

Italy (ratification: 1924)

Articles 1 and 2 of the Convention. Scope of application. The Committee notes the Government's reference to Decree No. 234 of 19 November 2007, which transposes Directive 2002/15/EC of 11 March 2002 on the organization of the working time of persons performing mobile transport activities. ***While noting the provisions of Regulation (EC) No. 561/2006 on the harmonization of certain social legislation relating to road transport, the Committee requests the Government to indicate any other measures taken or contemplated to guarantee mobile workers a weekly rest period of 24 consecutive hours for each period of seven days.***

Article 4. Total or partial exceptions to weekly rest. The Committee notes the Government's explanations to the effect that the exceptions to weekly rest provided for by section 9(2) of Decree No. 66 of 8 April 2003 are the subject of discussions with the trade unions, during which humanitarian and economic considerations are taken into account in order to reconcile the relevance of the protection of workers' health with the need of the enterprise to maintain a high level of productivity. It also notes that collective agreements, in line with the case law of the Constitutional Court and the Court of Cassation, fix the scope of application and the limits relating to exceptions to weekly rest.

Article 5. Compensatory rest. Further to its previous comments, the Committee notes that, according to section 17(4) of Decree No. 66 of 8 April 2003, "appropriate protection" must be granted to workers to whom compensatory rest cannot be granted for objective reasons. The Government indicates in its report that this "appropriate protection" must be such as to prevent the worker from injuring himself or herself or another worker or a third party and prevent harm to the worker's health in the short or long term owing to fatigue or any other factors disrupting the organization of work. It appears to the Committee that only the granting of compensatory rest is able to provide the necessary minimum rest and leisure and protect the health and well-being of workers, and consequently prevent accidents. ***The Committee requests the Government to indicate the objective reasons capable of justifying the fact that a worker whose weekly rest has been suspended or diminished does not receive a period of compensatory rest. It also requests the Government to consider reviewing section 17(4) of Decree No. 66 of 8 April 2003 in order to guarantee, as far as possible, compensatory rest to all workers, in accordance with the provisions of Article 5 of the Convention.***

Article 7. Rosters and notices. The Government indicates in its report that, according to Legislative Decree No. 152 of 26 May 1997 and Legislative Decree No. 181 of 21 April 2000, the employer must provide the worker, at the time of recruitment, with a document containing all essential information regarding working conditions, in particular hours of work and rest periods. ***Emphasizing that the obligation imposed on the employer to post notices indicating the days and hours of weekly rest and keep a roster in accordance with Article 7 of the Convention facilitates enforcement of the provisions relating to weekly rest by***

the inspection services and thus constitutes a key element in the protection of the worker's right to rest, the Committee requests the Government to take all the necessary steps to bring its legislation into conformity with the Convention on this point.

Part V of the report form. Practical application. The Committee notes the statistics supplied by the Government indicating that 5,665 infringements of the rules relating to working time were reported by the labour inspection services in 2007. *It would be grateful if the Government would continue providing general information on the practical application of the Convention, particularly statistics and the number of workers covered by the legislation giving effect to the Convention, extracts from reports of the inspection services indicating the number of reported infringements of the rules relating to weekly rest and penalties imposed in this regard, copies of relevant collective agreements, etc.*