

ITALY

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| Title of the policy or measure (in English) | Certification of labour contracts or contracts for services. |
| Case study/good practice name | |
| Country | Italy |
| Sectors | Voluntary procedure: all sectors. Compulsory procedure: sectors in which services are performed within confined spaces or spaces with risk of pollution. |
| Target Groups | Labour contracts (employment contracts, self-employment contracts, quasi-subordinate contracts), contracts (and subcontracts) of provision of services (mainly in outsourcing services). |
| Short sentence summarising the measure | <p>Certification of employment, self-employment and quasi-subordinate contracts is a voluntary legal procedure whose main function is to reduce legal disputes regarding the classification of employment contracts.</p> <p>The compulsory procedure aims to set high safety standards in dangerous works (confined spaces and in spaces with risk of pollution) so that only qualified enterprises (and qualified employees) can operate.</p> |
| Background | |
| Background context driving the implementation of the measure | <p>In Italy, the classification of employment contracts is very important as different contracts provide different rights and levels of protection. The certification of contracts was introduced in 2003 with the aim of reducing uncertainty and ensuring compliance with the regulatory framework.</p> <p>In 2011, the certification procedure was extended to become compulsory only in particular sectors where services are performed within confined spaces or spaces with a risk of pollution due to several fatal accidents generally related to failures in risk assessment, personal protective equipment and training mainly during the execution of contracts or subcontracts for services.</p> |
| When was the measure implemented? (including start date and end date/ongoing) | <p>Starting date: October 24th 2003. Compulsory procedure implementation: November 23rd 2011.</p> <p>The measure is ongoing.</p> |
| Names(s) of authorities/bodies/organisations involved | <p>The bodies that can provide certification services are appointed by law. These certifying bodies are called certification panels or boards. Certification panels may be set up by:</p> <ul style="list-style-type: none"> • Territorial Labour Inspectorates • Ministry of Labour • Provinces, on the bases of local and territorial autonomy • Universities and University Foundations, under the supervision of a professor of labour law |

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| | <ul style="list-style-type: none"> • Bilateral bodies (set up by unions and employers' associations) • The Professional Association of Labour Advisors |
| Scope of the measure (a pilot project, nationwide, regional wide) | Nationwide. |
| Type of (policy) measure | Preventive measure. |
| Key objectives of the measure | |
| Specific measure | |
| Description of how the measure operates in practice | <p>Upon receipt of the certification request and all the necessary documents the competent commission undertakes a review of the documentation (and investigate if necessary) and finally decides whether to award the certification or not. The procedure should take no longer than 30 days but this may be extended if the commission needs to carry out further investigations.</p> <p>The compulsory procedure is limited to contracts related to activities to be performed within confined spaces or with a risk of pollution. If the contract (labour or commercial) meets the conditions set by Decree (Decree of the President of the Republic (D.P.R.) no. 177/2011), the contract must be certified before its execution starts.</p> |
| Which groups are targeted by the measure? | <p>All contracts are concerned, but quasi-subordinate/self-employment contracts and sub/contracts for outsourcing services are specifically targeted.</p> <p>The compulsory procedure targets non-standard labour contracts and contracts (and subcontracts) of provision of services.</p> |
| What resources and other relevant organisational aspects are involved? | The activation process involves a significant amount of back office work. |
| What are the source(s) of funding? | Private funding |
| Evaluation and outcome | |
| Has the measure achieved its objectives? | Objectives have been partially achieved as it has been mostly used in some specific sectors (such as the call centre 'sector') and where certification is compulsory. The compulsory procedure appears more effective also because the legal responsibilities of the business enterprise and of the main contractor persuades them to carefully evaluate whether a contract must be certified before its execution starts |
| Assessment method (including indicators used to measure its impact), and the outputs and outcomes achieved | <p>Commissions inform the Government about the number and types of procedures activated each year, divided by sector and type of contract.</p> <p>Unfortunately, there is no public data or information regarding the outcomes achieved.</p> |

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| <p>What are lessons learnt and the key conditions for success?</p> | <p>Voluntary and compulsory procedures could be of considerable use (and therefore the certification could grow) if connected with:</p> <ul style="list-style-type: none"> • Special benefits for the parties (e.g. being considered qualified for executing certain type of works) • Giving more consistency to the legal value of the certification • Strong labour inspection campaigns on BSE centred where contracts are not certified could also be put in place. |
| <p>Level of transferability (e.g. other countries/groups/sectors)</p> | <p>The measure, with appropriate modifications, could be transferable to other countries in order to prevent forms of bogus employment and to improve health and safety conditions in the workplace.</p> |
| <p>Contacts</p> | <p>http://www.lavoro.gov.it</p> <p>As an example of internal regulation: http://www.certificazione.unimore.it/site/home/certificazione.html</p> |
| <p>Sources</p> | <p>Legislative Decree no. 276/2003. Decree of the President of the Republic (D.P.R.) no. 177/2011.</p> |
| <p>Metadata and key words for online search</p> | <p>Certification, contracts, provision, litigation.</p> |