

Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)

Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77) - Italy (Ratification: 1952)

Article 6 of the Convention. Vocational guidance and physical and vocational rehabilitation of children found unsuited for certain types of work. The Committee had previously requested the Government to indicate the practical measures which may be taken by the competent authority for the vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations, in accordance with *Article 6(1)*.

The Committee notes the Government's reference to section 13 of the Act No. 977 of 1967 on Protection of Work of Children and Adolescents which states that the Ministry of Employment and Social Policy may promote and authorize, in cooperation with the Ministry of Health, the establishment or functioning of centres for the physical and vocational rehabilitation of minors who have been found unfit for specific occupations during the initial or periodical medical examinations. The Committee notes, however, that section 13 of Act No. 977 of 1967 which appears to be in conformity with the Convention has been repealed by section 16 of Act No. 345 of 1999. ***The Committee therefore requests the Government to take the necessary measures to ensure that provisions concerning the vocational rehabilitation of minors found by medical examination to be unfit for specific occupations are adopted. It also requests the Government to indicate the practical measures which may be taken by the competent authority for the vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations, in accordance with Article 6(1). It also asks the Government to indicate the nature and scope of these measures, and the manner in which cooperation is secured between the various services referred to in Article 6(2) of the Convention.***

Article 7(1). Keeping of medical certificate of fitness by the employer. The Committee notes that according to section 41(5) of the Legislative

Decree No. 81 of 2008, the results of the medical examination of a worker shall be attached to his/her health and risk card. In addition, under section 41(6) of the Decree No. 81 of 2008, the competent medical doctor shall reflect his/her opinion regarding the fitness of the worker in writing and provide a copy thereof to the worker as well as to the employer. Furthermore, the Committee notes that the health and risk card as laid down under Annex 3A of the Decree No.81 of 2008 shall be delivered to the employer who will file it and make it available to labour inspectors.

Part V of the report form. Application of the Convention in practice. The Committee notes the Government's information that in 2005, the labour inspectorate detected 1,575 violations with regard to the medical examination of minors, while in 2010, 1,048 violations regarding the medical examination of minors were detected. In all cases, penalties of fines and imprisonment were imposed as per the Legislative Decree No. 81 of 2008.