

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

Protection of Wages Convention, 1949 (No. 95) - Italy (Ratification: 1952)

Article 4 of the Convention. Partial payment of wages in kind. In its report the Government refers to article 36 of the Constitution, which, since it lays down the principle of remuneration proportionate to the quantity and quality of the work done and, in any case, sufficient to guarantee decent living conditions for workers and their families, establishes the de facto obligation for branch collective agreements to require payment of a fixed part of wages in monetary form. Also referring to the absence in practice of provisions in collective agreements providing for the payment of wages wholly in kind, the Government concludes that section 2099(3) of the Civil Code, which provides for the possibility of wages being paid wholly in kind, is implicitly repealed. The Government explains that the payment of wages wholly in kind would clearly be insufficient to ensure that the essential needs of workers and their families are met and would therefore contravene the principles of article 36 of the Constitution. The Government adds that examples of allowances in kind exist for certain categories of workers such as agricultural workers, wardens and domestic workers (including the provision of lodging, heating, electricity or food), but it emphasizes that these allowances remain a supplement to the standard payment of wages in monetary form. ***While noting the Government's explanations which seek to demonstrate that section 2099(3) of the Civil Code should be considered as implicitly repealed, the Committee trusts that the Government will take steps in due course to formally amend the provision in question, which, apart from belonging to a past era, as indicated by the Government in its report, is contrary to the letter of Article 4(2) of the Convention.***