

Labour Inspection Country Profile: Italy

Labour Inspection Structure and Organization

The Labour Inspection depends on the [Ministry of Labour and Social Policy](#). Its structure includes an authority at the central level, a regional labour directorate (Direzione Regionale del Lavoro: DRL) for each region and a provincial labour directorate (Direzione Provinciale del Lavoro: DPL) for each province.

Labour Inspection directorates and their scope

The Central Authority

The General Directorate for Coordination of Inspection Activities (GDCIA) was reformed in April 2004. It includes three divisions:

- Counselling, disputes, human resources development;
- Coordination of the monitoring of technical labour inspectors;
- Coordination of the monitoring of regular labour inspectors.

The GDCIA is competent for planning, coordinating and controlling the activities that take place at the regional/provincial levels and is in charge of preparing, in cooperation with the general directorates of other related agencies involved in inspection activities, an annual program that identifies risk areas to which direct the labour inspection activities. All the above mentioned bodies are part of the Central Commission on Coordination of the Inspection Activities (Commissione centrale per il coordinamento dell'attività di vigilanza). The Minister of Labour and Social Policy defines the national priorities, provides guidance policies and establishes the financial and organizational criteria for inspections and prevention. The national coordinator of local health agency (ASL) also takes part in this Commission.

Regional Labour Directorate (DRL) and Provincial Labour Directorate (DPL)

The structures of regional and provincial branches of labour are largely homogeneous and tend towards a uniform interpretation of the law and working methods. The Regional Labour Inspection Directorate has the main function of coordinating and supervising the work done by the labour inspectors under the provincial directorates. They deal with question such as illegal work, forced and trafficking labour, including child labour.

The Provincial Labour Inspection Directorate includes:

A labour inspection service (servizio ispettivo del lavoro) within which there are:

- UOVO (ufficio operativo per la vigilanza ordinaria) Operative Office for Ordinary Monitoring. This unit consists of labour inspectors (ispettore del lavoro) who have skills on employment relationship;
- UOVT (ufficio operativo per la vigilanza tecnica) Operative Office for Technical Monitoring. This unit includes technical labour inspectors (ispettore tecnico) specialized in safety and prevention at the workplace. They usually hold a technical degree (e.g. engineering, medicine).

A policy labour service (servizio politiche del lavoro), which has two functions:

- A function of Conciliation: it is a mandatory step before referral to the court for litigation related to the employment contract;
- A function of Authorisation: it is responsible for issuing administrative authorisations, such as those relating to changed status of pregnant working women, maternity leave authorizations, changes in demand of working time;

A legal dispute service (ufficio contenzioso legale). It is intended to treat appeals by employers against administrative sanctions requested by labour inspectors. This service is not competent on health and safety issues. When the technical inspectors provide for penal sanctions, the litigation service has no jurisdiction on criminal sanctions and these are reported directly to the penal tribunals.

Laws that cover organization and function

Legislative Decree No. 124 of 23 April 2004 on the measures of rationalization of the function of inspection and surveillance on social security and labour;

Ministerial Decree of 20 April 2006 well-known as the Code of Conduct for Labour Inspectors;

Legislative Decree No. 81 of 9 April 2008 on health and safety at workplace;

Ministerial Directive of 18 September 2008 on the inspection and surveillance on social security and labour.

Current reform

On March 2010 a new Law (the so-called "collegato lavoro") was approved by both the Chambers of the Parliament. However, the President of the Republic did not sign the Law by claiming that several articles (among others the one on arbitration) were not in line with the Constitution principles and less protective to the workers.

Scope of Labour Inspection

The Labour Inspectorate operates throughout the national territory and ensures the implementation of all labour laws and regulations on social security in industrial, commercial and agriculture as well as in all cases of wage earned situations. It is competent in all economic sectors, with few exceptions: maritime, land transport, quarries and mines that have specialized units depending on their own respective departments. The Labour Inspectorate is also responsible for the application of labour laws in the public sector and, in conjunction with local health agencies (ASL), is responsible for matters relating to health and safety at workplace as well as hygiene and public health, food hygiene and veterinary. The Technical Labour Inspectorate verifies the elevators, hoists, mobile equipment, lifting motors and suspension bridges. On specific initiative of the Ministry of Labour, it carries investigation and research on specific technical issues such as for work on construction sites, galleries and worksite where the use of explosives and compression chambers are used.

Local Divisions

As mentioned above, the Labour Inspection System is structured on a territorial basis: DRL (Regional Labour Directorate), DPL (Provincial Labour Directorate) with the exception of the autonomous region of Sicily whose labour inspection departments depend directly on the regional administrative authority, and, in the field of health and safety, ASL (Local Health Agencies).

In total, there are 19 DRL (including Sicily), 106 DPL and 195 ASL.

Programming and communication

The Computerized Data System plays a fundamental role in the ties between the central authority and the regional/provincial units; it enables close professional cooperation by means of conferences. Every six months, the DPL communicates an information report on their activities, information collected and provide information about crimes and sanctions. A national labour inspection report is published every year by the Ministry of Labour. The report is placed on the Ministry's web site.

Human Resources and career development

Permanency of inspectors

Labour inspectors are public officials and, in the exercise of their functions, have the same power of the judicial officers. Their status is regulated by Art. 6 Legislative Decree No. 124 of 2004.

Selection process, background required and training

The labour inspectors are recruited on the basis of regional competitions and are open to master graduates in law. Technical labour inspectors must hold an university degree in engineering or in medicine for the OSH inspectors. No previous experience in the industry is required. The public competition is divided in two written tests followed by interviews on issues of legal and economic nature. Their training lasts four months and includes stages in services and a brief theoretical training (criminal procedure, civil procedure, administrative law, labour law and so on).

Labour inspectors have competences on all labour law issues. Labour inspectors, moreover, follow continuous training on relevant legislation and OSH related aspects.

Visits and functions

Types of visits

Inspectors can perform either scheduled visits according to complaints or random visits. They carry out inspections without prior notification and whenever needed, day or night or during weekends. There are also joint inspections with partner authorities (tax authority, OSH inspectors) and are assisted by the Carabinieri (military police) at the provincial level when carrying out inspections in highly risked situations. The intervention of labour inspectors is usually divided as follows: most of their time, albeit 80%, is devoted to processing individual complaints. Usually inspectors, on a rotation basis, receive the complaints; visits the workplace within their mandate; control and follow up investigations following a judge's request; visit the work place at the initiative of the local service chief inspector. Visits are usually carried out by two inspectors. On construction site, there is always a technical labour inspector with a view to covering all aspects of working conditions, including the security aspects. The Labour Inspection is organized into usually six sectors: agriculture, handicrafts, trade, cooperative, construction and industry.

Role of preventive measures

The labour inspector primarily checks if employers comply with the provisions of labour law, and in cases of non-compliance it takes enforcement measures within its competence to eliminate the revealed violations. In minor cases of breach, inspectors issue improvement notices drawing the employers' attention to the infringements and requesting them to rectify the breach within a given time. Upon expiration of the allocated time, the authority verifies whether the obligations indicated in the inspection notice have been fulfilled. In

case of the contrary (i.e. the employer does not eliminate the violation) the labour inspector has the obligation to submit the case to the DPL the normal proceedings.

Programming

According to the ministerial directive of 18 September 2008 the Directorate General for the Inspection Activities first collects the regional and provincial results of monitoring and planning, and only afterwards send out its programming circulars for the planning of inspection visits. With this change, it has been possible to introduce an innovative policy based on a synergy between the various administrative supervisory bodies and the analysis of the dynamics of the specific territory. In so doing, labour inspectorates interact with workers' and employers' organizations, professional labour consultants, representatives of local administrations, universities and research centres.

Registries and reporting of accidents /diseases at work

At local level, the ASLs are deputized by the law to collect all the necessary information and report on accidents and diseases at the workplace. Such an information is regularly sent to the Ministry of Labour that coordinate the annual report on labour inspection.

Sanctions and administrative processes

The inspectors' scope of competency is regulated by the Legislative Decree No. 124 of 23 April 2004.

The inspector has investigation powers that include, among others: the ability to take volunteer statements from those who are working in the workplace; requiring all relevant documentation for the investigation; seeking information from all public offices, labour consultants, employers and social security institutions (INPS, INAIL, INPDAP, etc...). Once the report is prepared, such report is proof of evidence and becomes the basis for processing any administrative, civil and criminal sanctions. The latter, however, are treated separately by different authorities.

According to Art.13, Legislative Decree No. 124 of 2004, labour inspectors can provide warnings to the employer for the regularization (if remediable) of the non-compliance that was identified. Compliance to the warnings by the employer brings with it the application of the lowest penalty provided (the so-called "sanzione ridottissima", lowest sanction).

The inspector may also provide warnings to the employer to pay credits in favour of the employee. These credits have to be well established and quantified. Within 30 days of receipt of a formal warning, the employer may propose a settlement at the DPL. If this is successful, he/she will sign a legal statement. On the contrary, through by a decision of the Director of the DPL, the warning becomes a final technical assessment and can be implemented through a civil law procedure. Against this warning, the employer can appeal in front of the Employment Relationship Regional Committee, at the DRL. The appeal suspends the enforceability of the formal warning. If the employer does not comply with the provisions of the formal warning, he/she will be notified of the administrative violation of one or more labour laws (Art.14 Law No. 689 of 1981). Such violations are based on the findings of the inspection visits.

In addition to the above, the labour inspector has the power to order the immediate suspension of work according to Art. 14 of Legislative Decree No. 81 of 2008. Before the recent legal changes, such a suspension power was exercised only for the construction site (Art. 36-bis, Law No.248 of 2006). In the following years (under Art. 5 of Law 123 of 2007) the suspension of the work activities by labour inspectors has been revised through the enactment of the Consolidated Safety Work Text (Law Decree No. 81, April 9 of 2008) in force since 15 May 2008 that extends such a power to all economic sectors.

The precondition for the enactment of this measure is the presence of undeclared workers in a percentage equal or greater than 20% of all workers in the workplace. The non-compliance of the suspension is punishable with imprisonment of up to six months. The order of suspension can be void and null when the employer rectifies the irregularities found by the labour inspectors and pays a sum of € 2,500, in addition to other sanctions.

Equally heavy sanctions exist in case of violation in keeping the Single Labour Book which has in the meantime, repealed the earlier registry of enterprises, the accountant's books and other compulsory labour books. Additional sanctions may include all the formalities relating to the establishment of the employment, relationship, delivery of the employment contract to the employee, regular reporting to the Employment Centres about the recruitment or the termination of workers, contractual compliance of the working hours, or the particular of the contract (apprenticeship, placement, fixed term, part-time, etc...), or the protection of particular categories of workers, such as working mothers, the inclusion of disabled people, etc.,

Social dialogue and labour inspection

The Tripartite Committee for the Support of Labour Inspection was established at the beginning of 1980s with a view to assisting the labour inspectorates. At the national level, the most representative social parties (e.g. CGIL, CISL, UIL, Confindustria, Confcommercio) are informed and consulted regularly on the various labour inspection policies and programmes

ILO Conventions ratified

Italy ratified both the ILO Labour Inspection Conventions C81 (Industry and Commerce) of 1947 and C129 (Agriculture) of 1969 respectively in 1952 and 1981.

[Web Page](#)