

Direct Request (CEACR) - adopted 2022, published 111st ILC session (2023)

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.

Article 3(1) and (2) of Convention No. 81 and Article 6 (1) and (3) of Convention No. 129. Additional functions entrusted to labour inspectors related to conciliation. The Committee notes that according to section 11 of Legislative Decree No.124/2004, labour inspectors may initiate conciliation to labour disputes. The Committee also notes that, according to the 2021 Labour Inspection report, in view of the persistent shortage of administrative staff assigned to support activities and other fundamental services provided by the National Labour Inspectorate (hereinafter INL), such as conciliation, certifications, management of disputes and relations with the public, about 25 per cent of the inspection units are employed in these various tasks. **The Committee requests the Government to indicate the measures adopted to ensure that the functions assigned to labour inspectors do not interfere with the main objective of labour inspectors to ensure the protection of workers in accordance with labour inspectors' primary duties as set forth in Article 3(1) of Convention No. 81 and Article 6(1) of Convention No. 129.**

Articles 4, 5 and 16 of Convention No. 81 and Articles 7, 12 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. Co-operation with other Government services. The

Committee previously noted the establishment of the INL as the single entity of labour inspection, which took over the inspection departments of the National Institute for Social Security (INPS), the Italian Workers' Compensation Authority (INAIL) and the Ministry of Labour and Social Policy. The reform also provided methods for coordinating with inspection

departments from the Local Health Agencies (ASL) and the Regional Environmental Protection Agencies (ARPA). The Committee also had previously noted a decrease in the number of inspection activities and an increase in the percentage of violation detected and number of suspensive measures.

The Committee notes the Government's indication in its report concerning the adoption of Directorial Decree No. 22 of 6 April 2020 on the reorganization of the INL. The Decree establishes four general executive Directorates at the central level, including on labour protection, safety and oversight; human, financial and logistical resources; planning, organization, control and ICT; and legal coordination. There is also a non-executive Communication Office, working directly under the Director. At the regional level, there are four inter-regional labour inspectorates (IIL) and 74 regional labour inspectorates (ITL). The Committee for Steering and Assessment of Active Policies and National Coordination of Oversight for Health and Safety at Work and the Regional Coordination Committees, as provided for by sections 5 and 7 of Legislative Decree No. 81/2008, represent various institutional entities with health and safety responsibilities, and are tasked with optimizing inter-institution and collaboration and the coordination of inspections. The Committee takes note of this information which addresses its previous request concerning *Article 4* of Convention No. 81 and *Article 7* of Convention No. 129.

The Committee also notes the adoption of Law Decree No. 146/2021, which amends Legislative Decree No. 81/2008. The Committee notes that the new section 13 of Legislative Decree No. 81/2008 provides that inspections on OSH shall be carried out by the local health authorities and by the INL. The Committee notes that before the adoption of this Decree, the INL would only perform OSH inspections in the construction sector. The 2021 Decree also extends the power of the INL to issue suspension orders in case of serious violations of health and safety measures.

Concerning the reasons for the decrease in the number of inspections since the establishment of the INL, the Government indicates that the analysis and comparison of the main parameters relating to staffing and inspections, to assess progress by the Inspectorate in the three-year period 2017-2019, reveal that the downward trend in volumes of inspection activity is proportionally less steep than the steady reduction in the human resources available – caused by retirements without corresponding recruitment – and is balanced by an increase in the effectiveness of inspections. Regarding the number of labour inspectors, the Committee refers to its point below under *Article 10* of Convention No. 81 and *Article 14* of Convention No. 129. The Committee also notes the detailed information provided by the Government with regards to inspections undertaken, violations detected, and penalties

imposed. ***The Committee requests the Government to provide information on the impact of the recent organizational reform on the activities carried out by the INL, in particular with regard to the coordination of OSH inspections between the INL and local health authorities. It also requests the Government 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 previously requested 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.

In response, the Government indicates that monitoring is carried out every six months within the framework of the Transparent and Consistent Inspection Project, in order to verify and ensure the consistent and correct performance of inspection activities, in line with the circulars and operational instructions issued by the INL and the Code of Practice for labour inspectors. In 2020, four cases of violation were identified through the project, involving only disciplinary measures. In total, 12 cases were detected from 2017 to 2020 (two in 2017, two in 2018, four in 2019 and four in 2020), including three cases that involved criminal charges and one that was subject to a ten-day duty and salary suspension. For the other cases, disciplinary measures imposed ranged from spoken or written reprimands to duty suspensions. The Committee also notes the adoption by the INL of the Plan for transparency and prevention of corruption 2020-2022. ***The Committee requests the Government to continue to provide information on the deviation from instructions of labour inspectors identified through the Transparent and Consistent Inspection Project or by other means, including the number of cases handled, the nature of the violation identified—specifying the type of disciplinary infringement or the particular criminal aspects--and the sanctions imposed.***

Articles 7 and 10 of Convention No. 81 and Articles 9 and 14 of Convention No. 129. Number of labour inspectors for the effective discharge of the duties of the inspectorate. Training. Following its previous comments, the Committee notes that as of 31 December 2021, the INL was composed of 3,848 staff: 2,294 inspectors of the INL, 942 INPS inspectors, 223 INAIL inspectors, and 389 Carabinieri officers. The Committee further notes that according to the 2021 Labour Inspection Report, due to the expansion of the OSH functions of the INL established in the Law Decree No. 146/2021, the Government is planning to hire 2,580

personnel, representing a 65 per cent increase in personnel. The Committee notes that as of July 2022, the recruitment process was ongoing for 1,174 technical inspectors, 50 statisticians, and 25 IT officers. In the 2021 Labour Inspection Report, the Government indicates that the additional personnel would be deployed to reinforce the field presence of the INL. The Committee further notes that there is an ongoing recruitment for additional 90 officers of the Carabinieri with labour inspection functions. The 2021 Labour inspection report, also indicates that at the end of 2021 the INL started a comprehensive programme of training to cover the expanded OSH functions of the inspectorate. ***The Committee requests the Government to provide information on the progresses made in the recruitment of new inspectors. The Committee also requests the Government to provide an overview of the allocation of the inspectors to the different functions performed by the INL (such as OSH, labour conditions and social security inspections, conciliation, mediation in labour disputes etc.). Lastly, it requests the Government to provide more information on the programme of training for new and incumbent inspectors, including the dates of training sessions, subjects covered, and numbers and types of personnel attending.***

Article 11 of Convention No. 81 and Article 15 of Convention No. 129. Material resources of the labour inspectorate. The Committee previously noted 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. It requested the Government to 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.

The Committee notes the Government's indication that the average annual cost of remuneration for a member of inspection staff is about €40,000, while other operational expenses (IT equipment and similar) for 2020 were estimated at around €1,000 annually. Considering the 2,399 inspection staff in post on 31 December 2020, the cost of inspection personnel was estimated at around €99.5 million. The Inspectorate budget has also allocated €8 million to pay for missions of the INL personnel. Moreover, the fund derived from fines issued by inspection staff and allocated to financing bonuses for inspectors was €10 million in 2017 and €13 million in 2018 and 2019 (limit of €10 million set by Decree Law No. 145/2013 adopted as Law No. 9/2014 and amended to €13 million by Law No. 145/2018). The Committee notes that according to section 79(2) of Law No. 448/1998 and subsequent amendments, on public finance measures for stabilization and development, a share equal to 10 per cent of the amount deriving from the collection of administrative and penal sanctions

imposed by the provincial directorates of the labour inspection service is dedicated, in a portion of 50 percent, to the training and refresher courses for the staff of that service, and to purchase personal protective equipment, essential equipment, tools and appliances for carrying out the inspection activity and related procedures. The remaining 50 per cent of the aforementioned share is destined to create incentives for inspections of the working conditions in undertakings. ***The Committee requests the Government to continue to provide detailed information on the proportion of the INL budget raised from the allocation of funds resulting from penalties imposed by labour inspectors and on the utilization of such budgetary resources. It also requests the Government to provide information on the budget allocated to the INL, including for offices, equipment and transport facilities, in view of the recruitment of a substantial number of new inspectors and the expansion of the INL OSH functions.***

Article 13 of Convention No. 81 and Article 18 of Convention No. 129. Measures with immediate executory force. The Committee notes that section 14 of Legislative Decree No. 81/2008 as amended by Law Decree No. 146/2021 provides that labour inspectors may adopt suspension measures in case of serious violations of health and safety provisions as listed in Annex I of the same Legislative Decree or in cases where, at the time of the inspection, at least ten per cent of the workers have not had their contract communicated to the competent Centre for the Employment or are classified as occasional self-employed workers in the absence of the conditions established by law. ***Noting this legislative reform, the Committee requests the Government to indicate whether labour inspectors can issue suspension orders in the event of other occurrences of imminent danger to the health and safety of workers, other than those listed in section 14 and Annex I of Legislative Decree No. 81/2008.***

Articles 20 and 21 of Convention No. 81 and Articles 26 and 27 of Convention No. 129. Content of annual labour inspection reports. Following its previous comments, the Committee notes the Government's indication 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 also notes that the yearly Labour Inspection reports of the INL are published on the website of the Ministry of Labour and Social Policies. The Committee notes that the statistics on workplaces liable to inspection and the number of workers employed therein do not appear to be included in the report. ***The Committee requests the Government to continue its efforts to ensure that the annual***

reports are communicated to the ILO and that they contain all the information required by Article 21, including information on the statistics of workplaces liable to inspection and the number of workers employed therein (Article 21(c)).