Declassified E.O. 12356 Section 3.3/NND No. 785017

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Declassified E.O. 12356 Section 3.3/NND No. 785017

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Declassified E.O. 12356 Section 3.3/NND No. 785017

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394.

30

REF : 262/30/CA. 16 Sept 1944.

SUBJECT : General Order No. 28.

TO : SCAO's 5th & 8th Armies.

1. It is understood that there is a desire to post General Order NO. 28 in Army Areas. There is no objection to this and 200 copies of General Order No. 28 are forwarded for this purpose.

2. Further copies of the Order will be sent on application.

NORMAN E. FISK
Colonel,
Deputy Executive
Commissioner.

Copy to: Admin. Section
(Your 16/2A/AS of 14 Sep 44 refers)

29

2475

Declassified E.O. 12356 Section 3.3/NND No. 785017

262 K

29

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

15 SEP Recd

14 Sep 44

16/24/AS

SUBJECT : General Order 28.

TO : AG & MG Section.

During my recent tour of 5th Army and 8th Army A.M.G. AO
have suggested they should post G.O. 28 in certain provinces in army areas. In particular the P.... Ancona is anxious to post it, I see no objection to their doing so. Will you clear with Labour Sub-Commission and if they approve send up the necessary posters.

G. R. Lyppiatt

G.R. LYPPIATT Brig,
V. P. Admin Section

Exit 528
G&O/Def

2474

Doc 30

1283

Declassified E.O. 12356 Section 3.3/NND No. 785017

28

HEADQUARTERS
ALLIED CONTROL COMMISSION
M.G. & A.G. Section
APO 394

8 August 1944.

mcs/262/21/:A

SUBJECT: General Order No.28.

TO : Regional Commissioners,
Regions IV, V, VIII and "P".

Supplies of General Order No.28
were forwarded to you as under:

Region IV	5000	Copies	on 3 Aug 44
Region V	2000	"	" 3 Aug 44
Region VIII	5000	"	" 4 Aug 44
Region "P"	4000	"	" 3 Aug 44

THOMAS M. TROY
Colonel,
Deputy Executive
Commissioner.

Encl.

Declassified E.O. 12356 Section 3.3/NND No. 785017

262 f

27

Tel Ext - 7/8094.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

/elp.
ACC/LG74/11/1. 29 July 1944.

29 JUL Recd

SUBJECT : General Order No. 28.

TO : AG & MG Sec.

1. Returned herewith galley proof of General Order No. 28 approved with corrections.

2. Because of the loss of the Italian translation which we sent you, it was necessary to prepare an entirely new one.

3. In view of the numerous corrections required in the galley proof, it is requested that fresh proof be submitted to us.

for MARC J. GERSHMAN,
Lt Col, AUS,
Chief Counsel,
for Acting Chief Legal Officer.

Encls.

2472

Declassified E.O. 12356 Section 3.3/NND No. 785017

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY

GENERAL ORDER No. 25

LABOUR RELATIONS

WHEREAS it is the policy of the United Nations to abolish the Fascist corporative syndicate system and to restore to labour the free right of collective bargaining;

Now, therefore, I, MAURICE STANLEY LUSH, C.B.E., M.C., Brigadier, Executive Commissioner, Allied Control Commission, hereby order as follows:-

Article I

Abolition of Certain Fascist Institutions

The Fascist Corporate Syndicate System is hereby abolished. All corporations, syndicates, institutions, unions, councils and other bodies which are or at any time were

(a) in any way dependent on the former Fascist party or the Fascist Corporative Syndicate System; and,

(b) concerned with the Fascist organization or regulations of labour in any form or aspect,

and all branches, constituent bodies and other dependencies and successor organizations of the Fascist corporations, syndicates, institutions, unions councils and bodies are hereby dissolved.

Article II

Right of Organization

Employees shall have the right to organize, hold meetings, and select representatives of their own choosing for the purpose of collective bargaining with respect to all matters pertaining to or connected with their employment, including such matters as concern hours, wages, working conditions, grievances, disputes and mutual social and economic assistance.

Article III

Creation of Labour Offices

The following institutions are hereby created :

(a) A Regional Labour Office for each of such Regions as may be established in Military Government Territory;

(b) A Provincial Labour Office for each Province in Military Government Territory, subordinate to the Regional Labour Office.

Declassified E.O. 12356 Section 3.3/NND No. 785017

Article IV

Rules and Regulations

Rules and Regulations will be issued by the Allied Military Government to enable the Regional and Provincial Labour Offices so established to fulfill their objects and perform and carry out their powers, duties and functions.

Article V

Objects of the Regional Labour Office

Subject to the Rules and Regulations to be issued as aforesaid, each Regional Labour Office will have the following powers, duties and functions, respectively:

a. To consider the most practicable and expeditious method of reestablishing and assuring freedom of labour organization and representation throughout the Region.

b. The coordination of the work of and the information and statistics compiled by the Provincial Labour Offices:

c. The compilation of similar Regional statistics and information:

d. The issuing of periodical reports and bulletins on labour questions for issue to the public or otherwise:

e. To act as conciliator, mediator, and arbitrator in labour cases which are of special economic significance or of interest to the entire Region:

f. Generally to do all such other things in connection with labour matters within such Region as may be required.

Article VI

Objects of Provincial Labour Offices

Subject to the Rules and Regulations to be issued as aforesaid, each Provincial Labour Office will have the following powers, duties and functions within the Province in which it is established, and may exercise such powers, duties and functions pending the establishment of a Regional Labour Office:

a. Until the establishment of a Regional Labour Office with jurisdiction over the Province, to take steps for the reestablishment and guarantee of freedom of labour organization and representation throughout the Province:

b. The compilation of information and statistics on labour:

c. The establishment of offices for the registration and supply of labour:

d. To act as conciliator, mediators or arbitrators in labour disputes;

e. Generally to do all such other things in connection with labour matters within the Province as may be required.

Declassified E.O. 12356 Section 3.3/NND No. 785017

ARTICLE VII

Interference

Any person interfering or assisting or attempting to interfere with any right conferred by Article II of this Order or otherwise failing to observe any provisions of this order shall upon conviction by an Allied Military Court be liable to punishment by imprisonment or fine or both and such other/punishment as the Court may determine.

ARTICLE VIII

Repeal of Conflicting Laws

Any and all provisions of Italian Law inconsistent or in conflict with the provisions of this Order are hereby repealed.

ARTICLE IX

Effective Date

This Order shall become operative in each Province or part thereof within [illegible] on the date of its first publication therein.

FOR THE CHIEF COMMISSIONER

M.S. LUSH
Brigadier
Executive Commissioner
Allied Control Commission

Dated:

Declassified E.O. 12356 Section 3.3/NND No. 785017

GOVERNO MILITARE ALLEATO DEI TERRITORI OCCUPATI.

ORDINE GENERALE .28

RAPPORTI DEL LAVORO.

STANTE che è nelle direttive delle Nazioni Unite abolire il sistema dei sindicati corporativi fascisti e di ridare al lavoro il libero diritto alle trattazioni collettive;

Pertanto, Io, MAURICE STANLEY LUSH, C.B.E., A.C. Brigadier, Commissario Esecutivo, Commissione Alleata di Controllo, ordino col presente quanto segue:

Articolo I.

Abolizione di alcune istituzioni fasciste.

Il sistema dei Sindacati corporativi fascisti è col presente ordine abolito. Tutte le corporazioni, sindacati, istituzioni, unioni, consigli ed altri organi che sono o che in qualunque tempo furono:

(a) comunque dipendenti dal cessato partito fascista o dal Sistema dei Sindacati Corporativi fascisti; e,

(b) in relazione all'organizzazione fascista o regolamenti di lavoro sotto qualsiasi forma o aspetto,

e tutte le diramazioni, organi costituenti e altre dipendenze ed organizzazioni succedanee delle corporazioni, sindacati, istituzioni, unioni, consigli ed organi fascisti, sono col presente ordine sciolti.

Articolo II.

Diritto di Organizzazione.

I prestatori d'opera hanno il diritto di organizzarsi, tenere adunate ed eleggere rappresentanti di loro scelta per lo scopo delle trattazioni collettive, nei riguardi di tutto quanto concerne o sia connesso colle loro occupazione, includendo tutti gli argomenti riferentisi all'orario, paghe, condizioni di lavoro, lamentele, dispute ed assistenza mutua, sociale ed economica.

Articolo III.

Istituzione degli uffici del lavoro.

Le seguenti istituzioni sono create col presente ordine:

(a) Un Ufficio Regionale del Lavoro per ognuna di quelle Regioni che potranno essere costituite nel Territorio del Governo Militare.

(b) Un Ufficio Provinciale del lavoro per ciascuna provincia nel territorio del Governo Militare, subordinato all'Ufficio Regionale del Lavoro.

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Declassified E.O. 12356 Section 3.3/NND No. 785017

Articolo IV.

Regolamenti e disposizioni.

I regolamenti e le disposizioni saranno emessi dal Governo Militare Alleato per mezzo di tutti gli Uffici Regionali e Provinciali del Lavoro che saranno stati istituiti, di cui dovranno adempiere ed eseguire i loro poteri, doveri e funzioni.

Articolo V.

Compiti dell'Ufficio Regionale del Lavoro.

Subordinatamente ai regolamenti e disposizioni da essere emessi come detto innanzi, ogni Ufficio Regionale del Lavoro avrà le seguenti attribuzioni, doveri e funzioni, rispettivamente:

(a) Considerare il metodo più pratico e adatto per ristabilire ed assicurare la libertà dell'Organizzazione del Lavoro e della sua rappresentanza in tutta la Regione.

(b) Coordinamento del lavoro e delle informazioni e statistiche compilate dagli Uffici Provinciali del Lavoro.

(c) Compilazione di analoghe statistiche ed informazioni Regionali.

(d) Emissione di relazioni periodiche e di bollettini su questioni di lavoro per essere distribuiti al pubblico od altrimenti.

(e) Agire come conciliatore, mediatore, ed arbitro nelle controversie di lavoro, che siano di specifica importanza economica o di interesse dell'Intera Regione.

(f) Di fare in generale tutte quelle cose referentisi a questioni di lavoro che possano essere richieste entro ogni Regione.

Articolo VI.

Scopi degli Uffici Provinciali del Lavoro.

Subordinatamente ai regolamenti e disposizioni da essere emessi come detto innanzi, ogni Ufficio Provinciale del Lavoro avrà le seguenti attribuzioni, doveri e funzioni entro la Provincia nella quale è istituito e per esercitare tali poteri, doveri e funzioni in attesa dell'istituzione di un Ufficio Regionale del Lavoro:

(a) Finchè non sarà istituito un Ufficio Regionale del Lavoro con giurisdizione nella provincia, provvedere al ristabilimento e garanzia della libertà dell'organizzazione e rappresentanza del lavoro in tutta la provincia.

(b) Compilazione delle informazioni e statistiche sul lavoro.

(c) L'istituzione di Uffici per l'inscrizione e collocamento del lavoro.

Declassified E.O. 12356 Section 3.3/NND No. 785017

(d) Dirà come conciliatori, mediatori o arbitri nelle controversie sul lavoro.

(e) Farà in generale quant'altro abbia riferimento a questioni di lavoro entro la provincia e che potrà sottoporgli.

Articolo VII.

Penalità.

Chiunque interferisca o aiuti o tenti di interferire con o comunque venga meno all'osservanza di qualsiasi disposizione del presente Ordine, sarà, su sentenza di un Tribunale Militare Alleato, passibile di pena di morte o multa o di entrambe, nonchè di ogni altra punizione legale che potrà essere comminata dal Tribunale.

Articolo VIII.

Abrogazione di Leggi contrastanti.

Ogni e qualsiasi disposizione di Legge Italiana che sia in contraddizione od in contrasto con le disposizioni del presente Ordine viene abrogata.

Articolo IX.

Data di entrata in vigore.

Il presente Ordine entrerà in vigore in ogni provincia o nella parte di essa entro il territorio occupato alla data della sua prima pubblicazione.

PER IL CAPO COMMISSARIO

L. C. LUSI
Direttore
Executive Commissioner
Allied Control Commission.

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ph. N° 490695

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref/262/21/CA. 27 July 1944

SUBJECT : Proclamations - Printing.

TO : Capt. Panelli.

Please have the attached General Order N° 28 (English and Italian Versions) printed sending us a proof before finally running off. 25.000 copies will be required as a first instalment.

NORMAN R. FISKE
Colonel
Deputy Executive
Commissioner.

2466

Declassified E.O. 12356 Section 3.3/NND No. 785017

necessity of providing new machinery and procedure as well as a democratic form of Trade Union organization which would effectively enable the Allied Military Government to cope with social and juridical problems in the labor field.

2. General Order No. 28 - Labor Relations, has been designed to provide for this urgent necessity and though it is self-explanatory, some points of guidance have been set out below in order to present a clearer picture of the background against which this Order is to be enforced.

3. A close examination of General Order No. 28 would show that

a. The abolition of the Corporative Syndical System has been clearly set out in all its features in Article I;

b. The fundamental democratic principle underlying the new order of things has been laid down in the words "to restore to labor the free right of collective bargaining" of the preamble and more specifically in Article II - "Right of Organization";

c. The minimum machinery required to govern labor relations, and to enable the State to discharge all its responsibilities in the labor field have been provided for in Articles III, V and VI.

4. General Order No. 28 does not cover many important details and Article IV may be regarded as a "savings clause" that would enable ACC/AMG to meet the situation as occasion demands. Article VII provides for enforcement of the fundamental principles and provisions contained in this General Order.

General Order No. 28 does not attempt to provide for:

a. The regulation of Trade Union constitution, registration, juridical recognition, in fact, all that pertains to the internal organization of the Trade Union movement and its relationship to the social life of the community.

b. The disposal of a number of para-syndical organizations, each of which would have to be dealt with independently on its respective merits with a view to reinstitution in its existing or in a modified form;

c. The administrative detail pursuant to the institution of the Labor Offices - a matter which would be provided for under "Article IV - Rules and Regulations".

5. General Order No. 28 should be promulgated at the earliest possible time, NOT, however, before it is ascertained that all records and Estates belonging to the Syndical Corporative Offices have been placed at the responsibility of the Commissario Straordinario who should retain as much of the personnel of these offices as is considered necessary and trustworthy, and until such time as a proper hand-over to the newly created Labor Offices can be effected.

6. No reference whatever has been made in the present General Order of such labor matters as are dealt with by separate legislation.

Declassified E.O. 12356 Section 3.3/NND No. 785017

This "Labor Relations" General Order, however, must be interpreted in the light of Italian legislation that has a bearing on labor matters and has not been rescinded and of other legislation promulgated by Allied Military Government separately. Thus, Strike and Lock-out remain illegal instruments for the settlement of labor disputes, Collective Contracts remain in force, wages remain frozen and any re-adjustment of wages in any given industry or for any particular job would have to be claimed on a basis of comparison with similar industries and at a lower ceiling than wages of employees with the Armed Forces - such re-adjustments becoming operative only on the approval of A.C.C. Labor Sub-Commission.

7. General Order No. 28 may be regarded as a temporary measure. A Draft Decree "Abolishing the Fascist Syndical - Corporative System, reinstituting the freedom of Trade Union Organization, authorising the institution of Labor Offices and governing Labor Relations" is now in the final stages of preparation by the Italian Government. It is proposed to make this Decree operative in Military Government territory, thus providing a uniform labor system for the whole of Italy.

M.S. LUSH
Brigadier
Executive Commissioner

DISTRIBUTION:

"C"
plus GROUP 2 list "A"

Declassified E.O. 12356 Section 3.3/NND No. 785017

Declassified E.O. 12356 Section 3.3/NND No. 785017

Executive Commissioner.

General Order No 28.

Folio 17. This Order deals with the abolition of certain Fascist Institutions, right of labour to organise and holding meetings &c..

You asked that an explanatory letter go out with the Order. This has been prepared as an Executive Memorandum and now requires your signature. Will you please sign.

Thanks maj.

17th July 44.

Issue. DW 17/7

Declassified E.O. 12356 Section 3.3/NND No. 785017

File No. 49695

HEADQUARTERS
ALLIED CONTROL COMMISSION
A.G. & H.Q. SECTION
APO 394

27 July 1944

AG/462/1/GA

SUBJECT: Proclamations - Printing.

TO : Capt. Jarelli

Please have the attached General Order No. 26 (English and Italian Version) printed ready as a proof before finally running off. 25,000 copies will be required as a first instalment.

[signature]

Brevet F. PISANI
Colonel
Deputy Executive
Commissioner

2403

Declassified E.O. 12356 Section 3.3/NND No. 785017

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY

GENERAL ORDER No. 48

LABOUR RELATIONS

WHEREAS it is the policy of the United Nations to abolish the Fascist corporative syndicate system and to restore to labour the free right of collective bargaining;

Now, therefore, I, MAURICE STANLEY LUSH, C.B.E., M.C., Brigadier, Executive Commissioner, Allied Control Commission, hereby order as follows:-

Article I

Abolition of Certain Fascist Institutions

The Fascist Corporate Syndicate System is hereby abolished. All corporations, syndicates, institutions, unions, councils and other bodies which are or at any time were

(a) in any way dependent on the former Fascist party or the Fascist Corporative Syndicate System; and,

(b) concerned with the Fascist organization or regulations of labour in any form or aspect,

and all branches, constituent bodies and other dependencies and successor organizations of the Fascist corporations, syndicates, institutions, unions councils and bodies are hereby dissolved.

Article II

Right of Organization

Employees shall have the right to organize, hold meetings, and select representatives of their own choosing for the purpose of collective bargaining with respect to all matters pertaining to or connected with their employment, including such matters as concern hours, wages, working conditions, grievances, disputes and mutual social and economic assistance.

Article III

Creation of Labour Offices

The following institutions are hereby created :

(a) A Regional Labour Office for each of such Regions as may be established in Military Government Territory;

(b) A Provincial Labour Office for each Province in Military Government Territory, subordinate to the Regional Labour Office.

10 copies sent to. 2462
Labour 8/2 15/7

Declassified E.O. 12356 Section 3.3/NND No. 785017

Article IV

Rules and Regulations

Rules and Regulations will be issued by the Allied Military Government to enable the Regional and Provincial Labour Offices as established to fulfill their objects and perform and carry out their powers, duties and functions.

Article V

Objects of the Regional Labour Office

Subject to the Rules and Regulations to be issued as aforesaid, each Regional Labour Office will have the following powers, duties and functions, respectively:

a. To consider the most practicable and expeditious method of reestablishing and assuring freedom of Labour organization and representation throughout the Region.

b. The coordination of the work of and the information and statistics compiled by the Provincial Labour Offices:

c. The compilation of similar Regional statistics and information:

d. The issuing of periodical reports and bulletins on labour questions for issue to the public or otherwise:

e. To act as conciliator, mediator, and arbitrator in labour cases which are of special economic significance or of interest to the entire Region:

f. Generally to do all such other things in connection with labour matters within each Region as may be required.

Article VI

Objects of Provincial Labour Offices

Subject to the Rules and Regulations to be issued as aforesaid, each Provincial Labour Office will have the following powers, duties and functions within the Province in which it is established, and may exercise such powers, dution and functions pending the establishment of a Regional Labour Office:

a. Until the establishment of a Regional Labour Office with jurisdiction over the Province, to take steps for the reestablishment and guarantee of freedom of labour organization and representation throughout the Province:

b. The compilation of information and statistics on labour:

c. The establishment of offices for the registration and supply of labour:

d. To act as conciliator, mediators or arbitrators in labour disputes;

e. Generally to do all such other things in connection with labour matters within the Province as may be required.

Declassified E.O. 12356 Section 3.3/NND No. 785017

ARTICLE VII

Penalties

Any person interfering or assisting or attempting to interfere with any right conferred by Article II of this Order or otherwise failing to observe any provisions of this order shall upon conviction by an Allied Military Court be liable to punishment by imprisonment or fine or both and such other lawfullpunishment as the Court may determine.

ARTICLE VIII

Repeal of Conflicting Laws

Any and all provisions of Italian Law inconsistent or in conflict with the provisions of this Order are hereby repealed.

ARTICLE IX

Effective Date

This Order shall become operative in each Province or part thereof within the occupied territory on the date of its first publication therein.

FOR THE CHIEF COMMISSIONER

M.S. LUSH
Brigadier
Executive Commissioner
Allied Control Commission

Dated:

Declassified E.O. 12356 Section 3.3/NND No. 785017

262/13/A ART/ps 15/

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

13 Jul 44.

REFERENCE : ACC/4074/11/L.

SUBJECT : General Order No.28-Labour Relations.

TO : R.C. & M.G. Section .

1. In accordance with your letter Ref.262/13/CA dated 7 July 1944 the Italian translation of General Order No.28 has been checked with the English version and both documents are returned herewith.

2. Whilst the Italian translation as submitted substantially represented the version in English, a number of retouches were necessary to give it a more exact technical rendering.

3. These have been embodied in a revised version of which two copies are attached herewith, ~~together with the appropriate form of certification.~~

Richard H. Wilmer

RICHARD H. WILMER,
Colonel C.A.C.,
Acting Chief Legal Officer.

Note: The General Order should be dated before printing.

2 4 6 11

4/5 1277.

Declassified E.O. 12356 Section 3.3/NND No. 785017

14

Col Shipp.

General Order No 28.

Folio 5

General Order No 28 has been signed by the Executive Commissioner. It abolishes the Fascist Corporative Syndicate system and restores to labour the free right of collective bargaining.

The Order has been with the Translators and now that I have got the translation I shall send the Order with Translation prior to have the Order printed.

The Executive Commissioner asked that an explanatory letter go out. Labour Sub Commission have now supplied this Folios 10 and 11. It is a good one perhaps a bit long winded but I think puts the matter clearly.

Folio 10 & 11

The letter will be issued as a Memorandum and perhaps you will submit to the Executive Commissioner for his approval.

J. Keenan Maj.

5th July.

To issue. This is a typical instance of the use of R.C. TAG Section

AA/47

Col Shipp. Memorandum and amendments with Executive's approval

OK Issue
24/7/47

Declassified E.O. 12356 Section 3.3/NND No. 785017

13/

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

7 July 1944.

Ref/262/13/CA.

SUBJECT: General Order No.28 - Labour Relations.

TO : Admin Section. (For Legal Sub-Commission)

There is forwarded to you General Order No.28 and translation thereof. Please check and approve the translation and return it to us with the English version so that we may instruct the Printers.

NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

2458

Declassified E.O. 12356 Section 3.3/NND No. 785017

26 3 JUL 1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

LAB 091.447

SS/mr

1 July 1944

SUBJECT: General Order No. 26

TO: Deputy Executive Commissioner,
MC & RG Section

THROUGH: Vice President, Economic Section Approved. J Ken Thompson Deputy Chief Economic Section

Reference your 260/9/GS dated 29 June 1944.

1. Attached herewith is the draft for an Executive Memorandum on General Order No. 26.

2. No Italian Translation of this Order has been prepared by the Labor Sub-Commission. It would be appreciated if a copy could be made available for information of this Sub-Commission prior to its publication in any Military Government Territory.

E Sinclair Coy
E. SINCLAIR COY,
Captain,
Labor Relations Officer,
Labor Sub-Commission.

Ref. letter
Please get a translation
of the Order Ref 27

Kindly to Lieut Smith
before completion pse

2 July 1944

Declassified E.O. 12356 Section 3.3/NND No. 785017

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref ?/?/?

Date:

EXECUTIVE MEMORANDUM)
NUMBER 69 ?)

GENERAL ORDER NO. 28 - LABOUR RELATIONS

1. The suppression of the Fascist Party has made inevitable the abolition of the Corporative Syndical System, which was perhaps the most characteristic feature of the Fascist Regime.

It stands to reason that the abolition of this System gives rise to the necessity of providing new machinery and procedure as well as a democratic form of Trade Union organisation which would effectively enable the [illegible] to cope with social and juridical problems in the labor field.

2. General Order No. 28 - Labor Relations, has been designed to provide for this urgent necessity and though it is self-explanatory, some points of guidance have been set out below in order to present a clearer picture of the background against which the Order is to be enforced.

3. A close examination of General Order No. 28 would show that

a. The abolition of the Corporative Syndical System has been clearly set out in all its features in Article I;

b. The fundamental democratic principle underlying the new order of things has been laid down in the words "to restore to labor the free right of collective bargaining" of the preamble and more specifically in Article II - "Right of Organization";

c. The minimum machinery required to govern labor relations, and to enable the State to discharge all its responsibilities in the labor field have been provided for in Articles III, V and VI.

4. General Order No. 28 does not cover many important details and Article IV may be regarded as a "savings clause" that would enable ACC/AMG to meet the situation as occasion demands. Article VII provides for enforcement of the fundamental principles and provisions contained in this General Order.

General Order No. 28 does not attempt to provide for:

a. The regulation of Trade Union constitution, registration, juridical recognition, in fact, all that pertains to the internal organisation of the Trade Union movement and its relationship to the social life of the community;

b. The disposal of a number of para-syndical organisations, each of which would have to be dealt with independently on its respective merits with a view to re-institution in its existing or in a modified form;

2456

Declassified E.O. 12356 Section 3.3/NND No. 785017

4. (ie administrative detail pursuant to the institution of the Labor Offices - a matter which would be provided for under "Article IV - Rules and Regulations".

5. General Order No. 28 should be promulgated at the earliest possible time, NOT, however, before it is ascertained that all records and Estates belonging to the Syndical Corporative Offices have been placed at the responsibility of a Commissario Straordinario who should retain as much of the personnel of these offices as is considered necessary and trustworthy, and until such time as a proper hand-over to the newly created Labor Offices can be effected.

6. No reference whatever has been made in the present General Order of such labor matters as are dealt with by separate legislation. This "Labor Relations" General Order, however, must be interpreted in the light of ~~AMG~~ Italian legislation that has a bearing on labor matters and has not been rescinded as well as other ~~AMG~~ legislation promulgated separately. Thus, Strike and Lock-out remain illegal instruments for the settlement of labor disputes, Collective Contracts remain in force, wages remain frozen and any re-adjustment of wages in any given industry or for any particular job would have to be claimed on a basis of comparison with similar industries and at a lower ceiling than wages of employees with the Armed Forces - such re-adjustments becoming operative only on the approval of A.C.C. Labor Sub-Commission.

7. General Order No. 28 may be regarded as a temporary measure. A Draft Decree "Abolishing the Fascist Syndical - Corporative System, reinstituting the freedom of Trade Union Organization, authorising the institution of Labor Offices and governing Labor Relations" is now in the final stages of preparation by the Italian Government. It is proposed to make this Decree operative in ~~AMG~~ territory ~~on its promulgation in Liberated Italy~~, thus providing ~~forthwith~~ a uniform labor system for the whole of Italy.

H. S. LUSH,
Brigadier,
Executive Commissioner.

2455

Declassified E.O. 12356 Section 3.3/NND No. 785017

9

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref/262/9/CA

29 June 1944

SUBJECT: General Order No. 28 - Labor Relations.

TO : Recn. Section (for Labor Sub-Comm.)

1. In accordance with your LAB: 091.448 dated 21 June 44 General Order No. 28 has been signed by the Executive Commissioner and is enclosed herewith. It is requested that an explanatory letter be forwarded with the order when issued and suggest that this take the form of an Executive Memorandum. May we have a draft for perusal please.

2. If an Italian translation of the order has not yet been prepared please advise so that it can be put in hand at once.

NORMAN E. FINCH
Colonel
Deputy Executive
Commissioner

JM/JR

Sec D

A/P 2454

Declassified E.O. 12356 Section 3.3/NND No. 785017

Executive Commissioner.

Rec'd on 26 June

94

Will you please sign General Order No 28. This deals with the question of labour relations and gives labour the right to organise, hold meetings &c. Folio 1 indicates that the Order has been passed by Legal Sub Commission and has their blessing. It is in Order.

OK?

24th June 44

Signed Asst Econ. Sec. Board

and an explanatory letter with

the Order. MM/27/6

2457

Declassified E.O. 12356 Section 3.3/NND No. 785017

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

JOB/mv

LAB 091.448

21 June 1944

SUBJECT: General Order No. 28 - "Labor Relations"

TO: Executive Commissioner
(Thru: Economic Section)

1. Attached General Order No. 28 and copy; together with certificate of Deputy Chief Legal Officer, and statement by Major Mark J. Grossman.

2. The Labor Sub-Commission is in agreement with the provisions of this General Order, and presents it for the signature of the Executive Commissioner.

James O. Babcock

JAMES O. BABCOCK,
Major, Spec. Res.,
A/D/Director,
Labor Sub-Commission.

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Declassified E.O. 12356 Section 3.3/NND No. 785017

COPY

COPY

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

LAB 091.448 12 June 1944

SUBJECT: Draft of General Orders

TO : Legal Sub-Commission

1. There is returned herewith your draft copy of the General Order. This office recommends the following:

Under Article I, include the word "councils" between (1) 'unions, ...and other', and 'unions,.....and bodies'.

Under Article I (b), add the word "Fascist" between 'with the..... organization'.

Under Article I, substitute the word "Fascist" for the words "above mentioned" between 'of the.....corporations'.

Under Article III (b), add the words "subordinate to the Regional Labor Office" after 'occupied territory,.....'.

Under Article IV, add the words "forthwith and without delay" between 'be issued.....by the Allied'; also add the words "so established" between 'offices.....to fulfill'.

Under Article V (a), add the word "forthwith" between 'consider..... the most'.

2. This office recommends the inclusion of the following:

Under Article VII, immediately after 'Allied Military Court', add "or a Court of Competent Jurisdiction, as appointed by the Chief Legal Officer of the Regional Office"; also add "and such other punishment" between 'both.....as the Court'.

In place of your Article VIII, we wish to insert the following:
(New) Article VIII, Limitations on Wages and Maximum Prices. "No person shall demand, receive or pay any sum for labor or purchases in excess of the rates of wages for labor and the maximum prices for foodstuffs and goods which are fixed by order of the Allied Military Government."

And also (New) Article IX, containing a saving clause, i.e., "This order revokes and rescinds only such law as may be in confluct herewith and does not revoke, amend, or modify any provisions of Italian law relating thereto."

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Declassified E.O. 12356 Section 3.3/NND No. 785017

LAB 091.448 dated 12 June, 44 (Cont'd)

Article X, formerly Article VIII.

3. In regards Article IV, in the preparation of Rules and Regulations, it is paramount importance that the appointment of the civilian director, better known as the Director of Labor (as stated in Rules and Regulations, Regional Order No.5, Region IV, dated 16 January, 1944, Paragraph 5) be made solely by A.M.G. authorities, in both Regions and Provinces.

/s/ J.T.R. BAIN,
Colonel,
Director, Labor Sub-Commission

Declassified E.O. 12356 Section 3.3/NND No. 785017

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
APO 394

MJG/gmf

ACC/4074/L

15 June 1944

SUBJECT: General Order No. 28

TO : Labour Subcommission.

2447

1. Enclosed General Order No. 28 and copy together with Certificate of Deputy Chief Legal Officer. If you find the same satisfactory in form it may be presented to the Executive Commissioner for his signature.

2. The suggestions contained in your letter 12 June 1944 (Lab.091.446) have been incorporated in so far as possible. Pursuant to conversation with Col.Smith Article VIII as proposed by you has not been included because the subject matter thereof is fully covered by the provisions of new Proclamation No.2.

/s/ MARC J. GROSSMAN, Major
for Chief Legal Officer