

COMPULSORY EMPLOYMENT OF WAR VETERANS DRAFT DECREE

AUG. - SEPT. 1945

LEGAL	23/8
LABOR	27/8/45
PATS	31/8/45

Minute # 9

TO: Civil Affairs Section.

1. Please see Minute #8.
2. From the viewpoint of Economic Section, no representation to the Italian Government is required. If, however, it is thought desirable that the points raised by your Legal Sub-Commission be transmitted to the Government, then the suggestion made in the third paragraph of Minute #3 might well be included.

CS: cs
28 Aug 45

L.D. Denmore

L.D. DENMORE
Colonel, PA
Chief Staff Officer
Economic Section

LG

Passed to you

W. H. H. H.
CS

CA 5
1 AUG 1945

4933

Labonne (through ~~Labonne~~)TO: ~~Ch Sec~~

6.

1. The text of the proposed decree gives rise to two legal queries:
 - a. What is the legal definition of a patriot (Art. 1).
 - b. Whenever an employee wishes to reengage a ~~position~~ of his personnel covered by collective contracts and who have been temporarily dismissed owing to past economic conditions, how does he set about it.

Last paragraph, Article 2 reads as follows.

"In the calculation of quotas will be included the reengagement of workers which shall take place in accordance with the provisions of collective contracts."

This last sentence is obscure. Does it mean that notwithstanding the provisions of collective contracts priority will be given to veterans, etc., over the former non-veteran employees of a firm up to the percentage fixed by the decree, or does it mean on the contrary that whenever reengaging personnel, workers covered by collective contracts will retain complete priority over veterans or does it mean simply that after fulfilling the provisions of collective contracts in regard to former employees the balance of personnel which can be freely re-engaged shall be composed of 50% or 75% of veterans as the case may be.

No doubt this point should be clarified and the text of the decree amended or completed accordingly.

LEGAL S/C
24 August 1945
GGH/rld.

G. C. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Labonne.

The legal definition of Patriot was contained in
Dec. 158 which however is revoked by a decree
which has been passed but not yet issued. This contains
a very comprehensive definition which divides Patriots
into "Combatant Patriots" and "Patriots"

27 AUG 1945

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LEGAL S/C
24 August 1945
GCH/rlp.

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G. C. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Labonne

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Dec. 150 which however is revoked by a decree
which has been passed but which is intended. This contains
a very comprehensive definition. which divides Patriotes
into "Combatant Patriotes" and "Patriotes"*

27 AUG 1945

To Com Section -

28 Aug

We have no further comments.

*Ampt. Luby 19.2
from. 7/2*

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168/2

DATE

MINUTE SHEET NO. 3

~~Let~~ To *Comm. Action*

20 Aug 45

No serious objection is seen to the provisions of this draft decree.

The classes sought to be favored are so large that it is not felt that an onerous burden is imposed upon employers, nor is there any reason to believe the decree is unworkable.

It could be suggested that disputes or claims arising out of the administration of the decree be referred to the Ufficio del Lavoro for adjustment.

It is not felt that this decree would militate against the employment of disabled persons inasmuch as there is existing legislation making the engagement of a certain percentage of disabled persons compulsory. This legislation would not be impaired by the draft decree.

*Frank J. Kelly**Deputy Director**Latin Am. Community*

MINUTE # 4

20 Aug 45

TO: Vice President
Civil Affairs Section

For comments of Economic Section please see preceding minute # 3.

L. A. Sennora

L. A. SENNORA

Colonel, FA
Chief Staff Officer
Economic Section

Minute 5

To: Legal Subcommittee

1952

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Frank P. Baker

Deputy Director

Labor Int. Community

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20 Aug 45 TO: Vice President
Civil Affairs Section

For comments of Economic Section please see preceding minute # 3.

L. A. Denmore

L. A. Denmore

Colonel, FA
Chief Staff Officer
Economic Section

Minute 5

To: Legal Subcommittee

For comments please. See minutes 1-4

24 Aug 45

H. S. Hensley
col
CAS

1951

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168/2

DATE

ATTACH SHEET No. 1

PAGE

DLG

9 August 45

The idea behind this decree is good but it applies to all old soldiers and patriots. That is more or less to all abled bodied male population within the middle age-groups.

It would appear that every employer of labour would almost of necessity comply with the provisions in the normal course of his business. In fact he would find it difficult to commit an offence without definitely intending to do so.

This decree therefore is not going to do much good. It certainly will not help the disabled, for all employers will be able to keep within these provisions without employing a single one.

If disabled classes are to be helped it must be laid down that firms over a certain size must employ (not newly engage) a certain proportion of these or show that despite reasonable efforts there are none available locally for employment.

Perhaps you would like Labour S/C views on the decree.

LA-P
9 AUG 1945

W. W. W. 8/8/45

③ To Econ Sec (altho Gen backing)

The draft D.I.L. opposite has been handed to Patriotic Branch by the Govt for their comment but it appears to concern more closely the Economic section.

Though the draft is well intentioned I doubt whether it is practicable.

1950

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LA - P
SALE 1945

[Handwritten signature]

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Though the draft is well intentioned I doubt whether it is practicable.

If you think it desirable that any comments thereon should be made to the Govt will you please do so direct copy to this section.

[Handwritten signature]

11 Aug

1950

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION
PATRIOTS BRANCH

Ref : 168/2/PAT

Tel. No. 489081
Ext. 358

Subject: Employment of War Veterans

3rd Sept 45.

To : Ministry of Post War Assistance

- 1A

Reference your Prot No. 119/U.L. of 1 Aug. The only comment is that provision might be made for disputes or claims arising out of the administration of the decree being referred to the Ufficio del Lavoro for adjustment.

R.R.C.

R.R. CRIEPPS, Colonel.,
Director,
Local Government Sub Commission.

/amw.

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From : Ministry of Post War Assistance
Cabinet.

Ref No 119/U.L.

To : Allied Commission - ROME

TRANSLATION

Rome, 1 August 1945

SUBJECT : Draft of a D.L.L. giving the rules for the compulsory
employment of War veterans in public administrations
and private concerning.

We transmit, for information a copy of the legislative
provisions mentioned at the subject.

By orders.

THE CHIEF OF THE CABINET.

4928

*The policy of the Government is to give
every veteran the maximum assistance possible.
It is the duty of the Government to ensure
that all veterans are able to find employment
and to provide them with the necessary
facilities to enable them to do so.*

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UMBERTO DI SAVOIA
PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

IN VIRTUE OF THE AUTHORITY bestowed upon us;

Seen the Art. 4 of the decree law of the Lieutenant of the Realm 25 Jul 45

no. 152;

Seen the decision of the Council of Ministers, upon the recommendation of

the Ministers for P.W.A. in agreement with the Ministers for Grace and

Justice, for the Treasury, for Industry and Commerce, for Labour and

Social Providence;

We sanction and we promulgate the following:

ART. 1. *di modo*

75% of all appointments of non ~~civil~~ servants to positions in the State administrations and in public bodies which will be ordered during the four years following this decree having become executive, shall be reserved to mutilated, invalids, orphans and veterans of the 1940-1945 war, and of the war for the liberation, as well as to patriots, members of the Forces, and civilians returning from prison camps and to those returning from deportation which they suffered either for reprisal or having been held as hostages:

ART. 2.

4927

For four years following this decree having become executive, private concerns, however instituted, employing up to 100 employees, shall engage 50% of all new personnel from the categories mentioned at Art. 1.

Private concerns employing over 100 employees shall draw 75% of all newly engaged employees from the personnel of above categories.

Seen the decision of the Council of Ministers, upon the recommendation of the Ministers for P.W.A. in agreement with the Ministers for Grace and Justice, for the Treasury, for Industry and Commerce, for Labour and Social Previdence;

We sanction and we promulgate the following:

ART. 1. *di ruolo*

75% of all appointments of non ~~civil~~ servants to positions in the State administrations and in public bodies which will be ordered during the four years following this decree having become executive, shall be reserved to mutilated, invalids, orphans and veterans of the 1940-1945 war, and of the war for the liberation, as well as to patriots, members of the Forces, and civilians returning from prison camps and to those returning from deportation which they suffered either for reprisal or having been held as hostages.

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Private concerns employing over 100 employees shall draw 75% of all newly engaged employees from the personnel of above categories.

Compensation ~~Compensation~~ of quotas will include reengagements of labour as directed in the application of collective labour contracts.

ART. 3.

Quotas of mutilated, invalids and war orphans whose engagement is

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established by present rules shall be considered as being included within the quotas mentioned in the above articles.

ART. 4.

Computation
~~Calculation~~ of new engagements, as by preceding articles, will be done covering six months periods.

Employers are obliged to inform the Ministry of Post War Assistance, and the Ministry of Labour and Social Providence of any new engagement of labour to which they will proceed.

ART. 5.

The Ministry of Post War Assistance has the authority of taking action with private enterprises in order to be assured that the rules established in this decree and in previous directives, concerning the obligation of engagement of personnel as mentioned at Art. 1 and 3 of this decree, are being complied with.

ART. 6.

This decree will apply to the Veterans from deportation, which they suffered either for reprisal or having been held as hostages, and to civilians returning from prison camps, whose status will appear from a statement issued by the Commune where they reside, on the advice of the local sections of the Associations of War Invalids and Veterans, and of the labour organisations.

ART. 7.

Employers who will not comply with the rules set up by this decree

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Employers are obliged to inform the Ministry of Post War Assistance, and the Ministry of Labour and Social Providence of any new engagement of labour to which they will proceed.

ART. 5.

The Ministry of Post War Assistance has the authority of taking action with private enterprises in order to be assured that the rules established in this decree and in previous directives, concerning the obligation of engagement of personnel as mentioned at Art. 1 and 5 of this decree, are being complied with.

ART. 6.

This decree will apply to the Veterans from deportation, which they suffered either for reprisal or having been held as hostages, and to civilians returning from prison camps, whose status will appear from a statement issued by the Commune where they reside, on the advice of the local sections of the Associations of War Invalids and Veterans, and of the labour organisations.

ART. 7.

Employers who will not comply with the rules set up by this decree will be punished with a fine varying from 1000 to 20,000 lire.

The fine established by Art. 18 of the law 21 Aug 1921 N. 1312 has been raised to 50 lire.

ART. 8.

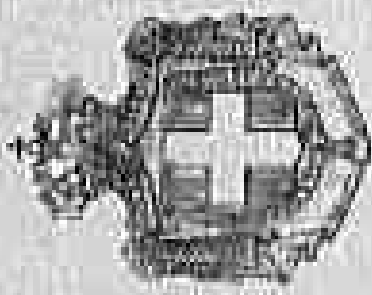
In those territories subjected to A.M.G. this decree will become

- 3 -

effective from the day that A.M.G. will make it such, or failing such
directives, from the day that the above territories will be ^{transferred} ~~returned~~
to the Italian Administration.

We order etc.

4925



Ministero dell'Assistenza Post Bellina

Gabinetto del Ministro

Sede provvisoria
Via dei Somaschi, 1

Prot. N. 119/U.L.

Roma, 1 agosto 1945

PAR. 6/8/45

- 2 AUG 1945

ALLA COMMISSIONE ALLEATA

= R O M A =

OGGETTO: Schema di D.L.L. contenente norme per l'assunzione obbligatoria dei reduci di guerra nelle pubbliche amministrazioni e nelle imprese private.

Si trasmette, per conoscenza, un esemplare del provvedimento legislativo indicato in oggetto.

D'Ordine

IL CAPO DI GABINETTO

Spaldin

Via dei Somaschi, 1

Prot. N.119/U.L.

- 2 AUG 1945

ALLA COMMISSIONE ALLEATA

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D'Ordine
IL CAPO DI GABINETTO

Spaldini

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BERTO DI SAVOIA
PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a noi delegata;

Viste l'articolo 4 del decreto legge luogotenenziale 25 giugno 1944, n.151;

Visto il decreto legislativo luogotenenziale 1° febbraio 1945, n.58;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Ministro dell'Assistenza Post-bellica, di concerto con i Ministri per la Grazia e Giustizia, per il Tesoro, per l'Industria e Commercio, per il Lavoro e la Previdenza Sociale;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE :

ART. 1

Nelle nomine ad impiego non di ruolo presso le amministrazioni dello Stato e degli enti pubblici il 75% delle assunzioni che saranno disposte nei quattro anni successivi all'entrata in vigore del presente decreto è riservato in favore dei mutilati, invalidi, orfani e combattenti della guerra 1940-1943 e della guerra di liberazione, nonché dei patrioti, dei militari e civili reduci dalla prigionia e dei deportati dal nemico come ostaggi o per rappresaglia.

ART. 2

Nei quattro anni successivi all'entrata in vigore del presente decreto, le imprese private in qualsiasi forma costituite, che occupino fino a 100 dipendenti, sono obbligate a dare impiego in misura del 50%, nelle assunzioni di nuovo personale, alle categorie di persone indicate nell'articolo 1; quelle aventi oltre 100 dipendenti sono obbligate a dare impiego a dette categorie nella misura del 75%. Nel computo delle aliquote sono comprese

1923

1945, n. 58;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Ministro dell'Assistenza Post-bellica, di concerto con i Ministri per la Grazia e Giustizia, per il Tesoro, per l'Industria e Commercio, per il Lavoro e la Previdenza Sociale;

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ART. 2

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././.

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ART. 3

Agli effetti delle aliquote previste dai precedenti articoli sono computate le assunzioni di mutilati, invalidi e orfani di guerra ai sensi delle disposizioni vigenti.-

ART. 4

Il computo delle nuove assunzioni di sensi dei precedenti articoli è fatto per periodi semestrali.-

I datori di lavoro hanno l'obbligo di dare notizia al Ministero dell'Assistenza Post-bellica e al Ministero del Lavoro e della Previdenza Sociale delle nuove assunzioni di lavoratori a cui procedono.-

ART. 5

Il Ministero dell'Assistenza Post-bellica può intervenire presso le imprese private per accertare l'osservanza delle norme contenute nel presente decreto e nelle disposizioni precedenti relative all'obbligo di assunzione del personale menzionato negli articoli 1 e 3 del presente decreto.-

ART. 6

Agli effetti del presente decreto, la condizione di reduce dalla deportazione per rappresaglia o per ostaggio o di civile reduce dalla prigionia deve risultare da attestazione del Comune di residenza, su parere delle sezioni locali delle Associazioni dei mutilati e dei combattenti e delle organizzazioni del lavoro.-

ART. 7

I datori di lavoro che non osservino le disposizioni del presente decreto sono puniti con l'ammenda da £.1.000 a £.20.000.-

L'ammenda prevista dall'articolo 18 della legge 21 agosto 1921, n.1312, è elevata a £.50.-

ART. 8

Nei territori soggetti al Governo militare alleato, il presente decreto entra in vigore dal giorno in cui vi venga reso ese-

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Il computo delle nuove assunzioni ai sensi dei precedenti articoli è fatto per periodi semestrali.-

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L'ammenda prevista dall'articolo 18 della legge 21 agosto 1921, n.1312, è elevata a £.30.-

ART. 8

Nei territori soggetti al Governo Militare all'estero, il presente decreto entra in vigore dal giorno in cui vi venga reso esecutivo con disposizioni del Governo medesimo, o, in mancanza di tali disposizioni, dal giorno del ritorno dei territori stessi all'amministrazione italiana.-

Ordiniamo ecc.ecc.

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