

**Convention No. 14: Weekly Rest (Industry), 1921**

**Observation 2004/75**

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**Italy (ratification: 1924)**

The Committee notes the Government's report. It also notes the observations made by CISL (Confederazione Italiana Sindacati Lavoratori), received through the Government, on the issue of "appropriate protection" and on the exceptions to weekly rest.

*Article 1 of the Convention. Scope of application – Mobile workers.* Mobile workers are excluded from the scope of Legislative Decree No. 66 of 8 April 2003 which implements Directive 93/104/EC on the organization of working time. The Committee requests the Government to provide information on how the weekly rest for mobile workers falling within the scope of the present Convention is ensured and whether there is a special provision regulating the working time of mobile workers.

*Personnel working in the rail transport sector.* Workers in the rail transport sector do not enjoy a period of rest every seven days under section 9(2)(c) of Legislative Decree No. 66. The Committee requests the Government to clarify how it ensures that weekly rest is provided to workers in the rail transport sector, who come within the scope of the present Convention.

*Articles 4 and 5. Partial or total exceptions and compensatory periods of rest.* Section 9(2) of Legislative Decree No. 66 provides exceptions to the provision of weekly rest. The Committee requests the Government to clarify whether special regard had been given to all proper humanitarian and economic considerations when authorizing the exceptions and whether they were adopted after consultation with the responsible associations of employers and workers. It further requests clarification as to how compensatory rest is guaranteed for those workers who do not receive their weekly rest due to partial or total exceptions from the weekly rest provisions.

*Article 5. Compensatory rest and the meaning of "appropriate protection".* Section 17(4) of Legislative Decree No. 66 states that in exceptional cases, where the provision of compensatory rest periods is not possible for objective reasons, the worker concerned is to be offered "appropriate protection". The Committee reminds the Government that under the Convention, as far as possible, provision for compensatory periods of rest is to be made for the suspensions or diminutions made to the provision of weekly rest. It asks the Government to clarify the term "appropriate protection" in this provision of Legislative Decree No. 66.

*Article 7. Posting of notices.* The Committee requests the Government to provide further information on how it ensures that employers post notices or rosters to make known when weekly rest is granted to the workers.

*Part V of the report form.* The Committee requests the Government to provide the required information.