

Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)

Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) - Italy (Ratification: 1981)

The Committee notes the communication from the Italian Union of Labour (UIL), the Italian General Confederation of Labour (CGIL) and the Italian Confederation of Workers' Trade Unions (CISL) dated 2 October 2012 and the Government's reply thereto.

Articles 2 to 6 of the Convention. The Committee notes the adoption of Legislative Decree No. 109/2012 which complements national legislation in place and transposes European Directive 2009/52/EC of 18 June 2009 providing for standards on sanctions and measures against employers of illegally staying third-country nationals (the Sanctions Directive). The Decree increases the penalties according to the number of foreign nationals employed, the hiring of minors or the exploitative working conditions imposed. It also provides for an administrative penalty corresponding to the average cost of repatriation of the illegally employed worker. Regarding the measures to detect and suppress human trafficking, the Government refers to the already existing legislation and indicates that the main feature of the Italian legal system lies in the provisions of safeguards for victims of trafficking regardless of whether they cooperate or not with the police and the judicial authorities. The Committee further notes the introduction of section 603 bis to the Penal Code increasing the sanctions to those that organize illegal intermediation and labour exploitation through violence, threats or intimidation and establishes the criteria which determine the existence of exploitation. ***The Committee asks the Government to continue to provide information on measures to detect and suppress human trafficking and to prosecute those responsible for human trafficking from whatever the country from which they operate. Please provide information on the impact of these measures on irregular migration flows as well as on the prosecution and punishment of those responsible for organizing irregular migration.***

Articles 8 and 9. Expulsion. The Committee notes the information provided by the Government concerning the numbers of workers expelled disaggregated by nationality, specifying the procedure followed for the expulsion. ***Noting that the information provided does not refer specifically to the previous request of the Committee***

concerning sections 13(5) and (8) of Legislative Decree No. 286/1998, it once again requests the Government to indicate the number of workers who have contested an expulsion order which has been suspended, and who have subsequently been allowed to reside in the country for the duration of the case. Please also provide information on any refusal and the reasons for such refusal.

Article 9(4). Regularization. The Committee notes the Governments' information according to which, following the adoption of Law No. 102/2009 concerning the regularization of migrants in an irregular situation employed in family support and assistance work, out of 295,130 applications submitted, 237,495 were granted and 46,536 refused. A total of 2,865 had been withdrawn. The Committee notes in this respect that domestic workers represent 73 per cent of the applications for regularization. In this regard, the Committee notes with **interest** the ratification of the Domestic Workers Convention, 2011 (No. 189), on 22 January 2013. The Government refers to Legislative Decree No. 109/2012 which sets out specific procedures to encourage the regularization of immigrants unlawfully in the territory and makes provision for the widespread dissemination of information on the rights of migrant workers in an irregular situation. The Committee notes that article 5 (transitional provision known as "voluntary disclosure") of Legislative Decree No. 109/2012 provided the possibility for employers who had illegally employed for at least three months, third-country nationals staying in Italy from at least 31 December 2011, to declare the employment relationship to the one-stop-shop for immigration. **The Committee requests the Government to provide information disaggregated by sex and sector of activity, on the number of workers, who have benefited from the measures under section 5 of Legislative Decree No. 109/2012. Please also indicate if similar procedures of regularization have been adopted or are envisaged in the near future.**

Articles 10 and 12. Equality of opportunity and treatment. The Committee notes the various activities carried out by the National Office against Racial Discrimination (UNAR) to ensure the effective application of the provisions on equal treatment to migrant workers. According to the Government, UNAR's strategy has evolved in the past years in order to interact more actively with the local governments, non-governmental organizations and social partners focusing on specific actions for foreign women, Roma and Sinti communities, as well as awareness-raising campaigns. Moreover, renewed focus was given to: (i) the issue of discrimination at the workplace; and (ii) statistical research with a first national survey on discrimination based on ethnicity, sexual

orientation, gender and immigration being carried out and in the development of monitoring activities to evaluate the degree of effectiveness of the protection provided through legislation and practice. In this regard, UNAR's detection of cases of discrimination has increased considerably from 373 in 2009 to 1,050 in 2011. The further development of UNAR through an integrated network of local centres will allow a proper monitoring of cases as well as the creation of a database and prevention measures. The Committee notes that UNAR has the competence to investigate cases independently and that the Government provides detailed information on the cases of discrimination addressed by UNAR. The Committee notes however, that according to UIL, CGIL and CISL, UNAR has considerably reduced its personnel and migrant workers have little access to measures and policies of access to employment. In this respect the Committee notes that according to the Third Annual Report on Migrants in the Italian Labour Market from the Ministry of Labour and Social Policies only 50 per cent of unemployed migrant workers have declared having had contacts with the employment centre. ***The Committee requests the Government to take the necessary measures to ensure that the UNAR has full economic and human resources to be able to carry out its activities adequately. The Committee further requests the Government to continue to provide information on the measures adopted by UNAR with respect to prevention of discrimination against migrant workers, the promotion of equality of opportunity and treatment and awareness-raising campaigns and their concrete impact. Please provide information on the results of complaints submitted by migrant workers to UNAR. The Committee also asks the Government to provide information on the outcome of the national survey on discrimination by ethnicity, sexual orientation, gender and immigration. Finally, noting from the Annual Report on Migrants in the Italian Labour Market that the unemployment rate of migrant workers has increased exponentially during the last years due to the economic crisis, the Committee requests the Government to take the necessary measures to increase migrant workers' awareness of the job opportunities available through the employment centre.***

Integration agreements. The Committee notes the adoption of Decree No. 179 of 14 September 2011 regulating the integration agreements concluded between third country nationals entering the territory for the first time and the State, established by Legislative Decree No. 286/1998. Pursuant to these agreements, the State undertakes to support the integration of foreign nationals offering free language and civic training and information

sessions to foreigners who, in turn, undertake to respect all duties set out in the Charter of Values of Citizenship and Integration of 2007 and to obtain a certain amount of credits over a period of two years. The agreement can be obtained through One-Stop-Shops at the Prefecture of Police Headquarters which play a key role in the promotion of integration and in the information provided to foreign citizens on their rights and duties. With respect to the comments of the UIL, CGIL and CISL concerning the fee of €80 to €200 for the issue of the residence permit, the Government indicates that pursuant to Law No. 94/2009 these fees correspond to requests for more than three months, one year or long term permits and are payable only the first time and not for the renewal of the permit. The Government also refers to those cases in which migrant workers are exempted from the payment of this fee. ***The Committee requests the Government to indicate how it is ensured that the one-stop-shops have the necessary physical, human and financial resources to carry out their duties concerning the implementation of the integration agreements and to indicate any obstacles encountered. The Committee further requests the Government to provide statistical information on the number of integration agreements concluded, the number of cases of non-compliance of the agreements and the consequent cancellations of residence permits and the reasons put forward for such cancellations. Please also provide information on any administrative and judicial actions filed concerning the implementation of the integration agreements.***