

Direct Request (CEACR) - adopted 2019, published 109th ILC session (2020)

Italy

Labour Inspection Convention, 1947 (No. 81) (Ratification: 1952)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) (Ratification: 1981)

In order to provide a comprehensive view of the issues relating to the application of the ratified Conventions on labour inspection, the Committee considers it appropriate to examine Conventions Nos. 81 (labour inspection) and 129 (labour inspection in agriculture) together.

Articles 4 and 16 of the Convention No. 81 and Articles 7 and 21 of Convention No. 129. Coordination of inspection activities by a central authority and undertaking of inspections as often as is necessary to ensure the effective application of the relevant legal provisions. Reform of the labour inspection system. The Committee notes that the Government indicates in its report, in response to its previous request concerning the organization and functioning of the labour inspection system following its reform, that: (i) the National Labour Inspectorate (INL), was created on 1 January 2017, as established by the Legislative Decree No. 149 of 14 September 2015; (ii) the INL took over the National Institute for Social Security (INPS), the Italian Workers' Compensation Authority (INAIL) and the Ministry of Labour and Social Policy's inspection departments; and (iii) the purpose of creating a single entity for labour inspection was to simplify and streamline oversight for labour and social legislation, and to provide methods for coordinating with inspection departments from the Local Health Agencies (ASL) and the Regional Environmental Protection Agencies (ARPA).

The Committee further notes the organization chart of the INL as well as the adoption of the following texts: (i) the Presidential Decree No. 109 of 26 May 2016 which issued the regulations governing the Inspectorate's Statute; (ii) the Prime Ministerial Decree of 23 February 2016, on human and physical resources for the operation of the sole agency for labour inspections; (iii) the Prime Ministerial Decree of 25 March 2016, which regulates the financial, economic and asset management of the Inspectorate as well as its negotiating activity; and (iv) the INL circular No. 2 of 25 January 2017 which provided the first operational instructions for logistics, coordination and planning for inspection activity. In addition, the Committee takes note of the information provided by the Government, in response to its previous request, concerning the objectives set in terms of numbers and effectiveness of inspections, and the extent to which these objectives have been met in all regions of the country. It further notes the decrease in the number of inspections (from 145,697 in 2015 to 116,846 in 2018) but the increase in: (i) the percentage of violations detected (from 60.29 per cent in 2015 to 65.01 per cent in 2018), especially in relation to occupational safety and health (from 69 per cent in 2015 to 82 per cent in 2018); and (ii) the number of suspensive measures (from 7,118 in 2015 to 8,797 in 2018), and notes in this respect the indication in the 2018 Annual

Labour Inspection report that this increase is due to the effective selection of inspection targets. ***The Committee requests the Government to provide further information on the measures referred to by the Government to streamline and simplify inspection procedures, and to indicate any practical consequences for INL from coordination with the inspection departments from ASL and ARPA, such as whether INL inspectors assign any labour inspection responsibilities to those other agencies or assume inspection responsibilities delegated by law to those other agencies, and any impact on INL's use of its unannounced inspection authority under Article 12(1). Furthermore, the Committee asks the Government to continue to provide information on any further measures adopted to regulate the new organizational structure of the inspectorate. It requests the Government to provide information on the reason for the decrease in the number of inspections undertaken since the implementation of the reform, and to continue to provide information on the number of inspections undertaken, violations detected and penalties imposed.***

Article 6 of Convention No. 81 and Article 8(1) of Convention No. 129. Independence of labour inspectors. The Committee notes that the Government states, in response to its previous request concerning the Transparent and Uniform Inspection Work Project and the consequence for inspectors in the case of non compliance with the principle of uniformity of inspections, that: (i) notifications may be made concerning inspection assessments which clearly deviate from specific instructions and directions provided by the Ministry of Labour, with the exception of actions for which the law provides for a margin of discretion (such as the power to suspend operations); (ii) if the notification is received, administrative measures may be adopted to eliminate any inappropriate penalties (including self-assessment); (iii) in the case of ethical infringements the INL central bodies, following an investigation, may apply the disciplinary measures provided for by law to the staff involved; (iv) the Transparency Project does not replace nor overrule appeal or review procedures; and (v) to date, this monitoring has not led to notifications of particular significance with specific disciplinary consequences. ***The Committee requests the Government to specify the disciplinary measures that can be applied to labour inspectors in case of deviation from instructions, and to provide information on the record of disciplinary procedures related to the consistency of inspections, since 2014.***

Article 10 of Convention No. 81 and Article 14 of Convention No. 129. Number of labour inspectors for the effective discharge of the duties of the inspectorate. The Committee notes the information available in the latest annual reports that the number of members of labour and technical inspectors decreased between 2015 and 2018 (from 2,605 to 2,496 and from 292 to 230, respectively) and that the number of Carabinieri officers increased in the same period (from 324 to 391). ***The Committee requests the Government to provide information on the reason for the decrease in the number of labour inspectors, as well as information on measures taken or envisaged to ensure that a sufficient number of labour inspectors is appointed, in accordance with Article 10 of Convention No. 81 and Article 14 of Convention No. 129.***

Article 11 of Convention No. 81 and Article 15 of Convention No. 129. Material resources of the labour inspectorate.

The Committee notes that the Government indicates, in response to its previous request concerning resources for the inspectorate, the adoption of Law No. 208 of 28 December 2015 on “Provisions for annual and multi-year state budgets” and Law No. 209 of 28 December 2015 on “the State budget for the 2016 financial year and multi-year budget for 2016–2018.” The Committee also notes the Government’s statement in its report that in view of the cuts that followed the spending review, the National Legislature allocated part of the amounts of the penalties collected as a result of labour inspections to labour inspection activity.

The Committee considers that, in conformity with *Article 11*, it is essential for member States to allocate the necessary material resources so that labour inspectors can carry out their duties effectively, and not to adjust that allocation based on anticipated receipt of funds resulting from labour inspection penalties. ***The Committee requests that the Government provide information on the budgetary situation of the INL (in particular with regard to its labour inspection activities), and the proportion of its budget raised from the allocation of funds resulting from penalties imposed by labour inspectors.***

Articles 20 and 21 of Convention No. 81 and Articles 26 and 27 of Convention No. 129. Content of annual labour inspection reports.

The Committee notes that the Government indicates that statistics of industrial accidents and cases of occupational disease are drawn up and published separately by the INAIL in its annual report, a copy of which has been attached to the Government’s report. ***The Committee encourages the Government to take the necessary measures to ensure that an annual report is published containing all the information envisaged on all the matters enumerated in Article 21 of Convention No. 81 and Article 27 of Convention No. 129, including information on industrial accidents and cases of occupational disease, and that it is transmitted to the Office.***