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NORMLEX

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1. MLC, 2006

1. NATLEX **new look**

National Legislation on Labour and Social Rights

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Direct Request (CEACR) - adopted 2016, published 106th ILC session (2017)

Safety and Health in Construction Convention, 1988 (No. 167) - Italy (Ratification: 2003)

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Other comments on C167

Direct Request

1. [2016](#)
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The Committee notes the observations made by the Italian General Confederation of Labour (CGIL), communicated by the Government together with its reply, and received on 20 November 2015.

Article 3 of the Convention. Consultations with the social partners. The Committee notes the information provided by the Government in its report, in reply to its previous request, concerning the effect given to this *Article*. In this regard, the Committee notes that the tripartite Standing Advisory Commission on Occupational Safety and Health meets regularly to debate key issues in the area of health and safety and to discuss specific topics that occasionally acquire special importance, such as the training and updating the knowledge of external consultants and employees specialized in prevention and protection services.

Article 15(2). Lifting appliances. The Committee also notes the information provided by the Government in reply to its previous request regarding the exceptional cases in which workers can be lifted using equipment not specifically designed for this purpose and the safety measures that must be taken in such cases.

Article 35(b). Appropriate inspection. The Committee notes that in its observations the CGIL indicates that the number of enterprises inspected decreased by 27 per cent between 2009 and 2014, and that less than 7 per cent of active enterprises are inspected in a year. The Committee notes that in its reply the Government indicates that the number of inspections conducted between 2012 and 2014 remained stable. It also notes that, according to the detailed information provided in the Government's report, the number of construction firms inspected, disaggregated by region, fell from 82,727 in 2011 to 78,456 in 2013, and the number of construction sites from 54,683 in 2011 to 51,636 in 2013. The Committee also notes the indication by the CGIL that the "patente a punti" points system for licences should be instituted and be considered in the system for approved enterprises, and that enterprises in compliance with safety legislation should be rewarded. In its reply, the Government indicates that the "patente a punti" system for the verification of the compliance of enterprises and self-employed workers with safety measures in the workplace has not

yet been implemented. ***The Committee requests the Government to provide information on the measures taken or envisaged to ensure the appropriate inspection of workplaces in the construction sector. It also requests the Government to provide information on the implementation of the “patente a punti” verification system.***

Application in practice. The Committee notes the information provided by the Government on the percentage of construction sites which were found to be in contravention, disaggregated by region, and in particular the region of Campania, where 67 per cent of sites were found to be in contravention in 2013. Furthermore, the Committee notes the statistical information provided by the National Employment Accident Insurance Institute (INAIL) on accidents in construction between 2009 and 2013, disaggregated by geographical location and by type of consequence. It notes in particular that the number of accidents fell from 71,754 in 2009 to 38,266 in 2013, that the number of fatalities fell from 223 to 113 in the same period, and that the number of recognized occupational diseases increased from 2,356 cases in 2010 to 2,915 in 2013. In this regard, the Committee notes the allegation of the CGIL that a critical analysis of the data provided by the INAIL and the special construction funds demonstrates that the data on the occurrence of accidents in the construction sector, including fatal accidents, only partially reflects reality and does not mirror the profound ongoing crisis, and that the criteria for enabling a comparative analysis of data should therefore be the amount of hours worked, rather than the number of workers. The Committee also notes the indication by the CGIL in its observations, that the common practice of disguised self-employed construction workers through VAT identification must be resolved. In its reply, the Government indicates that this practice is countered by section 1(26) of Act No. 92/2012 on the reform of Italian employment law, which establishes the presumption of a subordinate employment relationship if the contract between the client and the self-employed worker has two of the three listed characteristics. ***The Committee requests the Government to continue providing information on the application of the Convention in practice, including information on the number of workers covered by the legislation, the number and nature of the contraventions reported and the resulting action taken, and the number, nature and causes of occupational accidents and diseases reported. It also requests the Government to provide its comments on the observations made by the CGIL regarding the analysis of data on accidents in the construction sector.***