

# GLOBALG.A.P. Risk-Assessment on Social Practice (GRASP)

## GRASP Module - Interpretation for Italy

GRASP Module Version 1.3-1-i June 2020

Valid from: 1 February 2021

Mandatory from: 1 February 2021

English Version

Developed and updated by NTWG Italy  
**February 2021**



No.	Control Point	Compliance Criteria	Interpretation for Italy
1	EMPLOYEES' REPRESENTATIVE(S)		
	<p>Is there at least one employee or an employees' council to represent the interests of the staff to the management through regular meetings where labor issues are addressed?</p>	<p>Documentation is available which demonstrates that a clearly identified, named employees' representative(s) or an employees' council representing the interests of the employees to the management is elected or in exceptional cases nominated by all employees and recognized by the management.</p> <p>The election or nomination takes place in the ongoing year or production period and is communicated to all employees.</p> <p>The employees' representative(s) shall be aware of his/her/their role and rights and be able to discuss complaints and suggestions with the management. Meetings between employees' representative(s) and management occur at accurate frequency.</p> <p>The dialogue taking place in such meetings is duly documented.</p> <p>If a producer group member has less than 5 employees, it is allowed to have an employees' representative at the level of the producer group.</p>	<p>For GRASP compliance, in addition to the local law, the farm shall have a representative or a form of representation when the farm has <b>more than 1 employee</b> (employee concept is defined in section 9.2 of the GRASP General Rules).</p> <p><b>Any producer with minimum of one (1) employee</b> shall have a form of employees' representation that can be applied to meet the GRASP requirements as indicated in the different control points with respect to the employees' representative (ER).</p> <p>The ER or in alternative scenarios, the person (people) responsible for the system of representation shall be present during the assessment.</p> <p>This form or representation could take any form (could be a person, group of people, several temporally appointed people, etc.) as long as:</p> <ul style="list-style-type: none"> <li>• It is independent from management</li> <li>• It is decided by the employees</li> <li>• It is communicated to the employees</li> <li>• It is recognized by the employees</li> </ul> <p>In case the company is unionized the employees' representative(s) can correspond to the union representative(s); the union representative(s) must be available/accessible by the workers.</p> <p>In the case the company is not unionized (RSA not present), an employees' representative can be nominated or elected.</p> <p>The role of the employees' representative must be clearly expressed by the company: he/she has the role to improve the communication inside the company, to collect input and suggestions from the workers and provide them to the company, and to give feedback coming from the company management to the workers.</p> <p>Instead, the employees' representative does not have any decisional function, neither the role of union representative (except if the role is covered by a union representative).</p>

No.	Control Point	Compliance Criteria	Interpretation for Italy
			<p><b>Objective evidences:</b>  <i>Election/nomination of the GRASP representative;</i>  <i>Interview with the representative;</i>  <i>At least a summary of the points discussed during the meeting between the management and the employees representative.</i></p> <p><b>Comments and further details:</b>  This role must take into account what is reported in the Worker' Statue, avoiding the overlapping of the employees' representative role with the one required by the GRASP Module with the Union' specific functions or with anti-union attitudes of the company.  They are considered relatives the ones till the 3<sup>rd</sup> degree of kinship and till the 2<sup>nd</sup> degree of affinity based on the National Legislation.</p>
2	COMPLAINT PROCEDURE		
	Is there a complaint and suggestion procedure available and implemented in the company through which employees can make a complaint or suggestion?	A complaint and suggestion procedure appropriate to the size of the company exists. The employees are regularly informed about its existence, complaints and suggestions can be made without being penalized and are discussed in meetings between the employees' representative(s) and the management. The procedure specifies a timeframe to answer complaints and suggestions and take corrective actions. Complaints, suggestions and their follow-up from the last 24 months are documented.	<p>The organization must guarantee the will of anonymity of the worker, and the possibility of doing anonymous report/signal and complaints must be clear also in the procedure.</p> <p>Whether it is not possible to guarantee the anonymity, for the dimension of the business, the company must commit itself to process the received information confidentially.</p> <p><b>Objective evidences:</b>  <i>Procedure for the reports/signals and complaints;</i>  <i>System for signaling;</i>  <i>(e.g. box, signaling module, method of registration of the signals etc.);</i>  <i>Evidences of the resolution ad solving of the previous signals.</i></p> <p><b>Comments and further details:</b>  Especially for small size farm, it should be unnecessary to create a written module.</p>

No.	Control Point	Compliance Criteria	Interpretation for Italy
			For some workers, writing a report in a formal way could create some awkwardness; for this reason, also verbal signal and recommendations from the employees are accepted.
3	<b>SELF-DECLARATION ON GOOD SOCIAL PRACTICES</b>		
	Has a self-declaration on good social practice regarding human rights been signed by the farm management and the employees' representative and has this been communicated to the employees?	The management and the employees' representative(s) have signed, displayed and put in practice a self-declaration assuring good social practice and human rights of all employees. This declaration contains at least commitment to the ILO core labor conventions (ILO Conventions 111 on discrimination, 138 and 182 on minimum age and child labor, 29 and 105 on forced labor, 87 on freedom of association, 98 on the right to organize an collective bargaining, 100 on equal remuneration and 99 on minimum wage) and transparent and non-discriminative hiring procedures and the complaint procedure. The self-declaration states that the employees' representative(s) can file complaints without personal sanctions. The employees have been informed about the self-declaration and it is revised at least every 3 years or whenever necessary.	<p>Subcontracted labor shall be included in the scope of GRASP and its obligations.</p> <p>Verify if there is a national legislation on data protection that does not allow to share documents or to visit premises of the subcontractor.</p> <p>The company must guarantee a complete self-declaration in accordance to the requirement of the Compliance Criteria.</p> <p>It would be appropriate if the company involves the Employees' Representative in writing the self-declaration, keeping in mind the internal rules of the company and what is provided in the national and provincial collective bargaining, ensuring that there are no pejorative elements applied in the farm compared to what is provided in the collective bargaining.</p> <p>The company must ensure that the self-declaration is understood by every worker in the farm. In case there are employees who do not speak Italian fluently, or do have problems in understanding Italian language (e.g. foreigners, illiterates), the company must provide a copy of the self-declaration translated into a language understandable for the workers (e.g. For Indians, language could be English), or at least to support and encourage the comprehension of the contents of the self-declaration.</p> <p>The Company must show evidence about how the legislation and the legislative updates are accessible to all the employees in the self-declaration or in attachment.</p> <p>All the ILO conventions, which the GRASP Module refers to, have been ratified in Italy.</p> <p><b>Objective evidences:</b> <i>Copy of the self-declaration;</i></p>

No.	Control Point	Compliance Criteria	Interpretation for Italy
			<p>In case the workers do not elect an employees' representative, an alternative system shall be in place to provide for the role of the employees' representative in this CP.</p> <p><i>Meeting;</i>  <i>Information/courses about how reading the slip pay;</i>  <i>Efficacy of the communication: (e.g. it could be posted, distributed in the slip-pay, explained through meetings etc.)</i></p> <p><b>Comments and further details:</b>  The collective bargaining can vary in each farm, for this reason it is recommended to keep available and provide this information to the auditors before starting the field check.</p> <p>For the minimum wage (base one) the reference is the “economic table”. In it is present, for each contractual level, the minimum applicable wage (which the organization cannot undergo).</p> <p>The minimum wage is established in the economical part of every applicable collective bargaining and it is updated every two years.</p> <p>For the minimum wage in agriculture you must refer to the national first-level bargaining and provincial second-level bargaining.</p> <p>Due to the high presence of seasonal workers in agriculture, the farm must communicate and provide to the workers with the self-declaration using the most efficient communication system for the company. There should be, on the contrary, more continuous meetings regarding awareness and training with the permanent workers or with those who have an ongoing working relationship. It is impossible, however, not to involve seasonal workers.</p>
4	ACCESS TO NATIONAL LABOR REGULATIONS		
	Does the person responsible for the implementation of	The person responsible for the implementation of GRASP (RGSP)	The farm management must identify a responsible for GRASP Implementation, who has knowledge or access to the legislation (contacts with associations,

No.	Control Point	Compliance Criteria	Interpretation for Italy
	GRASP (RGSP) and the employees' representative(s) have knowledge of or access to recent national labor regulations?	and the employees' representative(s) have knowledge of or access to national regulations such as gross and minimum wages, working hours, trade union membership, anti-discrimination, child labor, labor contracts, holiday and maternity leave. Both the RGSP and the employees' representative(s) know the essential points of working conditions in agriculture as formulated in the applicable GRASP National Interpretation Guidelines.	<p>labor consultants, etc...)</p> <p>It is recommended to provide to the employees, as well as to the responsible for GRASP implementation, these interpretation guidelines.</p> <p>The responsible for GRASP implementation can correspond to the employees' representative.</p> <p><b>Objective evidences:</b>  <i>Nomination of the Representative;</i>  <i>System of legislative updating;</i>  <i>Consignment of the National Interpretation Guideline to the Responsible for GRASP implementation.</i></p>
5	WORKING CONTRACTS		
	Can valid copies of working contracts be shown for the employees? Are the working contracts compliant with applicable legislation and/or collective bargaining agreements and do they indicate at least full names, nationality, a job description, date of birth, date of entry, wage and the period of employment? Have they been signed by both the employee and the employer?	For every employee, a contract can be shown to the assessor on request on a sample basis. Both the employees as well as the employer have signed them. Records contain at least full names, nationality, job description, date of birth, the regular working time, wage and the period of employment (e.g. permanent, period or day laborer etc.) and for non-national employees their legal status and working permit. The contract does not show any contradiction to the self-declaration on good social practices. Records of the employees must be accessible for at least 24 months.	<p>All employees shall be informed in writing and with comprehensible data about their employment conditions and its compliance with national legal requirements.</p> <p>A contract must be present for each worker, regardless the type of contract. A communication to INPS must be done before starting the working activity, according to the special rules applicable to each type of contract. Communications to INPS take place electronically and for this reason, no signature is visible to the workers, except for the employment letter.</p> <p>The Italian legislation include a certain number of obligations; the first is about the compulsory notification to the competent Employment Office Center (the one which is located in the same territorial section of the place of work) by the day before the start of the working relationship (this fulfillment expires at 24.00 of the day before the starting day of work, even if it is an holiday).</p> <p>This fulfillment is also valid for the purpose of respecting the compulsory requirements in respect of the Regional Labor Offices, INPS, INAIL and of the other Social Security Institutions concerned. This must be done electronically, on a "unified model Lav". People authorized to make hiring communication are:</p>

No.	Control Point	Compliance Criteria	Interpretation for Italy
			<p>employers, labor consultant, employment agencies, leasing agencies, lawyers, accountants, bookkeeper, business experts and services set up by professional associations.</p> <p>The communication must include personal data of the workers, date of hiring (and expiring date of the contract in case of non-permanent/non-open ended employment), type of contract, professional qualification, remuneration and legal condition applied.</p> <p><b>Open-end and fixed-term contract/ permanent and non-permanent employment</b></p> <p>Each worker, who has been hired with typical or atypical contracts, must have an employment letter in which are specified the information named before and any “superminimis”; any applicable bonus; the trail period such as defined by the CCNL applied in the company or by the national law.</p> <p>The employment letter for an open-end or fixed term contract must be referred to the CCNL applied and to its “economical-contribution table”.</p> <p>At the moment of hiring or before starting the working activity, the employers must give some written instructions to the worker about the employment relationship. This information is generally included in the employment letter, which constitute the individual working contract signed between the employers and the employee. A copy of the employment letter is given to the worker.</p> <p>In the employment letter is possible to indicate only the essential elements that characterize the working contract, while accessory items regulation (such as holidays) can be referred back to the “integrative regulation” and to the collective bargaining.</p> <p>The information that the employers must give to the worker in the employment letter are:</p> <ul style="list-style-type: none"> <li>- Identity of the parties;</li> <li>- Place of work;</li> <li>- Starting date of the working activity;</li> <li>- Duration of the working relationship;</li> </ul>

No.	Control Point	Compliance Criteria	Interpretation for Italy
			<ul style="list-style-type: none"> <li>- Salary scheme, level, qualification and duties.</li> </ul> <p>Moreover, if there are no references back to the rules of the collective bargaining, it must be specified:</p> <ul style="list-style-type: none"> <li>- Duration of the trial period, if applicable;</li> <li>- Initial amount of pay, with its constituents and with indication of the payment period;</li> <li>- Duration of the vacation pay/paid holiday;</li> <li>- Working time;</li> <li>- Period of notice in case of withdrawal.</li> </ul> <p>Information about the currency and the benefits in cash or kind can be done referring back to the rules of the collective bargaining applied to the employee. The non-permanent contract can be repeated for no more than 36 consecutive months, including any extension. The contracts could be recorder at the labor consultant office. The presence of the contracts in the farm must be granted at the moment of the audit.</p> <p><b>Project contracts:</b> The letter or hiring contract for this kind of “project employment” must provide for a real contract, which specifies the project and the reason why the worker is hired. This kind of contract provides a certain degree of autonomy of the worker (in terms of working time and of assigned duties).</p> <p>The so-called <i>co.co.pro.</i> is a form of unsubordinated work and for its establishment is absolutely necessary the written form; if there is not a specific project, it will be considered a subordinated work, except if there is contrary evidence from the customer.</p> <p><b>Occasional performance/work:</b> This contract is applied for the kind of work that provides for a maximum annual salary of 5000,00 €. This contract is not registered in the “Libro Unico” and thus it can be a potential risk, especially in organization with high seasonality and turn-over.</p>

No.	Control Point	Compliance Criteria	Interpretation for Italy
			<p>In this kind of “occasional provision of additional work/function”, are included all those work activities that are performed occasionally that do not produce income over <b>5.060,00 euros per year (2015)</b>, which is a threshold revalued annually on the base of the ISTAT indexes about consumers prices for families of workers and employees had in the previous year. A worker (professional, independent, unemployed) who perform a occasional work must release to the company an <b>invoice</b> which can record the activity done and the remuneration.</p> <p><b>Seasonal work:</b> This kind of work is expected in some fields such as the agricultural one and can be used in the period of peak of work. High risk.</p> <p><b>Accessory work – Voucher:</b> In case of paper bonds (voucher) the employers, <b>before starting the activity</b> of the accessory work (also at the same day, but before starting the working activity), must communicate to the INPS the start of the activity (this communication is also valid for INAIL purposes), the personal data of the workers with fiscal code and the expected date of completion of work. The start of the activity declaration and the communication of any variation regarding the performances paid with paper voucher distributed from INPS center, must be communicated directly to INPS and <b>only electronically</b>. At the end of the working period the voucher are compiled by the employer and given to the employee who can cash them at the post office. They are tax-free. In the electronic procedure the worker will receive at home a magnetic card where the vouchers payable from a post office are accredited</p> <p>The customer/employer can buy work-bonds/voucher at:</p> <ul style="list-style-type: none"> <li>- INPS center (or on-line on INPS website);</li> <li>- Allowed sellers of monopolies;</li> <li>- Authorized bank branches;</li> <li>- National post-offices;</li> </ul> <p>Once the working activity accomplished, the worker can cash/draw the work-bonds at:</p> <ul style="list-style-type: none"> <li>- National post-offices, within 24 months from the emission day;</li> </ul>

No.	Control Point	Compliance Criteria	Interpretation for Italy
			<ul style="list-style-type: none"> <li>- By electronic way, through the INPS Card (received by the worker, if activated) or through domiciled bank transfer, redeemable at post offices;</li> <li>- At the authorized tobacconist shop, by the second day following the end of the accessory work and within one year from the emission day;</li> <li>- At the bank, after 24 hours by the end of the accessory work and within one year from the emission day;</li> </ul> <p>The remuneration overall perceived from the worker can't overcome, for the year 2015, 5.060 euros net (6.746 euros gross), during a calendar year, referring to the totality of the costumer/employers (N.B. for calendar year in intended from 1<sup>st</sup> January to 31<sup>st</sup> December).</p> <p>The services provided to business entrepreneurs and freelancers can't exceed for the year 2015, 2.020 Euros net (2.693 euros gross) for each employer, still considering the limit of 5.060 Euros net (6.746 euros gross).</p> <p>For workers earners of measures of income support, the economic limit is of 3.000 Euros net per calendar year, referring to the totality of the employers, which consist in 4.000 Euros gross.</p> <p>For any remuneration, which exceeds 3000 Euros, the worker earner of measures of income support has the duty to communicate it in advance to the Regional INPS center.</p> <p>In case the worker has more than one contract for accessory work signed during the year and paid individually for less than 3.000 Euros per calendar year, the communication must be done before the remuneration exceeds the 3.000 Euros limit, if added to the other incomes for accessory work.</p> <p><b>Notice:</b> in the agricultural sector and for public customers/employers, the limit for year 2015 is 5.060 euros net (6.746 euros gross), during the calendar year, referring to the totality of the employers.</p> <p>The employer has the duty to check that the worker does not exceed the economic limit. In order to do that, he must ask to the worker a declaration which proves that the maximum remuneration is not exceeded, including both the vouchers received and cashed in the calendar year and the ones received for the same and from other employers and not yet drawn and cashed.</p>

No.	Control Point	Compliance Criteria	Interpretation for Italy
			<p><b>The acquisition of this declaration constitutes the necessary and sufficient element to avoid to the employer any punitive consequence such as sanctions, etc.</b></p> <p><b>Objective evidences:</b>  <i>Copy of the working contract with the requirements set out by the CCNL;</i>  <i>Copy of the residency permit; identity card;</i>  <i>Copy of the contract signed form both parties;</i>  <i>Voucher registration system;</i></p> <p><b>Comments and further details:</b>  An evaluation about the fairness of the type of contract must be done with all the figures who have this role (e.g. RSA), as well as with all the figures expert in this filed (e.g. labor consultant) and based on the specific situation of the company (e.g. non-utilizing the project work contract for personnel with operational functions).  The most critical point at contractual level takes place with seasonal workers and for sure the major risk is illegal work (which can be total, when the contract does not exist, or partial, when a contract work exists, but a part of the salary is consigned aside, with consequent loss of indirect remuneration etc.)</p> <p>It can be useful to take a stratified sampling for each type of applicable contract (e.g. open-ended contract, non-open-ended contract, temporary contract, seasonal contract, jobbing etc.).  The auditor must choose the name of the workers he/she wants to see the contract about. The company provides a complete list with the names of the employees (also the seasonal ones).  Refer to the CB Technical news point 4.1 (Protection of personal data)</p>
6	WAGES		
	Is there documented evidence indicating regular payment of salaries corresponding to the contract clause?	The employer shows adequate documentation of the salary transfer (e.g. employee's signature on pay slip, bank transfer). Employees sign or receive copies of pay slips / pay register that make the payment	The receipt of wages must be documented, for example: through signature on the pay slips/payroll register, bank transfer; otherwise, the organization of the company can also use common informatics systems or external labor consultant who can provide to the preparation of the pay slips (see Vademecum Libro Unico). It can also be present a total cash flow of the month. The same documentation must be provided to the daily worker or piece

No.	Control Point	Compliance Criteria	Interpretation for Italy
		transparent and comprehensible for them. Regular payment of all employees during the last 24 months is documented.	<p>workers. With voucher system the voucher represents and replaces the pay slip.</p> <p><b>Objective evidences:</b>  <i>Pay slips or bank transfer for each kind of contract;</i>  <i>Minimum wage (it must be available the last economic contract applicable: CCNL and ccpl association)</i></p> <p><b>Comments and further details:</b>  The pay slips are checked based on what is reported in the contracts and in the timesheets.  During a first inspection phase, the registration of the last 12 months are considered; it can be less if the contract is more recent.</p>
7	PAYSLIPS		
	Do pay slips / pay registers indicate the conformity of payment with at least legal regulations and/or collective bargaining agreements?	Wages and overtime payment documented on the pay slips / pay registers indicate compliance with legal regulations (minimum wages) and/or collective bargaining agreements (if applicable). If payment is calculated per unit, employees shall be able to gain at least the legal minimum wage (on average) within regular working hours.	<p>The pay slip is considered an official declaration released by the employer who has all the responsibility about what is written on it (Law 5 January 1953 n°4 and following); the supervision agency responsible for monitoring the compliance with the law n° 4/53 is the Labor Inspectorate (today called Territorial management of Labor).</p> <p>The employer must provide to the employees, different from “executives”, at time of payment, a document (pay slip) in which must be indicated: name, surname, and professional qualification of the workers, the period the retribution is referred to, family allowances and all other elements is composed by, and, distinctly, individual deductions; they must, moreover, be noted the signature, the initials or the stamp of the employer or of its representative.</p> <p>The data present in the pay slips must be the result of all the registration done on the “paybook”/register, for the same period of time; in case the pay slip is given to the employee with some delay, in case there some omissions or inaccuracies in the registrations, the employer can be sanctioned (from 25 to 154 Euros, according to the Law 5 January 1953 n. 4 – art. From 1 to 5).</p> <p>The payment of the overtime must be clearly expressed in the pay slip applying</p>

No.	Control Point	Compliance Criteria	Interpretation for Italy
			<p>also the “increases” (maggiorazioni) provided by the collective bargaining applicable.</p> <p>A clear explanation about the presence or absence, and the justification in case of absence (e.g. illness, injury, holiday etc.) must be present both in the attendance register and in the pay slips.</p> <p>In case of non-permanent work the absence is not registered as provided by the vademecum Libro Unico.</p> <p><b>Objective evidences:</b>  <i>pay slips, copy of bank transfer (or other kind of payment); F24 and DURC; extraordinary payments / illnesses</i></p> <p><b>Comments and further details:</b>  Ask for the updated economic table of the CCNL/CCPL applied in the company and compare the pay slips and the recruitment documents.</p>
8	<b>NON-EMPLOYMENT OF MINORS</b>		
	Do records indicate that no minors are employed at the company?	Records indicate compliance with national legislation regarding minimum age of employment. If not covered by national legislation, children below the age of 15 are not employed. If children -as core family members- are working at the company, they are not engaged in work that is dangerous to their health and safety, jeopardizes their development or prevents them from finishing their compulsory school education.	<p>Children or young workers of company management shall be included in the GRASP assessment.</p> <p>For GRASP compliance, no young worker (between 15 and 18) shall work in any activity that is dangerous to their health and safety, jeopardizes their development or prevents them from finishing their compulsory school education.</p> <p>In Italy the minimum age for starting working is 16 years old. Documents and registrations must be present for all workers employed in the company. Teenagers can be assigned to some working activities as provided by the law 4 August 1999 n. 345 (amending and supplementing to the law 17 October 1967, n. 997, in order to adapt it to the principles and requirements of the Directive 94/33/CE of the Council, 22 June 1994), for non-harmful, neither prejudicial or dangerous work, in family business. Training can be done by teenagers for educational purposes or vocational training and for the time necessary for the education itself, provided they are</p>

No.	Control Point	Compliance Criteria	Interpretation for Italy
			<p>carried out respecting all the security and health conditions provided by the current legislation.</p> <p><b>Objective evidences</b>  Working contract together with copy of the ID card, residency permit or other equivalent document  Apprenticeships contracts</p>
9	<b>ACCESS TO COMPULSORY SCHOOL EDUCATION</b>		
	Do the children of employees living on the company's production/ handling sites have access to compulsory school education?	There is documented evidence that children of employees at compulsory schooling age (according to national legislation) living on the company's production/handling sites have access to compulsory school education, either through provided transport to a public school or through on-site schooling.	In Italy the age to complete the compulsory education is 16 years. Some internship can exist during the school period, coordinated and promoted by the educational institution as described before.
10	<b>TIME RECORDING SYSTEM</b>		
	Is there a time recording system that shows working time and overtime on a daily basis for the employees?	There is a time recording system implemented appropriate to the size of the company that makes working hours and overtime transparent for both employees and employer on a daily basis. Working times of the employees during the last 24 months are documented. Records are regularly approved by the employees and accessible for the employees' representative(s).	<p><b>Records are regularly revised by the employees and accessible for the employees' representative(s)</b>  Farm management shall look for an alternative means of employees' representation to avoid non-compliance in those CPCCs. The alternative means shall keep the objectivity, be decided, appointed or elected by the workers and keep the separation from the management.</p> <p>If a daily time recording system is not implemented (e.g. fixed contracts, fixed working hours, fixed monthly salary), alternative way(s) of recording working hours shall be available. Evidence and explanation shall be provided.</p> <p>The decree of July 9, published on the G.U. n.192/2008 abolishes payroll and register requiring the "Libro Unico del Lavoro". Into the Libro Unico all workers are registered, except for interns, occasional and seasonal workers.  The Libro Unico shows the attendances and the hours worked (ordinary hours</p>

No.	Control Point	Compliance Criteria	Interpretation for Italy
			<p>and overtime) and the remuneration of each single worker.  The “Libro Unico” can be kept inside the company or to the labor consultant.  The company must provide to make available the registration during the audit day. With regards to the audit day, nothing is official. Badges and surveys are volunteers.</p> <p>For daily contracts, if it is not possible to have a daily reporting, a monthly reporting can be used. This application must be evaluated according to what is reported in the collective bargaining applicable.  Both at contractual level than at economic level, the workers administered by Agency must have the same treatments than the workers of the company, and the organization should check this.  Further controls must be done regarding the percentage of administered work respect to the total number of employees hired directly from the farm in permanent manner, according to what is provided by the CCNL association (e.g. percentage and causative provided for).  For the work done by subcontractors, the consignor is also responsible if the correct legislation is not applied regarding the field of labor and safety of workers.  A complete and updated list of the subcontractor’s workers must be available, together with evidences regarding the Libro Unico.</p> <p>For the registration of the worked hours at the moment of the audit, these information are reported on the “Libro Unico” (made up of pay slips with indicated the worked hours of the previous moth) and can be retained by the accountant or by who makes the pay slips, but in the farm must be present the ones of the previous month. For the register of the worked hour of the current month, on the contrary, any support can be accepted (an agenda, a calendar, a book, or any printout), since there are no indications by law.</p> <p><b>Objective evidences:</b>  <i>Libro Unico;</i>  <i>Pay slips</i>  <i>Attendance papers and system to sign them</i></p> <p><b>Comments and further details:</b></p>

No.	Control Point	Compliance Criteria	Interpretation for Italy
			In case of first audit/inspection, the registrations related to the last 12 months or less if the contract is more recent can be considered.
11	<b>WORKING HOURS AND BREAKS</b>		
	Do working hours and breaks documented in the time records comply with applicant legislation and/or collective bargaining agreements?	Documented working hours, breaks and rest days are in line with applicant legislation and/or collective bargaining agreements. If not regulated more strictly by legislation, records indicate that regular weekly working hours do not exceed a maximum of 48 hours, during peak season (harvest), weekly working time does not exceed a maximum of 60 hours. Rest breaks/days are also guaranteed during peak season.	<p>For GRASP compliance, even when permitted by the law, the total number of hours, including overtime and ordinary, <b>SHALL NOT</b> exceed 60 hours per week in any week of the year. This shall be checked by auditor.</p> <p>The agricultural CCNL (National Collective Bargaining – open ended and non-open ended work) regarding fruit and vegetable provides for: (The agricultural CCNL has been renewed in 2014)</p> <p><b>Working time</b></p> <p>39 hours per week up to 6 working days, equal to 6,30 hours/day.</p> <p>The provincial contracts must establish, for a maximum period of 90 days/year, a timetable of 44 hours per week, that must “made up for/recuperated” in another corresponding period of the year.</p> <p>The variability of the ordinary weekly timetable is allowed in the limit of 85 hours per year, with a maximum of 44 hours per week.</p> <p>Methods and criteria are delegated to the provincial bargaining.</p> <p><b>Rest and holiday</b></p> <p>A rest of 24 consecutive hours is due to the workers, possibly coinciding with Sunday.</p> <p>If, for some business need, it is request to work on Sunday, the day of rest must be granted in another day of the week.</p> <p>To the workers with a permanent contract is due, for each year of service at the same company, period of remunerated holiday which correspond to 26 working days.</p> <p><b>Overtime</b></p>

No.	Control Point	Compliance Criteria	Interpretation for Italy
			<p>It must be considered:</p> <ul style="list-style-type: none"> <li>(a) Overtime, the one performed over working hours</li> <li>(b) Holiday work, the one performed on Sunday and during the other holidays recognized by the State (art. 40)</li> <li>(c) Night work, the one from 8 p.m to 6 a.m. for periods with winter time- form 10 p.m. to 5 a.m. for periods with daylight saving time.</li> </ul> <p>The limits of the night work indoor are set up in the provincial contracts.</p> <p>The overtime cannot overcome 3 hours per day and 18 hours per week, and it must be ask by the employer only in case of clear need, when crops and production risk to be affected if work is not performed.</p> <p>Notwithstanding the above, the maximum individual limit for overtime cannot overcome 300 hours per year.</p> <p>The increases in percentage are:</p> <ul style="list-style-type: none"> <li>- Overtime: 25%</li> <li>- Holiday work: 35%</li> <li>- Night work: 40%</li> <li>- Overtime during holiday work: 40%</li> <li>- Night during holiday work: 45%</li> </ul> <p>The increases above will operate on remuneration: wage bargaining and eventual natural goods, as defined by art. 49.</p> <p><b>Objective evidences:</b>  <i>Libro Unico;</i>  <i>Pay slips;</i>  <i>Attendance papers and system to sign them;</i></p> <p><b>Comments and further details:</b>            What has been reported before is an example related to the horticultural sector</p>

No.	Control Point	Compliance Criteria	Interpretation for Italy
			<p>and is not exhaustive, therefore the farm must provide to the workers the applicable contracts, as provided for the collective bargaining. The company must moreover explain in the self-declaration or in an attachment, the legislation applicable in the filed.</p> <p>For different sectors (e.g. livestock, aquaculture) control different CCNL applicable and the rules provided.</p>
<p><b>ONLY APPLICABLE FOR PRODUCER GROUPS INTEGRATION INTO QMS</b></p>			
QMS	<p>Does the assessment of the Quality Management System (QMS) of the producer group show evidence of the correct implementation of GRASP for all participating producer group members?</p>	<p>The assessment of the Quality Management System of the producer group demonstrates that GRASP is correctly implemented and internally assessed. Non-compliances are identified and corrective actions are taken to enable compliance of all participating producer group members.</p>	<p>In case the farms apply different collective bargaining between them, the monitoring system provides this option. This information must be provided in phase of audit planning. The internal monitoring system must explain clearly which are the minimum requirements applicable and the consequent application/non application. This for the possibility that not all the farms parts of the group Option 2, included in the GLOBALG.A.P. certificate, will join GRASP.</p>
<p><b>ADDITIONAL SOCIAL BENEFITS</b></p>			
R 1	<p>What other forms of social benefit does the company offer to employees, their families and/or the community?</p>	<p>Please specify (incentives for good and safe working performance, bonus payment, support of professional development, social benefits, child care, improvement of social surroundings etc.).</p>	<p>Some examples: Flexible timetable; Meal ticket; Optional insurances; Bonuses and awards; Company nurseries Etc.</p>

## ANNEX (Italian Legislation)

### **Introduction**

#### **The types of agricultural farm**

[http://www.coldiretti.it/organismi/INIPA/area%20formazione/cd%20probio/files/09\\_economia/09\\_04\\_economia.htm](http://www.coldiretti.it/organismi/INIPA/area%20formazione/cd%20probio/files/09_economia/09_04_economia.htm)

#### **Control Point 1**

Legge 20 maggio 1970, n. 300 (Statuto dei lavoratori) titolo II – V:

<http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1970-05-20;300!vig=>

#### **Control point 2**

Further details of legislation about “freedom of opinion” and privacy

Legge 20 maggio 1970, n. 300 (Statuto dei lavoratori) art 5:

<http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1970-05-20;300!vig=>

D.Lgs 196/2003: <http://www.camera.it/parlam/leggi/deleghe/testi/03196dl.htm>

#### **Control point 3**

All ILO convention cited in GRASP Module have been ratified in Italy. To see normative references about the ratified laws, please see the link:

<http://www.ilo.org/public/italian/region/eurpro/rome/italy/ratification.htm>

In Italy there are other legislations applicable in different topics:

#### ***Discrimination:***

[http://www.pariopportunita.gov.it/index.php?option=com\\_content&view=article&id=217:fonti-costituzionali&catid=75:normativa-nazionale&Itemid=68](http://www.pariopportunita.gov.it/index.php?option=com_content&view=article&id=217:fonti-costituzionali&catid=75:normativa-nazionale&Itemid=68)

D.lgs. 11 aprile 2006, n. 198 - "Codice delle pari opportunità tra uomo e donna"

#### ***Protection of motherhood and fatherhood***

[http://www.pariopportunita.gov.it/index.php?option=com\\_content&view=article&id=219:tutela-della-maternita-e-paternita&catid=75:normativa-nazionale&Itemid=68](http://www.pariopportunita.gov.it/index.php?option=com_content&view=article&id=219:tutela-della-maternita-e-paternita&catid=75:normativa-nazionale&Itemid=68)

#### ***Equal treatment and non discrimination***

[http://www.pariopportunita.gov.it/index.php?option=com\\_content&view=article&id=226:parita-di-trattamento-e-non-discriminazione&catid=75:normativa-nazionale&Itemid=68](http://www.pariopportunita.gov.it/index.php?option=com_content&view=article&id=226:parita-di-trattamento-e-non-discriminazione&catid=75:normativa-nazionale&Itemid=68)

#### ***Immigration and citizenship***

[http://www.pariopportunita.gov.it/index.php?option=com\\_content&view=article&id=221:immigrazion-e-e-cittadinanza&catid=75:normativa-nazionale&Itemid=68](http://www.pariopportunita.gov.it/index.php?option=com_content&view=article&id=221:immigrazion-e-e-cittadinanza&catid=75:normativa-nazionale&Itemid=68)

#### ***Rights of the disabled***

[http://www.pariopportunita.gov.it/index.php?option=com\\_content&view=article&id=225:diritti-dei-diversamente-abili&catid=75:normativa-nazionale&Itemid=68](http://www.pariopportunita.gov.it/index.php?option=com_content&view=article&id=225:diritti-dei-diversamente-abili&catid=75:normativa-nazionale&Itemid=68)

### **Minimum age of entry to work and child labor**

<http://www.parlamento.it/parlam/leggi/062961.htm>

Legge 296/06 fissa l'obbligo scolastico a 16 anni

### **Forced labor**

[http://www.pariopportunita.gov.it/index.php?option=com\\_content&view=article&id=222:tratta-di-esseri-umani-&catid=75:normativa-nazionale&Itemid=68](http://www.pariopportunita.gov.it/index.php?option=com_content&view=article&id=222:tratta-di-esseri-umani-&catid=75:normativa-nazionale&Itemid=68)

### **Freedom of association and right to organize union and collective bargaining**

Legge 20 maggio 1970, n. 300:

<http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1970-05-20;300!vig=>

### **Equal remuneration and minimum wage**

*Equal treatment and non-discrimination*

[http://www.pariopportunita.gov.it/index.php?option=com\\_content&view=article&id=226:parita-di-trattamento-e-non-discriminazione&catid=75:normativa-nazionale&Itemid=68](http://www.pariopportunita.gov.it/index.php?option=com_content&view=article&id=226:parita-di-trattamento-e-non-discriminazione&catid=75:normativa-nazionale&Itemid=68)

CCNL (Contratto Collettivo Nazionale Applicabile e accordi locali di II livello (se presenti))

<http://www.portalecnel.it/portale/ArchivioContrattiStorico.nsf/vwPerSettoreContratto?Openview&RestrictToCategory=A221&Contratto=ZOOTECNIA%20:%20Operai%20e%20Impiegati&CodiceSettore=A&Settore=Agricoltura>

<http://www.ilccnl.it/>

CCPL (Contratti Collettivi Provinciali del Lavoro)

### **Control point 4**

Legge 20 maggio 1970, n. 300 art 9.:

<http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1970-05-20;300!vig=>

CCNL applicato in azienda (nel contratto ci sono le specifiche in merito a: orario di lavoro, ferie, sindacato, livelli, salario minimo etc.)

CCPL (Contratti Collettivi Provinciali del Lavoro)

### **Control point 5**

1. CCNL/CCPL applicato in azienda
2. D. Lgs 276/2003 e successive modifiche (contratti atipici)  
[http://www.lavoro.gov.it/NR/rdonlyres/ADF61963-C03C-4FDE-B8DD-1F5906942112/0/20030910\\_DLGS\\_276.pdf](http://www.lavoro.gov.it/NR/rdonlyres/ADF61963-C03C-4FDE-B8DD-1F5906942112/0/20030910_DLGS_276.pdf)

Articolo 22 del decreto legge 112/08 («Disposizioni urgenti per lo sviluppo economico, la semplificazione, la competitività, la stabilizzazione della finanza pubblica e la perequazione tributaria») convertito con modificazioni dalla legge 133/08

Art. 22.

Modifiche alla disciplina dei contratti occasionali di tipo accessorio

1. L'articolo 70, comma 1, del decreto legislativo 10 settembre 2003, n. 276, e' sostituito dal seguente: «1. Per prestazioni di lavoro accessorio si intendono attivita' lavorative di natura occasionale rese nell'ambito: a) di lavori domestici; b) di lavori di giardinaggio, pulizia e manutenzione di edifici, strade, parchi e monumenti; c) dell'insegnamento privato supplementare; d) di manifestazioni sportive, culturali o caritatevoli o di lavori di emergenza o di solidarieta'; e) dei periodi di vacanza da parte di

giovani con meno di 25 anni di età, regolarmente iscritti a un ciclo di studi presso l'università o un istituto scolastico di ogni ordine e grado; f) di attività agricole di carattere stagionale (( effettuate da pensionati e da giovani di cui alla lettera e) ovvero delle attività agricole svolte a favore dei soggetti di cui all'articolo 34, comma 6, del decreto del Presidente della Repubblica 26 ottobre 1972, n. 633 )); g) dell'impresa familiare di cui all'articolo 230-bis del codice civile, limitatamente al commercio, al turismo e ai servizi; h) della consegna porta a porta e della vendita ambulante di stampa quotidiana e periodica».

2. All'articolo 72 comma 4-bis (( del decreto legislativo 10 settembre 2003, n. 276 )) , le parole «lettera e-bis» sono sostituite dalle seguenti: «lettera g»).

3. L'articolo 72, comma 5, del decreto legislativo 10 settembre 2003, n. 276, è sostituito dal seguente: «5. Il Ministro del lavoro, della salute e delle politiche sociali individua con proprio decreto il concessionario del servizio e regola i criteri e le modalità per il versamento dei contributi di cui al comma 4 e delle relative coperture assicurative e previdenziali. In attesa del decreto ministeriale i concessionari del servizio sono individuati nell'I.N.P.S. e nelle agenzie per il lavoro di cui agli articoli 4, comma 1, (( lettere )) a) e c) e 6, commi 1, 2 e 3 del presente decreto».

4. Dalla data di entrata in vigore del presente decreto è abrogato l'articolo 71 del decreto legislativo 10 settembre 2003, n. 276.

3. L. 247/ 2007 lavoro stagionale: <http://www.camera.it/parlam/leggi/072471.htm>

**Accessory work - Voucher:** to understand when the accessory work/voucher can be applied in agriculture.

[http://www.lavoro.gov.it/Lavoro/PrimoPiano/20090608\\_LavoroAccessorio.htm](http://www.lavoro.gov.it/Lavoro/PrimoPiano/20090608_LavoroAccessorio.htm)

### **Which are in agriculture the different kind of contracts provided in the legislation for workers and farm laborers?**

Le tipologie contrattuali previste dalla legge per la generalità dei lavoratori sono applicabili anche per il settore agricolo tranne alcune particolarità: - il rapporto a tempo determinato è ammissibile ovviamente soprattutto nei casi di lavori stagionali, ma la disciplina applicabile non è quella generale (D.Lgs. 368/2001 che si applica però agli impiegati agricoli), ma quella contrattuale; - nella disciplina del contratto di somministrazione, che è applicabile agli operai agricoli, tuttavia il Decreto legislativo 276/2003 richiama anche se in via transitoria, gli accordi settoriali che avevano disciplinato il lavoro interinale in agricoltura. Per il resto il part time è interamente applicabile così come il lavoro intermittente, il job sharing o gli stessi contratti di lavoro a progetto. (URP-Mipaf) 4 maggio 2006

<https://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/1080>

### **Control points 6 and 7**

Legge 5 gennaio 1953 n. 4 – artt. da 1 a 5

In general, the remuneration is divided into direct and indirect and consists of fixed and variable elements;

<http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1953-01-05:4>

### **Control points 8 and 9**

4. D.lgs 4 Agosto 1999 n 345 sul lavoro minorile (recante modifiche e integrazioni alla legge 17 ottobre 1967, n. 977, al fine di adeguarla ai principi e alle prescrizioni della direttiva 94/33/CE del Consiglio, del 22 giugno 1994)

<http://www.camera.it/parlam/leggi/deleghe/99345dl.htm>

Circolare Ministeriale 30/12/2010, n. 101, che, all'art. 1 dispone che "nell'attuale ordinamento l'obbligo di istruzione riguarda la fascia di età compresa tra i 6 e i 16 anni."

Decreto Ministeriale 22 Agosto 2007, n. 139, art. 1: "L'istruzione obbligatoria e' impartita per almeno 10 anni e si realizza secondo le disposizioni indicate all'articolo 1, comma 622, della legge 27 dicembre 2006, n. 296".

Legge 27 dicembre 2006, n. 296, articolo 1, comma 622: : "L'istruzione impartita per almeno dieci anni e' obbligatoria ed e' finalizzata a consentire il conseguimento di un titolo di studio di scuola secondaria superiore o di una qualifica professionale di durata almeno triennale entro il diciottesimo anno d'età ".

5. Legge n. 25/1955 sull'apprendistato:

<http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1955-01-19;25@originale>

6. Legge n. 977/1967 sulla tutela del lavoro dei fanciulli e degli adolescenti. Per i fanciulli, liberi da obblighi scolastici, l'orario di lavoro non può superare le 7 ore giornaliere e le 35 settimanali. Per gli adolescenti l'orario di lavoro non può superare le 8 ore giornaliere e le 40 settimanali.
7. D.P.R. n. 36/1971 sulla definizione dei lavori leggeri.
8. D.P.R. n. 479/1975 sulla regolamentazione delle visite mediche per i minori occupati, relativo alla periodicità delle visite mediche per i minori occupati in attività non industriali che espongono all'azione di sostanze tossiche od infettanti o che risultano comunque nocive.
9. D.P.R. n. 432/1976 sulla determinazione dei lavori pericolosi, faticosi e insalubri ai sensi dell'art. 6 della L. 17 ottobre 1967, n. 977, sulla tutela del lavoro dei fanciulli e degli adolescenti.
10. D.P.R. n. 619/1980 di istituzione dell'Istituto superiore per la prevenzione e la sicurezza del lavoro (art. 23 della L. n. 833 del 1978).
11. Legge n. 499/1993 di delega al Governo per la riforma dell'apparato sanzionatorio in materia di lavoro.
12. D.P.R. n. 365/1994 sulla semplificazione dei procedimenti amministrativi di autorizzazione all'impiego di minori in lavori nel settore dello spettacolo.
13. D.P.R. n. 566/1994 di modifica della disciplina sanzionatoria in materia di tutela del lavoro minorile, delle lavoratrici madri e dei lavoratori a domicilio.

### Control point 10

<http://www.camera.it/parlam/leggi/deleghe/99345dl.htm>

Nel Libro Unico non vanno inseriti stagisti e tirocinanti per i quali vige la documentazione in materia fiscale, i liberi professionisti e i prestatori occasionali o [contratti a progetto](#).

[http://www.uil.it/politiche\\_lavoro/Scheda%20di%20sintesi%20UIL%20su%20collaborazioni%20coordinate%20e%20continuative%20a%20progetto%20e%20mini%20co.co.co..pdf](http://www.uil.it/politiche_lavoro/Scheda%20di%20sintesi%20UIL%20su%20collaborazioni%20coordinate%20e%20continuative%20a%20progetto%20e%20mini%20co.co.co..pdf)

Nel Libro Unico devono essere presenti i rimborsi spese. Il Libro Unico attesta la registrazione dei dati retributivi e delle presenze per i singoli lavoratori iscritti. Ne consegue che in caso di appalto o di subappalto il committente e l'appaltatore, previa apposita clausola nel contratto di appalto o di subappalto, potranno richiedere alla controparte (appaltatore e subappaltatore) di fornire, nel rispetto delle prescrizioni relative alla privacy, le scritture annotate nel Libro Unico del Lavoro riferite ai lavoratori impegnati nell'appalto o nel subappalto, ai fini dei controlli inerenti la responsabilità solidale. Nel Libro Unico per i lavoratori standard (anche se pagati mensilmente) vanno riportate analiticamente le ore effettivamente fatte.

### Control point 11

Legislation on farmers

CCNL agricoltura (rinnovato nel 2014):

[www.portalecnel.it/portale/ArchivioContrattiStorico.nsf/vwPerSettoreContratto?Openview&RestrictToCategory=A221&Contratto=ZOOTECNIA%20:%20Operai%20e%20Impiegati&CodiceSettore=A&Settore=Agricoltura](http://www.portalecnel.it/portale/ArchivioContrattiStorico.nsf/vwPerSettoreContratto?Openview&RestrictToCategory=A221&Contratto=ZOOTECNIA%20:%20Operai%20e%20Impiegati&CodiceSettore=A&Settore=Agricoltura)

### Attention points – Context analysis

It is very important, depending on the context, to do some context analysis.

Some examples:

Illegal work: articles

<http://www.cgil.it/rassegnastampa/articolo.aspx?ID=3526>

<http://www.uila.it/Notizie/ripetta.pdf>

Migrant workers: data

[http://www.agri-info.eu/italiano/t\\_employment.php](http://www.agri-info.eu/italiano/t_employment.php)

Local agreements:

<http://www.regione.puglia.it/index.php?page=progetti&opz=downfile&id=350>

### National Public entities of general interest:

Ministero del Lavoro e della Previdenza Sociale: <http://www.lavoro.gov.it/Pages/default.aspx>

Ministero dello Sviluppo Economico: <http://www.sviluppoeconomico.gov.it/>

Ministero della Pubblica Istruzione: <http://www.pubblica.istruzione.it/>

Ministero dell'Università e della Ricerca: <http://www.istruzione.it/>

Presidenza del Consiglio dei Ministri: <http://www.funzionepubblica.it>

Istituto Nazionale per la Previdenza Sociale: <http://www.inps.it>

Istituto Nazionale per l'Assicurazione contro gli Infortuni sul Lavoro: <http://www.inail.it>

Istituto per lo Sviluppo della Formazione Professionale dei Lavoratori: <http://www.isfol.it>

Consiglio Nazionale dell' Economia e del Lavoro: <http://www.cnel.it/>

Camere di Commercio: <http://www.camcom.it/>

Centro Risorse Nazionale per l'Orientamento:

[http://www.arces.it/portale/adDetail.asp?cat\\_parent=214&cat\\_group=7&cat\\_id=214&ad\\_id=380](http://www.arces.it/portale/adDetail.asp?cat_parent=214&cat_group=7&cat_id=214&ad_id=380)

Tecnostruttura delle regioni per il Fondo Sociale Europeo: <http://www.tecnostruttura.it>

Osservatorio per l'Imprenditoria Femminile: <http://www.osservatoriodonna.it/>

### Regions and local entities:

Abruzzo: <http://www.regione.abruzzo.it>

Basilicata: <http://www.regione.basilicata.it>

Calabria: <http://www.regione.calabria.it>

Campania: <http://www.regione.campania.it/>

Emilia Romagna: <http://www.regione.emilia-romagna.it/>

Friuli Venezia Giulia: <http://www.regione.fvg.it/>

Lazio: <http://www.regione.lazio.it/>

Liguria: <http://www.regione.liguria.it/>

Lombardia: <http://www.regione.lombardia.it/>

Marche: <http://www.regione.marche.it/>

Molise: [http://www.regione.molise.it](http://www.regione.molise.it/)

Puglia: [http://www.regione.puglia.it](http://www.regione.puglia.it/)

Piemonte: <http://www.regione.piemonte.it/>

Sardegna: <http://www.regione.sardegna.it/>

Sicilia: <http://www.regione.sicilia.it/>