

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

Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) - Italy (Ratification: 1971)

Article 2 of the Convention. Partial payment of wages in kind. In reply to the Committee's previous comments noting the incompatibility of section 2099 of the Civil Code with *Article 2* of the present Convention and *Article 4* of the Protection of Wages Convention, 1949 (No. 95), the Government indicates that article 36 of the Constitution, which 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, so that the payment of workers in kind supplements, but does not replace, the payment of wages in monetary form. ***While noting the Government's statement in its report on the application of the Protection of Wages Convention, 1949 (No. 95), to the effect that section 2099(3) of the Civil Code is implicitly repealed, the Committee considers that, for reasons of legal certainty, this provision of the Civil Code should be formally amended and requests the Government to keep the Office informed of any further developments in this matter.***

Article 5 and Part V of the report form. Application in practice.

The Committee notes the Government's indication that no statistics on the number of infringements of minimum wage rates are currently available. However, it notes that, according to the annual survey of employment in agriculture undertaken in 2009 by the National Institute of Agrarian Economics (INEA), infringements of labour legislation, especially the provisions on pay, are more frequent in cases where workers are of non-European Union origin. The Government indicates in its report that an "extraordinary inspection plan for agriculture and the construction industry" was approved by the Council of Ministers on 28 January 2010 in order to intensify and improve the effectiveness of inspection activities in these sectors in four regions of southern Italy, especially with regard to undeclared work. The Committee notes that the inspection services reported infringements in 44 per cent of the 7,816 agricultural undertakings inspected and identified 49 per cent of workers employed in them as being in an irregular situation. ***The Committee***

encourages the Government to take steps, for example, by revising the list of data recorded in the standard inspection report, to enable the inspection services to gather precise statistics on the number of infringements relating to the payment of minimum wages. It also requests the Government to continue to provide up-to-date information on the manner in which the Convention is applied in practice, including statistics on the number of workers paid the minimum wages established by collective agreement, extracts from the reports of the inspection services, and any other particulars relating to the application of the Convention in practice.