

Direct Request (CEACR) - adopted 2008, published 98th ILC session (2009)

Migration for Employment Convention (Revised), 1949 (No. 97) - Italy (Ratification: 1952)

Article 1 of the Convention. Information on national policy and laws. The Committee notes the Government's indication that entry flows of non-Community workers in the country are regulated in accordance with quotas fixed annually by decree, where preference is accorded to workers coming from States with which Italy has concluded special agreements. It also notes the legislation amending the Unified Text of Legislative Decree No. 286 of 25 July 1998 on immigration and the legal status of foreigners and transposing relevant EC Directives. In particular, the Committee notes that Legislative Decree No. 30 of 6 February 2007, transposing Directive 2004/38/CE on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, repeals the previous EC residence card and allows Community workers to reside in the country for more than three months on condition that they register with the registry of births, marriages and deaths. Pursuant to Law-Decree No. 3 of 8 January 2007, non-Community workers having resided for at least five years in an EU country can obtain an open-ended "CE residence permit for long-term residents" provided that they fulfil certain requirements concerning income and accommodation. Furthermore, additional amendments to the Unified Text are currently under examination and are intended to revise the mechanism for determining entry flows, by allowing, among other things, domestic workers to enter the country even outside the fixed quotas, and to set up a placement system abroad where foreigners willing to go to Italy for work, including seasonal workers, can register themselves. ***The Committee asks the Government to continue to provide information on legislation relevant to the application of the Convention.***

Article 1(c). Information on general agreements and special arrangements. The Committee notes from the Government's report that special agreements were signed with the Republic of Moldova in 2003 and with Morocco and Egypt in 2005. It also notes from the report submitted by the Government under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), that on 8 July 2007 the Governments of Italy and Morocco signed an Executive Protocol to the 2005 Bilateral Agreement on Employment stipulating, among other things, that training courses and Italian language teaching shall be organized in Morocco for candidates to the Italian labour market. ***The Committee requests the Government to provide copies of these agreements and information on their implementation. Please continue to provide information on any other agreements adopted in future.***

Articles 2, 3 and 7. Migration information and assistance services. The Committee notes from the Government's report that all instruments regulating the entry, residence and expulsion from the country are translated, including in a summarized form, at least into French, English and Spanish. It also notes that a specialized office for immigration has been established at each prefecture with the task of processing and assisting applications for family reunification and

recruitment. The Committee understands that it is the employer who submits the application for the recruitment of foreign workers to the specialized office for immigration. ***Referring to paragraphs 5(2) of the Migration for Employment Recommendation (Revised), 1949 (No. 86), the Committee thus requests the Government to indicate how it is ensured that migrant workers receive adequate assistance on matters relating to migration. The Committee also requests the Government to provide information on the measures taken or envisaged to combat misleading propaganda relating to emigration and immigration.***

Equality of treatment. Article 6. The Committee notes with interest Legislative Decree No. 215 of 2003 concerning equal treatment regardless of race and ethnicity and the creation of the Office for the Promotion of Equality of Treatment and the Elimination of Discrimination based on Race and Ethnic Origin (UNAR) and the Department of Rights and Equal Opportunities. ***Given that migrant workers may not always be in a position to take the initiative to secure respect for the relevant legislation due to lack of awareness or fear of reprisals, the Committee requests the Government to provide information on any practical measures taken by UNAR and the Department of Rights and Equal Opportunities, to ensure the effective application of equality of treatment in employment and occupation of migrant workers. Please also provide information on any violations detected by the bodies entrusted with monitoring the respect for the principles of the Convention, and on any decisions of the courts of other bodies.***

Annexes I and II. Private recruitment and placement agencies. Please supply information on the application of Annexes I and II of the Convention as regards the recruitment by private agencies, notably the measures taken to protect migrant workers from potential abuses.