



E-Handbook on Cross-border Enforcement

OSH for Mobile workers

ITALY

Republic of Italy

Committee of Senior Labour Inspectors (SLIC)

Last version adopted at the 83rd SLIC Plenary in Stockholm, 10 May 2023

TABLE OF CONTENTS

FOREWORD	4
DIRECTORY	5
NATIONAL REPORT: ITALY	9
1. THE LABOUR INSPECTORATE	9
1.1. ORGANISATION OF THE LABOUR INSPECTORATE.....	9
1.2. NATIONAL LEGISLATION AND ILO CONVENTIONS RATIFIED ON LABOUR INSPECTION	13
1.3. COMPETENCES OF LABOUR INSPECTORS	14
1.3.1. Occupational Safety and Health (OSH)	14
1.3.2. OSH or Labour Law Matters	16
1.3.3. Labour Law	16
1.3.4. Social Security	17
1.4. INSPECTORS' POWERS	17
1.5. MECHANISMS OF COOPERATION AND EXCHANGE OF INFORMATION WITH OTHER NATIONAL PUBLIC BODIES	20
2. POSTING OF WORKERS	21
2.1. NATIONAL LEGISLATION	21
2.2. ADMINISTRATIVE REQUIREMENTS AND CONTROL MEASURES	21
2.2.1. Deadline to submit the declaration.....	22
2.2.2. Content of the declaration of posting.....	22
2.3. SOCIAL SECURITY PROCEDURES.....	23
2.4. WORK RELATED ACCIDENTS / OCCUPATIONAL DISEASES OF POSTED WORKERS	24
2.5. NATIONAL AUTHORITIES INVOLVED IN POSTING OF WORKERS.....	24
3. COOPERATION AND MUTUAL ASSISTANCE	25
3.1. LEGISLATION ON MUTUAL ASSISTANCE.....	25
3.2. BILATERAL AND MULTILATERAL AGREEMENTS ON LABOUR INSPECTION ..	25
3.3. REQUEST AND RECEPTION OF INFORMATION FROM OTHER INSPECTORATES	25
3.4. TOOLS FOR EXCHANGING INFORMATION	26
3.4.1. IMI (Internal Market Information System) for Posting of workers...26	
3.4.2. KSS (Knowledge Sharing System)	26
3.5. FINES AND EXECUTION OF FINES PROPOSED OR IMPOSED BY THE LABOUR INSPECTORATE	26
ANNEX E-HANDBOOK (UPDATING 2023)	29
1. About the Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road	

transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012	29
1.1. Transposition to National Legislation	29
1.2. Competences of the SLIC Member on road transport	29
2. About Article 20.2.c) of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers regarding health and safety conditions of workers' accommodation	30
2.1. Transposition to National Legislation	30
2.2. Competences of the SLIC Member on health and safety conditions on workers' accommodation	30
3. About Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals	30
3.1. Transposition in National Legislation	30
3.2. Competences of the SLIC Member on sanctions and measures provided in this Directive	30
4. JOINT AND CONCERTED INSPECTIONS ON OSH MATTERS	31
4.1. Is it allowed to organise concerted and joint inspections on OSH matters with other inspectorates?	31
5. NATIONAL INFORMATION AND INITIATIVES FOR MOBILE WORKERS	31
5.1. Please describe the initiatives you have implemented (e.g.: website, flyers, documents...)	31
6. COOPERATION WITH ELA	31
6.1. Do you regularly collaborate with the national liaison officer? YES..	31
6.2. Could you provide any useful information regarding your participation in working groups, campaigns, training, etc. ?	31

FOREWORD

The first version of the E-Handbook on Cross-border Enforcement was published in 2016 and updated in 2019. The last version was published in 2021 in the [Library of the SLIC public site](#) on the EU collaborative platform CIRCABC.

This last version had a format that enhances a better public disclosure of the organisation of the bodies and entities dealing with the inspection of occupational safety and health in EU Member States, as well as in Norway and Switzerland. The purpose of that E-Handbook was to provide labour inspectorates with informative tools to facilitate cooperation and mutual assistance with competent bodies from other countries.

The new working group on Mobile Workers on OSH matters, which replaced the previous working group dedicated to cross-border enforcement, was mandated to update the content of the E-Handbook for several reasons.

First, it was necessary to add new regulations such as the new Directive (EU) 2020/1057 laying down specific rules for posting of drivers in the road transport, a sector which moreover includes aspects related to the enforcement of working time under Directive 2006/22/EC, a matter that is considered a part of OSH legislation in many Member States.

Secondly, it was necessary to enlarge the content of that handbook following the new scope of the working group dedicated to mobile workers. A mobile worker is someone who works in more than one Member State or travels to other Member States as part of his job (posted workers, cross-border workers, seasonal workers, temporary workers, migrant workers...).

Therefore, the handbook should include information on the competence of SLIC Members on legislation about Third Country National workers. This includes Directive 2014/36 on seasonal workers in aspects related to the health and safety conditions such as workers' accommodation and Directive 2009/52 on sanctions. These directives have been explicitly mentioned in the current EU strategic framework on health and safety at work 2021-2027 in a changing world of work.

Moreover, it was necessary to complement some aspects related to the practice of concerted and joint inspections on OSH matters regarding the legal possibility to carry them out in each Member State.

Lastly, the SLIC working group considered that the easiest way to update the existing E-Handbook was to maintain its structure, with the updated information provided by Member States, and to complete it with new items gathered in a specific annex.

Finally, the handbook needed a new title reflecting its purpose and also support to gain more visibility among labour inspectors on the field.

We hope that this document will be a useful tool for national labour inspectorates and beyond, for all organisations involved in OSH matters for mobile workers.

This new updated version was announced to SLIC members at the 82nd Plenary session of 12 October 2022, held under the Czech Presidency.

DIRECTORY

Austria	<p>ARBEITSINSPEKTION</p> <p>Favoritenstraße 7 A-1040 Wien</p> <p>https://www.arbeitsinspektion.gv.at/inspektorat</p>
Belgium	<p>SURVEILLANCE ON WELL-BEING AT WORK and SURVEILLANCE ON SOCIAL LAW</p> <p>Blerotstraat/rue Blerot 1 B-1070 Brussels</p> <p>http://www.employment.belgium.be In Dutch: www.werk.belgie.be In French: www.emploi.belgique.be</p>
Bulgaria	<p>GLI EA (General Labour Inspectorate Executive Agency)</p> <p>http://www.gli.government.bg/en</p>
Croatia	<p>STATE INSPECTORATE</p> <p>Šubićeva 29, 10 000 Zagreb</p> <p>https://dirh.gov.hr/</p>
Cyprus	<p>DEPARTMENT OF LABOUR INSPECTION (DLI) http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR (DL) https://www.mlsi.gov.cy/mlsi/dl/dl.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR RELATIONS (DLR) https://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/home_en/home_en?openform</p>
Czech Republic	<p>STATE LABOUR INSPECTION OFFICE OF THE CZECH REPUBLIC</p> <p>Kolářská 13 746 01 Opava</p> <p>Email: opava@suip.cz https://www.suip.cz/web/en</p>
Denmark	<p>ARBEJDSTILSYNET</p> <p>Landskronagade 33 2100 København Ø</p> <p>Email: at@at.dk http://engelsk.arbejdstilsynet.dk/en/</p>
Estonia	<p>TÖÖINSPEKTSIOON</p> <p>Mäealuse 2/3, 12618 Tallinn Estonia</p>

	<p>Email: ti@ti.ee www.ti.ee</p>
Finland	<p>TYÖSUOJELUHALLINTO</p> <p>Email: tyosuojelu.viestinta@avi.fi https://www.tyosuojelu.fi/web/en</p>
France	<p>DIRECTION GÉNÉRALE DU TRAVAIL</p> <p>39-43 quai André Citroën 75902 Paris Cedex 15</p> <p>Email: dgt.dir@travail.gouv.fr https://travail-emploi.gouv.fr/ministere/organisation/article/dgt-direction-generale-du-travail</p>
Germany	<p>LASI Länderausschuss für Arbeitsschutz und Sicherheitstechnik (Gremium der Länder) LASI Vorsitz (bis 2024): Ministerium für Wirtschaft, Arbeit und Tourismus Baden-Württemberg;</p> <p>Theodor-Heuss-Straße 4, 70174 Stuttgart</p> <p>https://lasi-info.com</p>
Greece	<p>LABOUR INSPECTORATE</p> <p>8, Dragatsaniou str, 10110 Athens,</p> <p>Email: dpseaye@hli.gov.gr https://www.hli.gov.gr/</p>
Hungary	<p>MINISTRY OF ECONOMIC DEVELOPMENT, STATE SECRETARY OF EMPLOYMENT POLICY</p> <p>Kálmán Imre utca 2. Budapest, 1054-Hungary</p> <p>Email: munkavedelmi-foo@gfm.gov.hu http://www.mvff.munka.hu</p>
Ireland	<p>HEALTH AND SAFETY AUTHORITY</p> <p>The Metropolitan Building James Joyce Street Dublin 1</p> <p>Email: contactus@hsa.ie https://www.hsa.ie/eng</p>
Italy	<p>ISPETTORATO NAZIONALE DEL LAVORO</p> <p>Piazza della Repubblica, 59 00185 Roma</p> <p>https://www.ispettorato.gov.it</p>

Latvia	<p>VALSTS DARBA INSPEKCIJA (VDI)</p> <p>38 k-1, Kr.Valdemara Street Riga LV –1010</p> <p>Email: vdi@vdi.gov.lv https://www.vdi.gov.lv</p>
Lithuania	<p>STATE LABOUR INSPECTORATE OF THE REPUBLIC OF LITHUANIA (SLI)</p> <p>19 Algirdo str. LT-03607 Vilnius Lithuania</p> <p>Email: info@vdi.lt https://www.vdi.lt</p>
Luxembourg	<p>INSPECTION DU TRAVAIL ET DES MINES</p> <p>3 Rue des Primeurs, 2361 Strassen, Luxembourg</p> <p>www.itm.public.lu</p>
Malta	<p>OCCUPATIONAL HEALTH AND SAFETY AUTHORITY</p> <p>17, Triq Edgar Ferro, Pietà PTA 1533 Malta</p> <p>Email: ohsa@osha.mt http://www.osha.mt/</p>
Norway	<p>ARBEIDSTILSYNET</p> <p>Arbeidstilsynet Postboks 4720 Torgarden 7468 Trondheim</p> <p>Email: post@arbeidstilsynet.no https://www.arbeidstilsynet.no/en/</p>
Poland	<p>PAŃSTWOWA INSPEKCJA PRACY (PIP)</p> <p>28/30, Barska St., 02-315 Warsaw</p> <p>Email: kancelaria@gip.pip.gov.pl https://www.pip.gov.pl/en</p>
Portugal	<p>AUTORIDADES PARA AS CONDIÇÕES DE TRABALHO</p> <p>Praça de Alvalade, 1 1749-073 Lisboa</p> <p>Email: dir.mail@act.gov.pt http://www.act.gov.pt</p>

Romania	<p>INSPECTIA MUNCII</p> <p>Str. Matei Voievod, Nr. 14 Sector 2, București</p> <p>Email: comunicare@inspectiamuncii.ro www.inspectiamuncii.ro</p>
Slovakia	<p>NÁRODNÝ INŠPEKTORÁT PRÁCE</p> <p>Masarykova 10 040 01, Košice</p> <p>Email: nip@ip.gov.sk https://www.ip.gov.sk/home/</p>
Slovenia	<p>LABOUR INSPECTORATE OF THE REPUBLIC OF SLOVENIA (LIRS)</p> <p>Štukljeva cesta 44 SI-1000 Ljubljana</p> <p>http://www.id.gov.si/en/</p>
Spain	<p>ORGANISMO ESTATAL INSPECCION DE TRABAJO Y SEGURIDAD SOCIAL (OEITSS)</p> <p>Paseo de la Castellana 63 28046 Madrid</p> <p>https://www.mites.gob.es/itss/web/index.html</p>
Sweden	<p>THE SWEDISH WORK ENVIRONMENT AUTHORITY</p> <p>Svetsarvägen 12 SE 171 41 Solna</p> <p>Email: arbetsmiljoverket@av.se https://www.av.se/en/</p>
Switzerland	<p>STATE SECRETARIAT FOR ECONOMIC AFFAIRS (SECO) WORKING CONDITIONS – FEDERAL LABOUR INSPECTION</p> <p>Holzikofenweg 36 CH-3003 Bern</p> <p>Email: abea@seco.admin.ch www.seco.admin.ch/seco/de/home/Arbeit/Arbeitsbedingungen/Arbeitnehmerschutz.html</p>
The Netherlands	<p>NETHERLANDS LABOUR AUTHORITY</p> <p>PO Box 90801 2509 LV Den Haag</p> <p>https://www.nllabourauthority.nl/</p>

NATIONAL REPORT: ITALY

LABOUR INSPECTORATE	ISPETTORATO NAZIONALE DEL LAVORO (INL) (NATIONAL LABOUR INSPECTORATE)
OTHER COMPETENT AUTHORITIES	<ul style="list-style-type: none"> • Regional Health Authorities - ASL • Ministry of Economic Development and Ministry of Labour (through Labour Inspectorate) • Fire Brigade • Regions, and the Autonomous Provinces of Trento and Bolzano • Maritime and Port Authorities • Airport Authorities and Regional Health Authorities ASL • Railways Inspection body

1. THE LABOUR INSPECTORATE

1.1. ORGANISATION OF THE LABOUR INSPECTORATE

The National Labour Inspectorate (NLI) is an Agency for labour inspection established by Legislative Decree no. 149 of 14 September 2015 on the basis of the so called “Jobs Act” (Law 183/2014, Art. 1.7, point I), and became operational since 1 January 2017. The NLI assumes all the competences of labour inspection referred to labour relations, social security and social insurance formerly distributed between the Ministry of Labour, and the Institutes in charge of Social Security and Social Insurance (INPS and INAIL). Therefore, it has a wide remit with responsibility for enforcing all legislation concerning labour relations matters. Indeed, the Inspectorate exercises and coordinates the supervisory activities in the field of work, social security contribution, compulsory insurance and social legislation, including supervision on the protection of health and safety in the workplace.

In particular, the NLI carries out the following tasks:

Supervising the implementation of all laws concerning labour relations and social security;

Supervising the application of the collective labour agreements;

Providing all citizens with assistance, information, clarifications and support in the field of labour.

In Italy the supervision of OHS issues is a shared competence between the State (National Labour Inspectorate) and the Regions (ASL: Local Health Authority - Prevention Departments).

Since 22 October 2021 – according to Decree Law 146 of 21/10/2021 issued by the Government and converted into law 215 of 17/12/2021 – INL has the same general competence in the OSH matter as the Regions (ASL). Law 215/2021 also strengthens the methods and tools of cooperation in the field between Inspectorates and Regions

and promote an increased sharing of information among all the different authorities dealing with OSH.

In order to avoid overlapping of the interventions in the field of health and safety, the Interregional and Territorial Inspectorates reach agreements with the inspection services of Local Health Authorities and Regional Agencies for Environmental Protection in the context of Regional and Provincial Committees.

The NLI inspectors also carry out administrative and technical activities in relation to the powers of their remit (by way of example, checking lifts, the granting of authorizations for work done by working mothers or technical advice for the issuing of clearances to use radiological equipment or radioactive substances – ionizing radiation).

The NLI assumes all the competences of labour inspection referring to labour relations, social security and social insurance formerly distributed between the Ministry of Labour and the Institutes in charge of Social Security and Social Insurance (INPS and INAIL). It is also competent for the supervision of health and safety in the workplace. As already mentioned, the NLI has recently extended its competence on OSH issues to all the economic sectors and activities, apart from mining and armed forces, police and fire brigades.

It should be pointed out that, because of their special autonomy, the Regions of Sicily and Trentino Alto Adige do not fall under the remit of the National Inspectorate, and the duties of the NLI are carried out by similar bodies established at a regional level (Sicily) and provincial level (the Autonomous Provinces of Trento and Bolzano).

The organisation of the NLI consists of:

1 Chief of the NLI, appointed by the President of the Republic, on the basis of the Council of Ministers' deliberation on proposal of the Ministry of Labour and Social Policies. The Chief of the NLI is an experienced expert in the field wherever the NLI is competent. He is the legal representative of the NLI.

1 Board of Directors of four members experienced in the field where the NLI is competent. Two out of four members represent the INPS and the INAIL.

1 Board of Auditors of three members (two representing the Ministry of Labour and Social Policies and one representing the Ministry of Economics and Finance), dealing with budgetary issues and controls.

3 Central Directorates, one of which deals with the coordination of Labour Inspection at a national level. The Central Directorate for Inspection and Safety in the workplace performs the following activities:

- plans and coordinates supervisory activities on the whole national territory regarding work, contributions, compulsory insurance and social legislation as well as workplace safety, ensuring uniformity of behavior and unity of action also by the interregional Directorates of work and other Administrations;
- defines operational directives and lines of conduct for all personnel carrying out inspection activities;
- promotes and manages protocols and agreements regarding supervision and protection of work;

- takes care of activities of international importance and the implementation of projects regarding supervision and protection of work, drawing on national, community or international funds;
- provides operational indications in relation to the competences of the territorial Inspectorates in matters of immigration and regulation of employment relationships;
- defines national and special supervision, taking care of their on field implementation;
- manages relations with the Regional System, coordination with the inspection services of the Local Health Authorities and the Regional Agencies for Environmental Protection;
- coordinates prevention and promotion activities for compliance with social and labor legislation;
- coordinates administrative and accounting checks and technical assessments;
- defines the criteria for assigning incentives to inspection personnel;
- outlines the training and updating needs of inspectors;
- defines the IT needs for the purposes of intelligence and supervisory actions;
- proposes and manages organizational measures aimed to coordinate with the activities of the Carabinieri Command for the protection of employment and related monitoring;

provides for the issuing of the authorization provisions referred to in the art. 4 of Law no. 300/1970 with reference to companies with production units located in different provinces of the same region or in more than one region.

3 Interregional Labour Inspectorates (ILIs) – North Italy (Milan), , Central Italy (Rome) and Southern Italy (Naples), coordinating and supporting the Territorial Labour inspectorates belonging to their territories. The interregional inspectorates represent the liaison between the territorial offices and the central departments.

The Labor Inspectorate is distributed throughout the territory through a structure made up of eleven metropolitan area Inspectorates (IAM) and fifty-five territorial Labor Inspectorates (ITL).

The Metropolitan Area Inspectorates (IAM) in addition to the responsibilities entrusted to the territorial Inspectorates of the Agency, carry out, within the scope of competence of the Offices indicated below, the territorial liaison activities identified by order of the Director of the Inspectorate, after consulting the trade unions .

The IAMs are established in the following provincial capitals: Bari-BAT (Barletta-Andria-Trani), Bologna, Cagliari-Oristano, Florence, Genoa, Milan, Naples, Reggio-Calabria, Rome, Turin-Aosta, Venice.

The Territorial Labor Inspectorates (ITL) carry out operational functions aimed at carrying out institutional activities at a local level, ensuring an adequate quality standard of the services provided, the protection of workers in the relevant territory and the implementation of provisions regarding equal opportunities, transparency and prevention of corruption.

Pursuant to Legislative Decree 12 September 2015, n.149, there are no Inspectorates in the special statute regions of Trentino-Alto Adige and Sicily. The matter is governed by the relevant statutes.

Within the organization of the NLI, there is a Carabinieri Specialised Unit Division located in Rome and at each Territorial Inspectorate, consisting of highly qualified personnel supporting the labour inspectors (CC Labour Protection Command and its Local operational units).

Military personnel assigned to these structures possess specific specialization in the field of labour supervision as the result of a special training course and the passing of written and oral tests organised and managed by the National Labour Inspectorate.

The NLI is under the supervision of the Ministry of Labour and Social Policies, which is responsible for the periodic monitoring of objectives and the correct management of financial resources, while its accounts are under the control of the Court of Auditors.

In particular, on the basis of an agreement signed with the Chief of the NLI, the Minister of Labour and Social Policies defines its objectives and periodically monitors its achievements as well as checking on the proper management of its financial resources (also by its two representatives in the NLI's Board of Auditors).

As a part of its role coordinating labour supervision throughout the national territory, ensuring uniform application of the relevant regulations, and supporting personnel in carrying out the activities within their remit, the Inspectorate deals with the training and updating of inspection staff (including those of the INPS and the INAIL) and issues interpretive circulars concerning inspections and sanctions, as well as operational directives for inspection staff.

In line with directives from the Minister of Labour and Social Policies, it defines the quantitative and qualitative objectives of the supervisory activities assigned to its territorial offices and monitors their implementation.

The managers of the Territorial Inspectorates ensure the implementation of these objectives, exercising powers of expenditure and managing the human and instrumental resources assigned to their offices.

In order to avoid the overlapping of interventions, in its various territorial divisions the NLI liaises with the Regional systems as well as the inspection services of Local Health Authorities (ASL) and Regional Agencies for Environmental Protection.

The NLI has an autonomous budget, mainly dependent on annual government funding.

Specifically, the financial resources of the NLI are transferred from the Ministry of Labour and Social Policies and, in part, derive from proceeds of the sanctions imposed on employers (the quotas of sanctions reassigned by the Ministry to the NLI are restricted in scope and must therefore be used for improvements of inspection activities, for staff incentives, for the purchase of useful tools to make inspections more effective, and so on).

According to the 2022 annual report the NLI coordinates nearly 3.506 inspectors (NLI, INPS and INAIL) and, among these are over 3.768 dealing with labour relations, social security and social insurance and approximately 214 dealing with OSH matters. The former are mainly lawyers or economists, while the latter are mostly architects and engineers. Though, due to the lack of human resources, a number of INL inspectors carry out tasks also different from those strictly related to the inspection activities. On the other hand, about 477 Carabinieri have to be added to the inspection staff. Given the high number of retirements in the past years and the new OSH competencies, an

important recruitment plan is ongoing in order to hire around additional employees, out of which almost - 80% will be inspectors. In 2023 700 OSH inspectors were hired.

With specific reference to inspection staff, NLI personnel include two distinct profiles:

- that of the Labour Inspector, responsible for the monitoring and supervision of the legislation relating to the employment relationship, including social security and insurance aspects; to be appointed as a labour inspector a master’s degree or equivalent qualification is required;
- that of the Technical Inspector, responsible for the monitoring and supervision of legislation in the field of health and safety in the workplace; to be appointed as a *technical inspector* a master’s degree or equivalent qualification is required.

1.2. NATIONAL LEGISLATION AND ILO CONVENTIONS RATIFIED ON LABOUR INSPECTION

Italian Labour Inspections are ruled by the following special legislation, to be read in the context of their subsequent modifications: decree of the President of the Republic March 19, 1955, n. 520, Law. July 22, 1961, n.628, Legislative Decree 23 April 2004, n. 124 and Legislative Decree 14 September 2015, n. 149.

In addition to the above-indicated regulatory framework, the macro-directive on inspection services and supervisory activities adopted by the Minister of Labour on 18 September 2008 should be mentioned, insofar as it is still applicable. After the INL has begun to be operational, his General Director issued several circulars and guidelines aimed at the coordination of all the labour inspectors (included those belonging to the National Social Security Institute - INPS - and to the National Work Accident Insurance Institute -INAIL), among which we notably recall Circular n. 2/2017 on logistics, coordination and planning of the inspection staff.

As regards surveillance on health and safety at work, it must be recalled Legislative Decree 9 April 2008, n. 81, as integrated and corrected by Legislative Decree 3 August 2009, n. 106 and by D.L. 146/2021, converted into law 215/2021, a consolidated text, which contains all the rules on OSH, mainly resulting from transposition of the EU OSH Directives.

Figure N° 1: International Conventions on Labour Inspection ratified

CONVENTION	RATIFIED	NOT RATIFIED
ILO Convention 81 on Labour Inspection in Industry and Commerce	X	
ILO Convention 129 on Labour Inspection in Agriculture	X	
Maritime Labour Convention 2006	X	

ILO Convention 187 on Promotional Framework for Occupational Safety and Health		X
---	--	---

On the sixth August 2018 a legislative proposal has been presented in order to ratify the ILO Convention 187, Promotional Framework for Occupational Safety and Health 2006.

1.3. COMPETENCES OF LABOUR INSPECTORS

1.3.1. Occupational Safety and Health (OSH)

The Italian system for the regulation of occupational health and safety is complex and involves a number of inspection bodies whose various responsibilities are established in law.

The main organisations in the system are:

- i) National Labour Inspectorate (NLI – Ispettorato Nazionale del Lavoro) responsible for all matters concerning relations between employers and employees in all sectors (except mining);
- ii) Local Health Authorities (ASL – Aziende Sanitarie Locali), bodies of the Regions responsible for public health and safety at work. Public health is broadly defined and includes also issues related to the working environment;
- iii) National Institute for the Insurance against accidents at work (INAIL – Istituto Nazionale per l’Assicurazione contro gli Infortuni sul Lavoro) whose main objectives are: reducing injuries, protecting workers performing hazardous jobs and facilitating the return to work of people injured at workplace;
- iv) Other authorities, such as Fire Brigades, Railway company and Regional Authorities for Mines.

Figure N° 2: Map of competence on Occupational Safety and Health

MATTERS	COMPETENCE OF THE LABOUR INSPECTORATE	OTHER PUBLIC BODIES WITH COMPETENCE
OSH, in general terms	yes	Regional Health Authorities - ASL-OSH Regional Inspectors
Occupational Safety, in general terms	yes	As above
Occupational Health, in general terms	yes	As above
Work-related accidents	Yes	INAIL ¹ ; Regional Health Authorities ASL --OSH Regional Inspectors

¹ Work related accidents and professional diseases must be reported to INAIL - Italian National Work Accident Insurance Institute for the purpose of the economical compensation. And to INL

Trade of Machines and Equipments	Yes	Ministry of Economic Development (in 2018 same Ministry of Work)
Radiations	Yes, for radiogenic machines and all types of radiogenic sources	For ionising radiation (X-radiation, alpha, beta, gamma radiation) the ASL – OSH Regional Inspectors are competent authorities only for radiogenic machines.
Explosives	No	Fire Brigade, Ministry of Economic Development for OSH in Explosives and fire prevention
Mines	No	Ministry of Economic Development - Regions, and the Autonomous Provinces of Trento and Bolzano for OSH in Mines
Vessels	Yes	Maritime and Port Authorities for OSH ASL – OSH Regional Inspectors
Retail sector	Yes	ASL – OSH Regional Inspectors
Horeca	Yes	ASL – OSH Regional Inspectors
Agriculture	Yes	ASL – OSH Regional Inspectors
Construction industry	Yes	ASL – OSH Regional Inspectors
Aviation	No	Airport Authorities and ASL – OSH Regional Inspectors
Railway	Yes	Railways Inspection body ASL – OSH Regional Inspectors
Road Transport	Yes	ASL – OSH Regional Inspectors

The Public Prosecutor can delegate investigations on work accidents both to INL inspectors and to ASL inspectors

REACH	Yes	ASL – OSH Regional Inspectors
Self Employed	Yes	ASL – OSH Regional Inspectors
Police	No	Internal inspectorate
Civil Servants	Yes	ASL – OSH Regional Inspectors
Military personnel and premises	No	Internal inspectorate
Penitentiaries	No	Internal inspectorate
Customs	No	It depends on where the custom is located: If in Port, Maritime and Port Authorities and ASL – OSH Regional Inspectors; If in airport, Airport Authorities and ASL – OSH Regional Inspectors

1.3.2. OSH or Labour Law Matters

Figure N° 3: Map of competences in matters which could be considered within OSH or Labour Law

MATTERS	Yes	No
Working hours	X	
Bullying and harassment		X
Third Party Violence		X

Inspection of working time includes the control of the driving time and rest periods of drivers in road transport sector.

Police and Labour Courts are competent on matters relative to bullying and harassment. In addition to what the Police Forces and the Labour Court can do to prosecute those who commit such offences, in Italy according to Art. 2087 and 2049 Civil Code, the employer should design and put into effect organizational models to prevent the perpetration of such crimes by other employees.

To this extent, bullying, harassment, and third party violence are only addressed by Labour Inspectors within the frame of the OSH Legislation and in the context of the employer's Risk Assessment or by Police within criminal legislation.

On Third Party Violence, the Police and Labour Courts are competent.

1.3.3. Labour Law

Figure N° 4: Map of competences on Labour Law matters

MATTERS	Yes	No	COMMENTS
---------	-----	----	----------

Salaries	X		
Equal Treatment	X		
Labour rights	X		
Foreign workers	X		With reference to the surveillance on their working conditions and the protection against labour exploitation
Others, specify	-With regard to the protection of young people and pregnant women - All labour Law matters, including for example, checking for correct application of the right employment contracts, proper management of the training, control of the right treatment of the disabled, etc.		

1.3.4. Social Security

Figure N° 5 Map of competences on Social Security Matters

MATTERS	Yes	No	COMMENTS
Affiliation of workers (REGISTER)	X (LI can do that via the Labour Code concerning the illegal work)		In case of illegal and undeclared work, the labour inspectors can notify an infringement on the affiliation to social security institutions. However, only the social security institution decides to affiliate or not the workers.
Contributions to Social Security System	X (LI can do it what allow the financial recovery by social security)		The labour inspectors can notify a case of undeclared work –even partially declared – and consequently on contributions to social security institutions. However, the power to collect unpaid contributions remains to the social security institution.
Social Security benefits		X	
Private pension funds		X	
Others, specify			

1.4. INSPECTORS' POWERS

Figure N° 6: Map of Inspectors' powers

POWERS	Yes	No	COMMENTS
--------	-----	----	----------

Visit workplaces	X		
Request for documents	X		
Summon employers to the Inspection Office	X		
Recommendations / Assistance	X		The Labour Inspectorate, the Regional Health Authorities-ASL, INAIL (the National Work-Accident Insurance Institute) INPS (National Institute for Social Security) and the other competent authorities can provide recommendations and assistance to employers, employees and their representatives in order to promote the improvement of working conditions and the compliance with labour law and OSH rules. While carrying out inspections the labour inspectors can give suggestions aimed to achieve the improvement of the working environment, in case the irregularities or the shortcomings detected aren't to be considered breaches of law.
Injunction / Improvement notice	X		Labour inspectors may, when exercising their functions, issue an improvement notice containing the measures to be taken at the workplace within a specified time in order to ensure compliance with the legislation relating to the safety and health of workers. More frequently, Labour Inspectors issue an injunction to impose the adoption of safety precautions to eliminate immediately the risks to which the workers might be exposed.
Initiate an administrative punishment procedure	X		When the offence is punishable by a fine. Whenever a breach of law is found, Labour Inspectors and ASL Inspectors shall impose a fine. The sanction is directly issued by inspectors through an improvement notice. The infringer is requested to eliminate the infringement within a

			fixed period of time. During a second visit the inspectors verify the execution of the order given and only afterwards the infringer is admitted to pay the fine imposed. The infringer has the possibility to appeal against the order/sanction to the competent authority.
Initiate a judicial punishment procedures	X		Judicial procedures are initiated by Public Prosecutors in the way described below
Imposing fines	X		Fines are imposed by Labour Authorities (INL or ASL) according to the above described procedure
Stoppage / Prohibition Notice	X		When needed, in case of immediate danger implying serious risks inspectors can suspend the working activities and/or place under seizure the dangerous machinery/plant/equipment.
Notify offences to the Public Prosecutor or the Judge	X		When the violation is punishable with a criminal sanction. As provided by Administrative punishment procedures, Labour Inspectors issue an improvement notice containing the infringements found and the timing for their elimination. In case of accomplishment, the infringer is admitted to paying a fine (one quarter of the maximum penalty foreseen by law). Either in the case of non-compliance or non-payment of the fines inflicted, Inspectors shall notify the offences found and the non-compliance with their orders to the Public Prosecutor as soon as possible. In this case, the infringer is subject to a judicial procedure before the Criminal Court. The evidence collected during the inspection is attached to the report sent to Public Prosecutor. During the hearing, the Labour Inspector is a witness for the prosecution. Nevertheless, if after the issuing of the notice to the Public Prosecutor, the infringer eliminates the infringement and pays the fine,

			inspectors inform the Public Prosecutors.
Others	Labour Inspection is party in the administrative proceeding		

1.5. MECHANISMS OF COOPERATION AND EXCHANGE OF INFORMATION WITH OTHER NATIONAL PUBLIC BODIES

Figure N° 7: Cooperation mechanisms with other national public bodies

BODIES	Yes	No	COMMENTS
Tax Authorities	X		Through agreement cooperation protocols
Social Security bodies	X		As above
Police	X		As above
Public Prosecutor	X		As criminal police officers, inspectors have to carry out the investigations required by the Public Prosecutor
Others	There are different agreement cooperation protocols between INL and other Authorities as the Territorial Office of government, the OSH regional ALS inspectors, the Carabinieri (Police), etc.		

2. POSTING OF WORKERS

2.1. NATIONAL LEGISLATION

Legislative decree No. 72/2000 was the legal disposition which transposed Directive 96/71/EC of the European Parliament and of the Council, of 16 December 1996, concerning the posting of workers in the framework of the provision of services.

Directive 2014/67 was transposed by Legislative decree No 136/2016 which replaces the previous decree. Indeed, the transposition of Directive 2014/67 presented an opportunity to streamline legislation and to enclose in a single legislative act the specific regulations applicable to the transnational posting of workers. Article 26 of Decree No 136, in fact, formally repeals the provisions provided for by Legislative decree No 72 of 2000, implementing Directive 96/71/EC, which have been partially amended and included in the text of the above-mentioned Decree.

The Ministry of Labour and Social Policies and the National Labour Inspectorate issued some decrees, interpretative circulars and guidelines for inspection staff, which have been published – also in English - in the specific website on posting (<http://www.distaccoue.lavoro.gov.it/Pages/Documentazione.aspx?lang=eng>)

In particular, the following acts should be recalled: Ministerial Decree 10 August 2016 and its annexes; Circular 3/2016 (Advance declaration of transnational posting and related penalties and/or fines – UNI Distacco UE and CAB_UNI_UE forms – Ministerial decree of 10 August 2016 (Standards and rules for the electronic transmission of declarations that must be sent to the Ministry of Labour and Social Policies by service providers who post workers to Italy); Circular n. 1/2017 (Legislative decree No 136/2016– implementation of Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 – transnational posting of workers – operational guidelines for inspection staff) Circular n. 2 /2021 (Legislative Decree No. 122/2020 transposing Directive 2018/957 on transnational posting of workers), Circular No. 1659 of October 29th 2021 (Prior notification of transnational posting and penalty regime).

Figure N° 8: EU Directives on posting of workers implemented

DIRECTIVE	Yes	No	DATE
Directive 96/71	X		2000
Directive 2014/67	X		2016
Directive 2018/957	X		2020
Directive 2020/1057		X (under approval)	

2.2. ADMINISTRATIVE REQUIREMENTS AND CONTROL MEASURES

Foreign companies, who wish to post workers to Italy in the framework of the provision of services, have to report to the Ministry of Labour and Social Policies the employment of workers who will be posted to Italy, by making an advanced declaration of posting of workers in compliance with the procedures defined in the specific Ministerial decree of August 10th 2016 and in its related annexes (Article 10 Legislative Decree 136/2016). Labour inspectors have access to declarations.

Service providers also shall conserve, and make available hard or electronic copies in Italian, employment documentation payslips, time-sheets indicating the beginning, end and duration of the daily working time, proof of payment of wages or copies of equivalent documents, certification regarding legislation on applicable social security (A1 form) and the public registration of the establishment of the working relationship or equivalent documents. They must designate a person domiciled in Italy to liaise with the competent authorities to send out and receive documents and/or notices on behalf of the posting undertaking, and a contact person, same as the one above, for the entire duration of the posting, who shall act as a representative through whom the relevant social partners may seek to engage the service provider to enter into collective bargaining.

2.2.1. Deadline to submit the declaration

The declaration must be sent by electronic means at the latest by midnight of the day preceding the date of the first operation.

It should be noted that in the decree implementing Directive No. 1057/2020 (on the posting of drivers in road transport) such deadline (provided for in Art. 10, Legislative Decree 136/2016) has been amended, postponing the deadline to "no later than the start of the posting."

2.2.2. Content of the declaration of posting

Figure N° 9: Content of the posting declaration

COMPANY DATA		
	YES	NO
Identity of Service Provider	X	
Representative of the company in the country from which the worker comes from/is posted	X	
A person designated for acting as a representative into collective bargaining within the host Member State	X	
Activity	X	
Authorization in the sending MS	X (data element to be optionally reported for temporary employment agencies)	
If it is a Temporary Work Agency or not	X	
Identity Tax Number	X ¹	

WORKERS DATA		
	YES	NO
Number of workers	X	
Name of workers	X	
Nationality	X	
Age	X	
Role	X	

POSTING DATA		
	YES	NO
Envisaged beginning	X	
End date of the posting	X	
Anticipated Duration	X	
Address(es) of the workplace	X	
Nature of the services justifying the posting	X	
Contractor	X	

LABOUR CONDITIONS		
	YES	NO
Working hours		X
Salaries		X
Collective accommodation		X
Use of dangerous agents		X
Prevention services		X

2.3. SOCIAL SECURITY PROCEDURES

A1 forms and information on the relevant social security legislation are delivered by the National Institute of Social Security (INPS - Istituto Nazionale Previdenza Sociale)

The implementation of the new procedure so called "Archivio Distacchi e Lavoro Contemporaneo nell'Unione Europea" (Register of Posting and Contemporary Work in the European Union) at INPS, is currently in progress. The procedure will allow the computerized issuing and recording of the A1 models.

Figure N° 10: Position of the Labour Inspectorate with regard to A1 forms

	Yes	No
Access to A1 forms delivered by national authorities		X
The Labour Inspectorate is consulted about the approval of A1 forms by competent institutions		X
Access to A1 forms delivered by other Member States		X

2.4. WORK RELATED ACCIDENTS / OCCUPATIONAL DISEASES OF POSTED WORKERS

EU companies posting workers in Italy are subject to the provisions and sanctioning system provided for it by the Legislative Decree 81/2008 (Consolidation Act concerning the prevention of Work Accidents and Occupational Diseases).

The posted worker is required to communicate the work-related accident to the Legal Representative/person in charge of the posting undertaking who will report the accident to the Police authority following the below mentioned rules. Failing this, the user undertaking will similarly have the obligation to report towards the posting undertaking.

2.5. NATIONAL AUTHORITIES INVOLVED IN POSTING OF WORKERS

Figure N° 11: Authorities involved in posting of workers

	Yes	No
Labour authorities	X	
OSH authorities	X	
Customs authorities	X	
Tax authorities	X	
Social Security Institutions	X	
Others		

3. COOPERATION AND MUTUAL ASSISTANCE

3.1. LEGISLATION ON MUTUAL ASSISTANCE

Figure N° 12: Legislation and International Conventions signed and ratified

	RATIFIED / IMPLEMENTED	APPLICABLE TO L.I.	COMMENTS
Legislation on Mutual Assistance implementing Dir. 96/71 and Dir. 2014/67	Yes	Yes	Article 8 Legislative Decree 136/2016
European Convention in Criminal Matters	Yes	Yes	Ratified by Italy on 23-08-1961
Convention 094 Council of Europe	Yes	Yes	Law No. 149 - March 21, 1983
Others			

3.2. BILATERAL AND MULTILATERAL AGREEMENTS ON LABOUR INSPECTION

Figure N° 13: Bilateral Agreements signed

COUNTRIES	DATE
France	2010-2012-2020
Romania	2010-2012-2022
Spain	2022

3.3. REQUEST AND RECEPTION OF INFORMATION FROM OTHER INSPECTORATES

Figure N° 14: Exchange of information from other Labour Inspectorates

MATTERS	YES	YES But subjected to previous Protection Data Authorities supervision or approval	NO	COMMENTS
Does current regulation in your country allow providing information	X			

directly to other Labour Inspectorates?				
Does current regulation in your country allow receiving information directly from other Labour Inspectorates?	X			

3.4. TOOLS FOR EXCHANGING INFORMATION

3.4.1. IMI (Internal Market Information System) for Posting of workers

Figure N° 15: Liaison office of the Labour Inspectorate in IMI

	Yes	No
Use of IMI by the Labour Inspectorate	X	
In affirmative case, specify the liaison offices	<p>National labour Inspectorate https://www.ispettorato.gov.it/it-it/IspettoratoNazionaleLavoro/direzioni%20centrali/Pagine/Direzione-centrale-tutela-sicurezza-e-vigilanza-del-lavoro.aspx</p> <p>Liaison Officer: Roberta Fabrizi - Direzione centrale per la tutela la vigilanza e la sicurezza del lavoro</p> <p>e-Mail: roberta.fabrizi@ispettorato.gov.it DCTutela@ispettorato.gov.it</p>	

3.4.2. KSS (Knowledge Sharing System)

The Italian Labour Inspectorate usually participates in KSS System.

The KSS Coordinator is : Antonella Milieni

Email: antonella.milieni@ispettorato.gov.it;
DCTutela@ispettorato.gov.it

Deputy Coordinator is: Rita Neola

Email: rita.neola@ispettorato.gov.it

3.5. FINES AND EXECUTION OF FINES PROPOSED OR IMPOSED BY THE LABOUR INSPECTORATE

Figure N° 16: Nature of fines

	Yes	No
Penal or criminal fines	X	
Administrative fines	X	
Others		

In Italy, the majority of violations concerning OSH are penal and Labour Inspectors have to report the detected criminal violations to the Public Prosecutor for the purpose of issuing criminal sanctions, as a result of a criminal trial. Nevertheless, some OSH infringements are sanctioned by administrative fines directly imposed by the L.I. In case of non-fulfilment of order issued by L.I. or non-payment of fines the persons responsible are subjected to criminal/administrative procedures before the penal/civil court.

Thought, it should be mentioned that – according to the Italian law – both for OSH and for labour law criminal violations, a kind of a mixed „administrative-criminal“ procedure is laid down (art. 20 Decree Legislative 758/1994 for criminal violations and art. 15 Decree Legislative 124/2004 for criminal branches of labour law).

Indeed, although labour inspectors have no competence in issuing penal sanctions (which fall solely within the competence of the judiciary), according to the mentioned provisions they can act as judicial officers ordering the infringer to remove the violation within a specified time and to pay the related fine. Whether the infringers fulfil the requested obligations, labour inspectors inform the Public Prosecutors and criminal charges are extinguished and penal trial doesn't take place; otherwise, labour inspectors inform the Public Prosecutor that the infringer failed to comply with the order and the criminal trial takes place.

Most of the fines introduced to enforce the provisions on posting of workers are administrative and are issued by labour inspectors.

Figure N° 17: Execution time of fines

	Yes	No
After the first judgement of the courts		X
After the final judgement of the courts		x
After the first administrative decision	X	
After the binding administrative decision		X
Others		

Execution of fines issued by Labour Inspectors are immediately enforceable.

Figure N° 18: Nature of Courts where fines can be appealed

	Yes	No
Penal/Criminal courts	X	
Labour/Civil courts	X	
Courts for administrative affairs	X	
Others		

Figure N° 19: Authorities with competence to collect fines

	Yes	No
Labour Inspection Authorities	X	
Labour/ Government Authorities		X
Tax/Customs Authorities	X	
Courts	X	
Others		

Figure N° 20: Legal framework to collect fines imposed by authorities from other Member States

	YES	IF YES, is it applicable to Labour Inspectorate proceedings?	NO Authorities supervision or approval	COMMENTS
Framework Decision 2005/214	X	Yes		Legislative Decree 37/2016
Directive 2014/67 on administrative fines	X	Yes		Chapter 4 Legislative Decree 136/2016
International or Bilateral Conventions			X	
Other National Rules				

ANNEX E-HANDBOOK (UPDATING 2023)

SLIC MEMBER: Mr. Aniello Pisanti / alternate: Ms Roberta FABRIZI
MEMBER STATE: ITALY

1. About the Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012

1.1. Transposition to National Legislation

Transposition	National Law or Regulations	Date
No under approval: the preliminary draft of the transposing legislative decree was approved on December 9th by the Italian Council of Ministers and needs to get final approval by the Italian Parliament		

1.2. Competences of the SLIC Member on road transport

LEGISLATION	COMPETENCE		COMMENTS
Regulations 1071/09, 1072/09 and 1073/09 on road transport activity		No	The Ministry of Infrastructure and Transport is the competent authority in the field
Regulation 561/06 on driving time	Yes (with reference to the controls/inspections in the companies' premises)		Traffic Police is competent with reference to the controls/inspections on the road
Directive 2006/22 on social legislation in road transport	Yes (with reference to the controls/inspections in the companies' premises)		Traffic Police is competent with reference to the controls/inspections on the road The Ministry of Infrastructure and Transport is

			competent in the field too
Article 1 of Directive 2020/1057 on posting of workers on road transport	Yes (with reference to the controls/inspections in the companies' premises)		Traffic Police is competent with reference to the controls/inspections on the road

2. About Article 20.2.c) of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers regarding health and safety conditions of workers' accommodation

2.1. Transposition to National Legislation

Transposition	National Regulations	Law, or Collective Agreements	Date
Yes		Legislative Decree no. 203	October 29 th 2016

2.2. Competences of the SLIC Member on health and safety conditions on workers' accommodation

COMPETENCE	COMMENTS
Yes	
No X	The Regional Health Authorities (ASL) and the Prefectures are the competent authorities in the field

3. About Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

3.1. Transposition in National Legislation

Transposition	National Regulations	Law or	Date
Yes		Legislative Decree no. 109	July 16 th 2012

3.2. Competences of the SLIC Member on sanctions and measures provided in this Directive

COMPETENCE	COMMENTS

Yes	Other law enforcement authorities (carabinieri, police, financial police, etc) and Public Prosecutors are competent too
-----	---

4. JOINT AND CONCERTED INSPECTIONS ON OSH MATTERS

4.1. Is it allowed to organise concerted and joint inspections on OSH matters with other inspectorates?

Yes, by legal rules	Pursuant to Regulation no. 2019/1149, as far as mobile workers are concerned
Yes, by bilateral agreements	X
No	

5. NATIONAL INFORMATION AND INITIATIVES FOR MOBILE WORKERS

5.1. Please describe the initiatives you have implemented (e.g.: website, flyers, documents...)

Given that the Ministry of Labour and Social Policies is the authority responsible for information pursuant to Directive 2014/67 EU, art. 5 par. 1 and 2 (the national website on posting is available in English and Romanian), and that a representative of the Ministry is appointed as the Italian member in the ELA Information Working Group, the Territorial Labour Inspectorates carry out regular meetings to provide information to companies, employers' organizations, trade unions and professional associations in order to promote a culture of legality and safety at work (Article 8, Legislative Decree no. 124/2004). Besides, the National Labour Inspectorate took part in the SLIC and ELA/European Platform tackling undeclared work campaigns, such as the "Safe and Healthy Work for Temporary Jobs", "Rights for all seasons" and "#EU4FAIRWORK". Moreover, on the National Labour Inspectorate's website the complaint form is available in 9 different languages (Italian, Romanian, English, French, Arabic, Bengali, Urdu, Punjabi and Chinese).

6. COOPERATION WITH ELA

6.1. Do you regularly collaborate with the national liaison officer? YES

6.2. Could you provide any useful information regarding your participation in working groups, campaigns, training, etc. ?

An INL's representative is appointed as the Italian member in the ELA Inspections Working Group. INL participated in many training events and seminars organized by ELA and directly promoted or took part in a number of JCIs (in 2021: FR-IT in

Construction; in 2022: IT-RO-BE-SK in Road Transport; IT-SI in Road Transport; BE-IT in Road Transport; RO-BE-ES-IT-DK Road Transport) and staff exchanges. There is an ELA CJI ongoing , started on the 13th of December 2023 in Savona, Genova, Poland and Romania.

ⁱ Registration number of the posting company in the state of establishment