

Italy (ratification: 1963)

The Committee notes the information provided by the Government, including the indications concerning apprentices who are minors who benefit from a weekly rest period of 24 hours under the terms of section 22 of Act 977 of 17 October 1967.

Article 2 of the Convention. Scope of application. Further to its previous comment, the Committee notes the Government's indication that the Ministerial Decree referred to in section 2(2) of Legislative Decree No. 66 of 8 April 2003 identifies the "particular requirements inherent to the service performed" in relation to staff working in libraries, museums and archaeological sites, in respect of whom Decree No. 66 cannot be applied. The Government adds that, in the case of the normal operation of these services, weekly rest periods granted to them are regulated by national collective agreements, while the compensatory measures are set out in the collective agreements of the specific administrative services and, in particular cases, in the collective agreement of the Ministry of Cultural Assets and Activities. ***The Committee requests the Government to provide copies of the above collective agreements and of the ministerial decree applicable to staff working in libraries, museums and archaeological sites.***

Article 8, paragraph 1. Temporary exemptions from the weekly rest day. The Committee notes that section 9(2)(a) of Decree No. 66 of 8 April 2003 permits exemptions from the weekly rest period in the case of shift work for workers who are changing shifts and to whom the weekly rest period cannot be granted between the end of the shift period and the beginning of the following shift. The Committee wishes to recall that *Article 8(1)* of the Convention only authorizes temporary exemptions to the weekly rest period in the circumstances enumerated exhaustively, i.e. (i) in case of accident, actual or threatened, force majeure or urgent work to premises and equipment, but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment; (ii) in the event of abnormal pressure of work due to special circumstances, in so far as the employer cannot ordinarily be expected to resort to other measures; and (iii) in order to prevent the loss of perishable goods – but that these do not include the situation envisaged in section 9(2)(a). ***It requests the Government to take the necessary measures to bring section 9(2) of Decree No. 66 of 8 April 2003 into conformity with the Convention on this point.***

Article 7, paragraph 2, and Article 8, paragraph 3. Compensatory rest. Further to its previous comment, the Committee notes section 17(4) of Decree No. 66, which provides that "appropriate protection" shall be granted to a worker to whom the provision of a compensatory rest period is not possible for objective reasons. In its report, the Government indicates that this "appropriate protection" must be such as to ensure that the worker does not cause harm to her or himself, other workers or third parties, or damage their health in the short or long term as a result of tiredness, fatigue or other factors which disrupt the organization of work. The Committee stresses that the granting of a compensatory rest period is most

appropriate to offer the minimum period of rest and relaxation that is necessary and to protect the health and well-being of the worker, thereby preventing accidents. ***The Committee requests the Government to indicate the objective reasons that may justify the failure to grant a period of compensatory rest to a worker whose weekly rest period has been suspended or reduced. It also requests the Government to envisage the amendment of section 17(4) of Decree No. 66 of 8 April 2003 so as to guarantee, in all cases, the granting of a compensatory rest period, in accordance with Articles 7(2) and 8(3) of the Convention.***

Article 11. List of exemptions. The Committee notes that the Act of 6 August 2008 repealed Act No. 370 of 1934 which contained in section 5 a list of the industries not covered by the weekly rest scheme. ***The Committee therefore requests the Government to provide, in accordance with Article 11 of the Convention, an updated list of all the permanent and temporary exemptions from the weekly rest scheme that are currently authorized.***

Part V of the report form. Application in practice. ***The Committee requests the Government to provide general information on the application of the Convention in practice, including statistics on the number of workers covered by the legislation giving effect to the Convention, extracts from the reports of the inspection services indicating the number of contraventions reported of the regulations respecting the weekly rest period and the penalties imposed, copies of relevant collective agreements, etc.***