



European
Social
Charter

Charte
sociale
européenne



10/08/2026

RAP/ RCha /ITA/23(2026)

EUROPEAN SOCIAL CHARTER

Responses to the ECSR additional questions
on the
23rd National Report on the implementation of the European
Social Charter

submitted by

THE GOVERNMENT OF ITALY

Articles 2, 3, 4, 5, 6, and 20

Responses registered by the Secretariat on
10 August 2026

CYCLE 2026



Dipartimento per le politiche del lavoro previdenziali,
assicurative e per la salute e la sicurezza nei luoghi di lavoro

DIRECTION DES DROITS SOCIAUX, DE LA SANTE ET DE
L'ENVIRONNEMENT
SERVICE DES DROITS SOCIAUX
Chef du Service
Secrétaire exécutif du Comité européen des droits sociaux
Henrik Kristensen
DGI-ESC-Reporting-System@coe.int

Rif. 47/2026 HK/MS

Oggetto: COE - Italy – Response on the request for additional information regarding the 23rd National Report (Year 2025).

With reference to the request for further information received from this Directorate by letter dated 9 July 2026 concerning the 23rd national report drawn up by the Italian Government in 2025, we would like to state the following.

➤ **ARTICLE 2§1**

-Pourriez-vous indiquer dans quels secteurs il est temporairement possible de dépasser les 60 heures de travail hebdomadaires ?

-Pourriez-vous préciser si les périodes de garde inactives, durant lesquelles aucun travail n'est effectivement effectué, sont rémunérées (en particulier pour les gardes inactives en dehors des locaux de l'employeur) et, le cas échéant, quelles sont les règles applicables en matière de remuneration?

1-With regard to the question concerning the temporary exceedance of 60 hours of weekly working time, it should be clarified that Italian legislation does not provide for any specific sectors in which such a threshold is expressly authorised or ordinarily permitted.

As already indicated in the previous report, pursuant to Article 4 of Legislative Decree No. 66/2003, the applicable limit concerns the average weekly working time, which, as a general rule, may not exceed 48 hours, including overtime. The average working time is calculated over a reference period normally set at four months, which may be extended through collective bargaining to six or twelve months where justified by objective, technical, or organisational reasons.

As a consequence, in individual weeks, working hours may exceptionally exceed 48 hours, provided that the statutory average limits are respected and that the provisions concerning daily and weekly rest periods are complied with. National legislation does not provide for sector-specific derogations allowing the exceedance of a 60-hour weekly threshold as a specific legal limit.

However, certain categories of workers or activities are fully or partially excluded from the application of some provisions of Legislative Decree No. 66/2003 due to their specific organisational characteristics. These include

mobile workers in road transport, seafarers, civil aviation flight crew, certain categories of mobile railway workers, as well as workers whose working time is characterised by a high degree of autonomy in its organisation (such as managers and employees with the authority to determine their own working schedule), homeworkers, and personnel performing religious functions.

These special regimes do not introduce a general derogation permitting the exceedance of 60 weekly working hours; rather, they establish specific rules for the calculation of working time and rest periods, taking into account the particular nature of the activities concerned.

a. Mobile Workers in the Road Transport Sector

The relevant regulatory framework is primarily established by the following instruments:

- **Directive 2002/15/EC** on the organisation of the working time of persons performing mobile road transport activities;
- **Legislative Decree No. 234 of 19 November 2007**, through which the above-mentioned Directive was transposed into the Italian legal system;
- **Regulation (EC) No. 561/2006**, concerning driving times, breaks, and rest periods for drivers;
- **Regulation (EU) No. 165/2014** on tachographs.

Among other provisions, Legislative Decree No. 234/2007 establishes a maximum average working time of **48 hours per week**; the possibility of reaching **60 hours in an individual week**, provided that the average working time of 48 hours is maintained over the applicable reference period; and specific rules concerning breaks and rest periods.

It should be noted that, in the road transport sector, the applicable legislation expressly provides for the possibility of reaching **60 working hours in a single week**, while ensuring compliance with the average 48-hour weekly limit over the reference period.

b. Seafarers

Personnel serving on board merchant vessels are subject to a specific regulatory framework deriving from national legislation and international maritime labour standards. In particular, the relevant provisions are established by the following instruments:

- **Navigation Code** (*Royal Decree No. 327 of 30 March 1942, as subsequently amended*);
- **Legislative Decree No. 271 of 27 July 1999**;
- **Legislative Decree No. 205 of 27 May 2005**;
- **ILO Maritime Labour Convention (MLC, 2006)**.

These provisions establish specific rules governing working time, rest periods, and working conditions for seafarers, taking into account the particular organisational and operational characteristics of maritime activities. The legislation establishes specific limits on working hours and minimum daily and weekly rest periods (Article 11(2) and (3) of Legislative Decree No. 271/1999):

"2. The limits on working time or rest periods on board ships shall be established as follows:

a) the maximum number of working hours on board shall not exceed:

1) 14 hours in any 24-hour period; and

2) 72 hours in any seven-day period; or

b) the minimum number of rest hours shall not be less than:

1) 10 hours in any 24-hour period; and

2) 77 hours in any seven-day period."

Since the weekly limit may allow up to 72 working hours over a seven-day period, exceeding 60 working hours is legally possible within the framework of the specific maritime working time regime.

c. Civil Aviation Flight Crew.

Flight crew members (pilots and cabin crew) are excluded from the full application of the general working time framework and are subject to specific European and international regulations governing flight time, duty periods,

and rest requirements under a separate regulatory regime. The relevant provisions include, in particular:

- **Regulation (EU) No. 965/2012, as subsequently amended, establishing the Flight Time Limitations (FTL) requirements;**
- **EASA (European Union Aviation Safety Agency) rules concerning flight time, duty time, and rest limitations.**

This regulatory framework does not primarily rely on the general maximum 48-hour weekly working time limit; rather, it establishes specific limits concerning flight hours, flight duty periods, duty time, minimum rest periods, and monthly and annual limitations on flight activity.

d. Mobile Railway Workers.

or personnel employed in interoperable cross-border rail services, the following provisions apply:

- Directive 2005/47/EC concerning the Agreement between the Community of European Railway and Infrastructure Companies (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile railway workers engaged in interoperable cross-border services;
- Legislative Decree No. 264 of 23 December 2010, implementing the above-mentioned Directive into Italian law.

The Directive establishes, in particular, the following requirements:

- a standard daily rest period of 12 hours;
- a limited possibility of reducing the rest period to 9 hours under specific conditions;
- a maximum driving time of 9 hours during daytime;
- a maximum driving time of 8 hours during night-time;
- a limit of 80 hours of driving time over a two-week period.

e. Managers and Workers with Decision-Making Autonomy.

The provisions concerning normal working hours, maximum working time limits, and certain rest periods do not fully apply to managers and workers whose working time, due to the specific characteristics of the activities performed, is not predetermined or may be autonomously determined.

Article 17, together with the provisions of Article 2 of Legislative Decree No. 66/2003, allows for the total or partial exclusion of these categories of workers from the ordinary rules governing working time duration.

For managers, the provisions on maximum working time generally do not apply; there is no obligation to record working hours in a detailed manner, and the assessment is primarily based on the achievement of objectives and on organisational autonomy rather than on the number of hours worked.

There is no specific statutory threshold preventing managers from working more than 60 hours per week. This results from their exclusion from the ordinary working time regime rather than from any specific legal authorisation.

However, recent case law has further developed this principle. In its judgment No. 16305 of 26 May 2026, the Italian Supreme Court of Cassation reaffirmed that even managers and, more generally, senior employees are not required to endure unlimited workloads. A non-derogable "reasonableness limit" applies also to these categories of workers, beyond which work becomes a source of physical and psychological strain and may give rise to employer liability.

The ruling forms part of a broader judicial trend that places increasing emphasis on the protection of health, human dignity, and the right to rest as constitutional principles that prevail over organisational requirements of the enterprise where such requirements result in harmful working conditions.

The case concerned a senior employee holding the position of hypermarket director who, for several years, had worked an average of approximately 260 hours per month, performing duties six days a week, from the early morning until the evening, with extremely limited breaks and a significant accumulation of managerial,

commercial, organisational, and trade union-related responsibilities.

Referring to the landmark Constitutional Court judgment No. 101/1975, the Court of Cassation reiterated that there is always an overall quantitative limit to working activity, based on the protection of the individual's health and physical and psychological integrity. The court is therefore required to assess, on a case-by-case basis, whether the duration and intensity of the work performed are reasonable in relation to the duties assigned and the organisation of work.

According to the Court, the exceeding of the reasonableness limit must be assessed not only on the basis of the quantitative amount of hours worked, but also by taking into account the qualitative dimension of the physical and mental effort required from the worker.

In the case under examination, the decisive factor was not merely the number of hours worked, but rather the "considerable accumulation of responsibilities" assigned to the same individual within a complex organisational structure.

The Court of Cassation held that the employer is liable pursuant to Article 2087 of the Italian Civil Code where it fails to adopt the measures necessary to prevent workloads from becoming harmful, irrespective of any diligence, commitment, or willingness shown by the worker.

Accordingly, it is irrelevant whether the employee has accepted or even actively sought particularly intensive working patterns: where the organisation of work imposes, or makes unavoidable, workloads incompatible with the protection of health, liability rests with the employer.

f. Homeworkers

For these workers, certain provisions concerning the organisation of working time do not apply, given the degree of autonomy characterising the performance of their work.

There are no specific statutory limits on weekly working hours; therefore, exceeding 60 hours may occur, but not as a result of an express legal authorisation. Rather, this derives from the fact that working time is neither predetermined nor subject to the ordinary working time regime established by Legislative Decree No. 66/2003.

g. Personnel Performing Liturgical Functions in Churches and Religious Communities.

Article 2 of Legislative Decree No. 66/2003 provides for a specific exclusion for personnel performing services within this field.

As this category is substantially excluded from the scope of application of the general working time rules, there is neither a statutory prohibition nor an express authorisation to exceed 60 working hours per week.

2. With regard to the remuneration of periods of inactivity during on-call duty, the following considerations are set out.

Under the Italian legal system, there is no general statutory framework providing an organic regulation of on-call duty. The matter is primarily governed by collective bargaining agreements and by national and European case law.

In general terms, on-call duty consists of the worker's obligation, outside normal working hours, to remain reachable and available in the event that intervention is required. Where the worker is free to remain at home or in another location of their own choice and is not required to perform any work activity, the relevant period is not normally classified as working time, but rather as an intermediate situation between work and rest.

The Court of Cassation has consistently held that on-call duty constitutes an ancillary and instrumental obligation, distinct from the actual work performance, and that while it restricts the worker's freedom during rest periods, it does not entirely eliminate the enjoyment of such rest time (Italian Supreme Court of Cassation, Labour Section, judgment No. 30301 of 27 October 2021).

Although inactive periods during on-call duty are not generally classified as actual working time, they are normally remunerated. Such remuneration generally takes the form of an on-call allowance, granted in consideration of the restriction imposed on the worker and the limitation of their personal freedom during the period of availability.

This allowance is payable even where no call-out occurs and, consequently, no work activity is performed.

National case law has recognised that the obligation to remain readily available gives rise to the right to specific additional financial compensation beyond ordinary remuneration (see Italian Supreme Court of Cassation, Labour Section, judgment No. 18654 dated 27th of July 2017, which held that the on-call allowance is due by reason of the availability obligation imposed on the worker, irrespective of whether the worker is actually called upon to perform duties).

The amount of the on-call allowance is not established by law but is normally determined through national, sectoral, or company-level collective bargaining. Collective agreements generally provide for compensation calculated on an hourly, daily, or on-call shift basis and may establish different amounts depending on whether the on-call duty is performed on weekdays, public holidays, or during night-time hours.

A significant example is provided by the **National Collective Labour Agreement (CCNL) for the Public Healthcare Sector for the 2016–2018** period, which, under Article 28 – *Stand-by Availability Service*, establishes that stand-by availability (equivalent to on-call duty) consists of the employee's immediate availability, together with the obligation to reach the workplace within the prescribed time limits if required.

The agreement provides for a specific allowance for each stand-by availability shift, even where the employee is not actually called upon to perform work. Under the contractual framework, a 12-hour stand-by availability shift is remunerated through a dedicated allowance, which may be increased through supplementary collective bargaining.

Where the worker is called upon to intervene during the on-call period, the time spent carrying out the intervention is considered actual working time.

In such cases, the worker is entitled, in addition to the on-call allowance accrued for the period of availability, to remuneration corresponding to the hours of work actually performed, including any supplements or premium payments provided for by law or collective agreements in relation to overtime, night work, or work performed on public holidays.

The case law of the Court of Justice of the European Union, as also recognised by the Italian Court of Cassation, has clarified that the classification of on-call time depends on the intensity of the constraints imposed on the worker.

Where the worker is required to remain at the workplace or is subject to obligations that objectively and significantly restrict their ability to manage their own time freely and to pursue personal interests, the entire on-call period may be classified as working time. In such circumstances, the mere payment of an on-call allowance is not sufficient, as the remuneration regime applicable to working time must be applied (CJEU, Case C-518/15, *Matzak*).

➤ ARTICLE 3§2

Please provide additional detailed information on the specific measures taken to ensure the occupational safety and health of domestic workers in law and in practice, in conformity with Article 3§2 of the Charter. Please refer to all categories of domestic workers present in Italy, regardless of employment status and including “live-in” care workers.

With reference to the request for additional information concerning Article 3§2 of the European Social Charter regarding the specific measures adopted by Italy to ensure occupational health and safety for domestic workers, irrespective of their employment status and including live-in care workers, the following is submitted.

Legislative Decree No. 81 of 9 April 2008 provides for a specific exclusion regime with regard to domestic workers. The rationale for this exclusion lies in the nature of the workplace, namely the private home. In Italy, the inviolability of the home, enshrined in Article 14 of the Constitution, prevents labour inspectorates and local health authorities (ASLs) from freely accessing private dwellings to carry out preventive inspections, thereby limiting the effectiveness of traditional enforcement mechanisms.

Article 2(1)(a) of Legislative Decree No. 81/2008 defines the concept of “worker” as “(...) excluding domestic and family service workers (...)”. Consequently, as domestic workers do not fall within the definition of “worker” under the Consolidated Act on Occupational Health and Safety, the domestic employer (i.e. the household or private individual) does not acquire the legal status of an “employer” within the meaning of the Decree and is therefore exempt from the organisational obligations and sanctions that apply to business employers.

Furthermore, Article 3(8) of the same Decree provides that: “The provisions of this Legislative Decree and of the other special legislation in force concerning the protection of workers’ health and safety shall not apply to small-scale occasional domestic work, including private supplementary teaching and home-based care services for children, elderly persons, sick persons and persons with disabilities.”

Nevertheless, although domestic workers fall outside the scope of protection provided by Legislative Decree No. 81/2008, they continue to benefit from safeguards established under other sources of the Italian legal system, including Article 2087 of the Italian Civil Code, the National Collective Agreement for Domestic Work (CCNL), and the provisions administered by INAIL concerning social security and occupational accident insurance protection.

➤ ARTICLE 6§1

questions 1 et 2:

Pourriez-vous fournir des informations supplémentaires démontrant que les consultations paritaires entre employeurs et salariés ont été suffisamment encouragées et ont eu lieu sur toutes les questions d'intérêt commun?

Collective Bargaining and Bipartite Consultation

It is reiterated that in Italy, the **sectoral level** remains the cornerstone of the collective bargaining system. Collective agreements are primarily concluded through **National Collective Labour Agreements (CCNLs)**, negotiated between sectoral trade unions and employers' associations. Although CCNLs are private-law agreements and do not possess *erga omnes* legal effect, they are extensively applied across the relevant sectors. Their binding force derives from employers' membership in a signatory employers' association or from their explicit or implicit incorporation into individual employment contracts. Consequently, despite the absence of a statutory obligation to apply a CCNL, these agreements constitute the principal source of employment regulation in Italy, establishing minimum standards on wages, working conditions, and employment rights for the vast majority of workers.

Social dialogue has played a central role in the development of Italian industrial relations, contributing to the extensive coverage of National Collective Labour Agreements (CCNLs), which regulate employment conditions and establish minimum wage levels according to the economic sector, occupational category, and contractual classification of workers. According to the most recent official estimates, collective bargaining coverage in Italy is among the highest in Europe, reaching 94.3% according to the Italian National Council for Economics and Labour (CNEL), 97% according to Eurofound's *European Company Survey*, 99% according to the International Labour Organization (ILO), and 100% according to the OECD and the European Commission. These figures confirm that Italy fully complies with the collective bargaining coverage criterion established by Article 4(1) of Directive (EU) 2022/2041 on adequate minimum wages in the European Union, which encourages Member States to promote collective bargaining where coverage falls below 80%. Beyond collective bargaining, joint consultation between employers and workers' representatives has contributed to improving the quality of industrial relations by fostering early dialogue, facilitating the identification of shared solutions, and reducing the likelihood of industrial conflict thus further reinforcing the role of social dialogue in addressing contemporary economic and social challenges.

Alongside collective bargaining, **bipartite consultation** constitutes a fundamental mechanism of Italian industrial relations. Through structured dialogue between employers' organisations and trade unions, the social partners exchange information, discuss matters of common interest, and contribute to the formulation and implementation of labour market, social, and industrial policies. Bipartite consultation has become particularly relevant in addressing emerging challenges, including digitalisation, the green transition, skills development, occupational health and safety, and workforce adaptation, thereby promoting consensus-based solutions and strengthening social dialogue.

Finally, the mechanisms for joint consultation have been institutionalised, trade union information flows are mandatory, and transparency regarding data on the application of collective agreements is fully ensured.

It is reiterated that the promotion of bipartite consultation within the **National Recovery and Resilience Plan (NRRP)** represents a concrete example of how the Italian government has sought to strengthen social dialogue, develop more participatory and inclusive policies, and ensure transparency and accountability in the management of public funds.

In 2020, with the **National Innovation Strategy Italy 2025**, the Italian Government launched a public consultation to define the national strategy for technological and digital innovation, known as *Italy 2025*. This strategic plan gathered contributions from public administrations, businesses, citizens, and trade unions, with the aim of guiding the country towards an inclusive and sustainable digital transformation.

Bipartite Consultation on the Digital and Green Transitions

Bipartite consultation has played a key role in supporting Italy's digital and green transitions by fostering dialogue between the government, employers' organisations, and trade unions. In the context of the **digital transition**, consultations have focused on digital skills, workers' protection, cybersecurity, innovation, and workforce adaptation.

Regarding the **green transition**, they have addressed environmental sustainability, industrial transformation, the development of green skills, and support for business transition.

The objective has been to promote information sharing, identify common challenges, and facilitate coordinated policy responses that support both businesses and workers.

With regards concerning the structure and functioning of industrial relations in the contractualized **public sector** in the current regulatory framework have been further strengthened by the recent *Draft National Collective Labour Agreement (CCNL) for the 2025–2027 period – Central Government Sector*, signed on 9 June 2026. This agreement establishes a highly advanced and modern framework for collaboration, aimed at promoting constructive dialogue and meaningful participation, with the objective of reconciling the delivery of public services with the interests of workers, while fostering conflict prevention and enhancing the quality of organizational decision-making.

Within this framework, a comprehensive and well-structured system of participation between public employers and trade unions has been established, encompassing information, consultation, supplementary collective bargaining, and workers' assemblies. Furthermore, the role of Joint Committees has been strengthened, establishing them as robust and widely implemented bodies that provide a permanent forum for consultation and analysis between workers' representatives and public employers.

More specifically, new forms of participation have been introduced through the **Joint Committee for Innovation**, to be established within each public administration within 30 days of the signing of the collective agreement.

The Committee is entrusted with examining complex pilot, technological, and organisational projects and with putting forward practical proposals on issues of strategic importance for the well-being of employees and the development of the Public Administration, including the quality of working life, training policies, and measures to prevent work-related stress and burnout.

In line with the challenges posed by the current context, the Committee is also expressly entrusted with monitoring the ecological and digital transition processes. Its mandate specifically includes assessing the impact of, and promoting the responsible use of, Artificial Intelligence systems within workplace processes. Furthermore, at the national level, complementing this participatory framework and in full accordance with the spirit of Article 6(1) of the European Social Charter, the **Sectoral Joint Observatory**, operating within ARAN, serves as a permanent forum for dialogue on collective bargaining issues of general relevance. Its purpose is to prevent disputes and promote the consistent and uniform application of collective agreement provisions.

Moreover, the system of industrial relations established by the National Collective Labour Agreements governing the public sector has consistently incorporated and promoted the principles of information and consultation on an equal footing, leaving no room for arbitrariness or the withholding of information. **Information** is established as a mandatory obligation on public administrations, to be provided either prior to or following the adoption of relevant measures through structured written information flows designed to communicate data and factual elements concerning organisational and managerial matters affecting working conditions.

Furthermore, as a general rule the **National Collective Labour Agreements (CCNLs)** lay down detailed rules governing the timing and procedures through which trade union representatives may request **consultation** on matters that have been the subject of information. This ensures genuine participation and promotes the pursuit of shared solutions before unilateral decisions are adopted by the Administration.

Per il DIRETTORE GENERALE
dott.ssa Maria CONDEMI

La Dirigente delegata alla firma
dott.ssa Emanuela CIGALA *

 Firmato digitalmente da
CIGALA EMANUELA
C=IT
O=MINISTERO DEL LAVORO
E DELLE POLITICHE SOCIALI

PDB/IM/LA

LA 10.03

*D.D. n. 63/2026

Documento firmato digitalmente ai sensi degli articoli 20 e 21 del d.lgs. 7 marzo 2005, n. 82.