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Observation (CEACR) - adopted 2023, published 112nd ILC session (2024)

Italy

[Labour Inspection Convention, 1947 \(No. 81\)](#) (Ratification: 1952)

[Labour Inspection \(Agriculture\) Convention, 1969 \(No. 129\)](#) (Ratification: 1981)

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Observation

- 1. **2023**
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Direct Request

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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.

Follow-up to the conclusions of the Committee on the Application of Standards (International Labour Conference, 111th Session, June 2023)

The Committee notes the 2023 [conclusions](#) of the Conference Committee on the Application of Standards (CAS) on the application of Conventions Nos. 81 and 129 by Italy, in particular those related to: (i) improving the collection of disaggregated labour inspection data, including by establishing an integrated database in coordination with the different agencies and bodies performing labour inspection duties; (ii) extending the collection of statistical data regarding cases of failure to comply with contractual obligations to workers in an irregular situation, to ensure recovery of the credits for these workers, notably unpaid wages and social security contributions; (iii) providing the Labour Inspectorate with the necessary resources for effective labour inspection. The CAS also requested the Government to provide information on: (i) the number of migrant workers in an irregular situation detected by labour inspectors; (ii) the role of labour inspectors in informing migrant workers about their labour rights and in enforcing those rights; and (iii) the number of “special case” residence permits granted and a result of cooperation by those individuals with inspection services.

The CAS invited the Government to avail itself of ILO technical assistance to effectively implement all of the Committee’s recommendations.

The Committee notes with **interest** the information provided by the Government in its report concerning the establishment of a tripartite technical roundtable mandated to analyse the issues raised by the CAS and identify the most appropriate solutions. The Government indicates that the first meeting took place on 19 July 2023, involving representatives of the National Labour Inspectorate (INL), the National Social Security Institute (INPS), the Ministry of the Interior and the Ministry of Foreign Affairs and International Cooperation (MAECI), as well as the Ministry of Labour and Social Policies, the Director of the ILO Office for Italy and San Marino, and the most representative organizations of workers and employers. ***The Committee requests the Government to continue to provide information on***

the content and outcomes of the meetings of the tripartite technical roundtable and on the involvement of social partners in the process.

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 in relation to immigration. Data on migrant workers in an irregular situation and actions undertaken by labour inspectors.

Following its previous comment with regard to the number of irregular migrant workers detected by labour inspectors, the Committee notes the Government's indication that during 2022, 1,206 non-EU workers without residence permit were identified by labour inspectors, representing an increase of 63 percent in comparison to the previous year, with the agricultural sector being the most affected. With regard to the role of labour inspectors in informing migrant workers of their rights and ensuring that those rights are respected, the Government indicates that several measures have already been adopted such as: (i) the translation into several languages (corresponding to the foreign communities most present in the Italian labour market) of the information form adopted by the decree of the Ministry of Interior, the Ministry of Labor and the Ministry of Economy and Finance, in application of the EU Directive 2009/52/EC introducing minimum standards on sanctions and measures against employers who employ third country nationals; (ii) the creation of multilingual brochures with the aim of assisting foreign workers in understanding the national legislative framework and in identifying and reporting possible exploitative situations; (iii) the online publication of the complaint form (so-called Request for Action), translated into ten languages; and (iv) the cooperation of the INL with the creation of inter-institutional help-desks in six local labour inspectorates which provide a multilingual service aimed at third-country nationals, victims or potential victims of labour exploitation, with the support of intercultural mediators and experts in the legal, social, labour and administrative fields. In addition, the Committee notes the detailed information provided by the Government with regard to the implementation of the project "A.L.T. Caporalato D.U.E.", which continues to strengthen the role of the inspectorate in preventing abusive working conditions in targeted economic sectors, as well as the information concerning awareness-raising and prevention activities conducted by the labour inspectorate with regard to gang mastering and labour exploitation.

Data on recovery of wages and social security credits for migrant workers in an irregular situation.

Concerning the data on the recovery of wages and social security credits specific to foreign workers without a residence permit, the Committee welcomes the detailed information provided by the Government on the unpaid social security contributions identified by INPS inspectors in 2022 and referring to non-EU workers without a valid residence permit, disaggregated by country of origin and gender of the workers. The Committee also notes the Government's indication that the INL has started to redesign its procedures and implement an information system that will improve the collection of inspection data to allow the gathering of information on the amounts recovered and to be recovered in relation to the nationality and gender of the workers. The Government indicates that this process is ongoing and will require time to be completed. The Government also refers to the existing legal procedures for the recovery of wages and social contribution claims in case of employer's insolvency toward the worker, such as the procedure of

monocratic conciliation and the certified notice of findings, regulated by sections 11 and 12 of Legislative Decree No. 124/2004. The Government indicates that these legal remedies also apply to migrant workers in an irregular situation.

“Special cases” residence permits. The Committee also notes the detailed information provided by the Government with regard to the number of “special cases” residence permits granted as a result of cooperation by foreign workers without a valid residence permit with the inspection services, disaggregated by region and country of origin. The Committee notes that the residence permits issued for social protection reasons (section 18(1) of Legislative Decree No. 286/1998) were 384 for 2021, 315 for 2022 and 163 for the year 2023 (updated to 28 July 2023) and those for serious labour exploitation (section 22 (12-quarter) of the same Decree) were 124 for 2021, 174 for 2022 and 117 for 2023 (updated to 28 July 2023).

While taking note of the progress reported, the Committee requests the Government to continue to provide information on the number of irregular migrant workers detected by labour inspectors and on the actions undertaken by labour inspectors to ensure the enforcement of legal provisions relating to conditions of work and the protection of those workers, particularly with regard to the agricultural sector. The Committee also requests the Government to continue to provide information on the development of a system that will allow the collection of data on the recovery of wage and social security credits specific to foreign workers without a residence permit, and to provide information on those credits recovered through the existing legal procedure such as the monocratic conciliation and the certified notice of findings, if possible disaggregated by gender. It also requests the Government to provide information on the time and resources of the labour inspectorate that are allocated to the task of verifying the legality of the immigration status in practice as a proportion of inspectors’ overall time and resources.

The Committee is raising other matters in a request addressed directly to the Government.