

Convention No. 138: Minimum Age, 1973

Direct request 2004/75

Italy (ratification: 1981)

Article 1 of the Convention. National policy designed to ensure the effective abolition of child labour. The Committee notes the Government's indication that, pursuant to the policies implemented to combat child labour, the National Fund for Children and Adolescents has been set up under Law No. 285/1997 concerning "Dispositions to promote rights and opportunities for children and adolescents". The Committee further notes that, according to section 1 of Law No. 285/1997, this Fund has been set up for the purpose of implementing actions at national, regional and local levels to assist in the promotion of the rights, quality of life, development, individual fulfilment and social development of children and adolescents, by favouring the environment which is most beneficial to them in implementation of the principles of the Convention on the Rights of the Child. The Committee notes the Government's statement that some 163 million euro are set aside annually in order for the Fund to carry out its projects. Within the scope of these projects, which are intended to deal with children in situations of hardship and to promote actions which will prevent such situations from arising, specific actions have been financed and carried out at the municipal level with the aim of supporting the children most at risk of being exploited in child labour and those who have dropped out of school. The Committee further notes the information provided by the Government that the regulations governing the education of minors have been strengthened and that there now is an obligation to continue training up to the age of 18 years, either through the traditional educational system or through vocational training.

Moreover, the Committee notes that, in order to get a more precise understanding of the phenomenon of child labour, the Ministry of Labour has issued Circular No. 61/2002 of 18 December 2002, which requests the Regional and Provincial Labour Directorates to gather relevant data that would go beyond the information already reaching the ministry from normal six-monthly and annual reports, providing information on the types of businesses and sectors minors have been found to be working in. The Committee further takes note of the Government's indication that, in order to strengthen the actions taken for the protection of children and adolescents, a close cooperation has been established with other bodies having responsibilities in the same area, including social services, educational authorities, police headquarters, the National Institute for Insurance Against Industrial Accidents (INAIL) and the Local Unitary Health Office (AUSL).

The Committee had previously noted the adoption of Law No. 73 of 23 April of 2002 which aims at ending all labour, including child labour, in the informal economy. It had also noted that priority actions are identified and coordinated by the Inter-ministerial Committee for Economic Planning (CIPE). The Committee had asked the Government to provide further information on these actions. The Committee notes, however, that the Government has not supplied any information on this matter. It therefore once again asks the Government to communicate further information on the actions taken by CIPE in the field of ending child labour in the informal economy.

Article 2, paragraph 1. Self-employment. The Committee had previously noted the Government's indication that work carried out by a person on her/his own

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account does not fall under the legal provisions concerning the employment of children or adolescents. The Committee requested the Government to indicate any measures taken or envisaged to ensure the application of the minimum age of 15 years to all types of work outside an employment relationship such as own-account work. The Committee notes the Government's indication that Law No. 977/67, as amended by Legislative Decree No. 345/99, regulates the minimum age of admission to employment. Section 5 of Legislative Decree No. 345/99 contains an absolute prohibition on admitting children under the age of 15 to employment. The minimum age is set at the age of completion of compulsory schooling and, in any case, may not be less than 15 years. The Committee further notes that the said Decree applies to persons under the age of 18 years who have a contract or labour relationship, including a special one, regulated by the provisions in force. The provisions extend to all labour relationships, without regard to the subordinate nature of the relationship, having to do with persons under 18 years. The Committee recalls that the Convention applies to all types of employment or work, including own-account work. The Committee therefore once again asks the Government to indicate in its next report any measures taken or envisaged to ensure the application of the minimum age of 15 years for admission to all types of work outside an employment relationship such as own-account work. It also requests the Government to clarify the term "special labour relationship" within the meaning of Legislative Decree No. 345/99.

Article 2, paragraph 3. Age of completion of compulsory schooling. The Committee notes the Government's indication that, with the intention of developing minors' cultural and vocational skills, Law No. 144 of 17 May 1999 has provided for the progressive introduction, starting in the school year 1999-2000, of compulsory attendance at training activities up to the age of 18 years. This obligation may be met either within the school system or in the regionally organized vocational training system or within the context of an apprenticeship. The Committee notes the Government's statement that by contrast with the previous provisions, the reference is no longer exclusively linked to age but also to completion of compulsory schooling. Furthermore, referring to its previous comments, the Committee asks the Government to indicate whether the regulation enforcing the provisions of section 1 of Law No. 9 of 20 January 1999, which would bring the age of completion of compulsory schooling to 18 years, has been adopted, and if so, to supply a copy of it.

Article 6. Vocational training. The Committee had previously noted that, according to section 6(2) of Law No. 977 of 17 October 1967 as amended in 1999, adolescents (i.e. persons aged between 15 and 18 years) may carry out, for educational or vocational training purposes and for a period of time strictly required by such activity the work processes, operations and tasks listed in Annex I to the abovementioned Law (list of hazardous occupations), provided that the work is performed under the supervision of an experienced person, competent in protection and safety matters, and in compliance with the safety and health measures provided for by the existing legislation. The Committee, in view of *Article 3, paragraph 3*, of the Convention, had encouraged the Government to raise the minimum age for admission to hazardous work performed as part of an educational or vocational training from 15 to 16 years. As the Government has not

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communicated any information on this point, the Committee once again requests the Government to indicate any measures taken or envisaged to raise the minimum age for admission to hazardous work performed as part of educational or vocational training from 15 to 16 years.

Part V of the report form. Practical application of the Convention. The Committee takes note of the Government's statement that the application of this Convention is entrusted to the Provincial Labour Directorate which, through the Labour Inspectorate Office, carries out supervision and also coordinates its own activities with that of other bodies bearing similar responsibilities.

The Committee also notes the information provided by the Government that, according to the Regional and Provincial Labour Directorates' statistical analysis of the data on child labour, out of 3,000 businesses inspected during 2003, 1,636 irregular child workers were found. The majority of these cases involved non-compliance by the employers with the rules on performance of periodic medical examinations (1,238 out of 2,963) or failure to observe the maximum permitted daily and weekly working hours, rest periods and holidays (637 cases reported), while there were 242 cases of employment of a minor below the required minimum age. The Committee also notes the Government's indication that the Ministry of Labour and Social Policies, in agreement with INSTAT and in close cooperation with the ILO, has during the past three years been carrying out an investigation on child labour, with the objective of obtaining a qualitative as well as a quantitative assessment of the phenomenon in Italy. The research covered all economic activities involving children, whether remunerated or not, and whether carried out within the informal economy or not. The Committee notes the Government's indication that according to the data supplied by INSTAT and those gathered from campaigns of inquiries directed towards children, there are 144,000 minors working in Italy, and 31,500 of those children are exploited at work. The Committee is concerned about the large number of children exploited at work and encourages the Government to increase its efforts to improve the situation. The Committee requests the Government to continue providing information on the application of the Convention in practice, including, for example, statistics on the employment of children and young persons by age group, extracts from the reports of the inspections services and information on the number and nature of the contraventions reported and sanctions imposed.