information that this draft law would allow youngsters from the age of 15 years of age to fulfil the obligation of schooling by doing apprenticeship courses. The Committee recalls that *Article 6* of the Convention authorizes work to be carried out by persons aged at least 14 years in enterprises, within the context of an apprenticeship programme. ***The Committee requests the Government to supply a copy of the draft law on labour relations under Senate Document 1167-b, once it has been adopted.***

Labour inspection and practical Parts III and V of the report form. application of the Convention. The Committee notes that child labour inspection was included among the strategic objectives for 2009 (Strategic Programming Document for Inspection) by the General Directorate for Inspection of the Ministry of Employment. The Government states that the territorial offices,

particularly in those regions in which child labour is most common, have continued inspecting and monitoring the employment of child workers, also by collaborating with the local authority social services, schools and police forces. It also notes the Government's indication that the General Directorate for Inspection signed a Memorandum of Understanding on 12 October 2009 with the president of the NGO SOS-Telefono Azzurro for the purpose of preparing a special reporting instrument for child exploitation cases with the twofold objective of protecting children adequately and ensuring the prompt intervention by the territorial offices of the Ministry of Employment. The Committee further notes the Government's indication that in 2009, the General Directorate for Inspection which coordinates inspection work in Italy, reported that in 2009, 3,128 children were found working, out of whom 1,445 were in breach of labour regulations related to minimum age, prohibited work, working hours and rest periods. ***The Committee requests the Government to continue providing information on the application of the Convention in practice, including 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 violations detected involving children.***