

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

Labour Clauses (Public Contracts) Convention, 1949 (No. 94) - Italy
(Ratification: 1952)

Articles 2 to 5 of the Convention. Labour clauses in public contracts. Further to its previous comment, the Committee notes the Government's indications that the legal provisions which used to give effect to the terms of the Convention, such as sections 7 and 13 of Ministerial Decree No. 145/2000 of 19 April 2000, have been incorporated into Presidential Decree No. 207 of 5 October 2010 issuing regulations for the Code on Public Contracts (Legislative Decree No. 163 of 12 April 2006). However, it notes that the Code on Public Contracts does not make any provision to inform bidders in advance of the terms of labour clauses. The Committee recalls that, under *Article 2(4)* of the Convention, appropriate measures shall be taken, by advertising specifications or otherwise, to ensure that persons tendering for contracts are aware of the terms of the labour clauses. It requests the Government to refer to the Practical Guide on the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), and the Labour Clauses (Public Contracts) Recommendation, 1949 (No. 84), published by the ILO in September 2008 (p. 15), which emphasizes that the Convention "requires bidders to be informed in advance, by means of standard labour clauses included in tender documents, that, if selected, they would have to observe in the performance of the contract wages and other labour conditions not less favourable than the highest minimum standards established locally by law, arbitration or collective bargaining". The Committee further notes the Government's indications to the effect that employees are informed of their entitlement to the conditions of work established by the collective agreement applicable to the sector or area through a written indication in their employment contract. It recalls that, so that workers can know the content of labour clauses, *Article 4(a)(iii)* of the Convention states that the laws, regulations or other instruments giving effect to the provisions of the Convention must provide for the posting of notices in the workplace to inform the workers of their conditions of work in the context of a public contract. ***The Committee therefore requests the Government to indicate the measures taken to give effect to Articles 2(4) and 4(a)(iii) of the Convention.***

Part V of the report form. Application in practice. The Committee notes the statistics provided in the Government's report concerning the number of public contracts for a value above €150,000 concluded between January 2008 and December 2010 and also the number of exclusion orders issued during this period. ***It requests the Government to continue to send up-to-date information on the average number of public contracts concluded annually and the approximate number of workers engaged in the execution thereof, extracts from inspection reports showing cases where payments have been withheld, contracts have been cancelled or bidders have been excluded from subsequent tendering for breach of the labour clauses, and also any other particulars which would enable the Committee to undertake a clearer evaluation of the application of the Convention in practice.***