

Observation (CEACR) - adopted 2011.

Labour Inspection (Agriculture) Convention, 1969 (No. 129) - Italy *(Ratification: 1981)*

With reference to its observation concerning the *Labour Inspection Convention, 1947 (No. 81)*, the Committee wishes to raise the following points.

Article 6(1)(a) and (2) of the Convention. Detrimental impact of the monitoring and sanctioning of illegal and clandestine work on the discharge of the primary duty of monitoring conditions of work. The Committee notes the Government's indication that inspection in the agricultural sector normally forms part of the ordinary inspection activities of the Provincial Labour Directorate or of special interventions by the Directorate-General of Inspection, particularly in the south, where most of the seasonal work requiring intensive labour for cultivation and harvesting work is concentrated. Such interventions are designed to put a stop to the use of illegal intermediaries, known as *caporali*, for the hiring of workers and the use of workers in an illegal or unauthorized situation and, at the same time, to protect workers and prevent them from being exploited. In this context, one of the objectives of inspection is to verify the payment of social security and insurance contributions and also to combat the widespread phenomenon of fictitious employment relationships in agriculture.

The Committee emphasizes once again that, even though there is no question that measures are necessary to put a stop to the phenomenon of unauthorized migration, the role given to labour inspectors at the workplace in this field runs the risk of seriously jeopardizing the achievement of the main goal of the Convention, namely the protection of workers with regard to conditions of work which are in breach of the applicable legal provisions. ***The Committee requests the Government to take the necessary measures in order to re-establish labour inspectors in their duties defined by the Convention and limit their cooperation with the immigration authorities to an extent that is compatible with the purpose of the Convention. It urges the Government in this regard to ensure respect for the rights and working methods attached to the function of the labour inspection, which are radically different to those of other officials entrusted with the task of combating illegal employment and immigration.***

The Committee would also be grateful if the Government would indicate the manner in which the labour inspectorate ensures the discharge of employers' obligations (payment of wages and other benefits owed for work done) with regard to foreign workers in an irregular situation from the point of view of residence status in cases where such persons are liable to expulsion from the country by the authority responsible for controlling illegal immigration. The Committee would be grateful if the Government would keep the Office informed of all progress towards this end and all difficulties encountered, if any.

Articles 26 and 27. Publication and communication to the ILO of an annual inspection report. *The Committee requests the Government to refer to its comments on Articles 20 and 21 of Convention No. 81.*